



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5450 Campbell Blvd., 21236
which is presently zoned ML IM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a waiver of Balto. Co. Bldg. Code § 3112.2 and of BCC §§ 32-4-107, 32-4-404, 32-4-414 and 32-8-301, et seq., to permit development of a site located in a riverine floodplain - to allow grading, paving, landscaping, and other site work and construction of building, parking and road within the floodplain and to allow a zero foot freeboard line building setback (DPW plate D-9)

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Edward J. Gilliss
Name - Type or Print _____ City _____
Royston, Mueller, McLean & Reid, LLP
Signature _____
Company _____
102 W. Pennsylvania Avenue., Suite 600
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Whitemarsh Associates, LLC
By: _____
Signature _____
Name - Type or Print _____
Signature _____

Address _____ Telephone No. _____
NAME AS BELOW
State _____ Zip Code _____

Representative to be Contacted:

Jack Gease
Name _____
1604 Creston Drive
Address _____ Telephone No. _____
Forest Hill MD 21050
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2008-0506-SPH

Reviewed By Drop Off Date 6-24-08

CM

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



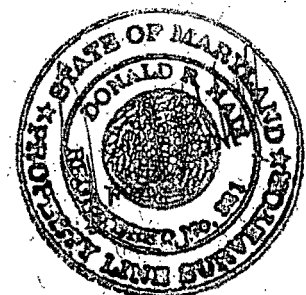
May 15, 2008

ZONING DESCRIPTION

Beginning at a point on the southeasterly right of way line of Philadelphia Road, a variable width right of way, forty feet from the center of said road, approximately 60 feet southwest of Campbell Boulevard, 120 foot wide, said point being at the westerly most corner of the Highway Widening shown on a plat entitled "Final Plat, Lot 2, Whitmarsh Associates, LLC" and recorded among the Plat Records of Baltimore County in Plat Book Liber S.M. 73 folio 7, running thence the following courses and distances, viz;

South 50°21'28" East 177.00 feet, to a point of curvature; By a tangent curve to the right with a radius of 897.00 feet and an arc length of 286.33 feet, said curve being subtended by a chord bearing South 41°12'47" East 285.11 feet, to a point of compound curvature; By a tangent curve to the right with a radius of 325.74 feet and an arc length of 100.55 feet, said curve being subtended by a chord bearing South 23°13'32" East 100.15 feet; North 74°22'40" West 545.03 feet; North 30°36'04" East 316.78 feet, to the point of beginning, having an address of Philadelphia Road and being located along the southeasterly side of said Philadelphia Road.

Containing an area of 98,284 square feet or 2.256 acres of land, more or less, and being located in the Fifteenth Election District, Sixth Councilmanic District, Baltimore County, Maryland.



5-15-08

0586

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mraqta.com P:\15360\Surveys\Descriptions\15360_ZoningDesc.doc

Abingdon, MD	+	Laurel, MD	+	Towson, MD	+	Georgetown, DE	+	Wilmington, DE	+	York, PA
(410) 515-9000		(410) 792-9792		(410) 821-1690		(302) 855-5734		(302) 326-2200		(717) 751-6073

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: # 2008-0586-SPH

5450 Campbell Boulevard

E/side of Philadelphia Road, s/east side of Campbell Boulevard and Philadelphia Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Whitmarsh Associates, LLC, John Gease

Special Hearing: for a waiver to permit development of a site located in a riverine floodplain - to allow grading, paving, landscaping, and other site work and construction of building, parking and road within the floodplain and to allow a zero foot freeboard line building setback.

Hearing: Tuesday, August 26, 2008 at 11:00 a.m. in Hearing Room 1, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 8/638 Aug. 12

180630

CERTIFICATE OF PUBLICATION

8/14/2008

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 8/12/2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 17580

Date: 6-24-08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		006		6150				325.00

Total: 325.00

Rec
From: E. Gillis

For: 5450 CAMPBELL BLVD

~~2110~~ 212.36

2008-0506-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 2008-0586-SPH

Petitioner/Developer: _____

Whitemarsh Associated LLC.

Date of Hearing/Closing: 26 Aug 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:

5450 Campbell Boulevard

The sign(s) were posted on 11 Aug 08
(Month, Day, Year)

Sincerely,



11 Aug 08
(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/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: 2008-0586-SPH

Petitioner: Whitemarsh Associates LLC

Address or Location: 5450 Campbell Blvd., 21236

PLEASE FORWARD ADVERTISING BILL TO:

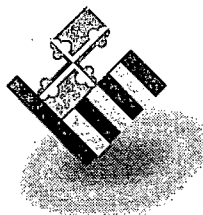
Name: Jack Gease

Address: 1604 Creston Drive

Forest Hill, MD 21050

Telephone Number: 410-241-0390

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 14, 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: 2008-0586-SPH

5450 Campbell Boulevard

E/side of Philadelphia Road, s/east side of Campbell Boulevard and Philadelphia Road

15th Election District – 6th Councilmanic District

Legal Owners: Whitemarsh Associates, LLC, John Gease

Special Hearing for a waiver to permit development of a site located in a riverine floodplain – to allow grading, paving, landscaping, and other site work and construction of building, parking and road within the floodplain and to allow a zero foot freeboard line building setback.

