

IN RE: PETITION FOR SPECIAL VARIANCE

S end of Forest Avenue, 1050 feet S of
Edmondson Avenue
1st Election District
1st Councilmanic District
(110 Forest Avenue)

Leno Lapenna
Petitioner
Skirven Enterprises, Inc.,
Charles Skirven, President
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **CASE NO. 08-349-SA**
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Variance filed by Leno Lapenna, the legal owner of the subject property, and Charles Skirven on behalf of Skirven Enterprises, Inc., the contract purchaser/developer. The special variance is requested from Section 4A02 of the Baltimore County Zoning Regulations (B.C.Z.R.) pursuant to Section 4A02.4.G of the B.C.Z.R. to permit subdivision approval and issuance of building permits for 23 dwelling units in the traffic shed of an "F" rated intersection on the Baltimore County Basic Services Map for Transportation. The subject property and requested relief are more particularly described on site plan that is contained within the case file.

Appearing at the requisite public hearing in support of the special variance request was Petitioner Charles Skirven, President of Skirven Enterprises, Inc., and his attorney, G. Scott Barhight, Esquire with Whiteford, Taylor & Preston, LLP. Also appearing in support of the requested relief was David S. Thaler with D.S. Thaler & Associates, Inc., the professional engineer who prepared the site plan, and Mickey Cornelius with The Traffic Group, Petitioner's traffic engineering and transportation planning consultant. There were several citizens who reside in the

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By [Signature]

vicinity of the subject property that appeared in opposition to the requested relief, including the following: Paul Blair, Jr. of 112 Forest Avenue, Stephanie Dines of 31 Glenwood Avenue, Ann and Stephen Power of 122 Forest Avenue, and Stephen Lackey of 114 Forest Avenue.

Introduction

The subject property is a 6.46 acre parcel located directly to the west of Interstate 695 between Edmonson Avenue to the north and Frederick Road to the south in the Catonsville area of Baltimore County. Both Edmonson Avenue and Frederick Road have direct access to Interstate 695. The property is part of a Planned Unit Development ("PUD") known as the "Villas at Eden Terrace," which was approved by the Planning Board on October 18, 2007 and by the undersigned Deputy Zoning Commissioner acting as Hearing Officer on November 9, 2007.

At the time the Planning Board was considering the proposed development, it found that according to the 2007 Basic Services Map for Transportation, the subject property is within the traffic shed of the intersection of Frederick Avenue and Bloomsbury Avenue, which was shown as a failing intersection. It also noted that pursuant to Section 4A02.3.G of the B.C.Z.R., no permits may be issued and no subdivision plat may be approved for a proposed development within the traffic shed of a failing intersection. At that time, the Developer proposed that the Planning Board modify the requirements of Section 4A02.3.G of the B.C.Z.R. to permit final subdivision plat approval and the issuance of permits based on the unique characteristics and circumstances of this proposed development. Upon the recommendation of the County's Office of Planning and the Office of Law, the Planning Board found that it did not have the legal authority to modify this particular aspect of the zoning regulations. Petitioner now comes before this Commission seeking special variance relief from the Growth Management provision relating to Transportation, pursuant to Section 4A02.4.G of the B.C.Z.R.

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Basic Services Maps

Pursuant to Sections 4A02.1 and 4A02.3 of the B.C.Z.R., the Baltimore County Council reviews and adopts the Basic Services Maps for Water, Sewer and Transportation on an annual basis (the "Basic Services Maps"). The Basic Services Maps incorporate a delineation of adequacy and availability of sewerage, water supply, and transportation services and facilities. The County Council annually prepares these maps in an effort to ensure that non-industrial development is regulated in a manner that is proportionate with the availability of the public facilities. The Basic Services Maps may be amended at any time to reflect the correction of a service deficiency. In fact, it is the intent of the County Council that existing deficiencies will be corrected in accordance with the Master Plan and the capital improvements program.

Section 4A02.4.D of the B.C.Z.R. provides that the Basic Services Map for Transportation is intended to regulate non-industrial development where it has been determined that the capacity of arterial and arterial collection intersections is less than the capacity necessary to accommodate traffic from established uses and uses which are likely to be established. It is intended that development shall be restricted if there is a substantial probability that an arterial and arterial collector intersection situated within the mapped area will, on the date the Basic Services Map for Transportation becomes effective, be rated at an "F" level of service under the standards established by the Highway Capacity Manual, 1965, published by the Highway Research Board of the Division of Engineering and Industrial Research, National Academy of Sciences National Research Council.

As shown on the 2007 Basic Services Maps – Transportation Map, Revised 01-23-07, which was marked and accepted into evidence as Petitioner's Exhibit 2, the failing intersection in the instant matter is located at Ingleside Avenue/Bloomsbury Avenue and Frederick Road. As

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Ingleside Avenue crosses Frederick Road, it becomes Bloomsbury Avenue on the south side of the intersection. This intersection is located approximately 1,800 feet west of the intersection of Arbutus Avenue and Frederick Road, the intersection through which the residents of the Villas at Eden Terrace would travel when they exit the property from the south.

Special Variance

Section 4A02.4.G of the B.C.Z.R. permits the Zoning Commissioner to grant a petition for a special variance from any of the Growth Management provisions set forth in Section 4A02 of the B.C.Z.R. provided such variance will not violate the provision's purpose. In order to grant a petition for a special variance, the Zoning Commissioner must find:

- a. That the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and
- b. That the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with Section 4A02.3.G.2b.

B.C.Z.R. Section 4A02.4.G.1.

District Standards

As noted above, Section 4A02.4.G of the B.C.Z.R. provides that the Zoning Commissioner may grant a petition for special variance if the impact of the proposed development "will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal". In the instant matter, there are two district standards which, unless the Petition for Special Variance is granted, would restrict or prohibit the proposed development:

1. The location of the traffic shed of the F-Rated intersection (i.e. whether the proposed development should be located within the traffic shed of the F-Rated intersection); and

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2. What factors lead to the intersection's F-Rating (i.e. what impact, if any, does the proposed development have on the intersection's F-Rating)?

The proposed development's anticipated impact in light of these district standards is analyzed below.

F-Rated Intersections

The Bureau of Traffic Engineering and Transportation Planning inspects hundreds of intersections controlled by traffic signals on an annual basis in order to determine how well traffic flows during the morning and evening rush hours. Intersections receive letter grades from "A" to "F" which indicate the level of service, or the degree of congestion. The level of service of an intersection is determined by analyzing each approach to the intersection individually. A computation is made of each approach to determine its "load factor" during both the morning and afternoon peak hours. The "load factor" is ascertained by recording the number of "loaded cycles" on each approach during the peak hours in both the morning and afternoon.

The cycle of a traffic signal is the period that encompasses one green indication of the signal. During each cycle of the traffic signal, an observer determines which vehicle is the last vehicle stopped in the queue at the time the signal turns green. If the last vehicle does not get through the intersection during that one green indication, the cycle is considered to be "loaded."

Each approach to the intersection is studied to determine the particular 60 minute period that has the highest percentage of cycles which are "loaded". In this case, the northbound approach to the intersection at Ingleside Avenue/Bloomsbury Avenue and Frederick Road between 4:00 P.M. and 5:00 P.M. generates the highest percentage of loaded cycles. This percentage, known as the "load factor," can range from 0 percent to 100 percent.

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At the hearing, Mickey Cornelius with The Traffic Group, who was admitted as an expert in traffic engineering and transportation planning, and whose resume was marked and accepted into evidence as Petitioner's Exhibit 1, testified that the northbound approach to the intersection of Ingleside Avenue/Bloomsbury Avenue and Frederick Road has a load factor of 100 percent, which means that during 100 percent of the cycles between 4:00 P.M. and 5:00 P.M. not all of the vehicles stopped in line for the signal when it changes green get through the signal. No other approach through the intersection generates a failing percentage of loaded cycles at any time. Mr. Cornelius obtained this data from the Baltimore County Traffic Engineering Turning Movement County Data, which was marked and accepted into evidence as Petitioner's Exhibit 3.

