



S/E Corner of Eastern Avenue & Hopkins Landing Drive (Hopewell Pointe)

15<sup>th</sup> Election District

6th Council District

Eastern Avenue Investment, LLC Owner/Petitioner

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF
- \* BALTIMORE COUNTY
- \* Case No. 06-669-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for a Variance filed by the legal owner of the property, Eastern Avenue Investment, LLC, by and through its attorneys John B. Gontrum, Esquire, and Whiteford, Taylor & Preston, LLP. The Petitioner requests a Variance from Section 400.1 of the Baltimore County Zoning Regulations (hereinafter cited as B.C.Z.R.) to permit accessory structures (detached garages) in the side and front yards of a principal building in lieu of the required rear yard; from Section 1B01.2C.1.e and Comprehensive Manual of Development Policies (CMDP) Division II.A. by means of Section 504.2 of the B.C.Z.R. to permit a rear building face 10 feet from a property line in lieu of the required 40 feet; from Section 1B02.2A and CMDP Division II.A. by means of Section 504.2 of the B.C.Z.R. to permit a maximum height of dwelling of 57 feet in lieu of the permitted maximum height of 50 feet; and finally from Section 400.3 to permit accessory structure (garage) heights of 28 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing were Ellwood A. Sinsky and Thomas E. Carski, managing members of the Eastern Avenue Investment, LLC, the property owner and Mitchell

Kellman, Director of Zoning Services for Daft McCune Walker, Inc. the consultants who prepared the site plan of this property. Representing the Petitioner and owner was John B. Gontrum, Esquire.

There were no Protestants or citizens appearing in opposition to the request and there were no adverse zoning advisory comments received. The hearing proceeded on a proffer from Counsel for the Petitioners.

Testimony and evidence offered revealed that the overall site is comprised of over 54 acres located in eastern Baltimore County and has primarily been developed for residential housing in both individual homes and multi-level condominium buildings. The area that is the subject of the variance before me contains slightly less than 5 acres and is zoned BL-AS. Originally, this area was planned for a commercial strip center, but the developer is seeking now to build three (3) condominium apartment buildings. Each building would contain sixteen (16) units for a total of 48 units. The site has zoning to support 476 dwelling units, and with the approval of the proposed condominium units a total of 262 units will have been permitted, well under the allowed density. This was confirmed by correspondence in the file from John Lewis of the Zoning Bureau in the Department of Permits and Development Management (see Petitioner's Exhibits 2 and 3).

A County Review Group (CRG) meeting has been held to amend the approved CRG plan for the property. At the CRG meeting there also were no Protestants, and the material amendment to the CRG was approved conditioned on the approval of the requested zoning variances and of the road closing of a portion of Weber Avenue extending from Old Eastern Avenue to Hopkins Landing Drive.

One of the issues arising from the proffered testimony is the extent of the applicability of Section 103.1 of the B.C.Z.R. Section 103.1 has traditionally been applied to changes to a previously approved development plan. Pursuant to this section, the zoning provisions in effect at the time of the initial approval of the plan have been applied even to material changes in the approved development plan. Earlier this year, however, County Council Bill 24-06 was enacted in part to supersede Section 103.1 and to require that material changes to a plan be assessed under current zoning regulations. The CRG plan for this development was filed prior to March 17, 2006, seeking a material amendment, and consequently, the development plan was processed under the old regulations. March 17, 2006 was the cut-off date for the applicability of the council bill to file plans.

The zoning requests in this case, however, were filed after the effective date of the legislation. While the current development regulations may not apply, it seems clear to me that the zoning regulations have to be addressed as of the time of the hearing or at least the filing of the requests, and in either case a material amendment must be considered under today's conditions and zoning regulations and not as they existed at the time of the original CRG approval. This makes a difference in the applicability of the regulations, for over the years the zoning on adjoining property has changed significantly. Although the adjoining zoning at the time of the original CRG approval was predominantly D.R.16, today there is a mix of adjoining zones, not predominantly D.R.16.

Section 302 of the B.C.Z.R. states: "Residences hereafter erected in business and manufacturing zones shall be governed by height and area regulations for the predominant residential zone which immediately adjoins ...". Two of the variances sought pertain to height and setbacks for the principal residential dwellings.

Petitioner has sought a 10-foot rear yard setback in lieu of the required 40-foot setback as required by B.C.Z.R. Section 1B01.2C.1.e and by CMDP Division II. This setback is from property that was formerly part of the Tall Trees Condominium Apartment project. This property has since been purchased by the county for open space. The building's rear line is approximately in the area of a portion of Weber Avenue that is proposed to be closed.

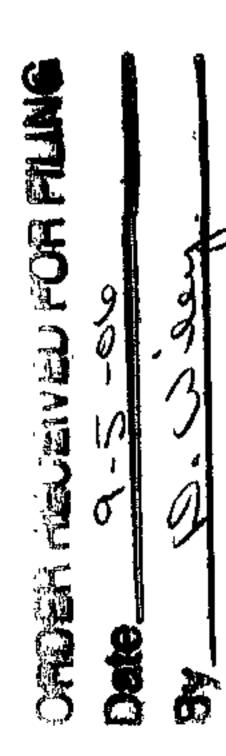
The Petitioner also proposes an extensive landscape treatment as a focal point in the court created by the three (3) condominium buildings. Compliance with the 40-foot setback, while possible, would destroy the arrangement of the buildings, eliminate the landscape feature, and serve no real public purpose. There were no objections to this variance request. Counsel pointed out that a retail building or office building would be permitted as close, or closer, to the property line than the residential building proposed. The setback is from property that is no longer in either business or residential use and which will be open space for the foreseeable future. The condominium building is going to be placed over the old roadbed of Weber Avenue, and I believe that the configuration of the property and its relationship to the adjoining property is substantially unique. The elements for the granting of the variance would appear to be present. Strict compliance with the regulations would result in a configuration that is undesirable and creates a practical difficulty. The development of this site with the quality detail of the overall design is certainly consistent with the zoning regulations.

