IN RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL HEARING

> N/S Marriottsville Road, 1700' W of the c/l Hernwood Road

(10620 Marriottsville Road)

(Strauss Property)

2<sup>nd</sup> Election District, 4<sup>th</sup> Council District

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Marriottsville Manor, LLC Owner/Developer 

Case Nos. II-660 & 06-379-SPH

#### HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before the Hearing Officer/Zoning Commissioner for a combined zoning and development plan approval hearing, pursuant to Section 32-4-230 of the Baltimore County Code. The Developer/Property Owner, Marriottsville Manor, LLC, seeks approval of the First Amended Redlined Development Plan for the proposed residential subdivision of the subject property with 12 single-family lots. Additionally, Special Hearing relief is requested to determine that the aforesaid amended Development Plan shall be reviewed for compliance with the RC-5 zoning regulations, which were in effect at the time the original plan was approved, and shall not be subject to review pursuant to Section 1A04 of the Baltimore County Zoning Regulations as amended by County Council Bill 55-2004. The subject property and requested relief are more particularly shown on the First Amended Redlined Development Plan and Plat to accompany the Petition for Special Hearing that was submitted into evidence as Developer's Exhibit 1.

The subject property under consideration is a large, irregular shaped parcel containing 23.0752 acres in area, zoned RC-5, and located on the north side of Marriottsville Road, west of Hernwood Road in Randallstown. The property has been held intact since before 1979 and has not been used, for density purposes, to support any off-site development. The property was subdivided, by Deed, on or about July 30, 1987. At that time, approximately 6 acres from the overall tract were subdivided to create two building lots, shown as Lots 1 and 2. The balance of the

property was retained for future development. Following this subdivision, a further subdivision was proposed in 2004 under the current development review process as codified in the Baltimore County Code. That proposal was reviewed for compliance with County law in accordance with the Development Review process. Specifically, a Concept Plan was prepared and submitted for the subject property in early January 2004 and a Concept Plan Conference conducted on January 12, 2004. Subsequently, a Community Input Meeting was held on February 17, 2004 at the Randallstown High School. A Development Plan was then filed and a Development Plan Conference conducted on July 21, 2004. The matter then came in for hearing before the Hearing Officer on August 12, 2004.

The plan that was submitted for consideration before the Hearing Officer in 2004 proposed an additional subdivision of the property beyond what had been done by deed in 1987. Lots 1 and 2 were retained and two new lots (Lots 3 and 4) were created. Additionally, the balance of the property was shown on the plan for potential future development.

Following the public hearing on August 12, 2004, a written Opinion and Order was issued by the then Zoning Commissioner/Hearing Officer for Baltimore County on August 24, 2004. That Order approved the plan and also granted certain variance relief, which had been requested to permit an existing accessory structure (barn/shop) to be located in the front yard of proposed Lot 4. There was no appeal from that decision and the Opinion and Order therefore became final. This history of subdivision and development of the property as described above occurred when the Strauss family owned the property.

On November 8, 2005, the current Developer/Petitioner made written application to the DRC (Development Review Committee) for Baltimore County to approve a material amendment to the previously approved plan. The nature of the amendment was to resubdivide the property into a total of 12 single-family dwelling lots. On November 28, 2005, the DRC met in open meeting to

consider this matter. As the result of that meeting, it was determined that the proposed change to the plan constituted a "material amendment" as contemplated under Section 32-4-263 of the Baltimore County Code. The Developer was notified, by letter dated December 20, 2005 from Timothy M. Kotroco, Director of the Baltimore County Department of Permits and Development Management, of the DRC's decision. The applicant was further instructed to submit to Baltimore County for review a First Amended Development Plan, participate in a Development Review Conference and, in order to allow community notice and comment, appear at a public hearing before the Hearing Officer. The First Amended Development Plan was thus submitted and a Development Plan Conference was conducted on February 1, 2006, at which written Development Plan comments from the reviewing County agencies were issued. Additionally, a Hearing Officer's Hearing was conducted by the undersigned on February 23, 2006.

Appearing at that hearing was James Grammer, Project Manager from McKee and Associates, the consultant who prepared the amended Development Plan. Also present was James W. McKee, principal of Marriottsville Manor, LLC, property owner. The Petitioner was represented by Lawrence E. Schmidt, Esquire of Gildea & Schmidt, LLC. There was no one from the community who appeared in opposition to the plan, although Mark Croyle, a neighbor, was present and indicated that he appeared to observe and learn the specifics of the proposal. Appearing on behalf of the reviewing County agencies were Curtis Murray from the Office of Planning, Jeff Livingston from the Department of Environmental Protection and Resource Management (DEPRM), Jan Cook from the Department of Recreation and Parks and Lt. Jim Mezick of the Baltimore County Fire Department. Representatives from the various divisions of the Department of Permits and Development Management ("PDM") also appeared. These included Ron Goodwin from the Bureau of Land Acquisition, Jun Fernando from the Zoning Review

Division and Dennis Kennedy from Development Plans Review. Also present was the Project Manager, Christine Rorke.

