IN RE: PETITION FOR SPECIAL HEARING E/S of Gwynnbrook Ave., 520 ft. S centerline of Huddersfield Court 4th Election District 2nd Councilmanic District **(315 Gwynnbrook Avenue)** Gwynnbrook Development Corporation By: Jonathan C. Mayers, President Petitioners	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-017-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Gwynnbrook Development Corporation, by Jonathan C. Mayers, President. The Petitioners are requesting special hearing relief for property they own 315 Gwynnbrook Avenue in the Owings Mills area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to 1) amend the 1st Amended Final Development Plan to add Lots Nos. 134-148 and 2) to abandon the residential transition area variance granted in Case No. 01-295-A.

The property was posted with Notice of Hearing on August 16, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 19, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning

ORDER RECEIVED FOR FILING
Date 9/10/04

Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were Mickey Cornelius, Robert Meyerson, Scott Pouk, Wilbur Duvall, and Jonathan Mayers President of the Petitioner Corporation. Robert A. Hoffman, Esquire and David Karceski Esquire represented the Petitioners. No protestants or citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Hoffman proffered that the first Amended Development Plan for the subject site was approved in 2001 with variances. See Petitioners' Exhibit No. 1. This plan contained 133 single-family dwellings and a 400-seat synagogue. This is counted by the County as 134 units. Since approval of the plan, the synagogue changed its plans and no longer wants to locate in the subdivision. As a result, the owner would like to convert the area previously allocated to the synagogue to residential use. Specifically, the owner would like to amend the Development Plan to show 148 lots. These new lots are shown in more detail as Petitioners' Exhibit No. 2. Lots 135 through 148 will be served by a new public road ending in a cul-de-sac, while Lot 134 will have road access via Norwich Court.

In addition, the Petitioner requests approval to abandon the RTA area shown on the 1st Amended Development Plan which previously provided a buffer between the synagogue and the single-family residences to the south of the synagogue. Mr. Hoffman explained that the RTA

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By

was no longer needed because the type of housing, single-family detached, was identical to the single-family homes in the adjacent subdivision. See the crosshatched area shown on Petitioners' Exhibit No. 1. In addition, he mentioned that the policy of the Zoning Office is to not allow RTA areas to linger on without meaning.

Mr. Hoffman proffered that the Petitioners' expert witnesses would testify that the revised plan was within the spirit and intent of the DR 3.5 zoning regulations because the proposed use is residential which is exactly what the other uses are in the subdivision and surrounding communities. He further proffered that the impact of 15 new single-family homes in the community will be far less than the impact of the 400-seat synagogue. This is especially true with churches and synagogues routinely having schools, daycare centers and social events during the week.

Finally, he noted that the density of dwelling units over the whole tract is 366 units allowed and that even with 15 new homes the total of 148 homes is far less than the allowed density. This is based upon the area of the subdivision of approximately 104 acres and the zoning of DR 3.5, which is applicable to this property.

The authority to amend a previously approved development plan is given in Section 1B01.3.A.7 b of the B.C.Z.R. Mr. Hoffman noted that the statute requires the amendment to be in accord with the CMDP regulations, as determined by the Office of Planning who is to notify this office of the amendment's compliance. Mr. Hoffman argued that the no comment "comment" from the Office of Planning in this case constitutes approval by the Office of Planning.

Findings of Fact and Conclusions of Law

I find that the Office of Planning has in fact approved the amended plan, as required by

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Date 9/9/04
By

Section 1B01.3.A.7 b of the B.C.Z.R., and has found it to be consistent with the requirements of the CMDP. I accept Mr. Hoffman's argument that the no comment "comment" from the Planning Office means that their office has reviewed the amended plan and finds it in accord with the regulations.

I further find that the amended plan meets the criteria given in Section 502.1 of the B.C.Z.R. (Special Exceptions) and will in no way be detrimental to the health, safety, or welfare of the community. It appears to me that the impact on the existing subdivision and community will be far less that a fully operational synagogue, which has the potential to accommodate a school, day care and social activities in addition to worship services. I note that the synagogue had previously been approved for this site.

I also find that the RTA area shown on Petitioners' Exhibit No. 1 may be abandoned as the purpose of the RTA is to protect against dissimilar housing types in favor of single-family homes. The housing types are identical within the subdivision and more importantly identical to those outside the subdivision.

