

IN RE: DEVELOPMENT PLAN HEARING
S/S of Essex Ave., W Marlyn Ave.
15th Election District
7th Councilmanic District
(Vale Crest Property)

Harvard Land Holdings, LLC
Developer/Petitioner

* BEFORE THE
* HEARING OFFICER
* OF BALTIMORE COUNTY
* Case No. XV-817 & 05-080-A

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as the "Vale Crest Property", prepared by G. W. Stephens, Jr. & Associates, Inc. The Developer is proposing the development of the subject property into 21 single-family dwellings. The subject property is located on the south side of Essex Avenue, west of Marlyn Avenue. The particulars of the manner in which the property is proposed to be developed are more specifically shown on Developer's Exhibit No. 1, the Development Plan entered into evidence at the hearing.

In addition to seeking approval of the Development Plan, the Petitioner has also requested variance relief from Section 1B01.2C.1.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a 10 ft. distance from a side building face to a side building face in lieu of the required 20 ft. for a building over 20 ft. in height.

The property was posted with Notice of the Hearing for the Development Plan on September 16, 2004 for 20 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, the property was posted with Notice of Hearing for the special hearing request on September 30, 2004 and a Notice of Zoning Hearing was published in "The Jeffersonian" newspaper on September 30, 2004 to notify any interested persons of the scheduled hearing date.

As to the history of the project, a Concept Plan Conference was held on April 5, 2004. A Community Input Meeting was held at the Essex Public Library on May 3, 2004 and a Development Plan Conference followed on September 22, 2004. A Hearing Officer's Hearing for this development was held on October 15, 2004 in Room 106 of the County Office Building.

RECEIVED FOR FILING
11/16/04
Ray

Appearing at the hearing on behalf of the Development Plan approval request were Rick Chadsey and Craig Rodgers, appearing on behalf of G. W. Stephens, Jr. & Associates, Inc., the firm who prepared the Development Plan. Ben Bronstein, Esquire represented the Petitioners.

Appearing as an interested citizen in the matter was Anna Brooks.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Jun Fernando (Zoning Review), Robert Bowling (Development Plans Review), Eric Rockel and Gigi Hampshire (Bureau of Land Acquisition) and Walt Smith (Development Management), all from the Office of Permits & Development Management; R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM); and Mark Cunningham from the Office of Planning.

Developer Issues

The Developer presented no issues for resolution.

County Issues

Each of the reviewing agencies indicated that the Development Plan met all County regulations with the following exceptions and highlights:

Zoning

The representative of the department indicated that the proposed development met the zoning density requirements for this DR 5.5 zone. He did not oppose the Developer's request for a variance to allow a 10 foot separation between houses in lieu of the required 20 feet per Section 1B01.2C.1.b of the B.C.Z.R. He noted that there are no setbacks required from property lines in this situation only distances between buildings.

Land Acquisition

The representative of the department indicated that he required several minor note changes to the Redline Development Plan. He noted, however, that the outfall of the proposed storm water management system is onto adjacent property owned by Baltimore County on which

a police station is now located. However, this use by the County may not continue. He noted that in consideration of this concern, the Developer moved the outfall, as shown on the Redline Development Plan, which was acceptable to the County. However, should the County determine that it wished to use its property differently, he wanted the Developer to agree that the Developer will move the outfall at its expense to a different location to accommodate the new use or sale of the property. The Developer agreed.

Department of Environmental Protection and Resource Management

The representative of the department indicated that the department had recently received revised hydrology studies from the Developer and had not had time to review this new information. The representative requested that the record of this case remain open to resolve these highly technical issues. The Developer agreed. Neither the Developer nor the County waived their right to have this matter resolved by the Hearing Officer, should there be a dispute that the parties cannot resolve.

On November 4, 2004 the department's representative notified this Commission that all issues with the department had been resolved.

Public Works

The representative of the department indicated that the department did not oppose the Developer's request to waive the required 50 ft. right-of-way for the new public street. The Developer is requesting a 40 ft. right-of-way. He explained that this would allow greater width of forest conservation area on the east side of the development thereby preserving more existing trees without substantial harm to the public road. While the new homes would be closer to the new road, sidewalks would be in their normal location.

RECEIVED FOR FILES
11/16/04
Ray

Office of Planning

The representative of the department indicated that the department requested that all forest conservation easement areas be included within the boundaries of lot 13. However, the Redline Development Plan shows that the lot lines for lots 13 through 19 extend into the forest conservation easement area in conflict with this request. The record of this case was held open for resolution of this matter.

In addition, the representative indicated that the Pattern Book needs to be updated to reflect the final configuration of the proposed fence among other items. In fact, the revised Pattern Book was entered into the file of this case on October 20, 2004.

On November 15, 2004 the department's representative notified this Commission that all issues with the department had been resolved.

Recreation and Parks

The representative of the department indicated that the department did not oppose the Developer's request to waive local open space requirements and pay a fee in lieu thereof. However, the actual waiver request had not yet been approved by the department. Consequently, the record of this case was held open to resolve this matter. The County regulations require a total of 23,000 sq. ft. of local open space for this development.

On November 15, 2004 the department's representative notified this Commission that all issues with the department had been resolved.