Petitioner also has asked for a height variance, if necessary, to allow the condominium buildings to be 57 feet in height. The variance requested is from Section 1B02.2A and CMDP Division II by means of Section 504.2 of the B.C.Z.R. Petitioner believes that the predominant zoning in place at the time of the original CRG approval surrounding the commercial zoning (D.R.16) may be applicable. For the reasons described above, I believe that the current

surrounding zoning is the appropriate zoning to consider, and that the variance requested is necessary in order to permit a building 57 feet in height.

It is apparent that the variance requested is justified. The proposed condominium buildings are designed to be virtually identical to the other eight (8) condominium buildings already built at Hopewell Pointe. The same roof pitch and architectural features will be provided. The desire for the extra seven (7) feet in height is to accommodate the architectural features of the roof pitch. The four stories would terminate well under the fifty (50) feet height limit required by Section 1B02.2A and the CMDP. A flat roof or even a less pitched roof with no architectural features could be accommodated without a variance. These three (3) condominium buildings, however, will be the most visible buildings from Old Eastern Avenue, and they should have the same treatment and be of at least the same quality, if not higher quality, in appearance than those eight (8) condominium buildings already constructed in the interior of the site. I find that given the location of these buildings, their situation on the property and the nature and purpose of the relief requested that the variance to allow a 57-foot height for the dwellings in lieu of the permitted 50-foot in height is warranted.

As noted above, two of the variance requests from B.C.Z.R. Sections 400.1 and 400.2 pertain to the two proposed six (6) car garage structures. These two structures are tucked between buildings and are effectively screened by the proposed condominium buildings and landscaping from Old Eastern Avenue. Given the shape of this parcel and the environmental constraints, it would indeed be difficult to put detached structures on the property in such a configuration as to be behind the proposed buildings. Parking is supposed to be accessible, and while the variance could have been avoided by attaching the garages to the buildings, there is no real purpose served in so doing. The flood plain elevations are such that no basements are



feasible, and it is not desired to have parking under the proposed floor areas of the buildings thereby increasing their height.

It is questionable that variances are even necessary for this use. B.C.Z.R. Section 400 pertains to "Accessory Buildings in Residential Zones". These buildings are in a commercial zone. Because the zone supports a residential use, and because B.C.Z.R. Section 230.1 states that "uses permitted and as limited in the residential zone immediately adjoining" are permitted in a BL zone, Petitioner believes that residential accessory structure limitations apply even in the commercial zone. Assuming that is the case, I find that the unique shape of the property combined with the environmental constraints presents a practical difficulty in meeting the strict requirements of Section 401 of the B.C.Z.R.

Accessory structures in residential zones are limited in B.C.Z.R. Section 400.2 to fifteen (15) feet in height. These one-story garages are designed with distinctive roof features and cupolas that are a recurrent design theme in the Hopewell Pointe development. Building elevations were shown of the proposed garages, and are attractively designed. The height will still be approximately half the height of the proposed condominium buildings. The Office of Planning does not object to the look of the buildings, and based on their location on the site, I find that this variance from the height regulations also is justified, and that in fact the overall appearance of the site is improved by the added height to these structures. While a flat roof or a moderately pitched roof could be built, it would detract from the overall appearance of the development. The property is zoned commercial, but again, if Petitioner believes that because residential use is proposed, ... that the residential standards including those applicable to accessory structures should be applied then the request is appropriate. Based on the proffer

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

- The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed, and this Order is reversed, the relief granted herein shall be rescinded.
- Development and use of the subject property shall comply with the ZAC comments submitted by DEPRM and the Bureau of Development Plans Review relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and made a part hereof.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the

Baltimore County Code.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

7



JAMES T. SMITH, JR. County Executive

September 5, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

John B. Gontrum, Esquire Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE

S/E Corner of Eastern Avenue & Hopkins Landing Drive (Hopewell Pointe)

15<sup>th</sup> Election District – 6<sup>th</sup> Council District

Eastern Avenue Investment, LLC – Owner/Petitioner

Case No. 06-669-A

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions, 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,

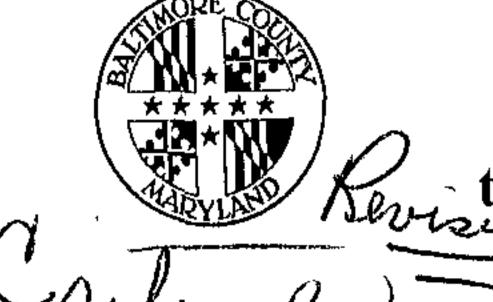
WILLIAM J. WISEMAN, III Zoning Commissioner

for Baltimore County

WJW:dlw

c: Mr. Ellwood A. Sinsky, Eastern Avenue Investment, LLC
2416 Velvet Valley Way, Owings Mills, 21117
 Mr. Thomas E. Carski, 514 Hampton Lane