Hearing: Tuesday, August 26, 2008 at 11:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
John Gease, 1604 Creston Drive, Forest Hill 21050

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 11, 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, August 12, 2008 Issue - Jeffersonian

Please forward billing to:
Jack Gease
1604 Creston Drive
Forest Hill, MD 21050

410-241-0390

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: 2008-0586-SPH

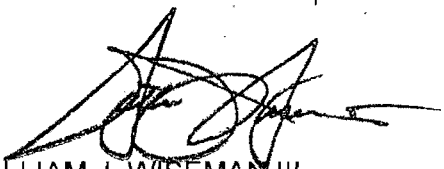
5450 Campbell Boulevard

E/side of Philadelphia Road, s/east side of Campbell Boulevard and Philadelphia Road
15th Election District – 6th Councilmanic District

Legal Owners: Whitmarsh Associates, LLC, John Gease

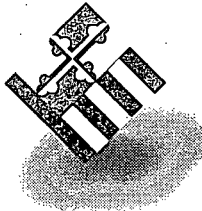
Special Hearing for a waiver to permit development of a site located in a riverine floodplain – to allow grading, paving, landscaping, and other site work and construction of building, parking and road within the floodplain and to allow a zero foot freeboard line building setback.

Hearing: Tuesday, August 26, 2008 at 11:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 20, 2008

Edward J. Gilliss
102 W. Pennsylvania Ave. Ste. 600
Towson, MD 21204

Dear: Edward J. Gilliss

RE: Case Number 2008-0586-SPH, 5450 Campbell Blvd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 24, 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,

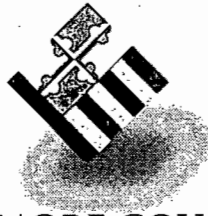
A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
White Marsh Associates, LLC, 1604 Creston Dr., Forest Hill, MD 21050



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 3, 2008, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 7, 2008

Item Number: 0581,0586

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



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

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

Maryland Department of Transportation

Date: July 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 2008-0586-SP14
5450 CAMPBELL BLVD
EAST SIDE OF MD 7
WHITEMARK ASSOCIATES, LLC
SPECIAL HEARING

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.

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,

A handwritten signature in black ink that reads "Michael P. Bailey".

Steven D. Foster, Chief
for Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



TB 8/26
11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 2008

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

RECEIVED
JUL 16 2008

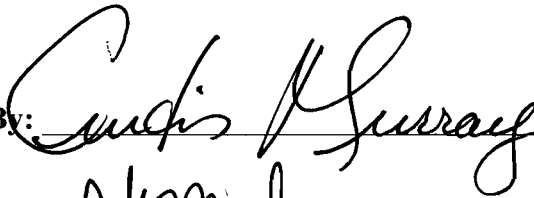
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-586- Variance**

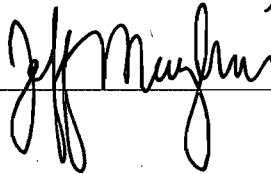
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 8, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For July 14, 2008
Item No. 08-0586

Floodplain waiver is subject to comments by D.P.W. Director; the flood study is under review by Bureau of Engineering.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 08-0586--07082008

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director,
Permits & Development Management

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works



DATE: August 25, 2008

SUBJECT: Case No. 08-586-SPH
5450 Campbell Blvd. At Rte. 7
Whitemarsh Associates LLC Property

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

Case No. 08-586-SPH involves a waiver to floodplain regulations (specifically Section 32-4-414 BCC concerning development in the riverine floodplain) to fill riverine floodplain to prepare the site to be marketed for development. The subject project was found to be in the riverine floodplain as mapped on the Federal Flood Insurance Rate Map (FIRM), Panel 240010-0430F dated September 26, 2008.

The property in question is part of a development site previously recorded on Plat SM 73/7 and is adjacent to a right of way for a possible future extension of Campbell Boulevard; however, the final alignment and status of the roadway have not yet been determined.

This department recommends deferral of this waiver request and continuation of the hearing to allow time for the County to study the issues involved.