I further find that the 1st Amended Development Plan may be amended further to allow 148 lots as shown on Petitioners' Exhibit No. 2. This amendment will not adversely impact the surrounding community.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10 day of September, 2004, that the Special Hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to: (1) amend the 1st Amended Final Development Plan to add Lots Nos. 134-148 and (2) to abandon the residential

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By

transition area variance granted in Case No. 01-295-A, be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 9/10/04
By

Zoning Commissioner

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

Baltimore County

James T Smith, Jr, County Executive
Lawrence E Schmidt, Zoning Commissioner

September 10, 2004

Robert A. Hoffman, Esquire
David Karceski, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 05-017-SPH
Property: 315 Gwynnbrook Avenue

Dear Messrs. Hoffman & Karceski:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Jonathan Mayers, c/o Gwynnbrook Dev. Corp., 4750 Owings Mills Blvd., Owings Mills, MD 21117
Scott Pouk, c/o Gwynnbrook Dev., Corp., 4750 Owings Mills Blvd., Owings Mills, MD 21117
Wilbur Duvall, 530 E. Joppa Road, Towson, MD 21286
Robert Meyerson, 119 Sunnydale Way, Reisterstown, MD 21136
Mickey Cornelius, c/o Traffic Group, 9900 Franklin Sq. Dr., Ste. H Baltimore, MD 21236

Printed on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 315 Gwynnbrook Avenue

which is presently zoned DR 3.5

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

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Gwynnbrook Development Corporation
Name - Type or Print

Signature

Jonathan C. Mayers, President
Name - Type or Print

Jonathan C. Mayers
Signature

4750 Owings Mills Boulevard (410) 356-9900
Address — Telephone No.

Owings Mills, MD 21117
City — State — Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Robert A. Hoffman/JHL
Signature

Venable LLP
Company

210 Allegheny Avenue (410) 494-6200
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

Representative to be Contacted:

W. Duvall & Associates, Inc.
Name

530 East Joppa Road (410) 583-9571
Address — Telephone No.

Towson, MD 21285
City — State — Zip Code

ORDER RECEIVED FOR FILING
Date 9/10/04
By

Case No. 05-017-SPH

REV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BN Date 7/8/04

ATTACHED SHEET

315 Gwynnbrook Avenue

1. Special hearing to amend the 1st Amended Final Development Plan to add Lots Nos. 134 through 148.

2. Special hearing to abandon the residential transition area variance granted in Case No. 01-295-A.

TO1DOCS1/DHK01/#188311 v1

Zoning Description

315 Gwynnbrook Avenue

Beginning at a point on the East side of Gwynnbrook Avenue which is 50 foot Right Of Way Width at the distance of 520 feet ± South of the centerline of the nearest improved intersecting street Huddersfield Court which is 50 foot Right Of Way width. Being Lot # 134 in the subdivision of Gwynnbrook Property as recorded in Baltimore County Plat Book # 74 Folio # 42 containing 7.0930 Acres ± and located in the 4th Election District, 2nd Councilmanic District.

Thence with the following Twenty Two Courses and Distances:

1) N 35° 16' 26" W, 141.93 feet
2) N 51° 08' 54" E, 111.95 feet;
3) N 73° 27' 09" E, 97.99 feet
4) By a curve to the left having a Radius of 50.00 feet for a length of 81.46 feet;
5) S 42° 36' 09" E, 23.00 feet;
6) S 64° 48' 49" E, 528.04 feet;
7) S 28° 44' 14" W, 369.62 feet;
8) S 64° 34' 15" E, 40.24 feet;
9) S 73° 05' 35" E, 264.96 feet;
10) S 02° 03' 35" E, 69.79 feet;
11) N 73° 03' 35" W, 292.56 feet;
12) N 64° 34' 15" W, 242.01 feet;
13) N 78° 24' 27" W, 102.27 feet;
14) N 86° 53' 21" W, 45.63 feet;
15) N 64° 29' 19" W, 78.73 feet;
16) N 47° 28' 34" W, 29.10 feet;
17) N 35° 52' 05" W, 151.15 feet;
18) N 34° 10' 47" W, 114.18 feet;
19) S 63° 06' 19" W, 35.00 feet;
20) N 26° 53' 41" W, 221.79 feet;
21) By a curve to the right having a Radius of 575.00 feet for a length of 105.08 feet;
22) N 45° 54' 55" E, 12.36 feet to the place of beginning, containing 7.0930 Acres of land, more or less

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39156

DATE 7/6/04 ACCOUNT 1001-006-6150

AMOUNT $ 500.00

RECEIVED FROM: Kenneth [illegible]

FOR: Special Hearing

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

017

PAID RECEIPT

BUSINESS	ACTUAL	TIME	RUN
7/07/2004	7/06/2004	15:30:10	5

REG WS05 WALKIN NEL NH
>>RECEIPT # 360361 7/06/2004 OPLN
Dept 1 528 ZONING VERIFICATION
CR NO. 039156
Recpt Tot $500.00
$500.00 CK $0.00 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: # 05-017-SPH
315 Gwynnbrook Avenue
East side of Gwynnbrook Avenue, 520-feet south centerline of Huddersfield Court.
4th Election District - 2nd Councilmanic District
Legal Owner(s): Gwynnbrook Development Corporation - Jonathan C. Mayers, President

Special Hearing: to amend the first amended Final Development Plan to add lot nos. 134 through 148 and to abandon the residential transition area variance granted in Case No. 01-295-A.

Hearing: Thursday, September 2, 2004 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 West 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.