Community Concerns

Anna Brooks, a nearby property owner, expressed several concerns. She lives on Marlyn Avenue and her back yard adjoins the proposed forest conservation easement area shown on the Redline Development Plan. She was concerned that the existing trees in that area remain

and was assured by the County representatives and Developer that they would not be removed. However, she was equally concerned about who would be responsible if a tree from the forest conservation area on the subject property fell onto her property. The Developer indicated that the trees in this area are to be owned by the new property owners who would also be members of the homeowners association. The Developer explained that those new owners are allowed to remove unsafe trees and that any liability for fallen trees would be the same as between property owners in the County.

She was also concerned about whether there would be sufficient water pressure for the existing homes if the new homes were allowed to be built. The representative of the Department of Public Works indicated that his record reflected adequate water pressure in the area but that Ms. Brooks should contact named County employees in the department to confirm this fact.

Finally, she was concerned that the area schools were already overcrowded and children from this development would make the overcrowding worse. First, the Developer indicated that these new homes are designed to attract senior citizens that want to continue to live in the area but find their present homes too much to maintain. Consequently, he believed that there would be few children from this neighborhood going to area schools. The representative from the Planning Office indicated that although Kenwood High School is now at 120% of capacity, the County's adequate public facilities regulations allows development to continue even if enrollment is above the regulatory limit of 116% if there is sufficient room in adjoining school districts. In this case, he indicated that there was sufficient adjoining capacity in Chesapeake High School that could be utilized by the Board of Education.

Applicable Law

§ 32-4-228. SAME -- CONDUCT OF THE HEARING.

(a) Hearing conducted on unresolved comment or condition.

RECEIVED FOR PLANNING
11/16/04
[Signature]

(1) The Hearing Officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed Development Plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan.

(2) The Hearing Officer shall make findings for the record and shall render a decision in accordance with the requirements of this part.

(b) *Hearing conduct and operation.* The Hearing Officer:

(i) Shall conduct the hearing in conformance with Rule IV of the Zoning Commissioner's rules;

(ii) Shall regulate the course of the hearing as the Hearing Officer considers proper, including the scope and nature of the testimony and evidence presented; and

(iii) May conduct the hearing in an informal manner.

§ 32-4-229. SAME – DECISION OF THE HEARING OFFICER.

(a) *Final decision.*

(1) (i) The Hearing Officer shall issue the final decision within 15 days after the conclusion of the final hearing held on the Development Plan.

(iii) The Hearing Officer shall file an opinion, which includes the basis of the Hearing Officer's decision.

(2) If a final decision is not rendered within 15 days:

(i) The Development Plan shall be deemed approved as submitted by the applicant; and

(ii) The Hearing Officer shall immediately notify the participants that:

1. The Development Plan is deemed approved; and

2. The appeal period began on the fifteenth day after the conclusion of the final hearing.

(b) *Appeals.* A final decision of the Hearing Officer on a Development Plan may be appealed to the Board of Appeals in accordance with Part VIII of this subtitle.

(c) *Conditions imposed by Hearing Officer.*

(1) This subsection does not apply to a Development Plan for a Planned Unit Development.

(2) In approving a Development Plan, the Hearing Officer may impose any conditions if a condition:

- (i) Protects the surrounding and neighboring properties;
- (ii) Is based upon a comment that was raised or a condition that was proposed or requested by a participant;
- (iii) Is necessary to alleviate an adverse impact on the health, safety, or welfare of the community that would be present without the condition; and
- (iv) Does not reduce by more than 20 %:
 - 1. The number of dwelling units proposed by a residential Development Plan in a DR 5.5., DR 10.5, or DR 16 zone; or
 - 2. The square footage proposed by a non-residential Development Plan.

(3) The Hearing Officer shall base the decision to impose a condition on factual findings that are supported by evidence.

Prior Law Still Applicable Section 26-206 of the B.C.Z.R. Development Plan Approval.

(b) The hearing officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated pursuant to section 2-416 et seq. of the Code, provided that the final approval of a plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

Section 307 of the B.C.Z.R. – Variances.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

ORDER RECEIVED FOR FILE
11/16/04
Ray

Testimony and Evidence

The Developer's representatives proffered that the property was 6.25 acres in size and is zoned DR 5.5. The property is presently configured as three single-family lots. The zoning density would allow 34 dwelling units whereas 23 dwelling units are proposed. He noted that the Developer intends to market these homes as an active adult community of high value so that area residents who find their present homes too much to maintain can stay in the area. He noted that this approach was presented to the Planning Office with specific plans for homes which would attract older buyers to remain in the area and that the Office of Planning supported the Development Plan and requested variance to allow a 10 ft. separation between homes in lieu of the required 20 ft. The variance request is compatible with an older owner's desire to limit the amount of maintenance required for each home.

The representatives indicated that the configuration of the forest conservation area preserved the maximum number of existing trees on the property. Prior meetings with the community revealed that this was a high priority for their community. This required the Department of Recreation and Parks to modify their original approach to development on the property.

The Developer's representatives pointed out that the property is long and narrow in shape and is located between existing housing patterns. As such, it presents unique challenges to utilize the property, especially considering the need to keep existing forest areas and the plan to market upscale homes to empty nesters in this area. After much discussion the homes on lots 1 and 23 are now oriented towards the new public street and not towards Essex Avenue. This was done in order to give a community feel to the project. They indicated that the community did not want a through public road, but rather preferred a cul-de-sac that is now presented in the plan.