ECA/DLT/s

CC: Kevin Wagner, State Coordinating Office, Maryland Department of Natural Resources; Bill Wiseman, Zoning Commissioner; Peter Zimmerman, Peoples Counsel; Dennis Kennedy, Chief, Development Plan Review Bureau; Edward Gilliss, Royston, Mueller, McLean & Reid, LLP; Dean Hoover, Morris & Ritchie Associates



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

State Highway
Administration

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

Maryland Department of Transportation

Please reply to:
Office of the District Engineer
Highway Engineering District 4
Baltimore and Harford Counties

September 22, 2008

Mr. Edward C. Adams Jr., P.E.
Director – Baltimore County
Department of Public Works
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Adams: *Ed*

Thank you for your recent letter regarding the development proposal in the vicinity of Philadelphia Road (MD 7) ~~and Campbell Boulevard~~. Your letter requested information on any road closure due to flooding in the past five (5) years. It is my pleasure to respond to your request.

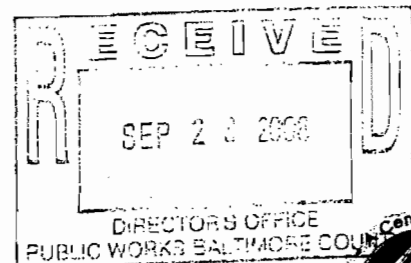
As a result of your request, the Golden Ring Maintenance facility reviewed its records of the vicinity of Philadelphia Road (MD 7) and Campbell Boulevard. The records show the area between Nottingham Road and Campbell Boulevard as well as Honeygo Run and Cowenton Avenue were closed several times in June & July of 2006 due to flooding. On two of these occasions the road was closed for extended periods of time and required minor roadway repair. Flooding in these areas also occurred in 2007 with no extended closer or roadway surface damage.

Thank you for the opportunity to respond to your request. If you have any additional questions, please do not hesitate to call Mr. Andre Futrell, Assistant District Engineer - Maintenance at 410-321-2761 or myself at 410-321-2810.

Sincerely,

David J. Malkowski
District Engineer
Baltimore and Harford Counties

cc: Mr. Andre Futrell, Assistant District Engineer
Mr. Eric Lincoln, Resident Maintenance Engineer



From: William H. Spencer-Strong, III
To: Demski, Mark; Thomas, David
Date: 8/27/2008 3:18 PM
Subject: Re: Philadelphia Road & Campbell Blvd. - Flooding

Mohrs Run.

2 swift water calls: One in 1999 at Phil Rd and Campbell Bd and one in 6/06 at 5200 Campbell Bd (Best Buy).

William Spencer-Strong
Division Chief
Baltimore County Fire Department
700 E. Joppa Road
Suite 409
Towson, MD 21286
(443) 829-8116 (cell)
(410) 832-8515 (fax)

From: David Thomas
To: Bostwick, Thomas
Date: 11/17/08 11:15:10 AM
Subject: Case No. 2008-0586 SPH - 5450 Campbell Blvd floodplain waiver information

Tom,

At the waiver hearing which I believe you conducted on 8/26/2008 the community persons present (Ms. Davies and Mr. Dudanowski) asked about whether there was a history of road flooding in the vicinity of the site. Please see the attached documentation concerning that issue.

Please include this in your public-record file for this waiver petition (2008-0586 SPH) so that it will be available at any future hearings.

Thanks,

Dave Thomas

David L. Thomas
Baltimore County DPW
(410) 887-3984

CC: Adams, Edward; Lovelist, Diane; Wiley, Debra; Wiseman, Bill

Please file
in Case
file.

9/4

Thanks.

Nottingham Improvement Association Inc.
(Nottingham) 21237

RECEIVED
SEP 04 2008

TB
8-26-08

Dear Mr. Bostwick,

BY:.....

My Name is Lorenzo DiCocco and I am president of the Nottingham Improvement Association.

On Tuesday, August 26th 2008, Board members of the Nottingham Improvement Association Judy Davies and John Dudnanski attended **Special Zoning Hearing Case Number 2008-0586-SPH.**

I want to assure you, Mr. Bostwick, and the rest of the commissioner's office that John and Judy represented the Nottingham community with our unanimous support.

We as a community have had many discussions with county officials from all departments including the Army Core of Engineers as to what can and can not be done with wetlands and floodplains. Our topic of discussions then involved the extension of Campbell Blvd. through the same general location that is being requested to be filled, graded and possibly built on. We were told candidly by public works officials that building a road through wetlands and floodplains while maintaining the integrity of the wetlands was just too costly and that federal laws would prohibit them from doing it without federal approval.

