

IN RE: DEVELOPMENT PLAN HEARING

N side Arbutus Avenue, W of
Annapolis Road
13th Election District
1st Councilmanic District
(ARBUTUS ESTATES)

Residential Builders, LLC
Developer

* BEFORE THE
* HEARING OFFICER
* FOR BALTIMORE COUNTY
*

* **Case Nos. XIII-213 and**
* **2008-0587-SPH**

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, for a public hearing on a development proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code ("B.C.C."). Residential Builders, LLC, by Paul Nalley, the Developer of the property ("Developer"), submitted for approval a development plan prepared by Site Rite Surveying, Inc., known as "Arbutus Estates," for property located on the north side of Arbutus Avenue and west of Annapolis Road in the Halethorpe area of Baltimore County. The Developer proposes four single-family dwellings on approximately 0.91 acres of land zoned D.R.5.5 and 0.05 acres of land zoned B.L. Details of the proposed development are more fully depicted on the redlined Development Plan that was presented at the hearing and marked and accepted into evidence as Developer's Exhibit 1.

Pursuant to Section 32-4-230 of the B.C.C., the Developer is also requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). This section of the County Code permits the Developer to have the Development Plan hearing and the Zoning Hearing in one combined Hearing Officer's Hearing. Initially, the special hearing was filed seeking approval to transfer one density unit from the D.R.5.5 Zone to

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the B.L. Zone to accommodate construction of one dwelling unit on Lot 1; however, at the hearing, the request was amended as follows: to allow a single-family dwelling to be constructed over the split zoning between the D.R.5.5 and B.L. Zoned areas of the property consisting of Lot 1, and to confirm the residential use on the B.L. Zoned portion of Lot 1 having an area of 2,178 square feet in lieu of the required 6,000 square feet. The amendment was permitted without objection.

As to the history of the project, a concept plan for the proposed development was submitted to the County, and a Concept Plan Conference ("CPC") was held on February 4, 2008 at 9:00 AM in the County Office Building. As the name suggests, the concept plan is a schematic representation of the proposed and is initially reviewed by and between representatives of the Developer and the reviewing County Agencies at the CPC. Thereafter, as required, a Community Input Meeting ("CIM") is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on March 17, 2008, at the Catonsville High School located at 2738 Arbutus Avenue. Members of the development team and the County's representative attended, and members of the community were invited to attend as well. Subsequently, a development plan is prepared, based upon the comments received at the CPC and the CIM, and the development plan is submitted for further review at a Development Plan Conference ("DPC"), which again, is held between the Developer's consultants and County agency representatives to review and scrutinize the plan further. The DPC occurred on October 8, 2008 at 10:00 AM. The Hearing Officer's Hearing for this proposed development was then held on October 31, 2008 in Room 104 of the Jefferson Building located at 105 West Chesapeake Avenue in Towson.

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Certifications contained within the case file indicate that the property was properly posted with a sign on September 29, 2008 providing public notice of the Hearing Officer's Hearing for at least 20 working days prior to the hearing, in order to notify all interested citizens of the date and location of the hearing.

At the public hearing, the Developer, Residential Builders, LLC, by Paul Nalley, appeared along with Vincent Moskunas, a professional land surveyor with Site Rite Surveying, Inc. In addition, John R. Solter, Esquire appeared as attorney for the Developer. There were no Protestants or other interested citizens in attendance at the hearing.

Numerous representatives of the various Baltimore County agencies who reviewed the plan also attended the hearing, including the following individuals from the Department of Permits and Development Management: Colleen Kelly (Project Manager), Dennis Kennedy (Development Plans Review), Bruno Rudaitis (Zoning Review Office), and Ms. Kelly on behalf of Bill Minor (Bureau of Land Acquisition). Also appearing on behalf of the County were David Lykens from the Department of Environmental Protection and Resource Management (DEPRM); Lloyd Moxley from the Office of Planning; and Bruce Gill from the Department of Recreation & Parks. In addition, written comments were received from Baltimore County Fire Marshal's Office and the Maryland State Highway Administration. These and other agency remarks are contained within the case file.

It should be noted at this juncture that the role of each reviewing County agency in the development review and approval process is to perform an independent and thorough review of the development plan as it pertains to its specific area of concern and expertise. The agencies specifically comments on whether the plan complies with all applicable Federal, State, and/or County laws and regulations pertaining to development and related issues. In addition, these

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agencies carry out this role throughout the entire development plan and approval process, which includes providing input to the Hearing Officer either in writing or in person at the hearing. It should also be noted that continued review of the plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

Pursuant to Sections 32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct of the Hearing Officer's Hearing, I am required first to identify any unresolved comments or issues as of the date of the hearing. Mr. Solter, the Developer's attorney, presented a general overview of the plan and particularly commented on the minor redlined changes that resolved any outstanding issues that were identified at the Development Plan Conference. Mr. Solter then indicated that except for the pending special hearing request, it was his understanding that all agency comments had been addressed.