This again presented additional design challenges. As now configured, the representatives indicated that the variance request could be granted without any adverse affect on the community.

Findings of Fact and Conclusions of Law

In regard to the request for variance to allow 10 ft. separation between the new homes in lieu of the required 20 ft., I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. As the Developer points out, the property is long and narrow and, as a result of strong community input, there will be no through road and the existing forest areas are to be preserved. I further find strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting this variance. In fact, the zoning would allow 34 dwelling units whereas only 23 are proposed. Furthermore, I find that this variance can be granted in strict harmony with the spirit and intent of the regulations, and in a manner to grant relief without injury to the public health, safety and general welfare. The Developer's marketing plan will hopefully attract older buyers to these upscale homes thereby allowing area residents who want less maintenance responsibilities to remain in the area.

All open issues with County agencies have been resolved. Having granted the variance request, I further find that the Development Plan complies with the development regulations and applicable policies, rules and regulations promulgated pursuant to Section 3-7-203, et seq. of the Baltimore County Code. I further find that final approval of a Development Plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

NOTED RECEIVED FOR PLANS
Date 11/16/04
By Ray

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this ^{the} 16 day of November, 2004, that variance relief from Section 1B01.2C.1.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a 10 ft. distance from a side building face to a side building face in lieu of the required 20 ft. for a building over 20 ft. in height, be and is hereby GRANTED; and

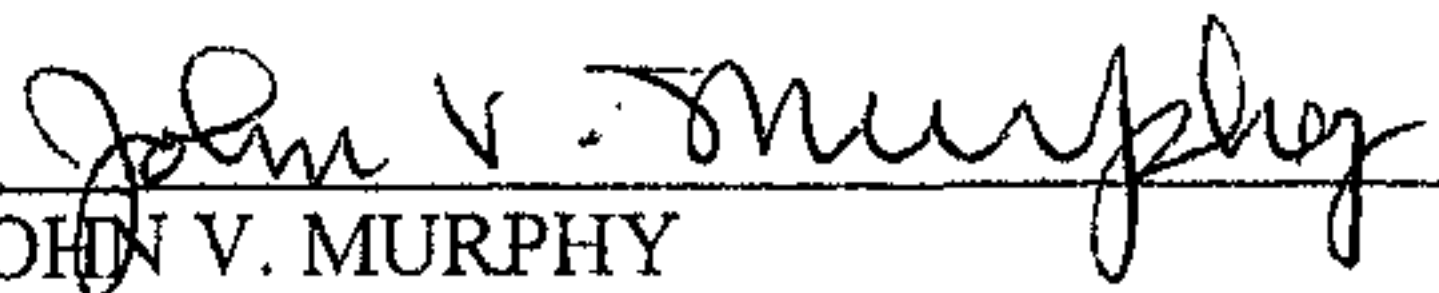
IT IS FURTHER ORDERED, that the Developer's request as follows:

1. to allow a 40 ft. right-of-way in lieu of the Public Works standard requiring 50 ft. right-of-way for the new public street is granted.
2. to waive providing 23,000 sq. ft. of local open space and pay a fee in lieu thereof pursuant to the letter dated November 15, 2004 from the Department to the Developer entered into the record of this case

be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that that the redline Development Plan known as the "Vale Crest Property", submitted into evidence as "Developer's Exhibit No. 1", be and it is hereby APPROVED with the condition that the outfall of the proposed storm water management system that is proposed to be located on property owned by Baltimore County will be relocated at the Developer's expense to a different location to accommodate a new use or sale of the property by Baltimore County.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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
William J. Wiseman III, Zoning Commissioner

November 16, 2004

Benjamin Bronstein, Esquire
Suite 205, Susquehanna Building
29 W. Susquehanna Avenue
Towson, Maryland 21204

Re: Hearing Officer's Case Nos. XV-817 & 05-080-A
Property: S/S of Essex Ave., W Marlyn Ave.
15th Election District, 7th Councilmanic District
(Vale Crest Property)

Dear Mr. Bronstein:

Enclosed please find the decision rendered in the above-captioned Development Plan and petition for variance cases.

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

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj

c: Rick Chadsey, G. W. Stephens & Associates, Inc., 1020 Cromwell Bridge Road,
Towson, MD 21204
Craig Rodgers, 2 Tisbury Ct., Baltimore, MD 21236
Anna Brooks, 228 N. Marlyn Ave., Baltimore, MD 21221

Visit the County's Website at www.baltimorecountyonline.info





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 817 Essex 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)

1B01.2C.1.b BCZR to permit a 10 ft distance from a side building face to a side building face in lieu of the required 20 ft for a building over 20 ft in height.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. Configuration of the property.
2. Topography of the property.
3. And for such other and further reasons as may be demonstrated at the time of hearing.