Our biggest concern at the moment is the environmental impact that hard surfacing of this property will have on the neighboring community. Currently a good heavy rain will flood out the corner of Philadelphia Rd. and Mohrs Lane. Any additional filling and grading without proper drainage will compound the flood problem we already have.

I would like to thank you personally for hearing our petitions against this zoning request and would hope that everyone involved would please consider not allowing this flood plain to be filled in.

Sincerely,



Lorenzo DiCocco - (President N.I.A.)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
5450 Campbell Blvd; E/S Philadelphia Road, * ZONING COMMISSIONER
SE/S Campbell Blvd & Philadelphia Road *
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Whitmarsh Associates, LLC* FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-586-SPH

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
JUL 11 2008
.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Jack Gease 16094 Creston Drive, Forest Hill, MD 21050 & Edward Gillis, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: August 29, 2008

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County

SUBJECT: Case No. 2008-0586-SPH – Whitemarsh Associates, LLC

This matter came before me on August 26, 2008 as a request by Petitioner for a waiver to permit development of a site located in a riverine floodplain (at a proposed address of 5450 Campbell Boulevard - an extension of that road - in the Nottingham area of the County). The purpose of the request is to allow grading, paving, landscaping and other site work on the property and eventual construction of a building, parking and road within the floodplain, and to allow a zero foot freeboard line building setback (per DPW plate D-9).

Edward J. Gilliss appeared and represented Petitioner John Gease who also appeared. Dave Thomas (x3984) of DPW, who reviews floodplain related matters and assists in providing the Director's required recommendation concerning waiver requests, also appeared at the hearing. Several interested citizens attended the hearing as well.

Petitioner's consulting engineer, Ernie Sheppe, testified briefly and provided an overview of Petitioner's waiver request and answered some questions of the citizens in attendance. The citizens in attendance, Ms. Davies and Mr. Dudnanski, then testified in opposition to Petitioner's waiver request.

Following the testimony of the interested citizens, with the consent of Mr. Gilliss and his client, and the urging of Mr. Thomas with DPW (so DPW's review of the waiver request can continue), the case was postponed pending notification from Mr. Thomas or Mr. Gilliss that the floodplain evaluation is completed and the case can be reset. Mr. Gilliss also requested at that time that the citizen input/testimony phase of the hearing be closed. That request was granted.

Therefore, this case is postponed for the time being. Mr. Gilliss indicated that when he becomes aware that DPW's floodplain review is complete, he will notify Kristin Matthews with the Zoning Review Office in order to have the matter re-scheduled before the Undersigned. The case will not need to be re-posted or re-published. Please also send notification of the next hearing date to the interested citizens on the "Citizen's Sign-In Sheet," Ms. Judith Davies and Mr. John Dudnanski.

Patricia Zook - Case 2008-0586-SPH

From: Patricia Zook
To: Duvall, David
Date: 3/17/2011 12:29 PM
Subject: Case 2008-0586-SPH
CC: Kotroco, Timothy

Hi Dave -

Tim showed me this file and mentioned that you are looking for the signed Order on this case. The file contains a Memo to the File from Tom Bostwick. The case was scheduled for a hearing on August 26, 2008 which was postponed at the request of Petitioner's attorney pending resolution of issues. Therefore, no final Order has been issued on this matter.

I have removed the draft Order from the file. The file is ready for pick up.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

* ALSO ADMITTED IN D.C.

June 17, 2008

VIA HAND-DELIVERY

Baltimore County Department of
Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
re: part of 5450 Campbell Boulevard
Nottingham, Maryland 21236

Dear Sirs:

I enclose the following materials relating to the request for a Petition for Special Hearing regarding a portion of the property known as 5450 Campbell Boulevard, Nottingham, Maryland 21236:

1. Three original Petition forms signed and fully completed;
2. 14 Plats with all information indicated;
3. Three sealed descriptions of the property;
4. One copy of the zoning with the location and boundaries accurately depicted;
5. A check made payable to Baltimore County in the amount of \$325.00; and
6. The Advertising form.

I look forward to hearing from you as soon as this matter has been assigned a matter number and as soon as a hearing date has been set.

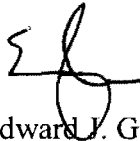
Baltimore County Department of
Permits and Development Management

Page 2

June 17, 2008

I thank you for your cooperation and in the meantime, ask that you telephone me if you have any questions or comments.

Very truly yours,

A handwritten signature in black ink, appearing to be 'EJG' followed by a stylized flourish.