There being no interested citizens in attendance at the hearing, I then asked the particular County agency representatives to state whether they had any outstanding issues. I have summarized their responses below:

Recreation and Parks: Bruce Gill appeared on behalf of the Department of Recreation and Parks and indicated that the proposed development required local open space for four residential units is 4,000 square feet or 0.09 acre, more or less, with 2,600 square feet of active open space and 1,400 square feet of passive open space. Mr. Gill indicated that proposed developments with less than 20 units should be considered for a waiver and a fee in lieu of open space. He confirmed that the Developer had applied for a waiver of the local open space requirements pursuant to Section 32-6-108(c)(3)(ii) and (d) of the B.C.C. and that this waiver had been granted. A copy of the letter from the Department of Recreation and Parks dated

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October 6, 2008 granting the waiver was marked and accepted into evidence as Baltimore County Exhibit 1. The local open space fee of \$24,280.00 is to be paid prior to the recordation of the record plat for the property. On this basis, Mr. Gill testified that the Department of Recreation and Parks recommends approval of the redlined Development Plan.

Planning Office: Lloyd Moxley appeared on behalf of the Office of Planning. Mr. Moxley presented a copy of the School Impact Analysis that was marked and accepted into evidence as Baltimore County Exhibit 2. Based on his review, he indicated that the elementary, middle, and high schools in the area each had sufficient capacity to meet the adequate facilities requirements. Mr. Moxley also indicated that the proposed development was subject to the Section 260 Performance Standards set forth in the B.C.Z.R. A pattern book was prepared by the Developer and submitted and then amended based on comments received from the Office of Planning. The pattern book received by the Office of Planning on May 14, 2008 was marked and accepted into evidence as Developer's Exhibit 3. Mr. Moxley referenced a redline Note to the side elevation drawing in the pattern book which indicates that "[f]or Lot 1 and 4 side façade shall have articulation to include windows." Mr. Moxley also indicated that two additional copies of the pattern book should be submitted to include the Note on the side elevation drawing pertaining to articulation, and should also include drawings that will show the actual position and placement of windows on the side façade. Mr. Moxley then indicated that with these changes to the pattern book, his Office recommends approval of the redlined Development Plan.

Development Plans Review (Public Works): Dennis Kennedy appeared on behalf of the Bureau of Development Plans Review. Mr. Kennedy confirmed that the Developer's redlined plan met all of his department's requirements and comments and that his department recommends approval of the redlined Development Plan.

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Department of Environmental Protection and Resource Management (DEPRM): David Lykens appeared on behalf of DEPRM. Mr. Lykens indicated that his Department had no objections to the plan as submitted. He also noted that the plan is not subject to forest conservation regulations because the newly created lot is less than 40,000 square feet. He then indicated that his Department recommends approval of the redlined Development Plan.

Office of Zoning Review: Bruno Rudaitis appeared on behalf of the Zoning Review Office. He indicated that the special hearing case number needed to be on the Development Plan, that the plan needed to show the rear building setback line of 30 feet, and that the special hearing request should reflect that the portion of Lot 1 that is in the B.L. Zone is deficient in area. All of these comments were addressed on the redlined Development Plan and in the amended Special Hearing request. Mr. Rudaitis then indicated his Office is supportive of the Developer's request for special hearing, and recommends approval of the redlined Development Plan.

Land Acquisition: Colleen Kelly appeared in place of Bill Minor on behalf of the Bureau of Land Acquisition. Ms. Kelly indicated that there were no outstanding issues from that agency and that the department recommends approval of the redlined Development Plan.

Moving next to the more formal portion of the hearing, the Developer's professional land surveyor, Vincent Moskunas, presented the redlined Development Plan. Mr. Moskunas, a professional land surveyor with Site Rite Surveying, Inc., confirmed his familiarity with the laws and regulations pertaining to residential and commercial development, particularly in Baltimore County, and was offered and accepted as an expert in land development and the necessary zoning and land use regulations and policies in Baltimore County. As Mr. Moskunas explained, he was directly involved in the evaluation and preparation of the development plan for this project, and

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[Signature]

he prepared the redlined Development Plan. He indicated that, as depicted on the plan, the development calls for the creation of four lots with dwellings thereon. Access to each home would be directly from Arbutus Avenue. The homes would also have access to public water and sewer services. As shown in the pattern book, the homes would be two-story colonial style with three bedrooms and two full bathrooms on the second floor and first floor living room, dining room, kitchen, and family room, with a first floor powder room as well.