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Benjamin Bronstein
Name - Type or Print _____

Signature _____

Company _____

29 West Susquehanna Avenue, Suite 205
Address _____ Telephone No. _____

Towson Maryland 21204
City State Zip Code

Case No. 05-080-A

Legal Owner(s):

Essex Avenue, LLC

Name - Type or Print _____

Signature _____

Craig Carlson, Authorized Member

Name - Type or Print _____

Signature _____

10045 Red Run Boulevard, Suite 150
Address _____ Telephone No. _____

Owings Mills Maryland 21117
City State Zip Code

Representative to be Contacted:

Bernt C. Peterson, LA G.W. Stephens Jr., & Associates
Name _____

1020 Cromwell Bridge Road
Address _____ Telephone No. _____

Towson Maryland 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JNP for WGR Date 8/10/04

Received Time Aug. 6. 1:21PM

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 of a 6.16
Acre Parcel of Land
For Zoning Variance for Lots 1 - 23
of Vale Crest

June 29, 2003
Page 1 of 1

Beginning for the description of a 6.16 Acre area at a point on the southerly right-of-way line of Essex Avenue, said point of beginning having a Maryland State (nad83/91) Coordinate Value of North 602,153.38 and East 1,463,532.24 being measured North 73 degrees 51 minutes 51 seconds West 276.15 feet from the centerline intersection of said Essex Avenue and Marlyn Avenue, running thence leaving said point of beginning the six following courses;

1) South 18 degrees 47 minutes 35 seconds West 829.40 feet thence,

2) North 70 degrees 52 minutes 43 seconds West 334.00 feet thence,

3) North 17 degrees 3 minutes 11 seconds East 678.7 feet thence,

4) South 70 degrees 59 minutes 49 seconds East 55.00 feet thence,

5) North 19 degrees 0 minutes 11 seconds East 150.00 feet to a point on the southerly right-of-way of Essex Avenue thence binding on said right-of-way line,

6) South 70 degrees 59 minutes 49 seconds East 275.96 feet to Point of beginning

Containing 2268,329.6 Square Feet or 6.16 Acres of Land more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.

05-080-A

410-825-8120 • FAX 410-583-0288
www.gwstephens.com



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39705

DATE 8/10/04 ACCOUNT R-001-006-6150
AMOUNT \$ 800.00 800.00

RECEIVED
FROM:

Benjamin Bransteln

FOR:

Variance - 817 Essex Ave

05-080-A (Essex Avenue, LLC)

your check 100.00 note 800.00 8/20/04

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DATE
8/20/2004	8/20/2004	11:16:09	3
REG NO. 03	MAIL	LPET 1.00	
>> RECEIPT # 200049 8/20/2004 001.00			
Dpt	5	528 ZONING VERIFICATION	
CR NO.	039705		
Receipt Total		\$800.00	
1800.00	CR	\$1.00	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: #05-080-A
817 Essex Avenue
S/side of Essex Avenue, 278.15 ft. west of Marilyn Avenue
18th Election District — 7th Councilmanic District
Legal Owner(s): Essex Avenue, LLC
Craig Carlson, Authorized Member

Variance: to permit a 10 foot distance from a side building face to a side building face in lieu of the required 20 feet for a building over 20 feet in height.

Hearing: Friday, October 15, 2004 at 9:00 a.m. in Room 106, 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.
9/29 Sept. 30 23583

CERTIFICATE OF PUBLICATION

9/30/2004

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 9/30/2004.

- ☒ 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.: 05-080-A

Petitioner/Developer: ESSEX AVE

CRAIG CARLSON

Date of Hearing/Closing: 10/15/04

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:

817 ESSEX AVE

The sign(s) were posted on

9/30/04
(Month, Day, Year)

Sincerely,

Robert Black 10/3/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

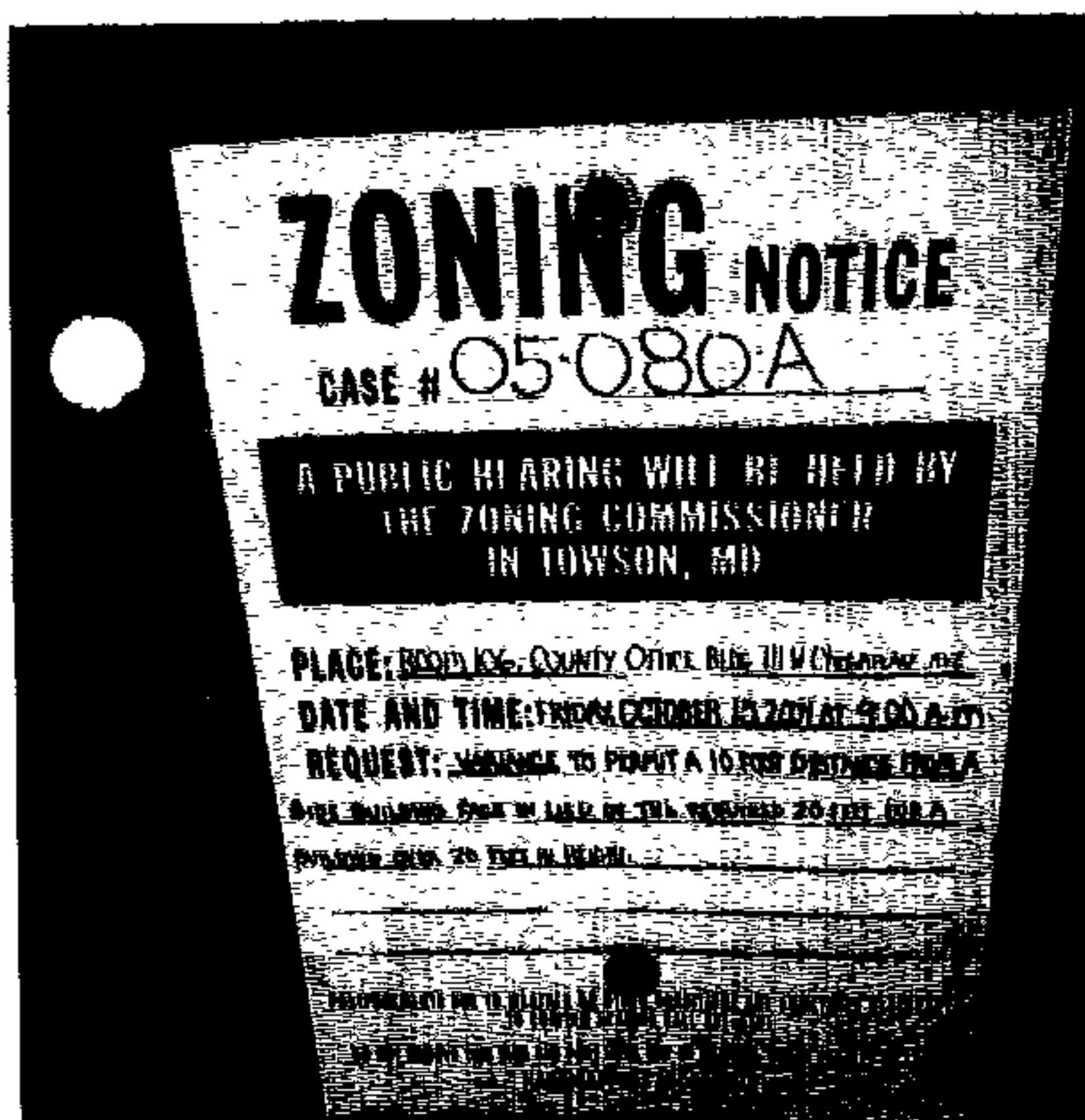
(Address)