 Towson, Md. 21286
 Mr. Mitch Kellman, Daft McCune Walker, Inc.
 200 East Pennsylvania Avenue, Towson, Md. 21286
 DEPRM; Bureau of Development Plans Review; People's Counsel; Case File



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>SE Corner Eastern Avenue</u> and Hopkins Landing Drive which is presently zoned <u>BL-AS</u>

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

#### SEE ATTACHED

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

#### SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.

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

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

#### Contract Purchaser/Lessee:

#### Legal Owner(s):

			Easte	rp Axtenu	e Investm	ent, LLC
Name - Type or Print		Name -	Easte Type or Print			
Signature			Signature	By: Ell	wood A. S	insky
Address	<u>.                                    </u>	Telephone No.	Name - Typ	e or Print	<u> </u>	· · · · · · · · · · · · · · · · · · ·
City	State	Zip Code	Signature	<u> </u>	· · · · · · · · · · · · · · · · · · ·	<del></del>
Attorney For Petition	ner:		2416	Velvet V	alley Way	410-363-6644
			Address			Telephone No.
John B. Gontra	9/	Towson	Owing	s Mills,		21117
Name - Type or Print		City			State	Zip Code
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Date

# VARIANCES REQUESTED:

504.2

1. Section 400.1 to permit accessory structures (detached garages) in the side and front yards of buildings in lieu of the required rear yard.

- 2. Section 1B01.2C.1.e, Section 507 and the CMDP Division II. A. to permit a rear building face of 10 feet in lieu of the required 40 feet to property line.
- If necessary, Section 1B02.2A, Section 507 and the CMDP Division II. A . to permit a maximum height of dwelling of 57' in lieu of the required maximum height of 50'.
- 4. Section 400.3 to permit (2) garage heights of 28 ft in lien of 15 ft. Practical Difficulty:

Site Configuration and layout of site so as to prevent massing of buildings creates the practical difficulty for variances 1 and 2. Variance 3 may not be needed based on a finding of surrounding zoning as D.R. 16. If zoning variance 3 is needed, the intent is to prevent a flat roof appearance and to create a more appealing roof line.

Variances also requested for such other and further reasons as may be presented at time of hearing.

## Description

## For A Zoning Variance

#### East of Old Eastern Avenue

# Fifteenth Election District, Baltimore County, Maryland



Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue Towson, Maryland 21286 http://www.dmw.com 410 296 3333 Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the intersection of the centerline of Hopkins Landing and Old Eastern Avenue, thence running with and binding on the centerline of Old Eastern Avenue in a southwesterly direction a distance of 391.52 feet, more or less, thence leaving said centerline and running in a southeasterly direction a distance of 33.50 feet to the point of beginning, referring all courses of this description to the Grid Meridian establishing in the Baltimore Metropolitan District, thence leaving said point of beginning and running the eleven following courses and distances: (1) South 47 degrees 48 minutes 25 seconds East 236.77 feet, thence (2) Southeasterly by a line curving to the left, having a radius of 155.03 feet, for a distance of 119.68 feet (the arc of said curve being subtended by a chord bearing South 70 degrees 09 minutes 41 seconds East 116.73 feet), thence (3) South 84 degrees 41 minutes 40 seconds East 246.05 feet, thence (4) North 02 degrees 07 minutes 37 seconds West 427.35 feet, thence (5) Northwesterly by a line curving to the left, having a radius of 400.00 feet, for a distance of 148.54 feet (the arc of said curve being subtended by a chord bearing North 56 degrees 04 minutes 29 seconds West 147.69 feet), thence (6) North 66 degrees 42 minutes 47 seconds West 246.00 feet, thence (7) South 23 degrees 17 minutes 13 seconds West 80.72 feet, thence (8) South 66 degrees 42 minutes 47 seconds East 143.00 feet, thence (9) South 23 degrees 17 minutes 13 seconds West 50.00 feet, thence (10) North 66 degrees 42 minutes 47 seconds West 143.00 feet, thence (11) South 23 degrees 17 minutes 13 seconds West 288.80 feet to the point of beginning; containing 4.996 acres or 217,628 square feet of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

May 24, 2006

Project No. 86076.X (L87076.X-2)



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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: # 06-669-A

Southeast corner of Eastern Avenue and Hopkins Land-Ing Drive

15th Election District — 6th Councilmanic District Legal Owner(s): Eastern Avenue Investment, LLC,

Ellwood Sinsky

Variance: to permit an accessory structure (detached garage) in the side and front yards of building in lieu of the required fear yard. To permit a rear building acc of 10 feet in lieu of the required 40 feet to property line. To permit a maximum height of dwelling of 57 feet in lieu of the required maximum height of 50 feet. To permit 2 garage heights of 28 feet in lieu of 15 feet. To permit 2 garage heights of 28 feet in lieu of 15 feet. Hearing: Wednesday, August 28, 2006 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III 🦤

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 8/657 August 8

# CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was publ	lished
in the following weekly newspaper published in Baltimore County,	Md
once in each ofsuccessive weeks, the first publication appear on8 8,2006	aring
on <u>8/8   ,2006 .</u>	
The Jeffersonian  Arbutus Times	
Arbutus Times	İ
☐ Catonsville Times	ì
☐ Towson Times	
Owings Mills Times	į
□ NE Booster/Reporter	į Į
☐ North County News	ĺ
J. WUKUNST.	