Following his presentation of the plan, Mr. Moskunas offered his opinion that, based on his professional knowledge and experience, the redlined Development Plan marked and accepted into evidence as Developer's Exhibit 1 fully complies with the development regulations contained in the Baltimore County Code and all applicable policies, rules, and regulations. As Mr. Moskunas confirmed, the redlined Development Plan had been presented to each of the County agency representatives and each agency likewise confirmed that all issues were addressed and resolved on the redlined plan.

The Developer's attorney, Mr. Solter, then discussed the related special hearing request. The majority of the property lies in the D.R.5.5 Zone and clearly, the development as proposed is permitted in this Zone. The issue then becomes whether the residential use of Lot 1 -- which is split zoned with a small sliver in the B.L. Zone -- is permitted by the B.C.Z.R. Mr. Solter pointed out that Section 230.1 of the B.C.Z.R. indicates in no uncertain terms that this use is permitted. In particular, the relevant portion of this Section states that "uses permitted and as limited in the residential zone immediately adjoining" the B.L. Zone are permitted. Hence, because the proposed development is permitted in the D.R.5.5 Zone, it is also permitted in the B.L. Zone that immediately adjoins the D.R.5.5 Zone. Mr. Solter also indicated that, although the B.L. portion of Lot 1 is by itself undersized, when viewed together with the rest of the

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D.R.5.5 Zoned portion of Lot 1, that lot actually exceeds the minimum area requirement of 6,000 square feet. Based on the above, Mr. Solter questioned whether zoning relief was even necessary; however, given these circumstances in any event, he believes that the special hearing relief should be granted.

The Baltimore County Code clearly provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." *See*, Section 32-4-229 of the B.C.C. After due consideration of the testimony presented by Mr. Moskunas, the exhibits offered at the hearing, and confirmation from the various County agencies that the development plan satisfies those agencies' requirements, I find that the redlined Development Plan, marked and accepted into evidence as Developer's Exhibit 1, is in compliance with the Baltimore County Code and all applicable policies, rules, and regulations. Therefore, having identified no remaining unresolved or outstanding issues that would prevent development plan approval, the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the redlined Development Plan. As to the special hearing request, I agree with the Developer's attorney, Mr. Solter, that under Section 230.1 of the B.C.Z.R., and given the unusual split zoning of the property at Lot 1, the proposed residential use is permitted.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, the redlined "Arbutus Estates" Development Plan, accepted into evidence as Developer's Exhibit 1, shall be approved consistent with the comments contained herein, and the special hearing request shall be granted.

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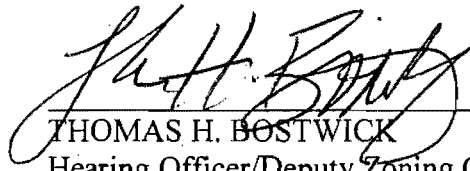
THEREFORE, IT IS ORDERED by this Hearing Officer/Deputy Zoning Commissioner for Baltimore County, this 14th day of November, 2008, that the ARBUTUS ESTATES redlined Development Plan, marked and accepted into evidence as Developer's Exhibit 1, be and is hereby APPROVED.

IT IS FURTHER ORDERED that the Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a single-family dwelling to be constructed over the split zoning between the D.R.5.5 and B.L. Zoned areas of the property consisting of Lot 1, and to confirm the residential use on the B.L. Zoned portion of Lot 1 having an area of 2,178 square feet in lieu of the required 6,000 square feet be and is hereby GRANTED.

The approval of the Development Plan and the Special Hearing relief is conditioned on the following:

1. Consistent with the comments stated herein, the Developer shall prepare two additional copies of the pattern book for submission to the Office of Planning, with the inclusion of the Note on the side elevation drawing pertaining to articulation as depicted in the pattern book that was accepted into evidence as Baltimore County Exhibit 3, and shall also include drawings that will show the actual position and placement of windows on the side façade.

Any appeal of this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code.


THOMAS H. BOSTWICK
Hearing Officer/Deputy Zoning Commissioner
for Baltimore County

THB:pz

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #2738-#2744 Arbutus Avenue

which is presently zoned D.R. 5.5 & BL

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

(See ATTACHED)

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Paul Schwal

Name - Type or Print

Signature

Azrael Gann & Franz, LLP
Company

101 E. Chesapeake Avenue 410-821-6800

Address Telephone No.