As noted above, the subject property is 22.425 acres in area, zoned RC-5. The site is an irregularly shaped parcel with frontage on Marriottsville Road near Granite Road in the Granite community of western Baltimore County. As a result of the prior approvals, the site is presently improved with several structures. Specifically, there is an existing single family dwelling on Lot 1 (1.2289 acres), known as 10702 Marriottsville Road. Additionally, Lot 2 (1.2448 acres) bears the address 10700 Marriottsville Road. Although that property is not presently improved with a dwelling, it contains an existing barn and other outbuildings. Existing Lot 3 (1.71 acres) is improved with a one-story brick residence, known as 10620 Marriottsville Road. The balance of the property is proposed for improvement with 9 additional single-family lots, for a total of 12 lots. These lots are all larger than one acre in size. In addition to the residential lots, there is a large forest conservation easement area (5.98 acres). Additionally, much of the site is environmentally constrained and features an existing pond and associated wetlands. These sensitive environmental areas will be protected. Access to the new lots will be by way of a proposed public road that will terminate as a cul-de-sac within the interior of the site. In addition to the public road, this plan shows a private driveway extending from the cul-de-sac, which will provide access to Lots 4, 5 and 12. All of the details and particulars of the proposed subdivision are more particularly shown on the Plan.

As is the usual practice, the hearing was bifurcated wherein issues were first identified, then evidence presented. The Developer identified no issues at the Hearing Officer's Hearing, except for noting the relief requested under the Petition for Special Hearing. A proffer from Mr. Schmidt and testimony from Mr. Grammer stated that, but for certain issues identified by DEPRM (discussed herein later), the plan complied with all relevant regulations, standards and rules for

Concept Plan filed, it is clear that the requirements of Bill 55-04 are not applicable to this First Amended Redlined Development Plan submitted at this time.

It is also noted that the Council enacted Bill 128-05 in November 21, 2005. That Bill changed certain density standards within the RC-5 zone and contains identical language to Bill 55-04 insofar as its applicability to Concept Plans filed to prior to its effective date (December 10, 2005). Thus, by the clear language of these Bills, coupled with the fact that there is no new concept plan, it is clear that Bills 55-04 and 128-05 do not apply to the First Amended Redlined Plan and that the regulations in effect when the original Development Plan was approved control. This finding is supported by the DRC's determination. As noted above, the DRC determined this submission to be a "material amendment" to an existing Development Plan, as stated within Mr. Kotroco's letter of December 20, 2005. The DRC did not identify this as a new project, requiring the submission of a new concept plan. It is also noted that the subject property shown on the First Amended Redlined Development Plan is the identical acreage and site as shown in the previously approved Development Plan. There are no new lands added; the site is one and the same. Finally, the Petitioner offered a letter authored by Jenifer German of the Office of Planning on January 5, 2005. That letter effectively confirmed that amendments to the previously approved plan would be considered in context with the then existing regulations. For all of these reasons, I find that the current Plan is an amendment to the previously approved plan and, pursuant to Section 32-42-262, should be considered in accordance with the standards in effect at the time of the original approval.

Finally, it is to be noted that at the time of the public hearing before me, Bill 24-06 was pending before the Baltimore County Council. This Bill, as amended, was ultimately enacted into law effective March 17, 2006 and among its provisions, clarification as to the manner in which material amendments to previously approved plans are processed by Baltimore County. Although its terms might otherwise impact the decision in this case, it is to be noted that the Bill provides, in

part, that it "... does not apply to a request for a material amendment to a previously approved plan for which a Hearing Officer's hearing was commenced prior to March 17, 2006." As the Hearing Officer's Hearing in this case was commenced (and closed) on February 23, 2006, it is clear that Bill 26-04 does not apply.

Pursuant to the zoning and development regulations of Baltimore County as contained within the B.C.Z.R., Title 4 of the B.C.C., the first amended redlined development plan for the Strauss Property shall be approved consistent with the comments contained herein, and the Petition for Special Hearing granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July 2006 that the First Amended redlined development plan for the Strauss Property, identified herein as Developer's Exhibit 1, be and the same shall hereby be APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking a determination that the First Amended Redlined Development Plan shall be reviewed for compliance with the RC-5 zoning regulations, which were in effect at the time the original plan was approved, and shall not be subject to review pursuant to Section 1A04 of the Baltimore County Zoning Regulations as amended by County Council Bill 55-2004, be and is hereby GRANTED.

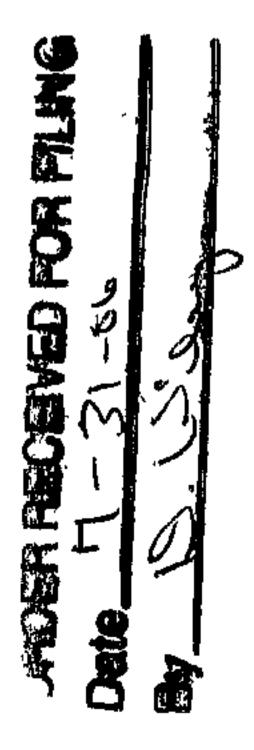
Any appeal of this Order shall be taken in accordance with Sections 32-3-401 and 32-4-281

of the Baltimore County Code.