Edward J. Gilliss

EJG/ges

Enclosures

cc: Mr. John H. Gease, III
Mr. Dean Hoover

CASE NAME 5450 CAMPBELL BLVD
CASE NUMBER 2008 0586 SP4
DATE 8.26.08

[illegible]

CASE NAME
CASE NUMBER 7008-0588-5PH

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME _____
CASE NUMBER 2008
DATE 8-26-08

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Paul Thomas

DPW

IN RE: PETITION FOR SPECIAL HEARING *

Corner SE/S Pulaski Highway and
SW/S Rossville Boulevard
(8733 Pulaski Highway)
15th Election District
7th Council District

Commerce Bank, N.A., *Owner*
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-321-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the legal owner of the subject property, Commerce Bank, N.A., by and through its attorney Arnold Jablon, Esquire with Venable LLP. The Petitioner requests a special hearing for a waiver pursuant to Section 500.6 of Baltimore County Zoning Regulations (B.C.Z.R.), Section 3112.2 of the Baltimore County Building Code, and Sections 32-4-414, 32-8-301 et seq., and 32-4-107 of the Baltimore County Code (B.C.C.) for a redevelopment site located in a riverine floodplain to allow grading, paving, curbing, guttering, signage, landscaping, utilities, and other site work and the construction of portions of a building, related parking, a stormwater management facility, and a retaining wall, within the floodplain. The subject property and requested relief are more particularly described on a two page site plan, which was submitted into evidence and marked as Petitioner's Exhibits 1A-1B.

Appearing at the requisite public hearing in support of the request were Michael Powell, construction manager for Commerce Bank, N.A.; John W. Clapsaddle, professional engineer, Scott R. Wolford, landscape architect, and Daniel M. Blevins, project manager, all with Patton Harris Rust & Associates, PC, the firm responsible for the preparation of the site plan. David H. Karceski, Esquire appeared on behalf of the Petitioner. Rick Cobert, Business Development Representative for the Baltimore County Department of Economic Development, and Sheldon



8/26/08

2008-0586-SPH

Mr. Gease - Petitioner

Ernie Sheppe - MRA, Inc.

Ed Giltner - Counsel for Petitioner

Judith Davies > Protestants
John Dudranski

Diane Carliner - East County Times

- 2.26 acres

- 1.55 acres in floodplain - 69% of site

- plan is to grade the site to fill $\approx$ 1.5 acres of floodplain to create a pad site of $\approx$ 2 acres of buildable area.

Ms. Davies - concern is about the stream and flooding on Philadelphia Road

- concerned about environment, ^{actually floodplain} $\uparrow$ cannot be built properly - the wetland area takes up some of rain - concerned about filling in the area

- Mr. Dudranski -

↳ Nottingham Improvement Association - member
- don't support development of this site

- they believe wetlands + floodplains should be preserved
 - flooding as things exist is very substantiated and they could cause even further problems.
 - disagree w/ granting waivers of floodplains at this location.
-

Dave Thomas - Asst. to Director - DPW

- submitted comment dated 8-25-08
 - DPW at this time recommends that waiver request be deferred at present and continuation of the hearing to allow time for County to study the issues regarding the floodplain and Pet's plans.
-

- Evidence introduced by Petitioner and Mr. Sheppe gave general overview of plan
- Mr. Thomas of DPW submitted his department's interim comment
- Ms. Davies and Mr. Dudranski testified as interested citizens (and potentially on behalf of Nottingham Improvement Assn. - if they submit proper documentation)
- the community input / testimony portion of hearing was CLOSED

Case No.: 2008-0586-5PH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	A - Site Plan - Existing Cond. B - Site Plan - Proposed Grading	Photos of area after a rain storm
No. 2	7-10-08 letter of support from nearby property owner	
No. 3	ZAC Comments	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



A



B

PROTESTANT' S

EXHIBIT NO. 1



C

Whitemarsh Associates, LLC
1604 Creston Drive
Forest Hill, Maryland 21050

PHONE: (410) 893-8394

FACSIMILE: (410) 856-1110

July 10, 2008

Mr. Joe Holman
12800 Bottom Road
Hydes, MD 21082

Post-It® Fax Note	7671	Date	7/14/08	# of pages	2
To	ED GILLIS	From	JACK GEASE		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	410 828-7859	Fax #			

RE: Development of Adjoining Land

Dear Mr. Holman,

I am writing to inform you about the plans to develop approximately 2 acres of property by Whitemarsh Associates which lies to the northwest of your land on Mohrs Lane. The site is shown on the accompanying exhibit and is on the far side of the south branch of White Marsh Run opposite Campbell Boulevard.

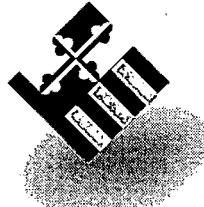
Our plan calls for the filling of approximately 1.5 acres of floodplain in order to create a pad site of nearly 2 acres. A flood study by Morris and Ritchie Associates demonstrates that the fill will cause a negligible increase in the 100 year flood elevation; approximately 5 one-hundreds of a foot (.05 foot). This fill will not interfere with nor affect the developability of your property. In addition, it is our intent to seek permission to fill a small area of wetlands.