Traffic Shed

As set forth in Section 4A02.4.G of the B.C.Z.R., in order for the Zoning Commissioner to grant a petition for a special variance, it must be found that the impact of the proposed development will be less than that assumed by the district standard which would otherwise restrict or prohibit the development. If the "district standard" is whether the proposed development is located within the traffic shed of the failing intersection, one must ask the question: "What constitutes the appropriate traffic shed of an F-Rated intersection?"

While there is a specific formula to determine when a given intersection is failing, there is no regulation which defines or creates the traffic shed of an F-Rated intersection. At the hearing, Mr. Cornelius testified that despite the lack of a legislative or regulatory definition for what constitutes a traffic shed, the accepted Baltimore County standard for mapping traffic sheds of failing intersections is based on the supposition that one-half of the traffic from the areas within the shed will proceed through the failing intersection. Mr. Cornelius indicated that he confirmed this standard with the County.

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Petitioner maintains that the impact of the approved PUD is substantially "less than that assumed by the district standard." Evidence and testimony presented at the hearing revealed that the subject property is served by both Forest and Arbutus Avenues which lead to Edmonson Avenue and Frederick Road, respectively. As shown on the aerial photograph which was marked and accepted into evidence as Petitioner's Exhibit 4, both Edmonson and Frederick Avenues have direct access to Interstate 695, and as such, it is unreasonable to assume that one-half of the traffic generated by the PUD will proceed through the intersection, considering its close proximity to Interstate 695. In fact, given the unique location of the proposed development and its accessibility to Interstate 695, Petitioner believes the district standard is not even relevant to the proposed development.

Impact of PUD on F-Rated Intersection

In support of his testimony regarding the impact of the PUD on the traffic shed, Mr. Cornelius introduced a report on the trip generation study for the approved PUD plan, which was admitted as Petitioner's Exhibit 5 (the "Report"). The Report estimates the inbound and outbound trips generated by the approved PUD during the morning and evening peak hours. Mr. Cornelius used this information to analyze the impact of the approved PUD on the F-Rated intersection during the evening peak hour. In explaining this analysis, Mr. Cornelius stated that the 23 age targeted single-family attached units of the PUD will have significantly different trip generation characteristics than do non-age targeted developments. Typically, age targeted developments, similar to the approved PUD, generate considerably fewer trips during the peak hours than do similar non-age targeted developments. This is attributed to the fact that most of the residents of these communities have different daily schedules than the typical residents of a non-age targeted community.

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BY [signature]

Mr. Cornelius's Report estimates the inbound and outbound peak hour trips generated by the approved PUD. Mr. Cornelius used this information to analyze the impact of the approved PUD on the F-Rated intersection during the evening peak hour at the hearing. During the evening peak hour, it is estimated that the approved PUD generates seven total trips (four inbound and three outbound). Of the four inbound trips, the Report estimates that half are coming from the north and half are coming from the south. In regard to the two trips coming from the south, Mr. Cornelius testified that it is unnecessary for them to proceed through the F-Rated intersection in order to reach the development. There are three alternative routes which avoid the intersection entirely. Two of these alternatives, which assume the vehicles are proceeding from Interstate 95, are actually two minutes shorter than the route which proceeds through the F-Rated intersection. Mr. Cornelius added that even if both trips coming in from the south during the evening peak hours were to go through the F-Rated intersection, the impact is imperceptible.

On the other hand, a number of interested citizens testified in opposition to the requested relief. These included Mr. Power, Ms. Dines, and Mr. Lackey. All expressed concerns over the potential traffic impact of the new development on the F-Rated intersection. Collectively, they disagreed with the conclusions of Petitioner's traffic expert, Mr. Cornelius. Those living in the area believe that the addition of the Villas at Eden Terrace will significantly increase the overall traffic in the area, and in particular, will make the F-Rated intersection at Ingleside Avenue/Bloomsbury Avenue and Frederick Road even worse. In short, these neighbors did not feel Mr. Cornelius's conclusions concerning the traffic impact of the new development reflected their actual experiences with traffic congestion in the area.

Specifically, testimony indicated that age targeted seniors living at the Villas at Eden Terrace would contribute to the traffic problems, even at peak times; that the new development's

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dual access to Interstate 695 from Frederick Road and Edmondson Avenue would create additional traffic and contribute to additional ingress and egress problems to and from the Baltimore Beltway; that because the new development is age targeted versus age restricted, it could still result in families residing in the planned dwellings and additional traffic during peak times; and that notwithstanding Mr. Cornelius's conclusions, residents of the community and the planned Villas at Eden Terrace would continue to use Bloomsbury Avenue as an access road from Interstate 95 to the south into the Catonsville community, thereby making the F-Rated intersection even worse. Finally, marked and accepted into evidence as Protestants' Exhibit 1 was a two-page Petition signed by a number of residents of Catonsville and particularly the Glenwood Avenue area, opposing any change in zoning and opposing the variance.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The ZAC comments received from the Department of Environmental Protection and Resource Management dated February 21, 2008 indicate that the property must comply with the Forest Conservation Regulations. Comments received from the Bureau of Development Plans Review dated February 14, 2008 indicate that the property is proposed to be gated at both ends: Arbutus Avenue and Forest Avenue; as such, there will be no opportunity for cut-through. Given this, most of the new residents will choose to use Forest Avenue to get to Edmondson Avenue to get on the beltway and they will only go to Frederick Road via Arbutus Avenue during off-peak hours. Hence, they have no objection to granting the requested permission. Comments received from the Office of Planning dated March 19, 2008 indicate that agency does not oppose the request for special variance.

After considering the testimony and evidence from both the Petitioner and the Protestants, I find that the impact of the proposed development on the F-Rated intersection meets the threshold

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set forth in Section 4A02.4.G of the B.C.Z.R., in regard to the F-Rated intersection district standard. Although I am mindful of the community's concerns of overall traffic in the area, I agree with Petitioner's traffic engineering and traffic planning expert, Mr. Cornelius, that the impact of the proposed development on the F-Rated intersection at Ingleside Avenue/Bloomsbury Avenue and Frederick Road will be minimal. Currently, of the potential eight cycles of traffic at the intersection (northbound, southbound, eastbound, and westbound each in the morning and evening peak times), only the northbound evening cycle from Bloomsbury Avenue is at 100% loaded, and therefore, F-Rated. Mr. Cornelius made a number of points concerning his analysis of current traffic movements and travel patterns in the area, calculating travel times from Interstate 695 to Frederick Road and Edmondson Avenue, and travel times from Interstate 195 to Bloomsbury Avenue and Edmondson Avenue, and reviewing other arterial roads and identifying properties where the majority of the trips originate. Taking into account his conclusions, I am persuaded that the impact of the new development to northbound Bloomsbury Avenue during the evening peak time will be imperceptible, and that granting the special variance will be consistent with purposes of Section 4A02 of the B.C.Z.R.

The second consideration which must be considered in reviewing a petition for special variance is whether the granting of the petition will adversely affect a person whose application was filed prior to the petitioner's application in accordance with Section 4A02.3.G.2.b of the B.C.Z.R. This Section pertains to applications for reserve capacity use certificates. As Mr. Cornelius testified, there are no applications pending for any reserve capacity use certificates in this traffic shed.

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Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's special variance request should be granted.