8/216 Aug. 19 17554

CERTIFICATE OF PUBLICATION

8/19, 2004

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 8/19, 2004.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-017-SPH

Petitioner/Developer: GYNBROOK DEVELOPMENT CORP/JONATHAN MAYERS, PRES.

Date of Hearing/Closing: SEPT 2, 2004

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

ATTN: Kristen Matthews {(410) 887-3394}

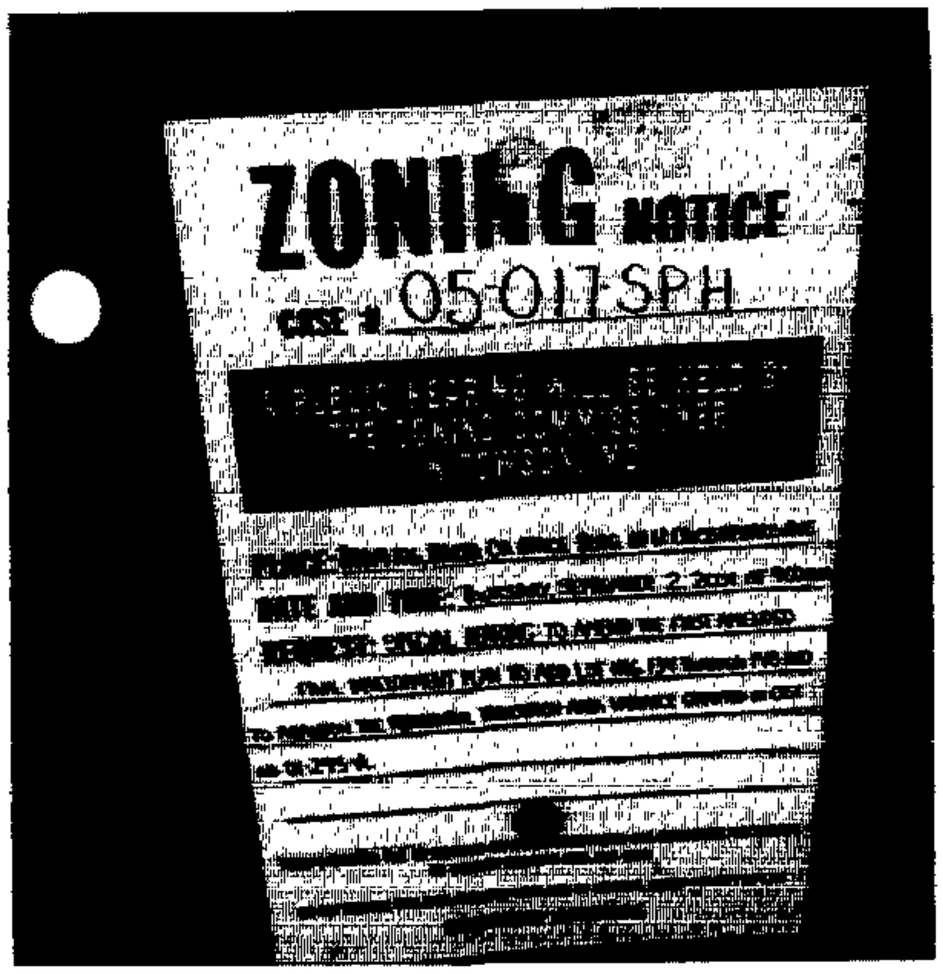
Ladies and Gentlemen:

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:

315 GYNBROOK AVE

The sign(s) were posted on 8/16/04
(Month, Day, Year)

Sincerely,



Robert Black 8/17/04
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

Department of Permits and Development Management

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

Baltimore County

James T Smith, Jr, County Executive
Timothy M Kotroco, Director

July 21, 2004

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: 05-017-SPH
315 Gwynnbrook Avenue
East side of Gwynnbrook Avenue, 520-feet south centerline of Huddersfield Court.
4th Election District—2nd Councilmanic District
Legal Owners: Gwynnbrook Development Corporation—Jonathan C. Mayers, President

Special Hearing: to amend the first amended Final Development Plan to add lot nos. 134 through 148 and to abandon the residential transition area variance granted in Case No. 01-295-A.

Hearing: Thursday, September 2, 2004 at 9:00 am in Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue.

Timothy Kotroco

Timothy Kotroco
Director

TK: clb

C: Robert Hoffman, Venable 210 Allegheny Avenue Towson 21204
Gwynbrook Development Corporation Jonathan Mayers 4750 Owings Mills Blvd Owings Mills 21117
W. Duvall & Associates, Inc. 530 East Joppa Road Towson 21285

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 18, 2004.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 19, 2004 Issue - Jeffersonian

Please forward billing to:
Amy Dontell 410-494-6244
210 Allegheny Avenue
Towson, Maryland 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: 05-017-SPH
315 Gwynnbrook Avenue
East side of Gwynnbrook Avenue, 520-feet south centerline of Huddersfield Court.
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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.