Towson, Maryland 21286

City

State

Zip Code

Legal Owner(s):

Residential Builders, LLC Paul Nalley

Name - Type or Print

Signature

Name - Type or Print

Signature

3903 Hollins Ferry Road 443-286-0255

Address Telephone No.
Baltimore, MD 21227

State

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, Room 101 410-828-9060

Address Telephone No.

Towson, MD 21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By sh Date 6/25/08

Case No. 2008-0587-SH4

REV 9/15/98

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11.14.08

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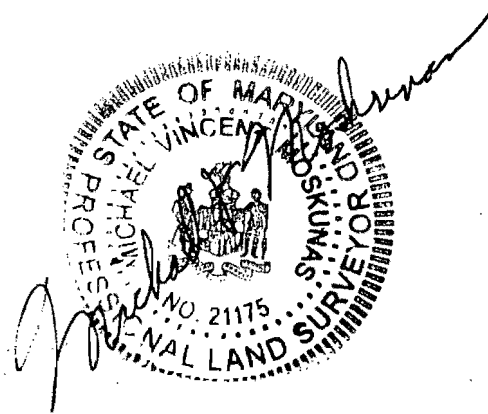
To transfer one density unit from the D.R.-5.5 zone to the BL zone
to accommodate construction of one dwelling unit on lot #1.

CASE NO 0507SPH

ZONING DESCRIPTION FOR SPECIAL HEARING

Zoning Description for #2738-#2744 Arbutus Avenue as recorded in Deed Liber 26674, folio 375.

BEGINNING at a point on the north side of Arbutus Avenue which is 40 feet of right of way wide at the distance of 180 feet west of the centerline of the nearest improved intersecting street Annapolis Road, MD Rte 648 which is 60 feet of right of way wide. Thence S85° 37' 51"W, 279.19 feet; N10° 22' 51"E, 160.00 feet; N85° 37' 51"E, 238.53 feet; S04° 20' 24"E, 154.73 feet to PLACE OF BEGINNING containing 0.91 acre of land, more or less.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **17581**

Date: **6/25/08**

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
0000	000			000				100.00

Total: **100.00**

Rec

From: **State**

For: **State**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BUSINESS ACTUAL TIME TRK
 6/26/2008 6/25/2008 11:37:17 1

REG/USD1 WALKIN JRIC JHR

>>RECEIPT # 379788 6/25/2008 DELH

5 520 ZONING VERIFICATION

CR # 017581

Recpt Tot: \$45.00

\$45.00 CR \$45.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #2008-0587-SPH
2738-2744 Arbutus Avenue
N/side of Arbutus Avenue, 180
feet west of centerline of An-
napolis Road
13th Election District
1st Councilmanic District
Legal Owner(s): Paul Nalley,
Residential Builders, Inc.

Special Hearing: to transfer
one density unit from DR 5.5
zone to BL zone to accommo-
date construction of one dwell-
ing unit on Lot 1.

**Hearing: Tuesday, August 26,
2008 at 2:00 p.m. in Hearing
Room 1, Jefferson Building,
105 West Chasapeake Ave-
nue, 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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

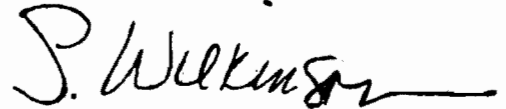
JT/8/639 Aug 12 180644

CERTIFICATE OF PUBLICATION

8/14/, 2008

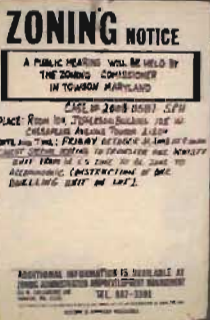
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 8/12/, 2008.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING



10/14/2008

RE: Case No:

2008-0587-SPH

Petitioner/Developer:

PAUL NALLEY
RESIDENTIAL BUILDERS INC

Date Of Hearing/Closing:

10/31/08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at 2738-2744 ARBITRUS AVE

This sign(s) were posted on

October 14, 2008

(Month, Day, Year)

Sincerely,

Martin Ogle 10/14/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

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: 2008-0587-SPH

Petitioner: RESIDENTIAL BUILDERS LLC

Address or Location: 2738-2744 ARBUTUS AVE.

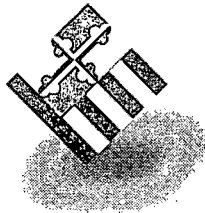
PLEASE FORWARD ADVERTISING BILL TO:

Name: RESIDENTIAL BUILDERS, LLC.

Address: 3903 HOLLINS FERRY RD.