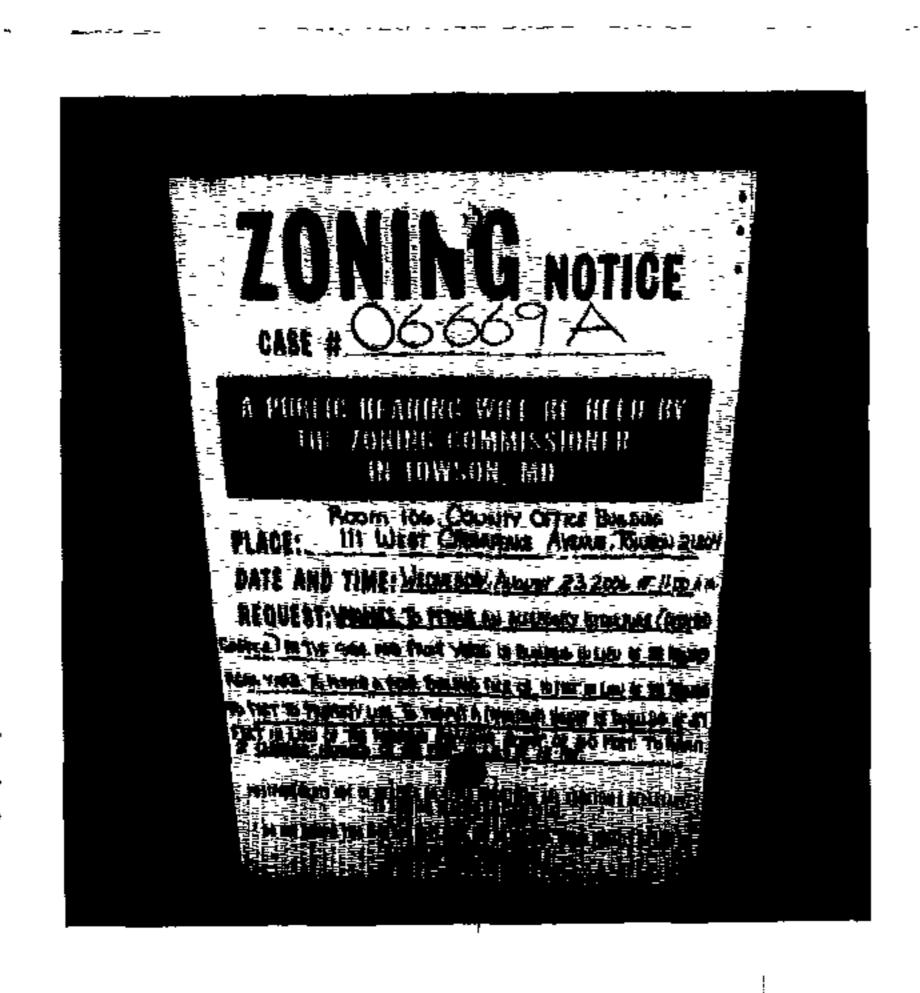
# CERTIFICATE OF POSTING

RE: Case No.: 06-667-A

Petitioner/Developer: EASTERY AVENUE INVESTMENT Date of Hearing/Closing: AUG 23, 2006 This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were WEBER AND OLD EASTERN AVES,

Sincerely,

(Month, Day, Year)



**Baltimore County Department of** 

County Office Building, Room 111

111 West Chesapeake Avenue

Towson, Maryland 21204

Ladies and Gentlemen:

The sign(s) were posted on

Permits and Development Management

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

posted conspicuously on the property located at:

. Jak

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1) 1: 1 Ran 8-10-06
(Signature of Sign Poster) (Date).
SSG Robert Black
(Print Name)
1508 Lestie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

# 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





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

July 13, 2006

# **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: 06-669-A

Southeast corner of Eastern Avenue and Hopkins Landing Drive 15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Eastern Avenue Investment, LLC, Ellwood Sinsky

<u>Variance</u> to permit an accessory structure (detached garage) in the side and front yards of building in lieu of the required rear yard. To permit a rear building face of 10 feet in lieu of the required 40 feet to property line. To permit a maximum height of dwelling of 57 feet in lieu of the required maximum height of 50 feet. To permit 2 garage heights of 28 feet in lieu of 15 feet.

Hearing: Wednesday, August 23, 2006 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: John Gontrum, 210 W. Pennsylvania Avenue, Towson 21204 Ellwood Sinsky, 2416 Velvet Valley Way, Owings Mills 21117

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

- (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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 8, 2006 Issue - Jeffersonian

Please forward billing to:

John B. Gontrum Whiteford, Taylor & Gontrum 210 W. Pennsylvania Avenue Towson, MD 21204

410-832-2000

# **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:

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Hearing: Wednesday, August 23, 2006 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 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 410-887-4386.