Department of Permits
Development Management

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

Baltimore County

James T Smith, Jr, County Executive
Timothy M Kotroco, Director

August 25, 2004

Robert A. Hoffman
Venable, LLP.
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 05-017-SPH, 315 Gwynnbrook Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 8, 2004.

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: clb

Enclosures

c: People's Counsel
Gwynnbrook Development Corporation Jonathan C. Mayers-President 4750 Owings Mills Blvd. Owings Mills 21117
W. Duvall & Associates, Inc. 530 East Joppa Road Towson 21285

Printed on Recycled Paper

Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 22, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 26, 2004

Item No.: (017)-035

Dear Ms. Mathews:

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.

6. The Fire Marshal's Office has no comments at this time.

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

cc: File

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA State Highway Administration
Driven to Excel
Maryland Department of Transportation

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 7·23·04

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

RE: Baltimore County
Item No. 017 BPR

Dear. Ms. Matthews:

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

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

Very truly yours,

S. D. Foster

Steven D. Foster, Acting Chief
Engineering Access Permits Division

gm 9/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 28, 2004

RECEIVED

AUG - 2 2004

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-017 – Administrative Variance**

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

Division Chief: Lyn Lanham

MAC/LL

W \DEVREV\ZAC\nocomment doc

Zoning

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: August 4, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For August 2, 2004
Item Nos. 017, 020, 022, 024, 025,
026, 027, 028, 029, 030, 033, 034,
and 035

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

RWB:CEN:jrb

cc: File

RECEIVED
AUG 12 2004
DEPT. OF PERMITS &
DEVELOPMENT MANAGEMENT

RE:	PETITION FOR SPECIAL HEARING 315 Gwynnbrook Avenue; E/side Gwynnbrook Avenue, 520' S c/line Huddersfield Court 4th Election & 2nd Councilmanic Districts Legal Owner(s): Gwynnbrook Development Corporation, Jonathan C Mayers, President Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-17-SPH

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

RECEIVED
JUL 30 2004
Per.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2004, a copy of the foregoing Entry of Appearance was mailed to W. Duvall & Associates, Inc, 530 East Joppa Road, Towson, MD 21285 and Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME 35 Gwynnbrook Ave.
CASE NUMBER 05-017-SPH
DATE 9/2/04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DAVID KARCESKI	210 ALLEGHENY AVE		rahoffman@
ROBERT HOFFMAN	TOWSON, MD	21204	verizon.net
Jonathan Mayers	9750 Owings Mills Blvd	21117	Jon@macks.com
Wilbur Duvall	530 E. Joppa Rd	21286	
Scott Rouk	9750 OWINGS MILLS BLVD	Owings Mills 21117	scott@macks.com
Robert Meyerson	119 Sunnydale Ave	Reist Md 21136	RMeyerson@Allstatehousing.com
MICKEY CORNELIUS	9900 FRANKLIN SQ. DR STE H	BALTO. MD 21236	

SITE DATA

Gross Area 104.6 Ac.±
Net Area 104.6 Ac.±
Existing Zoning and Maximum Density Permitted

Zone	Acres	Units Allowed	Units Proposed
DR 3.5	97.49 AC.±	341.2	133
DR 3.5	7.09 AC.±	24.8	SYNAGOGUE
Total	104.58 AC.±	366	133 + SYNAGOGUE

SITE DEVELOPMENT PROPOSAL

Dwelling Type	Proposed Units	Parking Required	Parking Proposed	Phase	Development Schedule
SINGLE FAMILY DETACHED	133	266	266	1	SUMMER 2001
SYNAGOGUE	400 SEATS	1 SPC. / 4 SEATS	103 + 80 OVERFLOW	1	SUMMER 2001
Total		366	659	1	SUMMER 2001

OPEN SPACE PROPOSAL

Open Space Type	Acres
Local Open Space	6.14±
Baltimore County Greenway/Easement	37.97±
Stormwater Management	6.23±
Total Provided	50.34±

ADDITIONAL INFORMATION

Anticipated Actions:
Variances RTA Variance
Waivers NONE
Special Exceptions NONE
Other
Consistency with design manuale YES

IBO1.1B1.e(3) FOR DRIVEWAY WITHIN 50' RTA BUFFER AND SECTION 409.8.A.2 AND 409.8.A.6 FOR A PARKING SURFACE WHICH IS NOT DURABLE AND DRAINABLE (NOT STRIPED (FOR OVERFLOW PARKING) VARIANCE FROM CMDP AND DPZR (CAN'T PUT ROAD IN RTA BUFFER AT LESS THAN A 45° ANGLE, AND TO PERMIT AN RTA BUFFER AS LITTLE AS 10' IN LIEU OF 50').