No specific use for the site has been determined at this time.

If you have no objections to the plans that I have outlined above, please sign where provided for below so that I may demonstrate that to the Department of Environmental Protection and Resource Management.

Thank you for your assistance in this manner.

Pet 2



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 20, 2008

Edward J. Gilliss
102 W. Pennsylvania Ave. Ste. 600
Towson, MD 21204

Dear: Edward J. Gilliss

RE: Case Number 2008-0586-SPH, 5450 Campbell Blvd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 24, 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,

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

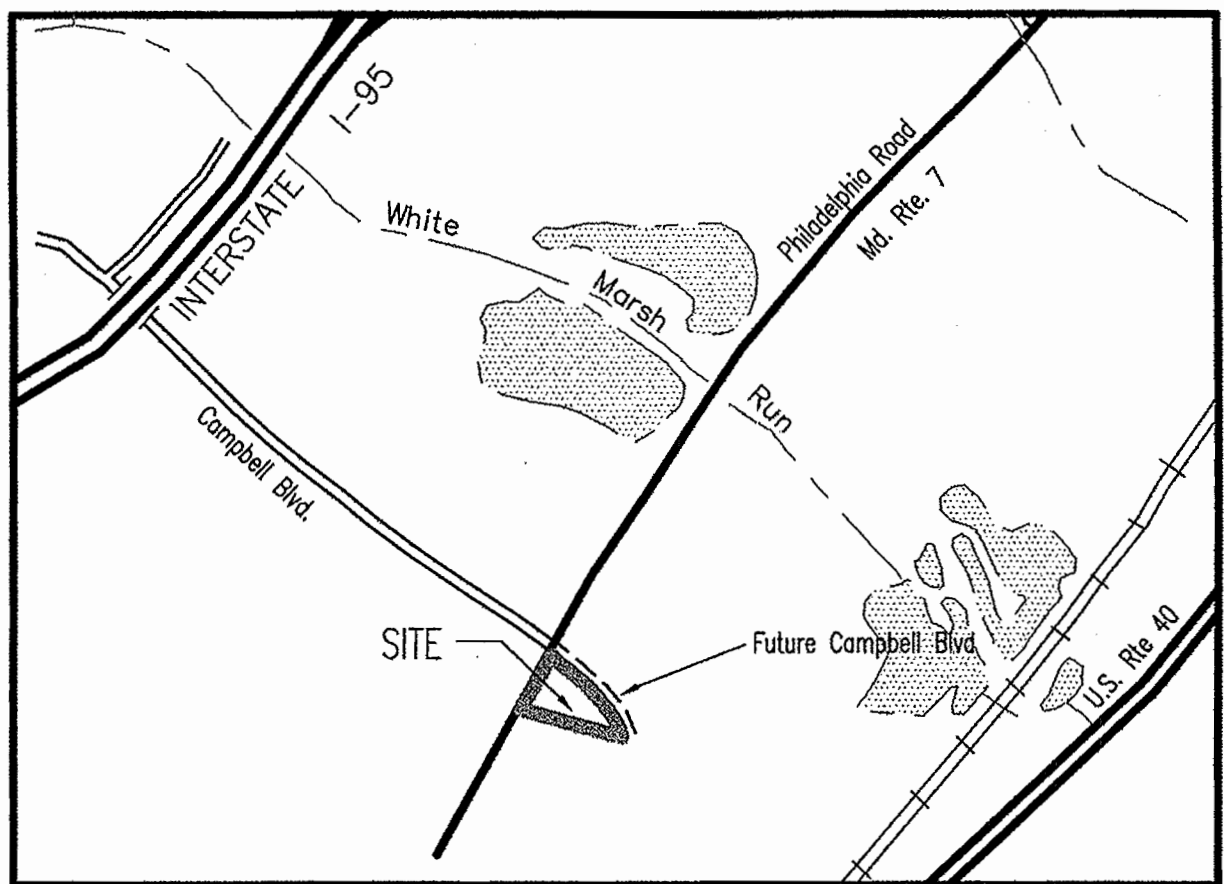
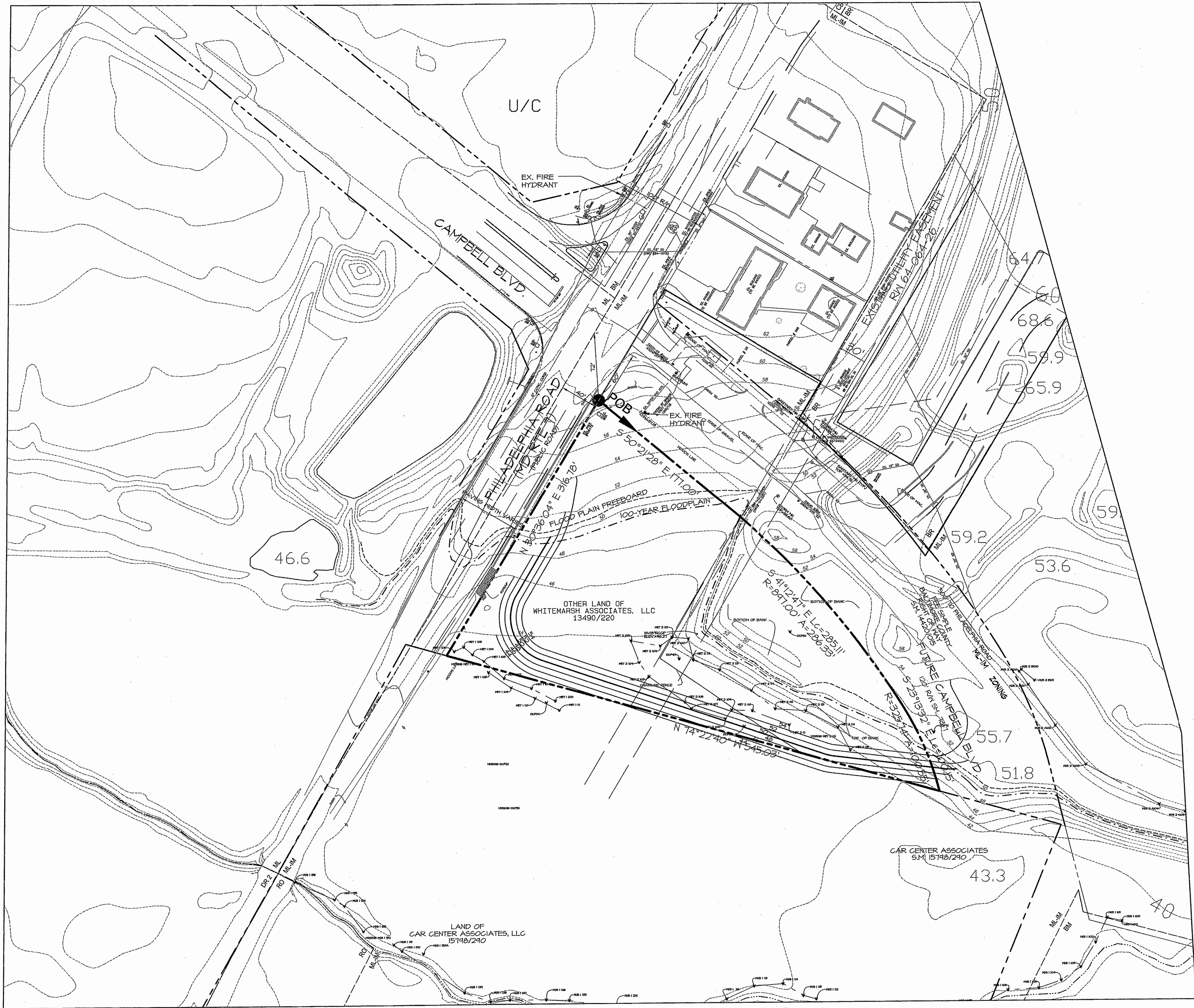
W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