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

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

# **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.

For Newspaper Advertising:  Item Number or Case Number: 66-669-A	<u>.</u>
Petitioner: Eastern Avenue Investment, LLC	
Address or Location: Southeast Corner of Eastern Avance and Hopkins Landing Drive	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: John B. Gontam	<del>11 1141411 114141411 4141 41</del>
Address: Whitefiel, Taylor, + Preston, LLP	<del></del>
, , ,	<del></del>
210 W. Pennsylvania Avc. Towson, MD 21204	<del></del>
Telephone Number: 410-832-2000	



JAMES T. SMITH, JR. County Executive

August 16, 2006

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

John B. Gontrum Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, MD 21204

Dear Mr. Gontrum:

RE: Case Number: 06-669-A, SE Corner Eastern Avenue and Hopkins Landing Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 26, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callibal)

WCR:amf

**Enclosures** 

c: People's Counsel Eastern Avenue Investment, LLC Ellwood A. Sinsky 2416 Velvet Valley Way Owings Mills 21117



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 Chesapeak: Avenue
Towson, Maryland 212)4

July 5, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 10, 2006

Item Number(s): 65% through 673

669

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

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

Maryland Department of Transportation

Date: 6.387.076

**Baltimore County** 

Item No. 6 6 7

RE:

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

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

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-669-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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By

**Division Chief:** 

CM/LL

RECEIVED

**DATE:** August 22, 2006

AUG 2 5 2006

LONING COMMISSIONED

#### BALTIMORE COUNTY, MARYLAND

## **Inter-Office Correspondence**



# RECEIVED

AUG 18 2006

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

August 11, 2006

SUBJECT:

Zoning Item

# 06-669-A

Address Hopewell Pointe

SE corner Old Eastern Ave. and Hopkins Landing Drive

Zoning Advisory Committee Meeting of July 3, 2006

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

# Additional Comments:

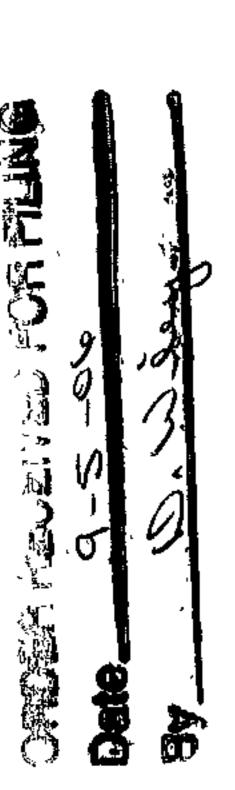
This project has been reviewed by DPERM as part of a revised CRG plan. All development plan, variance, and alternatives analysis approval conditions must be met in the development of this site.

Reviewer:

Glenn Shaffer

Date: July 25, 2006

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2006\ZAC 06-669-A.doc



# THE SELVENTHILL

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 10, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 10, 2006 Item No. 669

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 669-07072006.doc

RE: PETITION FOR VARIANCE

SE/corner Eastern Ave & Hopkins Landing Dr 15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts \*

Legal Owner(s): Eastern Avenue Investment, LLC by Ellwood A. Sinsky

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

**FOR** 

BALTIMORE COUNTY

06-669-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 and all 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 7th day of July, 2006, a copy of the foregoing Entry of Appearance was mailed to, John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

. 0 7 2006

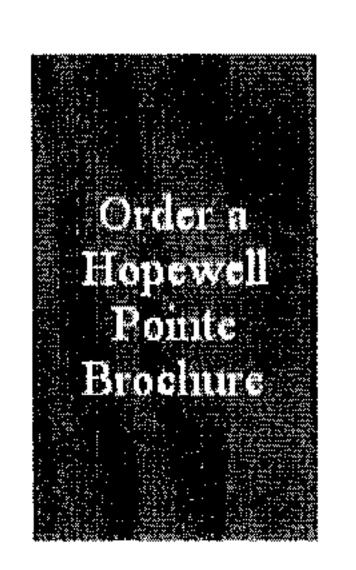
PETER MAX ZIMMERMAN

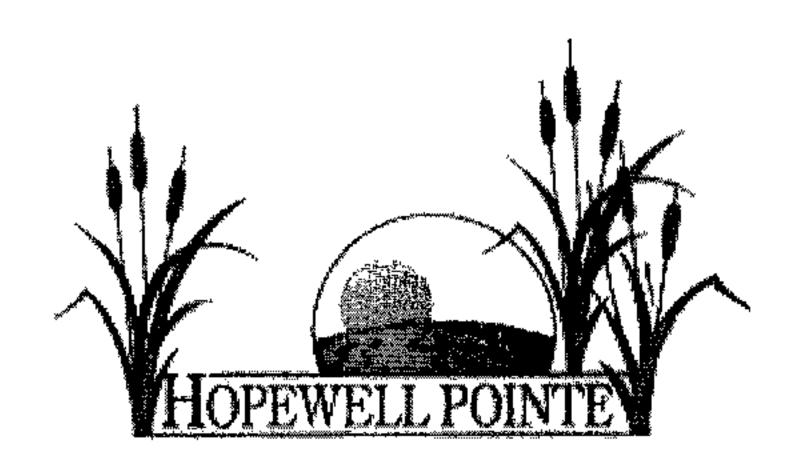
People's Counsel for Baltimore County

Per.....