THEREFORE, IT IS ORDERED this 13th day of May, 2008 by this Deputy Zoning Commissioner, that Petitioner's request for special variance from Section 4A02 of the Baltimore County Zoning Regulations (B.C.Z.R.) pursuant to Section 4A02.4.G of the B.C.Z.R. to permit subdivision approval and issuance of building permits for 23 dwelling units in the traffic shed of an "F" rated intersection on the Baltimore County Basic Services Map for Transportation be and is hereby GRANTED, subject to the following:

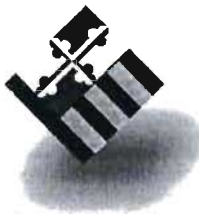
1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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Date 5-13-08
By 123



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 13, 2008

G. SCOTT BARHIGHT, ESQUIRE
WHITEFORD, TAYLOR & PRESTON, L.L.P.
210 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204

Re: Petition for Variance
Case No. 08-349-SA
Property: 110 Forest Avenue

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

c: Charles Skirven, Skirven Enterprises Inc., 5405 Twin Knolls Road, Columbia MD 21045
Mickey Cornelius, The Traffic Group, 9900 Franklin Sq. Dr. #H, Baltimore MD 21236
David S. Thaler, D. S. Thaler & Associates, Inc., 7115 Ambassador Lane, P. O. Box 47428,
Baltimore, MD 21244
Leno Lapenna, P.O. Box 1686, St Thomas VI 00804-1686
Please See Attached List



SPECIAL

Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property

located at 110 Forest Avenue

which is presently zoned DR 3.5 and DR 5.5

Deed Reference: 22329 / 063 Tax Account # 0102470161

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)

BCZR §4A02 (pursuant to BCZR §4A02.4.G) to permit subdivision approval and issuance of building permits for 23 dwelling units in the traffic shed of a "F" rated intersection on the Baltimore County Basic Services Map for Transportation.

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

To be shown at 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:

Skirven Enterprises, Inc.

Name - Type or Print

Charles Skirven Charles Skirven
Signature President

5405 Twin Knolls Road

410-730-8945

Address

Telephone No.

Columbia, Maryland 21045

City

State

Zip Code

Attorney For Petitioner:

Dino C. La Fiandra, Esquire

Name - Type or Print

Dino La Fiandra
Signature

Signature

Whiteford Taylor & Preston, LLP

Company

210 W. Pennsylvania Avenue 410-832-2000

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

Leno Lapenna

Name - Type or Print

Leno Lapenna
Signature

Signature

Name - Type or Print

Signature

PO BOX 1686

Address

Telephone No.

ST THOMAS

VI

00804-1686

City

State

Zip Code

Representative to be Contacted:

Dino C. La Fiandra

Name

210 W. Pennsylvania Avenue 410-832-2000

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Case No.

08-349-5A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

REV 8/20/07

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Date 5-13-08

By LOW

February 1, 2008

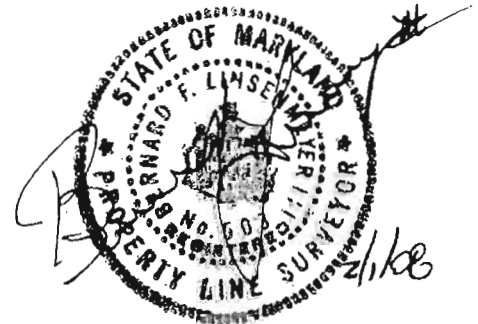
PROPERTY DESCRIPTION
(For Zoning Purposes Only)

THE VILLAS AT EDEN TERRACE

Beginning at a point located approximately 227 feet west of the centerline of Forest Avenue at the end of Forest Avenue, thence running the following courses and distances:

1. North 74° 28' 59" East 202.16 feet to a point, thence,
2. North 74° 28' 59" East 203.54 feet to a point, thence,
3. South 14° 33' 56" East 126.53 feet to a point, thence,
4. South 19° 56' 48" East 100.20 feet to a point, thence,
5. South 04° 29' 11" East 101.35 feet to a point, thence,
6. South 09° 58' 21" East 50.09 feet to a point, thence,
7. South 15° 42' 31" East 100.47 feet to a point, thence,
8. South 06° 31' 10" East 106.99 feet to a point, thence,
9. Southwesterly 280.32 feet by a curve to the left having a radius of 240.09 feet and a chord bearing distance south 18° 02' 38" west 264.67 feet to a point, thence,
10. North 15° 23' 31" West 25 feet to a point, thence,
11. South 74° 26' 29" West 177.48 feet to a point, thence,
12. North 18° 53' 04" West 439.64 feet to a point, thence,
13. North 18° 36' 53" West 389.26 feet to the point of beginning.

Containing 6.32 acres of land, more or less, located in the First Councilmanic District and the First Election District.



NOTICE OF ZONING HEARING

The Zoning Commission 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 described herein as follows:

Case #28-348-SA

110 Forest Avenue

South end of Forest Avenue, 1000 feet south of

Estimoteon Avenue

1st Election District - 1st Courtroom District

Legal County: Lane Ladonna

Contract Purchaser: Steven Enterprises, Inc.

Special Variance: To permit subdivision approval and issuance of building permits for 23 dwelling units in the traffic void of a 4th road intersection on the Baltimore County State Services Mall for Transportation.

Hearing: Tuesday, April 8, 2008 at 8:00 a.m. in Room 407, County Courts Building, 407 Eastway Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are broadcasted exclusively by special accommodations Press Contact the zoning Commission's Office at (410) 887-3888.

(2) For information concerning the file and/or hearing, contact the Zoning Section Office at (410) 887-3200.

TRA922 Mar. 25

147864

CERTIFICATE OF PUBLICATION

3/27, 2008

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 3/25, 2008.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Melkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 09784

Date: 2-4-08

AND RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
100		CIV		1151				850.00

Total: 850.00

Rec

From: SKIPPEN INTELLIGENCE INC

For: SPECIAL VARIANCE FOR PAYMENT

TRAFFIC INTELLIGENCE INC FINE 1400

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-349-SA

Petitioner/Developer: SKIRVEN

ENTERPRISES

Date of Hearing/Closing: 4-8-08

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:

110 FOREST AVE

The sign(s) were posted on 3-24-08
(Month, Day, Year)

Sincerely,

Robert Black 3-31-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

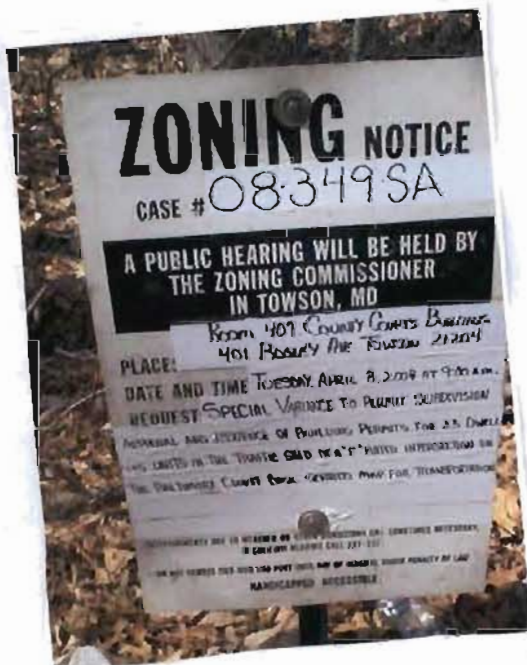
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 08-349-A5

Petitioner: SKIRVEN ENTERPRISES

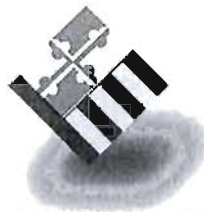
Address or Location: 5405 TWIN KNOWS RD
COLUMBIA MD 21045

PLEASE FORWARD ADVERTISING BILL TO:

Name: DINO C. LAFIANDRA, Esq.

Address: 210 W. PENNSYLVANIA AVE
TOWSON MD 21204

Telephone Number: 410-832-2000



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 20, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

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: 08-349-SA

110 Forest Avenue

South end of Forest Avenue, 1050 feet south of Edmondson Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Leno Lapenna

Contract Purchaser: Skirven Enterprises, Inc.

Special Variance to permit subdivision approval and issuance of building permits for 23 dwelling units in the traffic shed of a "F" rated intersection on the Baltimore County Basic Services Map for Transportation.

Hearing: Tuesday, April 8, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Dino LaFiandra, 210 W. Pennsylvania Avenue, Towson 21204
Leno Lapenna, P.O. Box 1686, St. Thomas VI 00804-1686
Charles Skirven, Skirven Enterprises, 5405 Twin Knolls Road, Columbia 21045

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 24, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 25, 2008 Issue - Jeffersonian

Please forward billing to:
Dino LaFiandra
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:

CASE NUMBER: 08-349-SA

110 Forest Avenue

South end of Forest Avenue, 1050 feet south of Edmondson Avenue

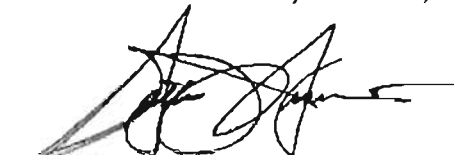
1st Election District – 1st Councilmanic District

Legal Owners: Leno Lapenna

Contract Purchaser: Skirven Enterprises, Inc.