WLDIAM J. WISEMAN, III

Zoning Commissioner/Hearing Officer

for Baltimore County





JAMES T. SMITH, JR. County Executive

July 31, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Lawrence E. Schmidt, Esquire 220 Bosley Avenue Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL HEARING N/S Marriottsville Road, 1700' W of the c/l Hernwood Road (Strauss Property)

2<sup>nd</sup> Election District – 4<sup>th</sup> Council District
Marriottsville Manor, LLC - Owner/Developer

Case Nos. II-660 and 06-379-SPH

Dear Mr. Schmidt:

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,

WILLIAM I WISHMAN, III Zoning Commissioner

for Baltimore County

WJW:dlw

Mr. James W. McKee, 5 Shawan Road, Cockeysville, Md. 21030

Mr. James D. Grammer, McKee & Assoc., Inc.,

5 Shawan Road, Ste. 1, Cockeysville, Md. 21030

Mr. Mark Croyle, 10526 Marriottsville Road, Randallstown, Md. 21133

Christine Rorke, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File



### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at _	10620 Marriottsville Road
which is	presently zonedRC-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.

				is the subject of the	s remon.		
Contract Purchaser/Lesse	ee:			Legal Owner(s	<u>):</u>		
				Marriottsville	Manor, LLC		
Name - Type or Print			Name - 1	ype or Print			
Ol-venture		<u> </u>	-	Signature	·		<del></del>
Signature				James W. McKee	Mamber		
Address	<del></del>	Telephone No.	-	Name - Type or Print			
			-	/ <u>/</u>	<del>-</del>		
City	State	Zip Code		Signature			
Attorney For Petitioner:				5 Shawan Road,	Suite 1	(410)	527-1555
71ttorritory 1 or 1 or 1 or 1				Address			Telephone No.
D. Duclar Holows				Cockeysville, 1	MD 21030		
D. Dusky Holman Name - Type or Print			City		State	Zip	Code
D. Dusky John				Representative	e to be Conta	acted:	
Signature			-	James D. Gramma	r		
Gildea & Schmidt, LLC			_	McKee and Assoc	riates, Inc.		
Company	<u> </u>		-	Name			
220 Bosley Avenue	(410)	234-0070	_	5 Shawan Road,	Suite 1	(410)	<u> 527-1555</u>
Address		Telephone No.		Address	#> 01.000		Telephone No.
Towson, MD 21204			_	Cockeysville, M	1D 21030		75- 0-1-
City	State	Zip Code		City		State	Zip Code
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Asking The ZC

1. To determine that the amended Development Plan shall be reviewed for compliance with the R.C.5 zoning regulations, which were in effect at the time the original plan was approved, and shall not be subjected to review pursuant to Section 1A04 of the Baltimore County Zoning Regulations as amended by County Council Bill No. 55-2004.

Engineering • Surveying • Environmental Planning Real Estate Development

February 1, 2006

DESCRIPTION OF STRAUSS PROPERTY 10620 MARRIOTTSVILLE ROAD PDM NO. II-660

BEGINNING at a point on the centerline of Marriottsville Road at a distance of 900 feet, more or less, northeasterly from Hernwood Road, then running in the centerline of Marriottsville Road, North 56 degrees 38 minutes 57 seconds West, 794.46 feet, North 56 degrees 38 minutes 57 seconds West, 192.68 feet, North 56 degrees 38 minutes 57 seconds West, 187.00 feet, then leaving said centerline and running North 24 degrees 26 minutes 33 seconds East, 290.00 feet, North 24 degrees 26 minutes 33 seconds East, 289.81 feet, South 86 degrees 35 minutes 39 seconds East, 406.33 feet, South 86 degrees 35 minutes 39 seconds East, 406.33 feet, South 86 degrees 35 minutes 39 seconds East, 759.85 feet, and South 20 degrees 01 minutes 00 seconds West, 1,186.93 feet to the point of beginning. CONTAINING 23.075 acres of land, more or less. BEING known as 10620 Marriottsville Road and lying in the 2<sup>nd</sup> Election District, 4<sup>th</sup> Councilmanic District.