GENERAL NOTES

1. APPLICANT:
Gwynnbrook Development Corporation
4750 Owings Mills Boulevard
Owings Mills, Maryland 21117
Phone No. (410) 356-9900

2. SITE LOCATION:
Election District No. 4 Councilmanic District No. 3
Watershed No. 27 Subsewershed No. 67
Census Tract 4049
Deed References: Part Of 2148/167
Tax Account No's: 04-18-047450 (Part Of)

3. PROPERTY INFORMATION:
Ownership: State Of Maryland
Department Of Mental Hygiene

4. REFERENCE FOR EXISTING FEATURES SHOWN ON PLAN:
A. Topography shown hereon is based on Baltimore County 200 scale GIS Tiles 4963 & 4963.
B. Property outline shown is taken from deed information and plats of surrounding properties.
C. Building zoning is DR3.5, 200 scale map NW 14-H, NW 14-J, NW 13-J, NW 13-H.
D. Soil lines and types shown are taken from Baltimore County USDA Soils Map No. 27.

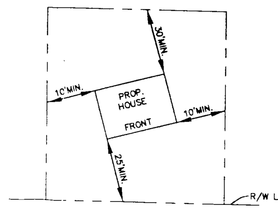
5. GENERAL INFORMATION:
A. Existing use on site: Vacant, Agricultural Row Crops
Proposed Use: Single Family Detached
B. Stormwater Management is provided on site.
C. Total area of the tract is 104.6 acres of land.
D. Wetlands shown hereon 100' of site is single family residential.
E. There are no known endangered species, historic, archeological or historical sites or contaminated areas on the subject property.
F. Average daily trips (A.D.T.s) for this site shown thus @
G. No clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement, or Forest Conservation Easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
H. Any Forest Buffer Easement, or Forest Conservation Easement shown hereon is subject to protective covenants which may be found in the land records of Baltimore County and restrict disturbance and use of these areas.
I. Sidewalk to be provided in the Public Right-of-Way.
J. Site is located in the Gwynns Falls Watershed drainage area.
K. School Districts: South Side Gwynnbrook Ave. – Owings Mills Elementary School
Deer Park Middle School
Owings Mills High School
North Side Gwynnbrook Ave. – Timber Grove Elementary School
Franklin Middle School
Franklin High School
L. This property as shown on the plan has been held intact since prior to 1971. The Developer's Engineer has confirmed that no part of the gross area of this property or any lot on the plan has ever been utilized, recorded or represented as penalty or area to support any off-site dwelling.
M. There are no known existing wells, septic tanks, or septic systems on site.
N. Within the area shown as Baltimore County Recreational Greenway Reservation, permitted uses may include public access for hiking, bicycling, fishing, nature/environmental studies and Baltimore County supervised trail improvements and maintenance, subject to approval by the Department of Environmental Protection and Resource Management.
O. All lots shown on the plan have the required 50 feet of frontage (lots than 3 acres) that abuts on RTA on the lot as shown with the required 150 feet of distance dimensions and 100 feet RTA.
P. The area within the RTA setbacks and buffers on the shorter lot cannot contain any buildings or parking.
Q. Site has no known prior zoning history.
R. All lots shown on the plan have been approved by BCZR.
S. Bureau of Traffic Engineering and Transportation Planning has confirmed that the subject site is not within a traffic deficient area. The site is not in the Metro Subarea.
T. No utilities, whether public or private, including, but not limited to, telephone, cable television, or electric, shall be installed in open space areas. Utilities shall be placed in easements on or within the areas listed as open space areas only with prior written consent from Baltimore County Department of Recreation and Parks.
U. The design construction and installation of all amenities shown on the Development Plan are the responsibility of the Developer.
V. A wetlands study has been approved by Baltimore County Department of Environmental Protection and Resource Management from the regulations for the protection of water quality, streams, wetlands, and floodplains. The forest buffer easement, or conservation easement shown hereon is reflective of the fact that the variance was approved and conditions were placed on this variance to reduce water quality impacts.
W. Developer shall construct a turn lane on Gwynnbrook Avenue to improve site distance at the corner of Owings Mill Road and Kingsbury Road to the maximum extent feasible, subject to utility pole relocation, subject to applicable zoning regulations, to be performed at the other required public works improvements for the proposed subdivision, and will be part of such expense from other approvals required for this subdivision.
X. Sidewalk and street tree planting along the frontage of the property shall be in place prior to any occupancy.
Y. A landscape plan must be approved prior to the issuance of a building permit.
Z. The proposed synagogue permanent parking lot is to be impervious surface with curb & gutter. All permanent spaces shall be permanently striped.
AA. Building elevations of the houses on lots 118 should be detailed with materials and design elements to resemble a front facade. Side elevations should include elements such as windows, shutters, porch and chimney. Elevations shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits.
BB. Building elevations of the proposed synagogue shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits. The architectural design of the proposed building shall be varied to break up the massing and materials and design shall be compatible with the surrounding residential community.
CC. Site lighting of the proposed synagogue shall be indirect and not cast into the community. Site lighting design shall be submitted to the Office of Planning for review and approval prior to the issuance of the building permit for the synagogue. Any fixture utilized to illuminate off-street parking shall direct light away from adjacent residential properties and public street.
DD. All open space areas facing the rear of proposed dwellings and adjacent to the synagogue parking lot shall be screened with fencing and/or landscaping along the lot lines to deter encroachment by adjacent lot owners.
EE. The Developer's Engineer has confirmed that the Property shown on this Plan was Approved on 4-18-01.
FF. The overflow parking waiver for Lot 134 (Synagogue) within the BOE Economic Impact is allowable per agreement with BOE, dated January 9, 2001.