Special Variance to permit subdivision approval and issuance of building permits for 23 dwelling units in the traffic shed of a "F" rated intersection on the Baltimore County Basic Services Map for Transportation.

Hearing: Tuesday, April 8, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

April 2, 2008

Dino C. La Fiandra, Esquire
Whiteford Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. La Fiandra:

RE: Case Number: 08-349-A, 110 Forest Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 4, 2008. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf
Enclosures

c: People's Counsel
Skirven Enterprises, Inc. Charles Skirven, President 5405 Twin Knolls Road Columbia 21045
Leno Lapenna P.O. Box 1686 St. Thomas, Virgin Islands 00804-1686

TB 418
9 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *DL*

DATE: February 21, 2008

SUBJECT: Zoning Item # 08-349-A
Address 110 Forest Avenue
(Lapenna Property)

Zoning Advisory Committee Meeting of February 11, 2008

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ 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).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- _____ 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:

Reviewer: J. Russo

Date: 2/15/08

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 18, 2008
Item No. 08-349

DATE: February 14, 2008

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

The development is proposed to be gated at both ends: Arbutus Avenue and Forest Avenue. There will be no opportunity for cut-throughs. Given this, we feel that most of the new residents will choose to use Forest Avenue to get to Edmondson Avenue to get on the beltway and that they will only go to Frederick Road via Arbutus Avenue during off-peak hours. We therefore have no objection to granting the requested permission.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 08-349-02142008.doc



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: FEB. 11, 2008

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

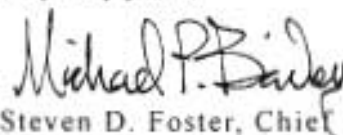
RE: Baltimore County
Item No. **B-349-9A**
110 FOREST AVENUE
LAPENNA PROPERTY
SPECIAL VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. **B-349-6A**.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


Foa¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 11, 2008

Item Number: 349,352

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

RE: PETITION FOR SPECIAL VARIANCE • BEFORE THE
110 Forest Avenue; S/end Forest Avenue, • ZONING COMMISSIONER
1050' S Edmondson Avenue •
1st Election & 1st Councilmanic Districts • FOR
Legal Owner(s): Leno Lapenna •
Contract Purchaser(s): Skirven Enterprises, Inc • BALTIMORE COUNTY
Petitioner(s) •
• 08-349-SA

* * * * *

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of February, 2008, a copy of the foregoing Entry of Appearance was mailed to, Dino LaFiandra, Esquire, Whiteford, Taylor & Preston, LLP, 210 West Pennsylvania Avenue, Towson, MD 21204., Attorney for Petitioner(s).

RECEIVED

FEB 12 2008

Per.....

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

Thomas Bostwick - The Villas at Eden Terrace Case # 08-349-SA

From: "Stephen V. Lackey" <scootur@comcast.net>
To: "Tom Bostwick" <tbostwick@baltimorecountymd.gov>
Date: 04/09/08 1:18 PM
Subject: The Villas at Eden Terrace Case # 08-349-SA
CC: "Elisa Dunn" <dunnelisa69@hotmail.com>, "S. G. Sam Moxley" <council1@baltimorecountymd.gov>

Dear Deputy Commissioner Tom Bostwick:

I would like to thank you for taking the time to hear the concerned citizens of Catonsville yesterday in regards to the above referenced subject. It is a difficult subject for the community to understand and I appreciate you indulging the community members.

I believe it is imperative that we revisit several of the points made yesterday. Please allow me to review them as follows:

- > Reserve Capacity: Reserve Capacity appears to be a subsection that reads as follows:
 "Determination of reserve capacity. It is intended that the reserve capacity be determined for each district by the formula $N=C-(T+I)$ ". This is not some way to form a "cue" as represented by the developer's representative. Please correct me if I am wrong. This is a required component of the formula necessary to calculate "Maximum level of non-industrial development" sub section 3a. When we calculate the number of trips that an age "targeted" community would generate we would use sub section 3a(2) as the developer's expert stated that in *fact* targeted and restricted would generate essentially the same amount of trips. So, we only have 23 units so our site specific calculation would go as follows: $23/100*25=5.75$. So, when considering a variance for this case it would appear to this concerned citizen that this community could only generate 5.75, let's say 6, trips at a peak hour. By the developer's expert witness's own testimony this proposed development develops 7 trips in a peak hour, please reference page one of the expert witness's study calculation table. I am sorry that I was not able to make this representation yesterday. To summarize; Pursuant to Zoning Regulation 1998 Edition Section 4A02 Basics Services Map 3a(2) the consideration for a variance to the Basic Services Maps should be denied.
- > Intersection turning movement count: This study was made at Forest/Edmonson Avenues. From the study performed by the developer's expert there was no study made at Arditus Avenue and Frederick Road. I find this to be convenient. There is a place of business that generates a *significant* amount of traffic. In just considering the amount of trips generated by the people leaving this place of business in the evening peak hour, all would turn to the west as you *cannot* turn to the east with *any measure* of convenience. This is a blatant oversight and can only be to the advantage of the developer. I find it curious that a professional of the caliber of Mr. Cornelius ignores this in his study and then testifies that it is a complete and representative study of how "The Villas at Eden Terrace" will affect this troubled traffic shed. The larger community has only you to look to to make

sure that the law and regulations are followed. I implore you to take this into consideration and to even weight your analysis to the favor of the community. Again, I find it curious that this expert could allow such an oversight and then testify that it is a complete and representative study of how "The Villas at Eden Terrace" will affect this troubled traffic shed.

- One more point. This subject concerns density. Late in the public hearing yesterday I brought to the commission's attention how the previous modifications and variances had allowed as many as 8 additional units. Sadly it is true that the P.U.D. did address this. I added that in calculating the amount of units that this property would allow, the developer's engineer used a piece of property that the developer did not own. This is a flagrant violation of law. This property was purchased years ago by David Tolle and consequently sold to Larry and Terry Stallings. Both had and have been paying taxes on this property. To the best of my knowledge this property was purchased from Baltimore County. This situation has been recognized and transfer of title is planned, so the developer has said. The transfer is not the question. This developer has done all he can to max-out this site and to his credit has done an amazing job. The calculation for how many houses this site can hold is incorrect. The property owned by the Stallings cannot be used in calculations for site capacity. This is something that must be measured when making consideration for this variance and again I would implore you to weight your analysis to the favor of the community. This directly affects the amount of units that are used in the calculations to determine if the variance should or should not be granted.

I thank you again for your indulgence. Please contact if you have questions.

Thank you,

Stephen V. Lackey
(410) 744-5199
scootur@comcast.net

DATE 4-8-08

F-MAIL

CHARLES SKIRVEN ✓

MICKEY CORNELIUS ✓

P. S. TANNER

date	10/01/2020	✓
------	------------	---

G. S. A. Backlund ✓

5405 Twin Knolls Rd.

9900 FRANKLIN St. DR.

Box 4-1428

5405 Tulla Kwa Is 7d.

210 W. Pearl Ave.

Col. MD. 21104

SALTIMORE MD 21233

ACT NO 21244-74

Vol. No. 2, 1945

Johnson M) 2/20/24

SKIRVEN INC (AOL COM)

medialis Hoffmann, 1905, p. 102.

esthalar dot hulu.com

Skirvanha, Dook, M.