379

#### 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: #06-379-SPH

10620 Marriottsville Road North side of Marriottsville Road @ a distance of 900

ft. +/- from Hernwood Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Marriottsville Manor, LLC, by: James W McKee, Member

Special Hearing: to determine that the amended Development Plan shall be reviewed for compliance with the R.C.5 zoning regulations, which were in effect at the time the original plan was approved, and shall not be subject to review pursuant to Section 1A04 of the B.C.Z.R. as amended by County Council Bill No. 55-2004. Hearing: Thursday, February 23, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES. (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT/2/631 Feb. 9 839 83902

#### CERTIFICATE OF PUBLICATION

<del></del>	29	, 20 <u>0</u> 6	
THIS IS TO CERTIFY, the	at the annexed adv	vertisement v	was published
n the following weekly news	paper published in	Baltimore (	County, Md.,
once in each ofsucce	ssive weeks, the f	irst publicati	i on appearing
on 2 7 ,20 <u>06.</u>			 
The Jeffersonia	an		
🗀 Arbutus Times			î 
🗖 Catonsville Tir	nes		
☐ Towson Times	<b>;</b>		
☐ Owings Mills 7	<b>Times</b>		1 i
□ NE Booster/R	eporter		
☐ North County	News		
	S. Wil	Kinsa	1
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DISTRIBUTION WHITE CASHLER PINK AGENCY	57-1-1	PECEIVED / C.		DATE	BALTIMORE COUNTY, MADERICE OF BUDGET & FINANCE MISCELLANEOUS RECEIP	
YELOW- CUSTOMEN	The Mary 370		AMOUNT \$ 37.5	ACCOUNT	RYLAND RO.	
CASHIER'S VALIDATION				(1) 1 (1)		

#### **CERTIFICATE OF POSTING**

Comment of the control of

Revised 3/1/01 - SCJ

Baltimore County Dept. of Permits & Development Management 111 W. Chesapeake Avenue, Rm. 111 Towson, MD 21204

		Date: <u>2/7/</u>	2006
Attent	tion: Mrs. Kristen N	1atthews	
RE:	Case Number: <u>06-</u>	379-SPH	
	Petitioner/Develop	er: MARRIOTTSVILLE MANOR, LLC	
	Date of Hearing/Cl	osing: 2/23/2006	
	posted conspicuous	der the penalties of perjury that the necessary sign(s) required by on the property located at	ired by law
#1062	20 MARRIOTTSVILI	LE RUAU	<del></del>
	The sign(s) were p	osted on FEBRUARY 7, 2006  (Month, Day, Year)  (Signature of Sign Pos	ster)
		William D. Gulick, Jr.	
		(Printed Name of Sign I	oster)
_ II _	ATTACH PHOTOGRAPH OF GN POSTED ON PROPERTY HERE	McKee and Associates, Inc <u>5 Shawan Road, Suite 1</u> (Street Address of Sign	
		Cockeysville, MD 21030 (City, State, Zip Code of S	ign Poster)
		(410) 527-1555 (Telephone Number of Si	gn Poster)