Home Directions Sales Center Site Plan Single Family Homes Condominiums **Swimming Pool** Walking Path Observation Decks Marine Complex Fishing Pier Restaurant Future Plans for Area Shopping Contact Us Request a Brochure

> Views of Current Progress





# For Information Regarding Condominiums & Single Family Homes in Our Final Sections

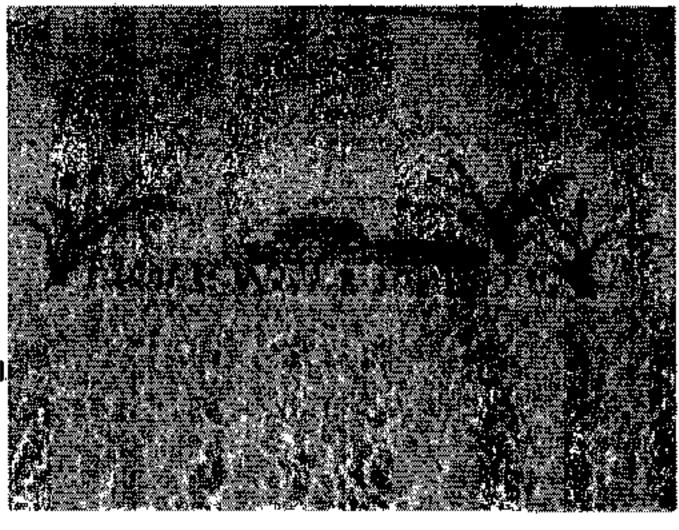
Call 410.686.5800 for Single Family & Condominium Sales

# Waterfront Living

Truly a unique opportunity to be part of an entirely new waterfront neighborhood offering all new single family and condominium homes.

# Waterfront lifestyle to dream about

In the new waterfront community of Hopewell Pointe the lifestyle opportunities abound for boating and water enthusiasts. Even if you are more of a land lover, you'll still fall in love with this tranquil, naturally beautiful one-of-a-kind community.

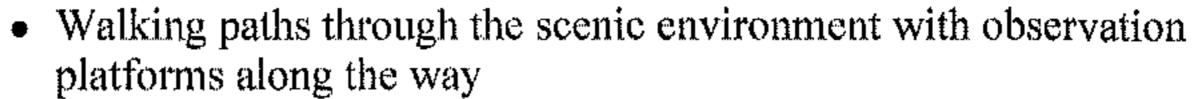


New Swimming Pool Now Open

Hopewell Pointe will offer 86 Single Family Homes and 128 Condominium Homes along with a myriad of recreational amenities...

- A private marina with 134 boat slips for the exclusive use of Homeowners
- Heated community swimming pool and spa
- Fishing Pier





- Unique park-like areas to attract wildlife
- A restaurant nestled on the point of the peninsula

See an overall site plan of Hopewell Pointe

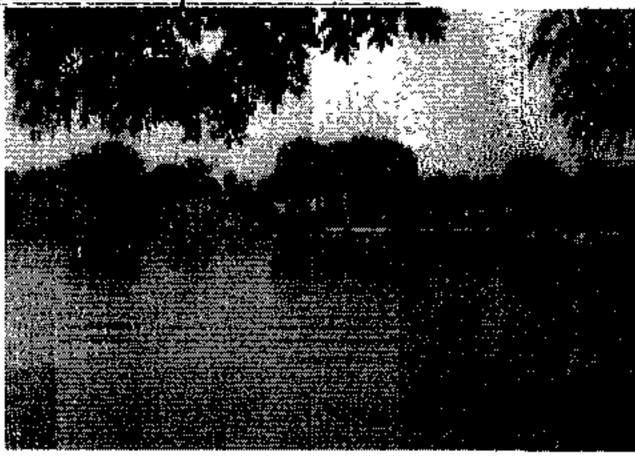
# Sales & Information

Sales 410.686.5800 Fax 410.686.5760

MHBR Nos. 3140 & 3141

Search





copyright © Hopewell Point LLC 2003 - 2006



From:

Debra Wiley

To:

Murray, Curtis

Date:

08/18/06 11:10:17 AM

Subject:

Comments Needed for Bill's Hearings Next Week

Hi Curtis,

The following files have been received from PDM and do no include Office of Planning comments:

06-669-A scheduled for 8/23 (Wed.) @ 11 AM

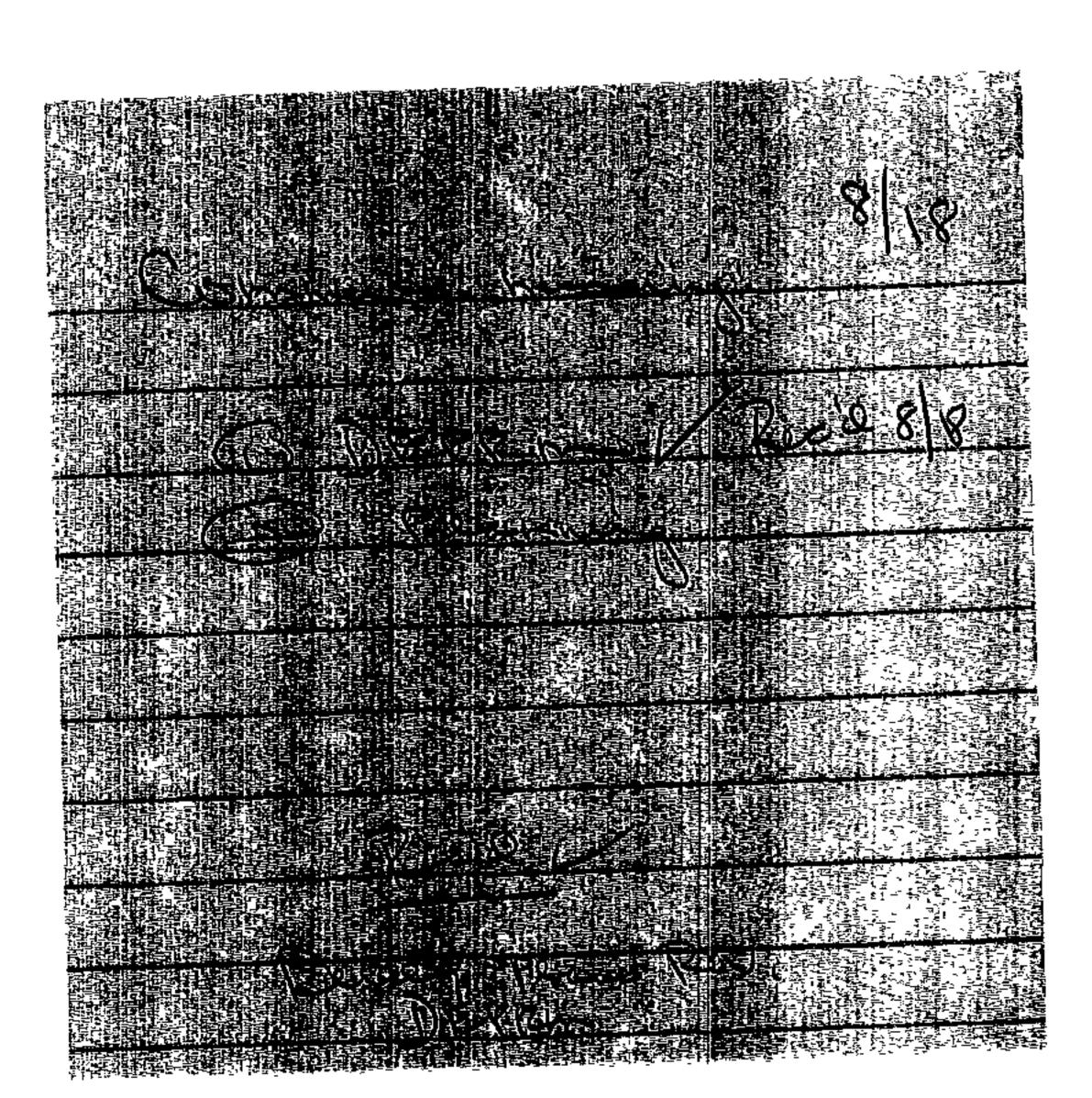
06-176-A scheduled for 8/25 (Frl.) @ 9 AM

Since I will be on vacation next week, could you please make sure either Bill gets these directly or give them to Patty.

As always, thanks for your cooperation!!

CC:

Wiseman, Bill; Zook, Patricia



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CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

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NAME	Ellwoon A. Stassics	HOWINS 12, AARSIO	Mutch Kellunan										

Case No.:	06-	669.	A		•

# **Exhibit Sheet**

# Petitioner/Developer

# Protestant

No. 1	SITE PLAN	
No. 2	ZONING Verification LEHER FOR HARRING/ PAINTE	
No. 3	ZONING Verification LEHER FUR HOPEWELL POINTE Verigination of DENSITY LETTER	
No. 4		
No. 5		
No. 6		
No. 7	•	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

December 15, 2005

Mr. Timothy Kotroco, Director Baltimore County Department of Permits and Development Management 111 West Chesapeake Avenue, Room 111 Towson, Maryland 21204

Verification on the Governing Zoning Classifications

Hopewell Pointe 15<sup>th</sup> Election District Project No. 87076.N2

Dear Tim:

Daft-McCune-Walker, Inc. (DMW) represents Ellwood Building Corporation and is responsible for the development feasibility of a portion of the Hopewell Pointe Subdivision. We are quite familiar with the overall subdivision as we have been responsible for the engineering, land planning, and surveying for development of the project. The portion of the development, consisting of approximately 6 acres, more or less, and currently zoned BL-AS, is the subject of this letter.

By way of history, Hopewell Pointe originally called Hopkins Landing, obtained CRG approval on May 7, 1987. Then, the subject property maintained 5.2 acres, more or less, of the BL-CNS zoning classification. The last approved Final Development Plan, which was the second amended and approved on January 26, 2005 reflected changes approved via zoning hearings and amendments to the CRG Plans.

The density on the final development plan and relief granted in the prior zoning hearings were based on the zoning classifications and regulations in effect at the time of original CRG approval. Evidence of this statement is based upon several notes on the last approved FDP. One note stated is that "the 2000 Zoning has been shown for illustrative purposes and density and area requirements for all proposed residential uses are based upon the original zoning per the CRG and record plat of Hopkins Landing. Original CRG was approved on 5/07/87."

The subject parcel of land, as shown on the original CRG, as mentioned before was zoned BL-CNS, and if developed for residential purposes, is limited as in the residential zone immediately adjoining, pursuant to Section 230.1 of the Baltimore County Zoning Regulations (BCZR). When the original CRG and plat were approved and the manner in that the FDP was approved; the adjacent residential zone was DR16. Therefore, pursuant to the BCZR, CRG, Record Plat, and FDP, we feel that the shown BL-CNS portion of the site may be developed as the adjacent and established DR16 Zone.