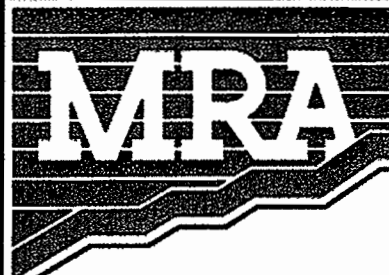
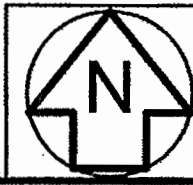
Enclosures

c: People's Counsel
White Marsh Associates, LLC, 1604 Creston Dr., Forest Hill, MD 21050

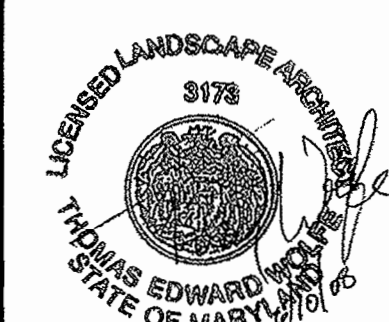
Ret 3



VICINITY MAP
SCALE: 1" = 1000'



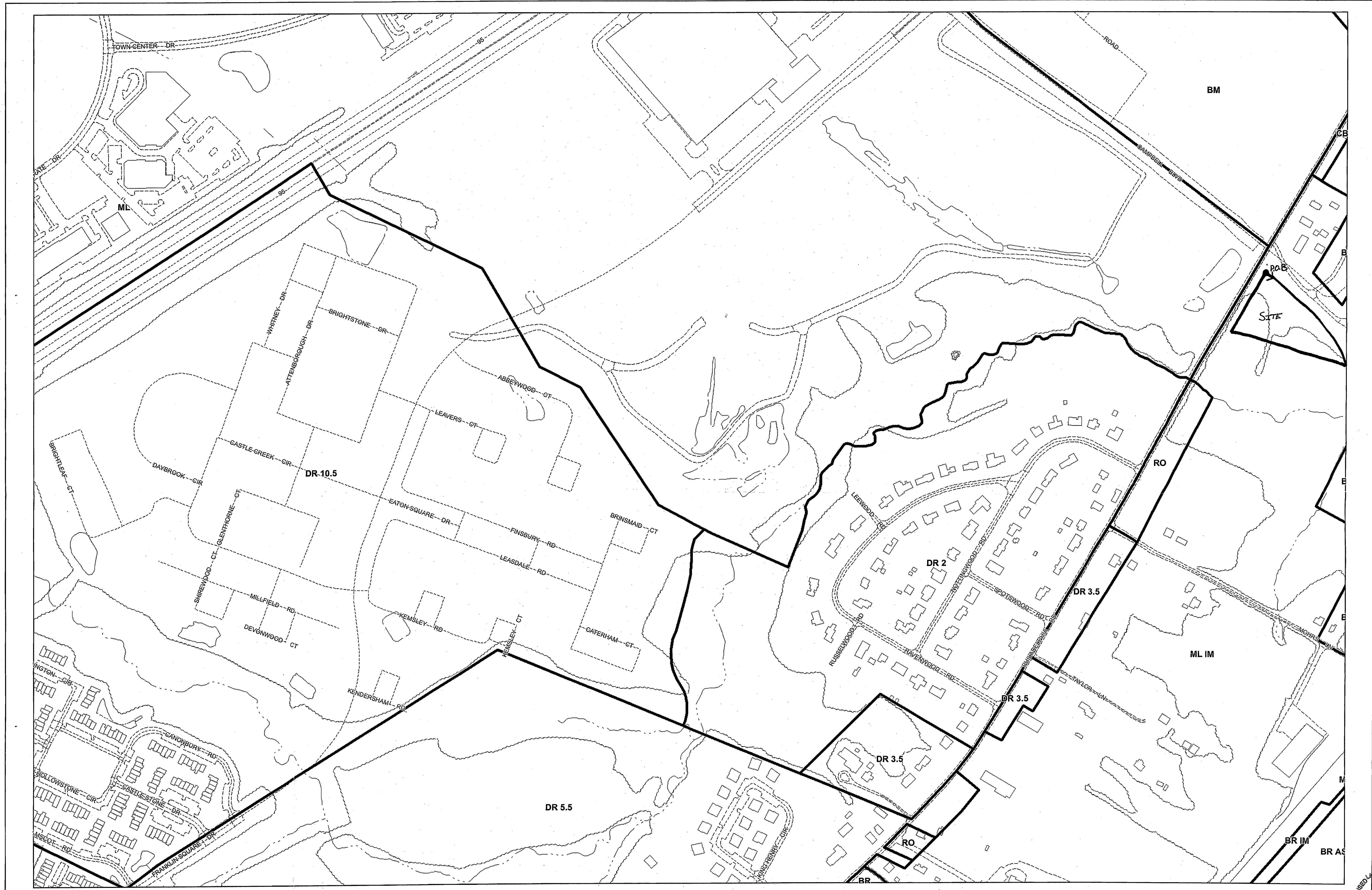
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM



**PLAN TO ACCOMPANY SPECIAL HEARING
FOR A FLOOD PLAIN WAIVER**
MOHR'S LANE
PROPOSED GRADING
15th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.: 14810
		SCALE: 1"=50'
		DATE: 06/03/2008
		DRAWN BY: mP
		DESIGN BY:
		REVIEW BY: TEW
		SHEET: 2 OF 2

Pet 1B



Plan Sheet: 082B2

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Streams
- Vegetation
- Buildings
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

081C1	082A1	082B1	082C1	083A1
081C2	082A2	082B2	082C2	083A2
081C3	082A3	082B3	082C3	083A3

Scale

1" = 200'

0 100 200 400
Feet

1

Data Sources:
Planometric Data - Baltimore County
GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