[illegible]

DATE 4-8-08

E-MAIL

PBLAIR 8513 @ various. notes

stetnie11@yahoo.com

PORTLAND REQUEST, not

11

sc00tur@a.comcast.net

Case No.: 08-349-SA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Mikey Cornelius Resume	Petition request by neighbors to deny zoning change in warehouse
No. 2	2007 Basic Services Map - Transportation	
No. 3	Baltimore County Traffic Engineering Movement Count Data	
No. 4	Aerial Photograph of larger area	
No. 5	Traffic Group Analysis	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PROTESTANT'S

EXHIBIT NO. 1

We, the undersigned registered voters of Catonsville, and residents on Glenwood Avenue, petition Councilman S.G. Samuel Moxley to deny any change in zoning to the "F" intersection located at Ingleside Avenue and Frederick Road. If a variance were granted, it would greatly add to the heavily congested traffic that already exists, and we are strongly against such a detriment to our beloved community.

NAME	ADDRESS	PHONE NUMBER	SIGNATURE
Eleanor R. Cauley	41 Glenwood Ave	410-719-7571	Eleanor R. Cauley
Thomas P. Finn, III	37 Glenwood Ave.	410-788-9081	Thomas P. Finn, III
KEITH FINNEGAN	21 GLENWOOD AVE	443-237-3131	Keith Finnegan
Clinton Hunt	19 Glenwood Ave	410-719-0531	Clinton Hunt
LOUIS FALVER	19 Glenwood Ave	410-744-8359	Louis Falver
Melissa Hoffman	11 Glenwood Ave	410-744-1841	Melissa Hoffman
Michael Adolphi	9 Glenwood Ave	410-744-5490	Michael Adolphi
Linda Howell	2 Glenwood Ave.	410-747-5400	Linda Howell
Jesse Stump	3 Glenwood Ave	301-751-5101	Jesse Stump
John G. Filkins	14 Glenwood Ave	410-744-2789	John G. Filkins
Kimberly Charest	16 Glenwood Ave	410-869-1801	Kim Charest
Rose Matthews	18 Glenwood Ave	410-655-4630	Rose Matthews
Chris Dunphy Sr	22 Glenwood Ave	410-747-5557	Chris Dunphy Sr
Karen Schumacher	30 Glenwood Ave	410-788-2682	Karen Schumacher
Marc Schumacher	30 Glenwood Ave	410-771-2289	Marc Schumacher
STACY YANG	48 Glenwood Ave	410-869-9198	Stacy Yang
ROBERT HARTSOCK	45 Glenwood Ave	410-747-8692	Robert Hartsock
MARY JO WOODS	47 GLENWOOD AVE	410-747-5562	Mary Jo Woods
LOIS ROEDER	116 FOREST AVE	410-749-2876	Lois Roeder
CAROLYN ROEDER	116 FOREST AVE	410-749-2876	Carolyn Roeder
William S. Wellman	116 Forest Avenue	410-788-3343	William S. Wellman

NAME	ADDRESS	PHONE NUMBER	SIGNATURE
Robin Kuessner	54 Glenwood Ave	410-788-0019	Robin Kuessner
Rudy Kuessner	54 Glenwood Ave	410-788-0019	Rudy Kuessner
STEVEN MYERS	58 GLENWOOD AVE	410-744-4744	Steven Myers
Matt Jackson	46 Glenwood Ave	410-788-8953	Matt Jackson
Denise Jackson	46 Glenwood Ave	410-788-8953	Denise Jackson
Patrick Kave	59 Glenwood Ave	410-744-0969	Patrick Kave
Jeffrey Dice	61 Glenwood Ave	410-744-2116	Jeffrey Dice
Reese Decker	60 Glenwood Ave	410-747-0408	Reese Decker
Julie Soss	60 Glenwood Ave	410-747-0408	Julie Soss
David Moore	63 Glenwood Ave	410-788-9521	Dave Moore
Charles Stump	100 Glenwood Ave	410-455-0958	Charles Stump
Martha Dirscherl	100 Glenwood Ave	410-455-0958	Martha Dirscherl
Mrs Tom CARTER	109 GLENWOOD AVE	410-788-3783	Thomas J. Carter
Curt Leung	110 Glenwood Ave	410-747-9576	Curt Leung
Patricia Archuleta	117 Glenwood Ave	410-747-7255	Patricia Archuleta
Stephanie Sterling	114 Glenwood Ave	410-512-0360	Stephanie Sterling
Rebecca Sterling	114 Glenwood Ave	410-512-0360	Rebecca Sterling
Daniel Dunn	121 Forest Ave	410-788-9671	Daniel Dunn
FRANK MACHIN	123 FOREST AVE	410-747-8285	Frank Machin
Mrs. MRS. Rick Bryan	128 Forest Ave	410-660-9666	Mrs. Rick Bryan
Mr & Mrs Jeff Hughes	126 Forest Ave	410-747-3900	Mr & Mrs Jeff Hughes
Mr & Mrs John Norland	118 Forest Ave	410-755-7312	John Norland
DAN & AUC MAGOLIAN	119 FOREST AVE	410-747-8242	Dan & AUC Magolian
MOE Mrs. William Kencik	117 Forest Ave	410-788-7707	William Kencik
ALVIN J. SEUBOTT	115 FOREST AVE	410-744-1386	Alvin Seubott

NAME	ADDRESS	PHONE #	SIGNATURE
Elisa Dunn ✓	121 Forest Ave	(410) 788-9674	Elisa M. Dunn
Paul Brann ✓	112 Forest Ave	410-788-946	Paul Brann
STEPHEN V LACKEY ✓	114 FOREST AVE	410-744-599	Stephen V. Lackey

Case No.:

08-349-SA

Exhibit Sheet

Petitioner/Developer

Protestant

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No. 5	Traffic Group Analysis	
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No. 11		
No. 12		



Merging Innovation and Excellence

MICKEY A. CORNELIUS, P.E., PTOE

Senior Vice President

Mickey Cornelius, proudly one of the first certified Professional Traffic Operations Engineers (PTOE) in the nation, is Senior Vice President of the firm, responsible for managing various aspects of the firm's traffic engineering and transportation planning studies. He is experienced in many aspects of traffic engineering and transportation planning, including traffic analysis, traffic forecasting and associated modeling, geometric design, traffic signals and signal systems evaluation/design, parking and circulation, traffic calming, and transportation systems management.

As a registered Professional Engineer, Mr. Cornelius has over 23 years experience in the highway transportation and traffic engineering profession. His experience in both the public and private sectors has provided him with a broad range of expertise in his field. Mr. Cornelius has conducted over 2,000 traffic engineering studies and has served as a transportation planner for the development of Master Plans for both private firms and public agencies. His educational and professional background has qualified him as an expert in the field of traffic engineering and transportation planning before numerous County and Municipal Planning and Zoning Boards in Maryland, as well as in Pennsylvania, New Jersey and New York.

Job History

1987 - Present

Traffic Engineering Consultant, The Traffic Group, Inc.

1984 - 1987

Traffic Engineering Consultant

1982 - 1984

Civil Engineer, Highway Construction

Educational Background

- *B.S. in Civil Engineering* with emphasis in Transportation
Pennsylvania State University
- *Traffic Engineering Courses*
Northwestern University Traffic Institute
Polytechnic Institute of New York

Affiliations

- Certified Professional Traffic Operations Engineer (PTOE)
- Registered Professional Engineer (P.E.)—DE, MD, NJ, PA, VA
- Institute of Transportation Engineers (I.T.E.)
- National Society of Professional Engineers (N.S.P.E.)
- Maryland Association of Engineers (M.A.E.)
- County Engineers Association of Maryland (CEAM)

Examples of places where Mr. Cornelius has testified as an expert witness

MARYLAND

City of Annapolis - City Council
Anne Arundel County - Board of Appeals;
Zoning Hearing Examiner
City of Baltimore - City Council; Planning Commission

Baltimore County - County Review Group, Zoning Commissioners,
Board of Appeals; Circuit Court; District Court