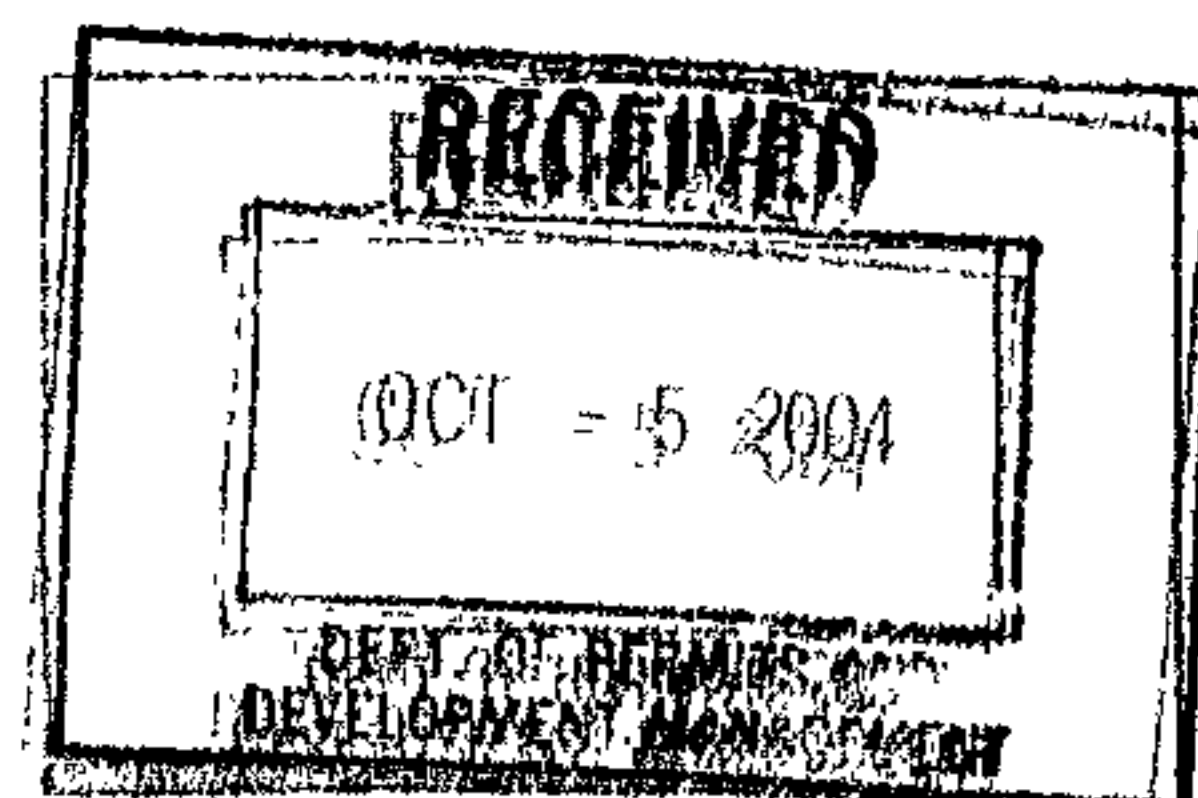
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 21, 2004 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein
29 W. Susquehanna Ave., Ste. 205
Towson, MD 21204