BUILDING ENVELOPE NOTE
Envelope or typical house locations on single family lots may dictate a building front or side orientation. The setbacks required by the Baltimore County Zoning Regulations must be met.

DIRECTOR OF PDM NOTE
This development plan is approved by the Director of PDM based on his interpretation of the Zoning Regulations, that it complies with present policy, density and bulk controls as they are delineated in the Regulations. The density shown on the plan has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated on said plan. Utilization will have occured when a dwelling is constructed and transferred for the purpose of occupancy.

ACCESSORY STRUCTURE NOTE
Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with sections 400 and 301 of the Baltimore County Zoning Regulations (Subject to covenants and applicable building permits).

WALKWAY AND ACCESS EASEMENTS (where applicable)
If drainage, utility and walkway access easements are fenced, the at least 3 feet must remain open for pedestrian access.

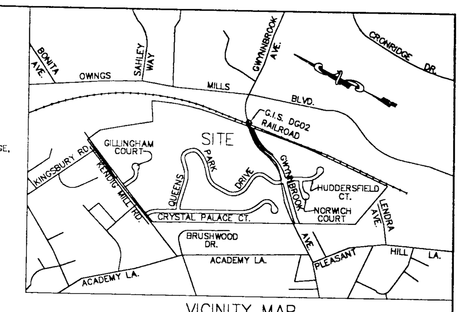


TYPICAL BUILDINGS SETBACKS DETAIL
NOT TO SCALE

SETBACK REQUIREMENTS
BUILDING FRONT TO R/W 25'
BUILDING TO BUILDING (DEPENDING ON HEIGHT) 16' OR 20'
REAR YARD 30'
BUILDING SIDE TO R/W OR TRACT BOUNDARY 15'

NOTE:
TYPICAL BUILDINGS AS SHOWN ON THESE SINGLE FAMILY LOTS DICTATE A SPECIFIC ORIENTATION WHICH IS INTENDED TO ALLOW COMPLIANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS. SHOULD THE ORIENTATION CHANGE, THE SETBACKS REQUIRED BY SECTION 1B01.2.C.1. OF THE BALTIMORE COUNTY ZONING REGULATIONS MUST BE MET.

NOTE:
LOT 116 IS SUBJECT TO FRONT AVERAGING SETBACK REQUIREMENT.



VICINITY MAP
SCALE : 1"=1000'

G.I.S. 0002
REBAR & CAP AT 19.7 FEET NORTHEASTERLY FROM THE CENTERLINE OF TRACKS AND 3.2 FEET FROM THE SOUTH EDGE OF GWYNNBROOK AVENUE.

ELEV. 543.41

ZONING CASE #01-295-A

THEREFORE IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 14th day of March, 2001 that the development plan for Gwynnbrook Property, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section IB01.1.B.1.e(3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a driveway within the required 50-foot Residential Transition Area (RTA) buffer; and, from Sections 409.8.A.2 & 6 thereof to permit an overflow parking area to be unstriped, and without a durable and dustless surface, 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

REFORESTATION AREA TOTAL ARE 4 (2.2 AC.±)
ACTIVE OPEN SPACE
PASSIVE OPEN SPACE

OPEN SPACE

OPEN SPACE REQUIRED: 88,450 S.F. ACTIVE; 46,550 S.F. PASSIVE (TOTAL 133,000 S.F.)
OPEN SPACE PROVIDED: 93,500 S.F. ACTIVE; 39,500 S.F. PASSIVE(TOTAL 133,000 S.F.)
EITHER: (TOTAL 45,150 S.F.)

NOTES:
1. ALL LOCAL OPEN SPACE SHALL BE IN COMPLIANCE WITH THE LOCAL OPEN SPACE MANUAL, LATEST EDITION.

2. TEMPORARY OPEN SPACE BOUNDARY MARKERS, TREE PROTECTION DEVICES, AND SILT FENCE (YOU SHOW FENCING OR APPROVED EQUIVALENT SHALL BE INSTALLED PRIOR TO ANY CLEARING OR GRADING. THIS CONDITION ONLY APPLIES TO OPEN SPACE WHICH IS NOT TO BE DISTURBED.

3. WITHIN THE AREA SHOWN AS OPEN SPACE, DISTURBANCE BEYOND THAT WHICH IS SHOWN ON THE DEVELOPMENT PLAN SHALL NOT BE ALLOWED WITHOUT PRIOR APPROVAL FROM THE DEPARTMENT OF RECREATION AND PARKS.