Town of Bel Air - Planning Board; Town Commissioners;
Zoning Hearing Examiner

Carroll County - Board of Appeals; County Commissioners;
Planning Board

City of Bowie - Planning Advisory Board; Mayor and City Council

Cecil County - Technical Advisory Committee

Charles County - Board of Appeals

Dorchester County - Board of Appeals

Frederick County - Planning Board; County Commissioners;
Board of Appeals

Harford County - Zoning Hearing Examiner

Howard County - Planning Board; Zoning Board; Board of
Appeals; Hearing Examiner

Town of Indian Head - Planning Commission

Montgomery County - Planning Board; Zoning Hearing Examiner;
Board of Appeals

Town of North East - Planning Commission

Prince George's County - Planning Board; County Council; Hearing
Examiner

Washington County - Board of Appeals

City of Westminster - Mayor and Common Council

Wicomico County - Board of Zoning Appeals

NEW JERSEY

State Court of Administrative Law

Cumberland County - Manchester Township

Zoning Hearing Board

City of Millville - Planning Commission

PENNSYLVANIA

York County - Manchester Township Zoning Hearing Board

Shrewsbury Borough - Planning Commission

NEW YORK

Town of East Hampton - Planning Commission

PETITIONER'S

EXHIBIT NO. 1



Corporate Office:
Baltimore, MD
Suite H
9900 Franklin Square Drive
Baltimore, Maryland 21236
410.931.8900
fax: 410.931.8901
1.800.583.8411

Delmarva Region
Suite 102
11202 Racemack Road
Ocean Pines, Maryland 21811
410.208.4190
fax: 410.208.4192
1.800.296.4491

Virginia
7853 Coppermine Drive
Norcross, Virginia 20109
703.365.8348
fax: 703.365.8341
1.888.365.8342

PETITIONER'S

EXHIBIT NO.

5

April 7, 2008

Mr. Charles Skirven
The Clusters @ Twin Knolls
5405 Twin Knolls Road
Columbia, Maryland 21045

RE: Villas @ Eden Terrace
Baltimore County, Maryland
Our Job No.: 2007-0241

Dear Mr. Skirven:

The Traffic Group, Inc. has undertaken an analysis to determine the impact of the proposed 23 single family attached dwelling units to be located along the extensions of Forest Avenue and Arbutus Avenue, south of Edmondson Avenue, in the Catonsville area of Baltimore County.

Forest Avenue and Arbutus Avenue currently dead-end at the subject property. Forest Avenue extends from Edmondson Avenue and services 17 single family homes. Arbutus Avenue extends from Frederick Road (MD 144) and serves 6 single family homes.

The proposed 23 age targeted attached units are projected to generate the following traffic based upon a history of trip generation for these types of units:

	MORNING PEAK HOUR			EVENING PEAK HOUR		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Trips/Unit	12	18	30	16	12	28
Trips/23 Units	3	4	7	4	3	7

We conducted an intersection turning peak and evening peak hours at the Edmondson Avenue. This intersection Service "A" during both the morning critical lane analysis.

count during the morning Forest Avenue and it Level of and upon the

Remember! Just scan 1st page

The amount of traffic projected to 1 will not create an adverse effect on r... proposed development will generate only 7 peak... either Edmondson Avenue or Frederick Road, the site y... argeted units, Avenue as the With access to projected to be split equally, resulting in an impact of 3 to 4 peak hour trips on Forest Avenue and Arbutus Avenue.

The existing traffic on Forest Avenue is 15 AM trips and 9 PM trips (for 17 units).

PETITIONER'S

EXHIBIT NO.

3

ALTIMORE COUNTY TRAFFIC ENGINEERING TURNING MOVEMENT COUNT DATA

LOCATION BLOOMSBURY AVE + FREDERICK RD + INGLESIDE AVE

DATE OF COUNT

A.M. 4/25/2007
P.M. 4/25/2007

ROADS:	BLOOMSBURY				INGLESIDE				N + S TOTAL	FRED. RD				FRED. RD				E + W TOTAL	GRAND TOTAL
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
	AM	L	S	R	TOTAL	L	S	R		TOTAL	L	S	R	TOTAL	L	S	R		
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	0	28	23	51	1	79	8	88	139	4	85	7	96	28	58	14	100	196	335
7:15-7:30	0	61	30	91	1	114	6	121	212	9	101	9	119	37	86	9	132	251	463
7:30-7:45	0	62	58	120	0	104	8	112	232	9	119	8	136	20	130	24	174	310	542
7:45-8:00	0	75	42	117	0	84	3	87	204	8	92	10	110	30	123	24	177	287	491
8:00-8:15	0	36	25	61	3	94	7	104	165	14	87	5	106	32	180	25	237	343	508
8:15-8:30	0	55	39	94	0	80	7	87	181	9	96	8	113	37	165	22	224	337	518
8:30-8:45	0	44	30	74	0	74	11	85	169	10	113	12	135	29	128	15	172	307	466
8:45-9:00	0	40	36	76	1	86	9	96	172	8	88	5	101	23	121	11	155	258	428

AM HOUR TOTALS

6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	0	28	23	51	1	79	8	88	139	4	85	7	96	28	58	14	100	196	335
6:30-7:30	0	89	53	142	2	193	14	209	351	13	186	16	215	55	144	23	232	447	798
6:45-7:45	0	151	111	262	2	297	22	321	583	22	305	24	351	85	274	47	406	757	1340
7:00-8:00	0	226	153	379	2	381	25	408	787	30	397	34	461	115	397	71	583	1044	1831
7:15-8:15	0	234	155	389	4	396	24	424	813	40	399	32	471	119	519	82	720	1191	2004
7:30-8:30	0	228	164	392	3	362	25	390	782	40	394	31	465	119	598	95	812	1277	2059
7:45-8:45	0	210	136	346	3	332	28	363	709	41	388	35	464	128	596	86	810	1274	1983
8:00-9:00	0	175	130	305	4	334	34	372	677	41	384	38	455	121	594	73	788	1243	1920

	NORTHBOUND				SOUTHBOUND				N + S TOTAL	EASTBOUND				WESTBOUND				E + W TOTAL	GRAND TOTAL
PM	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL		
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	0	114	54	168	3	59	16	78	246	21	126	7	154	25	126	14	165	319	565
4:15-4:30	0	90	31	121	0	68	15	83	204	9	97	5	111	20	121	26	167	278	482
4:30-4:45	3	106	36	145	0	60	9	69	214	18	119	4	141	117	142	15	275	416	630
4:45-5:00	2	107	32	141	2	64	7	73	214	15	92	8	115	18	178	15	211	326	540
5:00-5:15	0	119	27	146	0	60	6	66	212	9	91	7	107	20	147	22	189	296	508
5:15-5:30	1	120	37	158	1	69	9	79	237	11	122	7	140	23	160	26	209	349	586
5:30-5:45	0	141	33	174	0	83	11	94	268	19	119	8	146	40	155	31	226	372	640
5:45-6:00	0	135	33	168	0	88	11	99	267	17	82	5	104	37	142	32	211	315	582

PM HOUR TOTALS

3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	0	114	54	168	3	59	16	78	246	21	126	7	154	25	126	14	165	319	565
3:30-4:30	0	204	85	289	3	127	31	161	450	30	223	12	265	45	247	40	332	597	1047
3:45-4:45	3	310	121	434	3	187	40	230	664	48	342	16	406	162	389	56	607	1013	1677
4:00-5:00	5	417	153	575	5	261	47	303	878	63	434	24	521	180	567	71	818	1339	2217
4:15-5:15	5	422	126	553	2	252	37	291	844	51	399	24	474	175	588	79	842	1316	2160
4:30-5:30	6	452	132	590	3	253	31	287	877	53	424	26	503	178	627	79	884	1387	2264
4:45-5:45	3	487	129	619	3	276	33	312	931	54	424	30	508	101	640	94	835	1343	2274
5:00-6:00	1	515	130	646	1	300	37	338	984	56	414	27	487	120	604	111	835	1332	2316