410-296-0200

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: 05-080-A

817 Essex Avenue

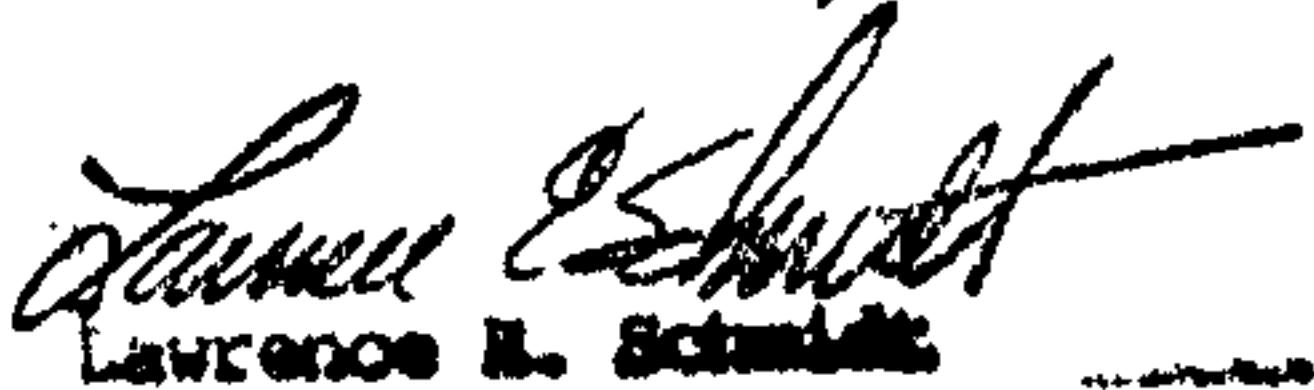
S/side of Essex Avenue, 276.15 ft. west of Marlyn Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Essex Avenue, LLC, Craig Carlson, Authorized Member

Variance to permit a 10 foot distance from a side building face to a side building face in lieu of the required 20 feet for a building over 20 feet in height.

Hearing: Wednesday, October 6, 2004 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 30, 2004 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein
29 W. Susquehanna Ave., Ste. 205
Towson, MD 21204

410-296-0200

CORRECTED 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: 05-080-A

817 Essex Avenue

S/side of Essex Avenue, 276.15 ft. west of Marlyn Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Essex Avenue, LLC, Craig Carlson, Authorized Member

Variance to permit a 10 foot distance from a side building face to a side building face in lieu of the required 20 feet for a building over 20 feet in height.

Hearing: Friday, October 15, 2004 at 9:00 a.m., Room 106, County Office Building,
111 W. Chesapeake Avenue



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 and
Development Management**

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



Baltimore County

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

August 13, 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: 05-080-A

817 Essex Avenue

S/side of Essex Avenue, 276.15 ft. west of Marlyn Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Essex Avenue, LLC, Craig Carlson, Authorized Member

Variance to permit a 10 foot distance from a side building face to a side building face in lieu of the required 20 feet for a building over 20 feet in height.

Hearing: Wednesday, October 6, 2004 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Benjamin Bronstein, 29 W. Susquehanna Ave., Ste. 205, Towson 21204
Craig Carlson, 10045 Red Run Blvd., Ste. 150, Owings Mills 21117
Bernt Peterson, 1020 Cromwell Bridge Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 21, 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.**

Visit the County's Website at www.baltimorecountyonline.info



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

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

August 26, 2004

CORRECTED 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: 05-080-A

817 Essex Avenue

S/side of Essex Avenue, 276.15 ft. west of Marlyn Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Essex Avenue, LLC, Craig Carlson, Authorized Member

Variance to permit a 10 foot distance from a side building face to a side building face in lieu of the required 20 feet for a building over 20 feet in height.

→ Hearing: Friday, October 15, 2004 at 9:00 a.m., Room 106, County Office Building,
111 W. Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Benjamin Bronstein, 29 W. Susquehanna Ave., Ste. 205, Towson 21204
Craig Carlson, 10045 Red Run Blvd., Ste. 150, Owings Mills 21117
Bernt Peterson, 1020 Cromwell Bridge Road, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 30, 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.

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: 05-080-A
Petitioner: ESSEX AVE LLC
Address or Location: 817 ESSEX AVENUE (VALE CREST SUBDIVISION)

PLEASE FORWARD ADVERTISING BILL TO:

Name: Benjamin Bronstein
Address: 29 West Susquehanna Ave, Suite 205
Towson, MD 21204
Telephone Number: 410-296-0200

**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*

October 5, 2004

Benjamin Bronstein
29 West Susquehanna Avenue, Ste. 205
Towson, Maryland 21204

Dear Mr. Bronstein:

RE: Case Number:05-080-A, 817 Essex Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 10, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Essex Avenue, LLC. Craig Carlson 10045 Red Run Blvd, Ste. 150 Owing Mills 21117
Bernt C. Peterson 1020 Cromwell Bridge Road Towson 21204

Visit the County's Website at www.baltimorecountyonline.info



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

August 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 16, 2004

Item No.: 061-069, 071, 072, 074, 076-080

Pursuant to your request, the referenced plan(s) have been reviewed 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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 1, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For August 23, 2004
Item Nos. 061, 062, 063, 064, 065,
066, 067, 068, 069, 070, 072, 074, 075,
076, 077, 079, 080, and 081

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr. (JDO)

DATE: September 3, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 16, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-061

04-062

04-063

04-065

04-067

04-068

04-069

04-071

04-072

04-077

04-079

04-080

04-081

Reviewers: Sue Farinetti, Dave Lykens

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



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

Maryland Department of Transportation

Date: 8.13.04

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

RE: Baltimore County
Item No. 080 JHP

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

**Department of Permits and
Development Management**



Baltimore County

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

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

August 26, 2004

Benjamin Bronstein
29 West Susquehanna Avenue, Ste. 205
Towson, MD 21204

Dear Mr. Bronstein:

RE: Case Number: 05-080-A, 817 Essex Avenue

The above matter, previously scheduled for October 6, 2004, has been postponed. The hearing has been rescheduled in order to be heard the Hearing Officer's case. The new notice is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

Timothy Kotroco
Director

TK:klm

C: Craig Carlson, Essex Avenue, LLC, 10045 Red Run Blvd., Ste. 150, Owings Mills 21117
Bernt Peterson, G.W. Stephens & Assoc., 1020 Cromwell Bridge Road, Towson 21286

Visit the County's Website at www.baltimorecountyonline.info



RE: PETITION FOR VARIANCE
817 Essex Avenue; S/side Essex Avenue,
276.15' W of Marlyn Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Essex Avenue, LLC,
Craig Carlson, Authorized Member
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 05-080-A

* * * * *

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 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

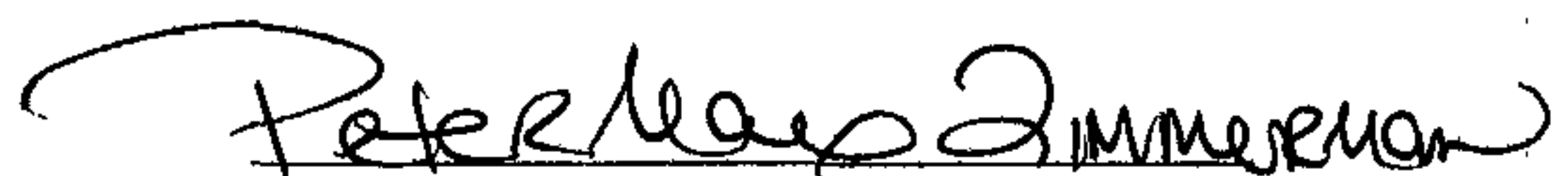
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of August, 2004, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, 29 W Susquehanna Avenue, Suite 205, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AUG 19 2004

Per.....


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BENJAMIN BRONSTEIN

ATTORNEY AT LAW
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
Benbronstein@terralaw.net

August 9, 2004

Timothy Kotroco, Director
Dept of Permits & Development Mgt
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 817 Essex Avenue a/k/a Vale Crest
PDM File XV-817

Dear Mr. Kotroco:

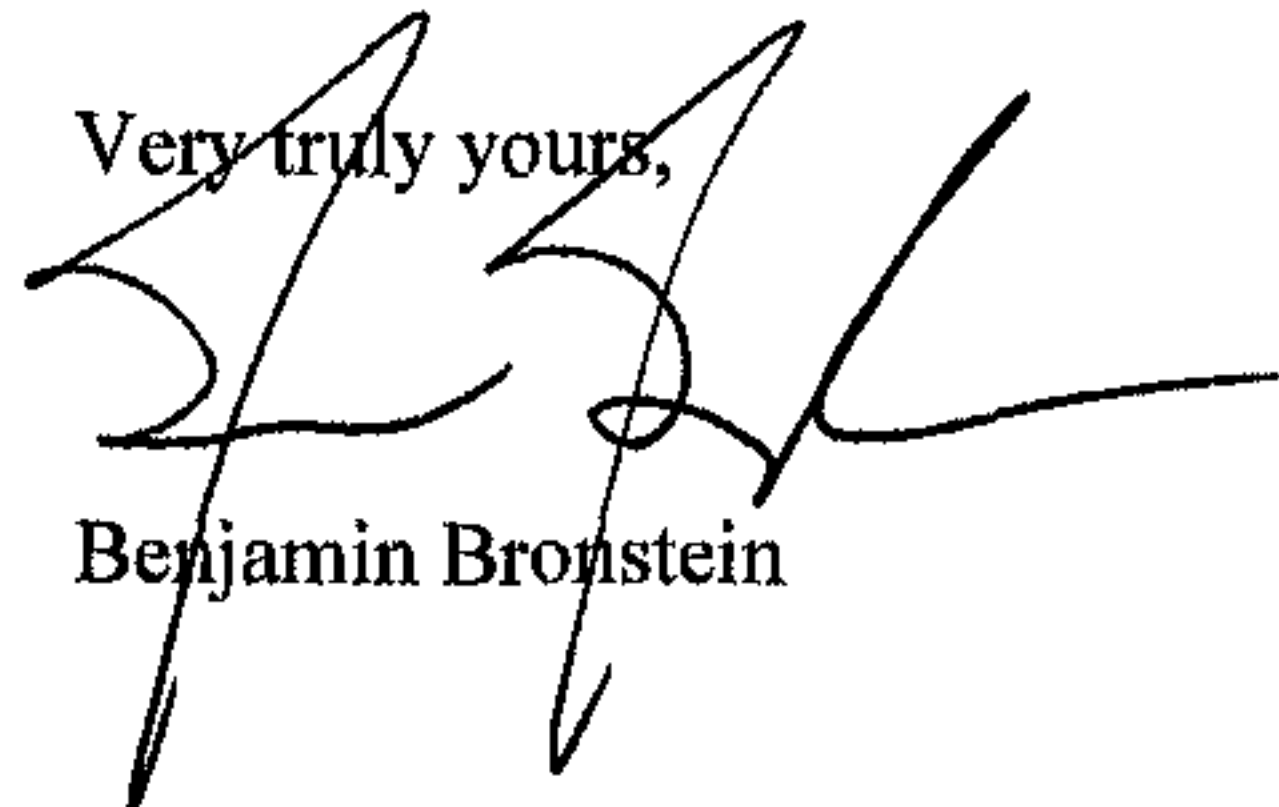
In reference to the above-entitled property, I am hereby enclosing the following:

1. Petition for Variance in triplicate;
2. Thirteen (13) copies of the Plat to Accompany Petition for Zoning Variance;
3. Three copies of the description under seal;
4. Copy of the 200 Scale Zoning Map; and
5. Check payable to Baltimore County, Maryland for costs.

There are no violations on this property. I respectfully request that the Petition for zoning Variance be combined with the development plan hearing in case # PDM file XV-817.

Thank you for your kind attention to this matter.

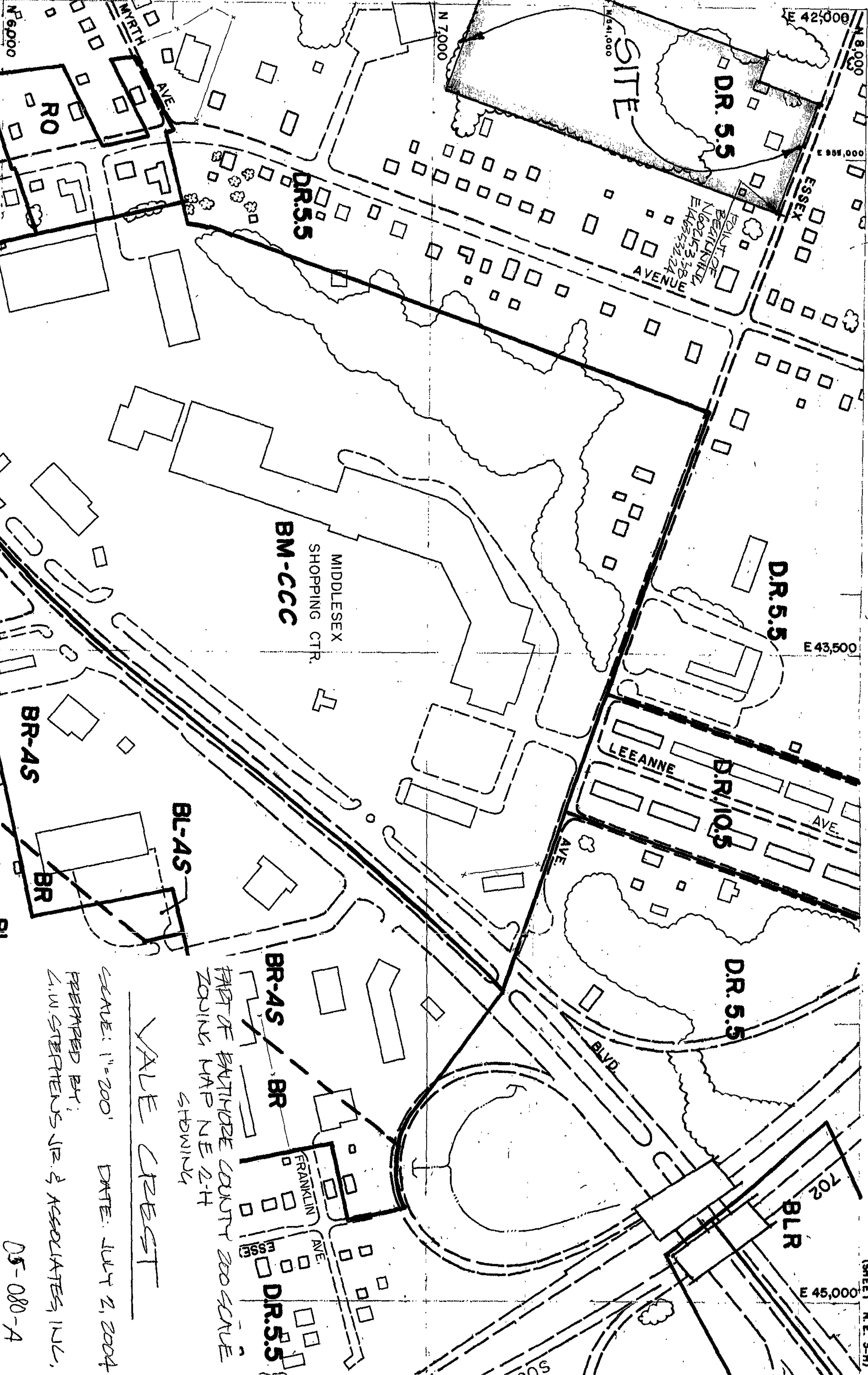
Very truly yours,



Benjamin Bronstein

BB/mlh
Enclosures

05-080-A



SCALE: 1"=200' DATE: JULY 2, 2004
PREPARED BY:
L.W. STRETTENS JR. & ASSOCIATES, INC.
05-080-A

VALE CREST

PART OF BUTTLE COUNTY 200 SCALE
ZONING MAP NE 2-H
SHOWING

BR-AS / BR

DR.5.5