## ZONINGICE.

CASE # 06-379-6PH

# A PUBLIC MEANING WILL BE HELD BY THE ZONING COMMISSIONER

COUNT LOFFICE BUILDING ROOM TOG PLACE: TOWSON, NO 21204

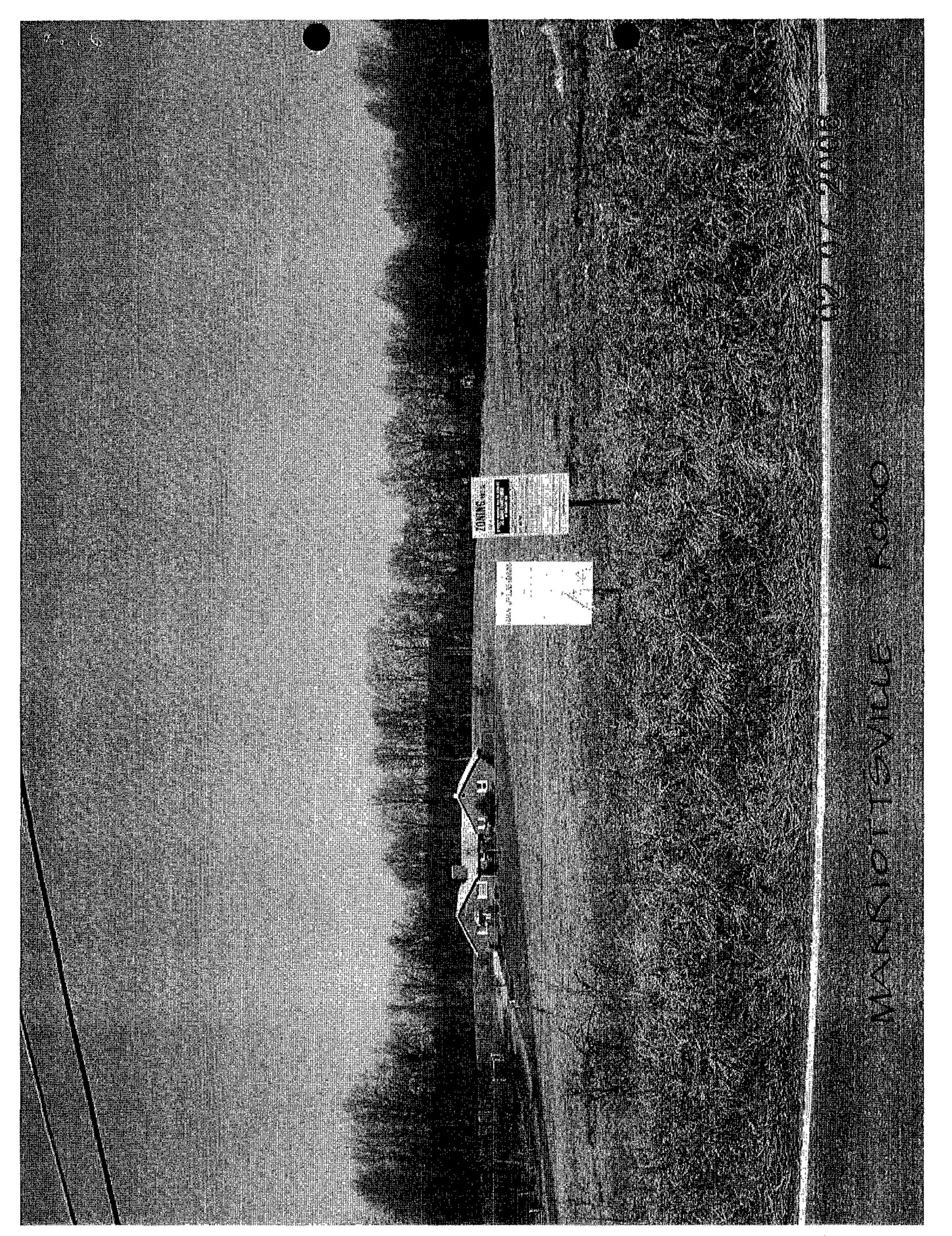
DATE AND TIME: FEB. 23,2006 @ 9:00 AW

SPECIAL HEARING TO DETERMINE

REQUEST: THAT THE AMENDED EXCELOPMENT PLAN
SHALL BE REVIEWED FOR COMPLIANCE WITH THE R.C.-S COMING
REGULATIONS, WHICH WERE IN EFFECT AT THE TIME THE
ORIGINAL PLAN WAS APPROVED, AND SHALL NOT BE SUBJECT
TO REVIEW PURSUANT TO SECTION LAOA OF THE
B.C.Z.R. AS AMENDED BY COUNTY COUNCIL
BILL NO. 55-2004

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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



TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 7, 2006 Issue - Jeffersonian

Please forward billing to:

Marriottsville Manor, LLC (410-527-1555)

5 Shawan Road, Suite 1 Cockeysville, MD 21030

#### 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: 06-379-SPH

10620 Marriottsville Road

North side of Marriottsville Road @ a distance of 900 ft. +/- from Hernwood Road

2nd Election District, 4th Councilmanic District

Legal Owners: Marriottsville Manor, LLC, by: James W. McKee, Member

Special Hearing to determine that the amended Development Plan shall be reviewed for compliance with the R.C.5 zoning regulations, which were in effect at the time the original plan was approved, and shall not be subject to review pursuant to Section 1A04 of the B.C.Z.R. as amended by County Council Bill No. 55-2004.

Hearing: Thursday, February 23, 2006 @ 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204

WILLIAM J. WISEMAN, III

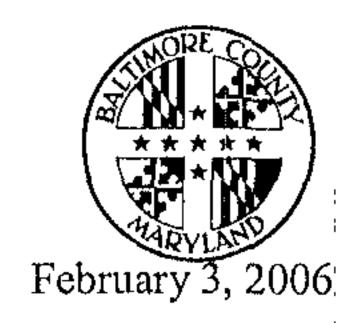
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

#### 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

#### NOTICE OF ZONING HEARING

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Hearing: Thursday, February 23, 2006 @ 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204

Timothy Kotroco Director

TK:raj

c: D. Dusky Holman, Esquire, Gildea & Schmidt, LLC, 220 Bosley Avenue, Towson, MD 21204 James W. McKee, Member, Marriottsville Manor, LLC, 5 Shawan Road, Suite 1, Cockeysville, MD 21030 James D. Grammer, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville, MD 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BYWEDNESDAY, FEBRUARY 8, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (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

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

#### **ZONING REVIEW**

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

tem Numb	er or Case Number: 06 - 379 - 5PH	
Petitioner:	Marriottsville Manor, IIC	
Address o	Location: 10620 Marriottsville Road	<del></del>
Name:	ORWARD ADVERTISING BILL TO:  Marriottsville Manor, IIC	
Name:		

#### Department of Permits All 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

February 20, 2006

D. Dusky Holman Gildea & Schmidt, LLC 220 Bosley Avenue Towson, MD 21204

Dear Mr. Holman:

RE: Case Number 06-379 SPH: 10620 Marriottsville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 3, 2006.

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,

u. Callibald

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel

Marriottsville Manor James W. McKee 5 Shawan Road, Ste 1 Cockeysville 21030

James D. Grammer McKee and Associates, Inc 5 Shawan Rd Ste 1 Cockeysville 21030



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



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 February 24,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 20, 2006

Item No.: Item Numbers 375 through 386

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.