LOCATION BLOOMSBURY AVE + FREDERICK RD + INGLESIDE AVE

RECORDER WEATHER ROAD SURFACE DAY OF THE WEEK DATE OF COUNT

A.M. CFB CLEAR DRY WED 4/25/2007
P.M. CFB CLEAR DRY WED 4/25/2007

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUMES

ROADS:	BLOOMSBURY				INGLESIDE				FRED. RD				FRED. RD			
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND			
	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL
%TURNING	0%	59%	41%	100%	1%	92%	8%	100%	8%	85%	7%	100%	17%	72%	11%	100%
MOVEMENT	0%	76%	23%	100%	1%	86%	13%	100%	12%	83%	5%	100%	18%	71%	11%	100%
TOTAL	0	401	283	684	6	715	59	780	71	781	64	916	236	991	144	1371
VOLUMES	6	932	283	1221	6	551	84	641	119	846	51	1016	300	1171	182	1653
GRAND																
TOTALS	6	1333	566	1905	12	1266	143	1421	190	1629	115	1934	536	2162	326	3024
ESTIMATED	SOUTH LEG				NORTH LEG				WEST LEG				EAST LEG			
ADTS	12531				10721				13918				17151			

ESTIMATED VEHICLES ENTERING THE INTERSECTION → 27161

INTERSECTION: BLOOMSBURY AVE + FREDERICK RD + INGLESIDE AVE

DESCRIPTION: FREDERICK RD IS A FOUR LANE STATE RD WITH LEFT TURN LANES AND ARROWS. BLOOMSBURY AND INGLESIDE ARE TWO LANE COUNTY RDS

THE SIGNAL FUNCTIONS AS A 5 PHASE LIGHT. THE CYCLE LENGTHS AVERAGE 124 SECONDS IN THE MORNING AND 141 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNIN 7:30 TO 8:30 AND IS 4:45 TO 5:45 THE AFTERNOON. THE PEAK FLOW OCCURS IN THE WB DIRECTION OF FRED. RD DURING THE AM AND IN THE WB DIRECTION OF FRED. RD IN THE PM.

LOADED CYCLES

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOADS	24%	14%	7%	10%
AM HOUR	7:30-8:30	7:15-8:15	7:15-8:15	7:30-8:30
% OF LOADS	100%	20%	19%	50%
PM HOUR	4-5	5-6	5-6	4:45-5:45

REMARKS: *

THE LEVEL OF SERVICE IS: F

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-85% F = 86-100%

FOR UPDATED LIST YES OR N DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____



Department of Public Works
GIS Services

2007 Basic Services Maps Transportation Map

REV 01-23-07

Legend

URDL

Intersection Service Level

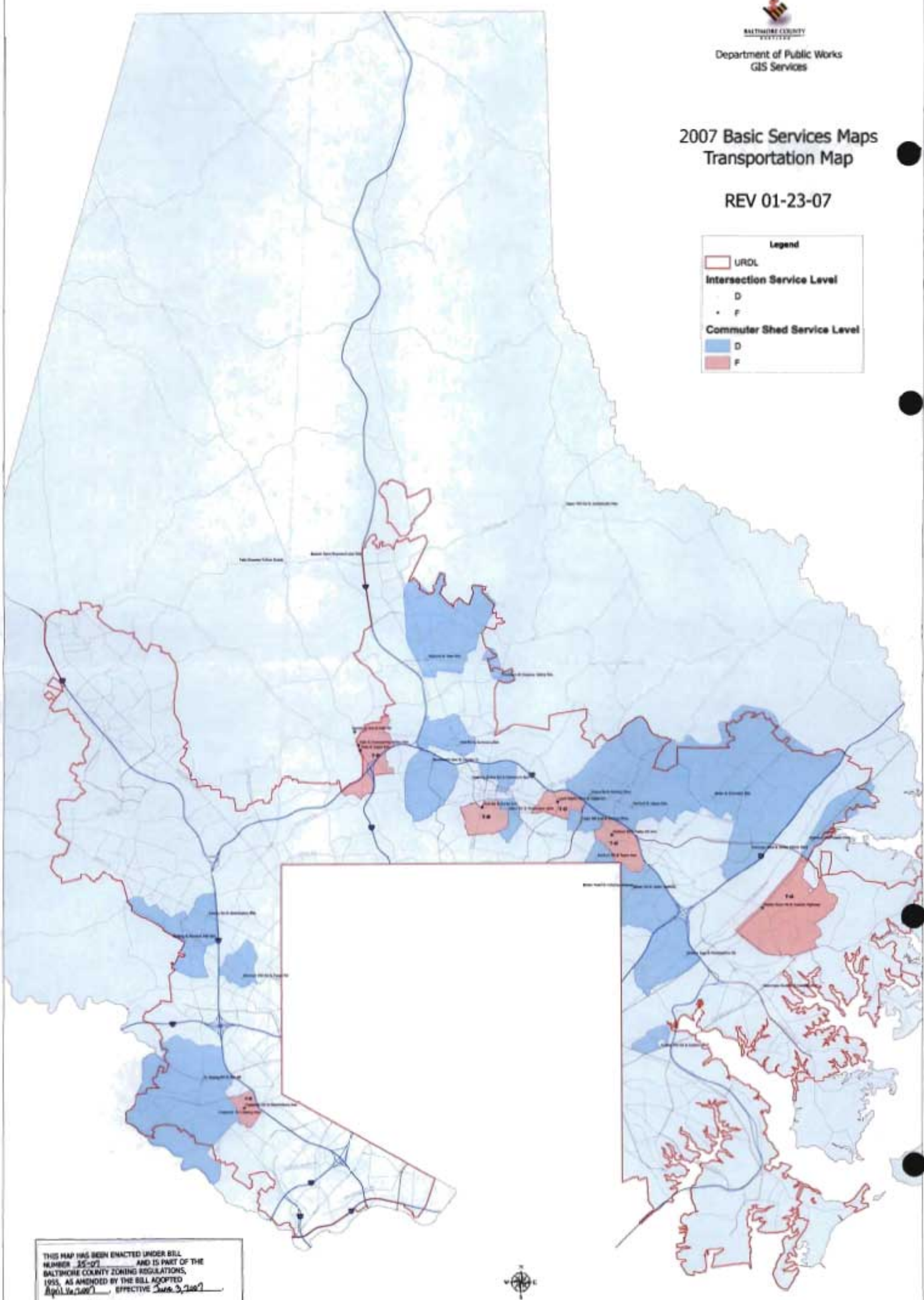
D

F

Commuter Shed Service Level

D

F



THIS MAP HAS BEEN ENACTED UNDER BILL NUMBER 35-07 AND IS PART OF THE BALTIMORE COUNTY ZONING REGULATIONS, 1993, AS AMENDED BY THE BILL ADOPTED April 30, 2007, EFFECTIVE June 3, 2007.