I, WILBUR L. DUVALL, JR. CERTIFY UNDER OATH, THAT TO THE BEST OF MY KNOWLEDGE, THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE OWNER, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

OWNER / DEVELOPER
GWYNNBROOK DEVELOPMENT CORPORATION
4750 OWINGS MILLS BLVD.
OWINGS MILLS, MARYLAND 21117
PHONE: (410) 356-9900

REASON FOR 1ST AMENDMENT
TO ADD, REVISE OR LABEL VARIOUS EASEMENTS AND LOT LINES.
(NO LOTS HAVE BEEN SOLD)
No lot lines have been moved. SDR

THIS PLAN IS SEALED AND CERTIFIED TO BE IN ACCORDANCE WITH THE HEARING OFFICER'S ORDER AND ALL AGENCY COMMENTS.

W. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
Phone: 410.583.9571
E-mail: wduvall@erols.com

STATE OF MARYLAND
WILBUR L. DUVALL, JR.
No. 4000
PROFESSIONAL ENGINEER

1ST AMENDED FINAL DEVELOPMENT PLAN

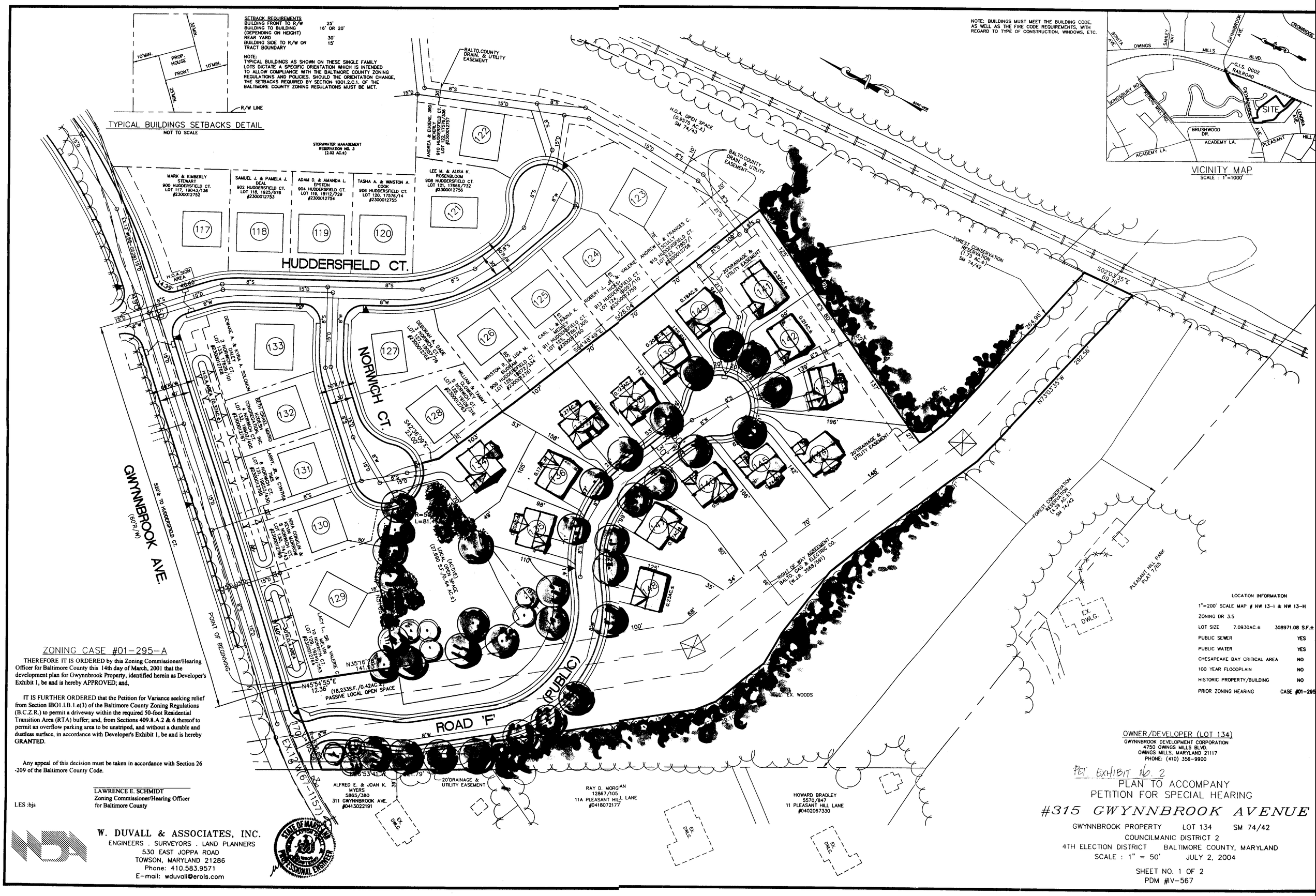
GWYNNBROOK PROPERTY

ORIGINAL F.D.P. APPROVED ON OCT. 19, 2001
4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE : 1" = 100' OCTOBER 25, 2001