LT. Roland P. Bosley Jr. Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 27, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

for February 27, 2006

Item Nos. 375, 376, 377, 378, 379, 380,

381, 382, 384, 385, and 386

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-02272006.doc



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

Date: 2.17.04

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

RE:

Baltimore County

Item No. 377 JRF

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, Chief

**Engineering Access Permits Division** 

1. J. Soul

RE: PETITION FOR SPECIAL HEARING

10620 Marrottsville Road; NE/S Marriottsville

Road, 900' NW Hernwood Road

2<sup>nd</sup> Election & 4<sup>th</sup> Councilmanic Districts

Legal Owner(s): Marriottsville Manor, LLC

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

BALTIMORE COUNTY

06-379-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 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 27th day of February, 2006, a copy of the foregoing Entry of Appearance was mailed to James Grammer, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville, MD 21030 and to D. Dusky Holman, Esquire, , Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

FEB 2 / 2006

Per. Land

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

#### FAX COVER SHEET

Date:	3/1/06	
To:	Betty Debie	<del>-</del> i
Fax number:	#3468	<b></b>
From:	andrea	-
Fax number:		• ! :
Number of pages (including this cover sheet):	5	
Message:	I think you requested.  Comments on this case 06:379	'-SP+
	I week send hard copies (originals)  with This week's files	
any part of this fax training or not clearly release call:	received Theref.	ļ
ame:	TEW	
hone number:		

#### FAX COVER SHEET

Date:	February 3, 2006
To:	Dusky Holman
Fax number:	410-234-0070
From:	Dobin Jameson
Fax number:	410-887-3048
Number of pages (including this	
cover sheet):	
	Re: 06-379-5PH
Message:	- Hotice will be published in
	"Deft" 500 02/7/06. Please past
	Property by 2/8/06
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hone number:	410-887-3391
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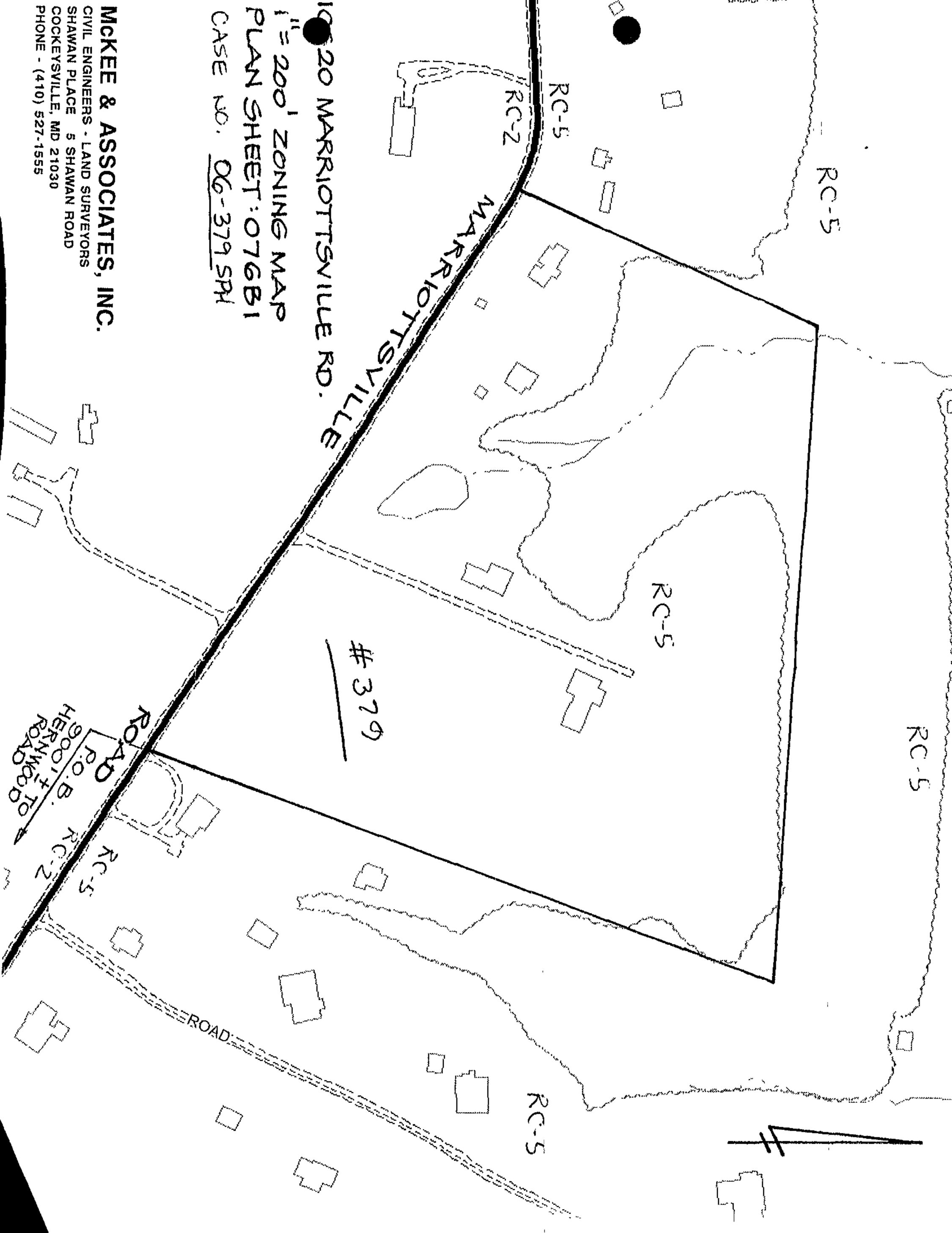
#### FAX COVER SHEET