[Signature]
COUNTY COUNCIL OF BALTIMORE COUNTY

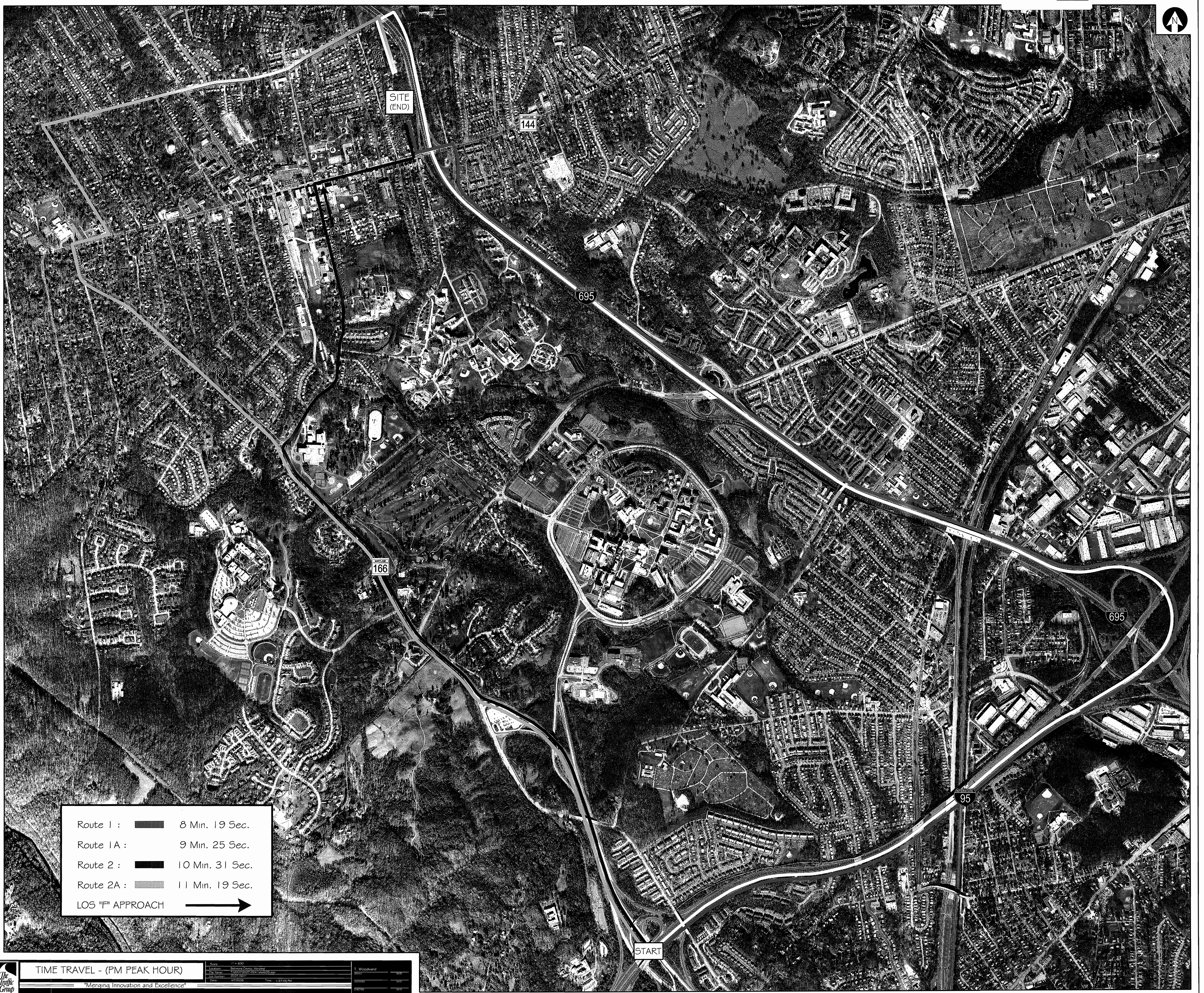


Coordinate System:
Maryland State Plane NAD 83
Baltimore County Small Scale Datum
Datum Transformed to NAD 83

Prepared by:
Baltimore County
GIS Services
Date: 01/23/07

PETITIONER'S

EXHIBIT NO. 2



Route 1 :	8 Min. 19 Sec.
Route 1A :	9 Min. 25 Sec.
Route 2 :	10 Min. 31 Sec.
Route 2A :	11 Min. 19 Sec.
LOS "F" APPROACH	→

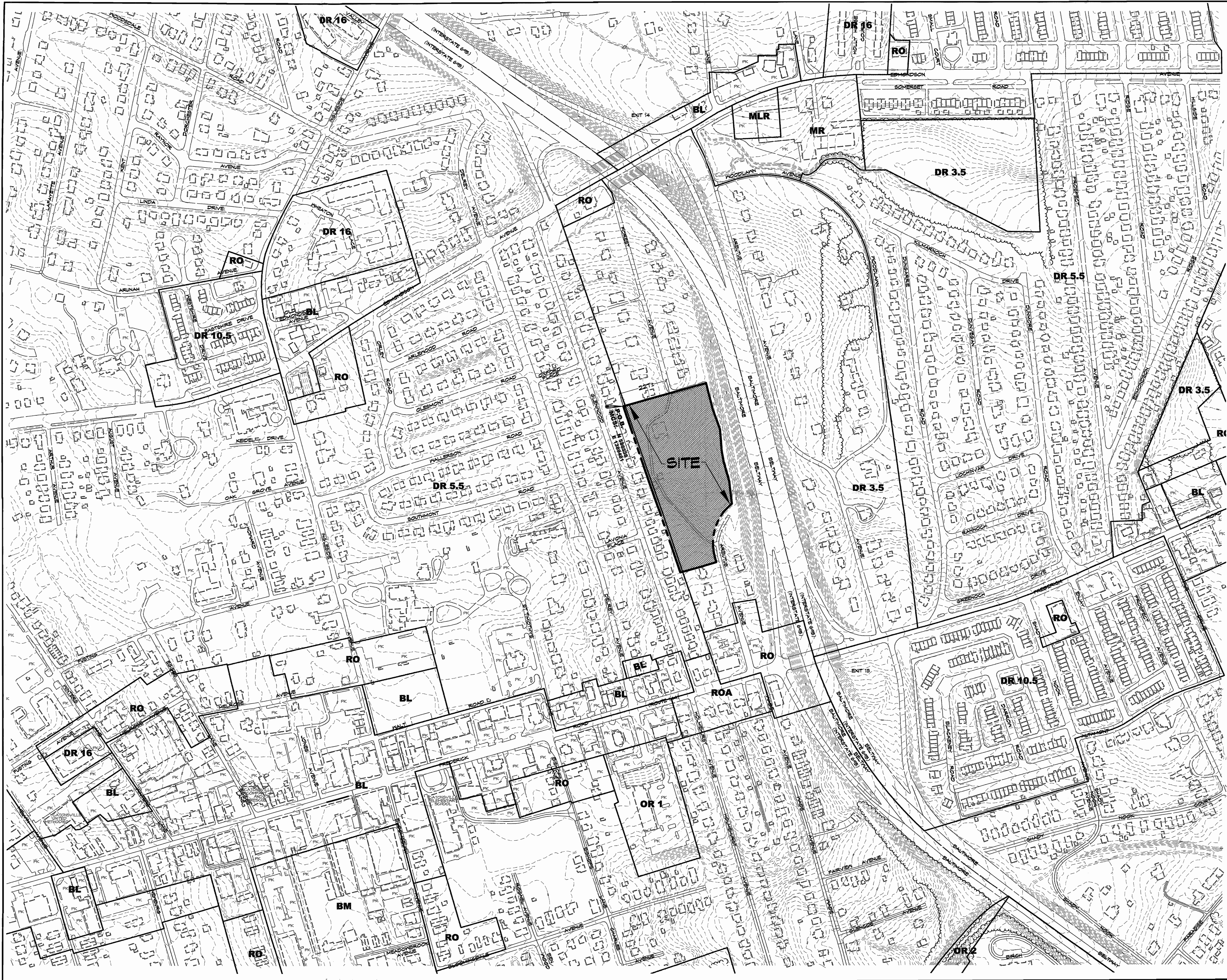


TIME TRAVEL - (PM PEAK HOUR)

9900 Franklin Square Dr. - Baltimore, Maryland 21236 410.931.6600 - fax 410.931.6601 - 1.800.563.6411

Scale	1" = 400'
Map Date	7/20/2007
File Name	7/20/2007_02_14_0000.dwg
Plot Date	7/20/2007
Plot Time	1:37:05 PM

By	Woodward
Check	
Design	
Engineering	
Survey	



D. S. THALER & ASSOC., INC.

SURVEYORS
LAND PLANNERS

CIVIL ENGINEERS
LANDSCAPE ARCHITECTS

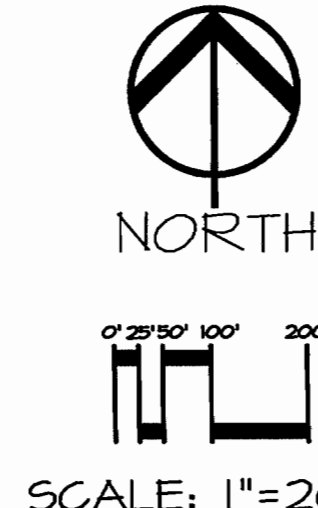
1115 AMBASSADOR ROAD
J.O. BOX #1428
Baltimore, MD 21244-7428
(410) 444-5616

REVISIONS
Date Description

200 SCALE BALTIMORE COUNTY ZONING MAP
TO ACCOMPANY ZONING PETITION

(615 TILE: 101A1, 101A2, 101B1,
101B2)

THE VILLAS AT EDEN
TERRACE



SCALE: 1"=200'
DATE: FEBRUARY 2008
SHEET: 1 OF 1