SHEET NO. 2 OF 2
PDM #IV-567

OFFICE OF PLANNING AND ZONING
Approved by:
Director of P.D.M. Date 10/29/01

PN 99002



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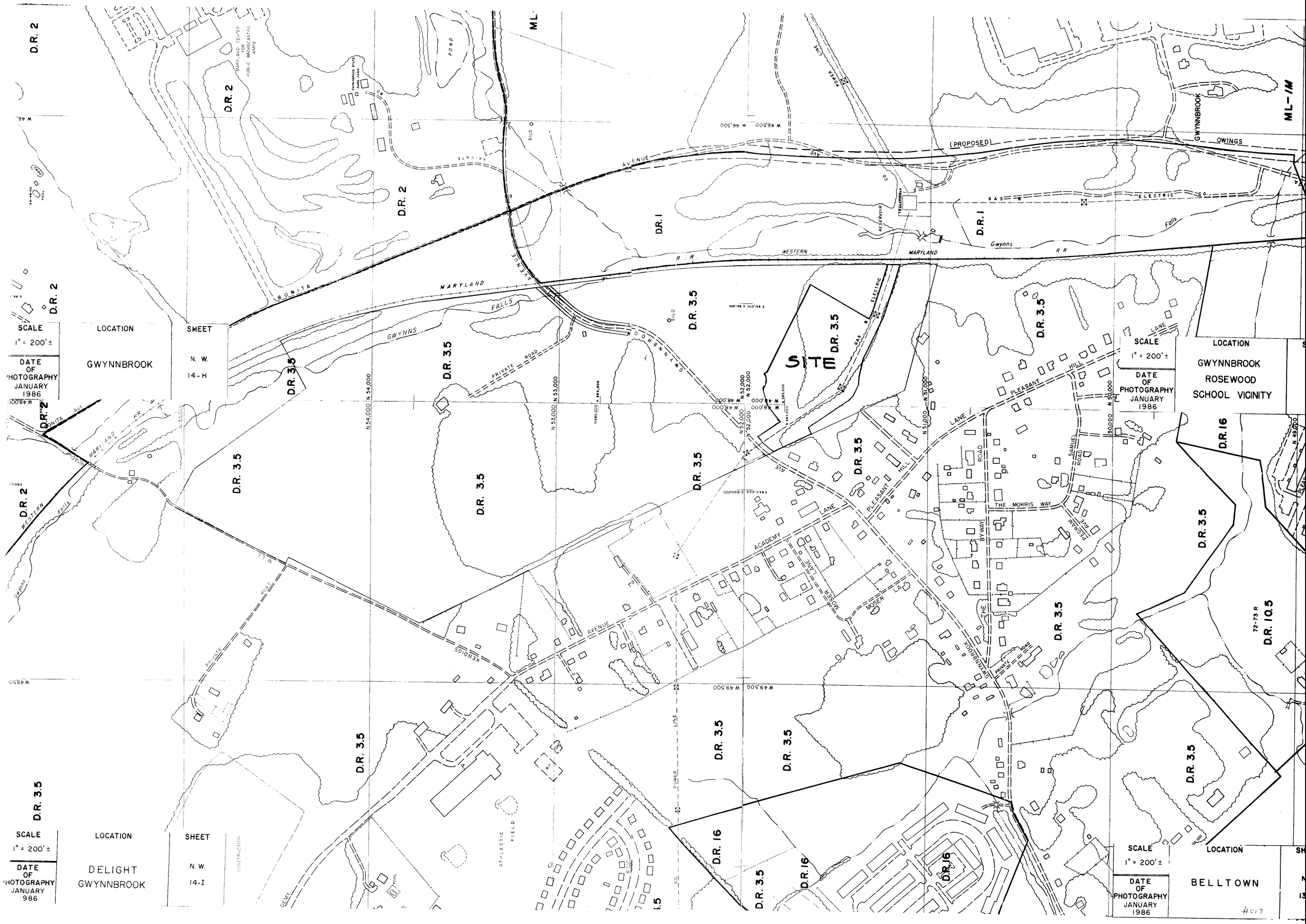
Zoning Commissioner/Hearing Officer
for Baltimore County

LES :bjs


SCALE
1" = 200'±
DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION
GWYNNBROOK
SHEET
N. W.
14-H
SCALE
1" = 200'±
DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION
GWYNNBROOK ROSEWOOD SCHOOL VICINITY
SCALE
1" = 200'±
DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION
BELLTOWN
SCALE
1" = 200'±
DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION
DELIGHT GWYNNBROOK
SHEET
N. W.
14-I
MARYLAND WESTERN R.R.
GWYNNS FALLS
BONITA AVENUE
GWYNNBROOK AVENUE
(PROPOSED) OWINGS AVE
GAS & ELECTRIC CO.
POWER LINE
PLEASANT HILL LANE
THE MORRIS WAY
ACADEMY LANE
MOSER LANE
KENDLES AVENUE
ATHLETIC FIELD
SITE
D.R. 2
D.R. 1
D.R. 3.5
D.R. 16
D.R. 10.5
ML-IM
ML