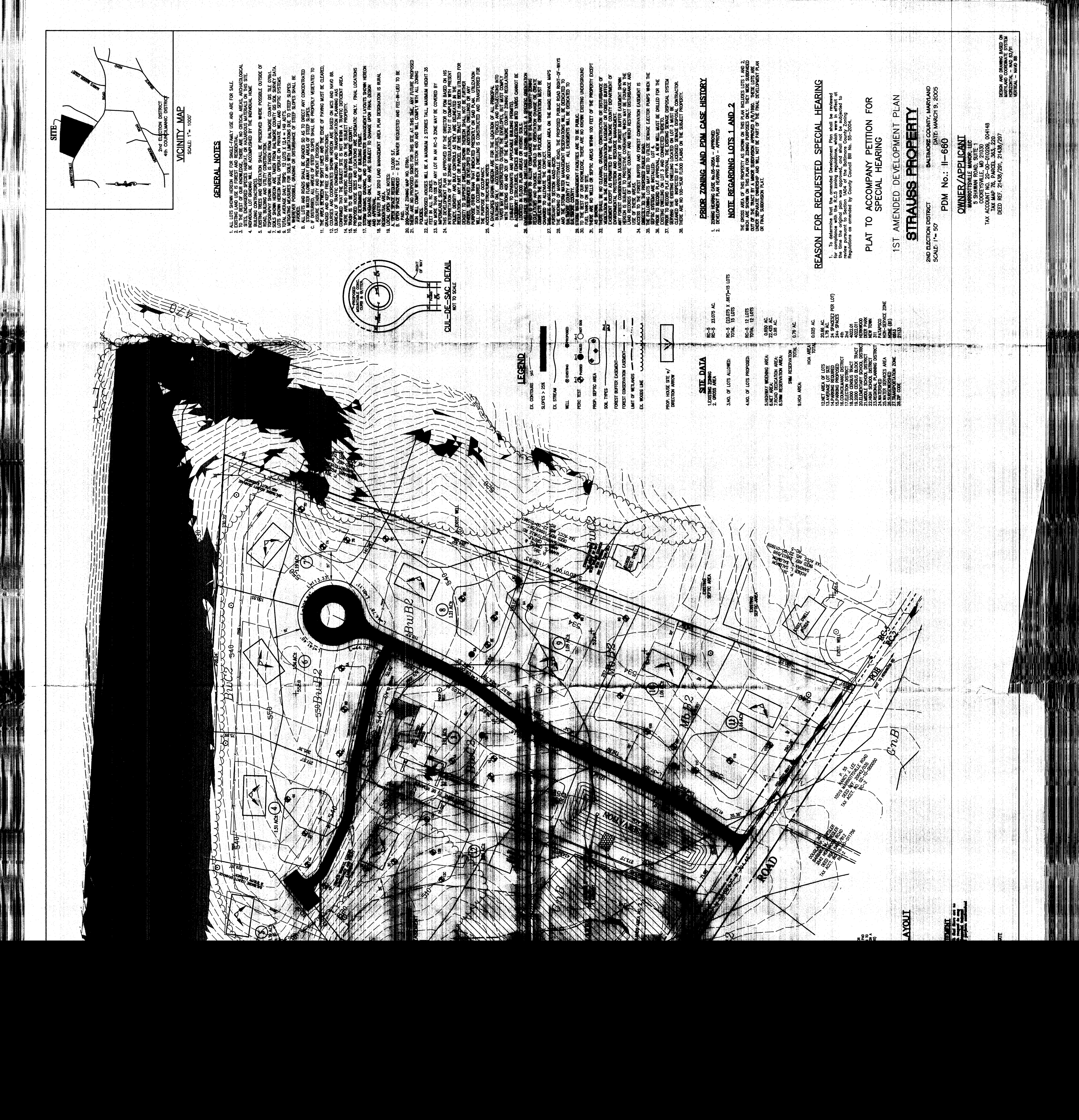
	D
Date:	Jelu. 3, 2006
To:	Susan Niekenson, Jeffe
Fax number:	410-825-4278
From:	- Nobin Jameson
Fax number:	410-887-3048
Number of pages	
(including this cover sheet):	
Message:	Please jublish this notice
	in Feb. 2900 Issue.
	Marko.
	De: 706-379-594
f any part of this fax to s missing or not clearly blease call:	ransmission 7/23/06 Heaving received
Vame:	- Roben
hone number:	410-887-3391