PETITIONER'S

Re:

Towson, Maryland 21286 http://www.dmw.com 410 296 3333 Fax 410 296 4705

Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

A Team of Land Planners, Landscape Architects, Solf Course Architects, Engineers, Surveyors & Environmental Professionals

Mr. Timothy Kotroco December 15, 2005 Page 2

By this letter, we ask for written confirmation that you agree with our interpretation and respond accordingly. We have enclosed a copy of the FDP, the Baltimore County 200 Scale Zoning Maps in effect when the original CRG was approved, and a check in the amount of \$50.00 for the letter-processing fee.

Thank you very much for your attention to this letter and if you need further information, please call me at 410-296-3333.

Sincerely,

Mitchell J. Kellman

Director of Zoning Services

MJK/jm

Enclosures

December 19, 2005

Quick Response Hopewell Poine District 15

Dear Mr. Kellman:

This quick response is being given to save time in answering your review request.

This is a response to your request for confirmation that residential development of the BL-CNS zone is permitted using the adjacent DR 16 zoning to regulate the residential use, density and area standards.

Based on the provided information, the zoning review staff confirms that so long as the proposed development remains within the CRG approval process that Section 103.1 BCZR allows the use of the D.R. 16 regulations (in force at time of plan approval) in the BL-CNS zoned area of the CRG plan.

Please be aware that this response is for zoning review only. I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely.

John L. Lewis

Planner II

Zoning Review

Cc: Mr. Walter Smith, Development Management, P.D.M.

Mr. Timothy Kotroco, Director Baltimore County Department of Permits and Development Management 111 West Chesapeake Avenue, Room 111 Towson, MD 21204

Re:

Verification of Available Density

Hopewell Pointe 15" Election District Project No. 87076.N2

DafteMcCunerWalker, Inc. ..

200 East Pennsylvania Avenue Touren, Maryland 21286 http://www.dmw.com 410 296 3333 Fax 410 296 4"05

A Team of Land Plannen, . Landscape Archivern. Golf Course Archivecu. Engineers, Surveyor & Environmental Professionals

Dear Tim:

Please accept this letter as a follow-up and amendment to our previous verification request of December 15, 2005. As you are well aware from our initial request and as mentioned before, Daft-McCune-Walker, Inc. (DMW) represents Ellwood Building Corporation and is responsible for the development feasibility of a portion of the Hopewell Pointe Subdivision. Our initial letter requested verification that the BL portion of the site could utilize the adjacent residential zones in place during the time of initial CRG approval to determine the density. Your office determined that as long as the project proceeded through the CRG process, the zones that were in effect at the time of CRG approval would be the governing zones.

For the purpose of this letter, we would like to set that previous opinion aside and ask for confirmation that based upon the last approved Final Development Plan (FDP) and CRG Plan, there are 262 dwelling units that remain, which may be developed within the BL-AS (previously zoned BL-CNS) portion of Hopewell Pointe, along the southeast side of Eastern Avenue. Based upon those approved plans, Hopewell Pointe's total allowable density, not including the commercial zoning, is 476 dwelling units and a maximum of 214 dwelling units were proposed leaving 262 dwelling units.

Please confirm in writing that a portion or all of the remaining units may be developed in the business-zoned portion along Eastern Avenue. We have enclosed a check in the amount of \$50.00 for the letter-processing fee.

Thank you very much for your attention to this letter and if you need further information, please call me at 410-296-3333.

Sincerely,

Mitchell J. Kellman

Director of Zoning Services

MJK/jm

Enclosure

This "quick response" is being provided to save time in answering your question.

Mr. Kellman;

A review of the above letter and the approved Final Development Plan confirms your proposed development as being permitted subject to recieving the necessary

approvals of refined CRG and amended FDP plans.

co: Mr. Donald Rascoe Mr. Wall Smith

Lewis, Planner TOTAL P.02

PETITIONER'S

EXHIBIT NO.

March 15, 2006

Mr. Donald Rascoe, Deputy Director Permits and Development Management 111 West Chesapeake Avenue, Room 123 Towson, MD 21204

DafteMcCune-Walker, Inc.

200 East Pennsylvania Avenue Towson, Maryland 21286 http://www.dmw.com 410 296 3333 Fax 410 296 4705

A Team of Land Planners. Landicape Architecti, Golf Coune Architects, Engisten. Surveyon de Environmental Professionals

Hopewell Pointe

CRG Material Amendment Request

Northeast Corner of Old Eastern Avenue and Weber Avenue

DMW Project No. 87076.N2

Dear Don:

Daft-McCune-Walker, Inc. (DMW) represents Hopewell Point, LLC and is responsible for the engineering and planning of a portion of the Hopewell Pointe Development. DMW filed a DRC request, stamped and received by PDM on March 13, 2006, for a material amendment to the Hopewell Pointe CRG. We would like signatory confirmation that the request was accepted for filing prior to March 17, 2006, for a material amendment to previously approved plan. We included all of the required information when we filed for the DRC request.

I have enclosed, with this letter, a copy of the DRC application form with the PDM stamped and received date. If you need further information, please call me at (410) 296-3333. Thank you for your attention to this matter.

Very truly yours,

Mitchell J. Kellman


Director of Zoning Services

MJK/sd

Enclosure

Accepted for Filing

Donald Rascoe, Deputy Director



D.128 CONDOMINIUM)
Density Units (1, 2, or constitute a change s the proposed 221Dw

Bath ant Retail

septic ar nd sewer proposed

ea of Variance NTS/DU = 72 Spa NTS/D.U. = 15 Spa Tota = 87 Spa

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