Case	No.: 06-379 SPH	PDM II - 66	<b>O</b>
	Exhibit	i	
<del> </del>	Petitioner/Developer	Protestant	774
No. 1	AMENDED RED LINE PLAN	REC & PARK	SWAWER
No. 2	Regime Development Plan 9/04	Lt. MEZICKS	
No. 3	Plan submitted to DRC 2005	; ;	
No. 4	15t annaled Dev. Plan-filed prappival		
No. 5	55-04 Re-5 6/04 BILL		
No. 6	128-05 RC-5 9/05 T3,LL		
No. 7	GRAMMERS LEHER to		· · · · · · · · · · · · · · · · · · ·
No. 8	KOTROCO'S LEHER MATERIAL AMENDMENT		
No. 9	M'S GERMAN - OP letter - mittiel conflict 5 HOULD COMPLY WITH NEW LAW		
110. 10	M'S GGEMAN - APPROVAL RE-REVIEWED Comment		·
	noi Order	! 1	
No. 12	Mici of Plann mments - 2/21/06		

## ZONING HEARING FILE INTERNAL CHECKLIST Zoning Case No. 26-379-594

Date Completed/Initials	
$-\frac{2}{3}$	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing, post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)  2/1  ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
<del></del>	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)





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development in Baltimore County. Additionally, all of the County representatives present other than DERPM confirmed that there were no issues from their respective agencies. It is particularly significant to note that Mr. Murray from the Office of Planning produced an amended Development Plan Comment at the hearing. That Comment stated that the Office of Planning rescinded its prior concerns relating to the issue identified in the Petition for Special Hearing and opined that the proposal met all relevant zoning and development regulations.

Mr. Livingston, on behalf of the Department of Environmental Protection and Resource Management, identified several unresolved issues from his agency. It is noted that due to prior concerns regarding the application of the appropriate zoning regulations to the proposed development of the site, the Office of Planning had not signed off and allowed the release of those permits required to allow the Developer to perform percolation tests on the property. Thus, these tests had not been completed at the time the hearing was convened. Thus, Mr. Livingston indicated that the Groundwater Management Division of DERPM could not approve the plan until such percolation tests were conducted and approved and this was therefore an "open issue". Additionally, Mr. Livingston indicated that an Alternatives Analysis for a Forest Buffer Variance was still under review by his agency and that the preliminary Forest Conservation Plan had not been reviewed and approved. Finally, Mr. Livingston advised that the stormwater management proposal for the site had not been fully reviewed and approved. Due to these outstanding issues and in recognition of the fact that there were not other issues raised by any neighbor or other County agencies, the public hearing was concluded. However, the record of the case was held open to provide an opportunity for these matters identified by DEPRM to be addressed. Subsequent to the hearing, the undersigned Hearing Officer received a letter dated February 23, 2006 from John G. Russo of the Environmental Impact Review Division of DERPM indicating that review the preliminary Forest Conservation Plan had been completed and that this Plan had been approved.

Similarly, a letter dated February 28, 2006 from David A.C. Carroll, Director of DERPM, was submitted into the record, approving the Alternatives Analysis and a Forest Buffer Variance. Finally, an amended Development Plan Comment/correspondence was received from DERPM stating that the Stormwater Management Plan, percolation tests and other outstanding issues were resolved. On July 31, 2006, a memorandum dated same from David Lykens, Manager, Development Coordination of DEPRM, was received, indicating that their department has completed review of the environmental information associated with the Strauss Property and can now recommend that the Development Plan be approved.

With the receipt of this documentation from DEPRM, it is clear that the Development Plan meets all applicable standards and requirements under Baltimore County Law. Thus, there are no outstanding issues remaining and the plan should be approved. With these submissions, I easily find that the First Amended Redlined Development Plan complies with all appropriate and applicable regulations and standards.

Insofar as the Petition for Special Hearing, it is again noted that the Office of Planning rescinded its earlier objection to the granting of the requested relief and now supports the request. The Petition for Special Hearing sought clarification of the application of the RC-5 regulations as contained within the BCZR to this site. As noted above, when the Hearing Officer approved the Development Plan for this property on August 24, 2004, he applied the then-existing RC-5 regulations to this project. Subsequently, the Baltimore County Council amended the RC-5 regulations by passage of Bill 55-04. That Bill altered lot size and setback requirements in the RC-5 zone. The Bill further provided that the provisions therein "shall not apply" to any project for which a concept plan was accepted for filing by Baltimore County prior to June 7, 2004. In the instant case, there has been no new Concept Plan filed, as the proposal under consideration at this time is a material amendment to a previous plan and not a new proposal. As there has been no new