BALTO., MD. 21227

Telephone Number: 443-286-0255



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

September 18, 2008
TIMOTHY KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 2008-0587-SPH

2738-2744 Arbutus Avenue

N/side of Arbutus Avenue, 180 feet west of centerline of Annapolis Road

13th Election District – 1st Councilmanic District

Legal Owners: Paul Nalley, Residential Builders, Inc.

Special Hearing to transfer one density unit from DR 5.5 zone to BL zone to accommodate construction of one dwelling unit on Lot 1.

Hearing: Friday, October 31, 2008 at 9:00 a.m., Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Paul Schwab, 101 E. Chesapeake Avenue, Towson 21286
Paul Nalley, 3903 Hollins Ferry Road, Baltimore 21227
Site Rite, 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 16, 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
Thursday, October 31, 2008 Issue - Jeffersonian

Please forward billing to:
Residential Builders, Inc.
3903 Hollins Ferry Road
Baltimore, MD 21227

443-286-0255

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WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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ZONING REVIEW

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Petitioner: RESIDENTIAL BUILDERS LLC

Address or Location: 2738-2744 ARBUTUS AVE.

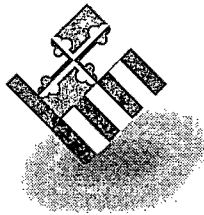
PLEASE FORWARD ADVERTISING BILL TO:

Name: RESIDENTIAL BUILDERS, LLC.

Address: 3903 HOLLINS FERRY RD.

BALTO., MD. 21227

Telephone Number: 443-286-0255



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

September 16, 2008
TIMOTHY KOTROCO, Director
Department of Permits and
Development Management

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105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Paul Schwab, 101 E. Chesapeake Avenue, Towson 21286

Paul Nalley, 3903 Hollins Ferry Road, Baltimore 21227

Site Rite, 200 E. Joppa Road, Rm. 101, Towson 21286

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TO: PATUXENT PUBLISHING COMPANY
Thursday, October 31, 2008 Issue - Jeffersonian

Please forward billing to:
Residential Builders, Inc.
3903 Hollins Ferry Road
Baltimore, MD 21227

443-286-0255

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: 2008-0587-SPH

2738-2744 Arbutus Avenue

N/side of Arbutus Avenue, 180 feet west of centerline of Annapolis Road

13th Election District – 1st Councilmanic District

Legal Owners: Paul Nalley, Residential Builders, Inc.

Special Hearing to transfer one density unit from DR 5.5 zone to BL zone to accommodate construction of one dwelling unit on Lot 1.

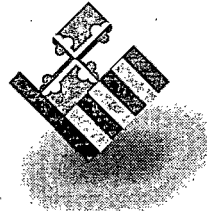
Hearing: Friday, October 31, 2008 at 9:00 a.m., Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204



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
October 23, 2008

Paul Schwat
Azrael, Gann & Franz, LLP
101 E. Chesapeake Ave.
Towson, MD 21286

Dear: Paul Schwat

RE: Case Number 2008-0587-SPH, 2738-2744 Arbutus Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 25, 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,

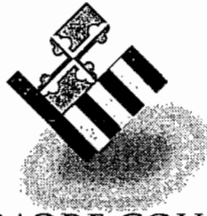
A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Paul Nalley: Residential Builders, LLC, 3903 Hollins Ferry Rd., Baltimore, MD 21227
Site Rite Surveying, INC., 200 E. Joppa Rd. Room 101, Towson, MD 21286



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: 0519a, 0520a, 0583, 0584, 0585, 0587, 0589, 0590, 0591, 0592, 0593

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.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 10, 2008

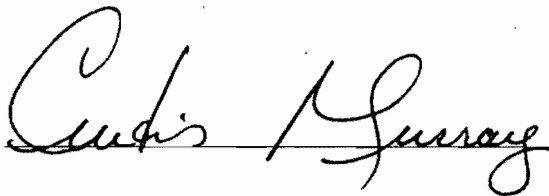
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-587- Special Hearing**

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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 14, 2008
Item Nos. 08-0519, 0520, 0581, 0583,
0585, ~~0587~~, 0589, 0590, 0592, and 0593

DATE: July 8, 2008

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

DAK:CEN:lrk

cc: File

ZAC-07082008-NO COMMENTS



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

State Highway
Administration

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 2008-0587-SPH
2738-2744 ARBUTUS AVE
RESIDENTIAL BUILDERS, 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,

For Steven D. Foster, Chief
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



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
2738-2744 Arbutus Avenue; N/S Arbutus * ZONING COMMISSIONER
Avenue, 180' W c/line of Annapolis Road * FOR
13th Election & 1st Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Residential Builders, LLC *
Petitioner(s) *
08-587-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

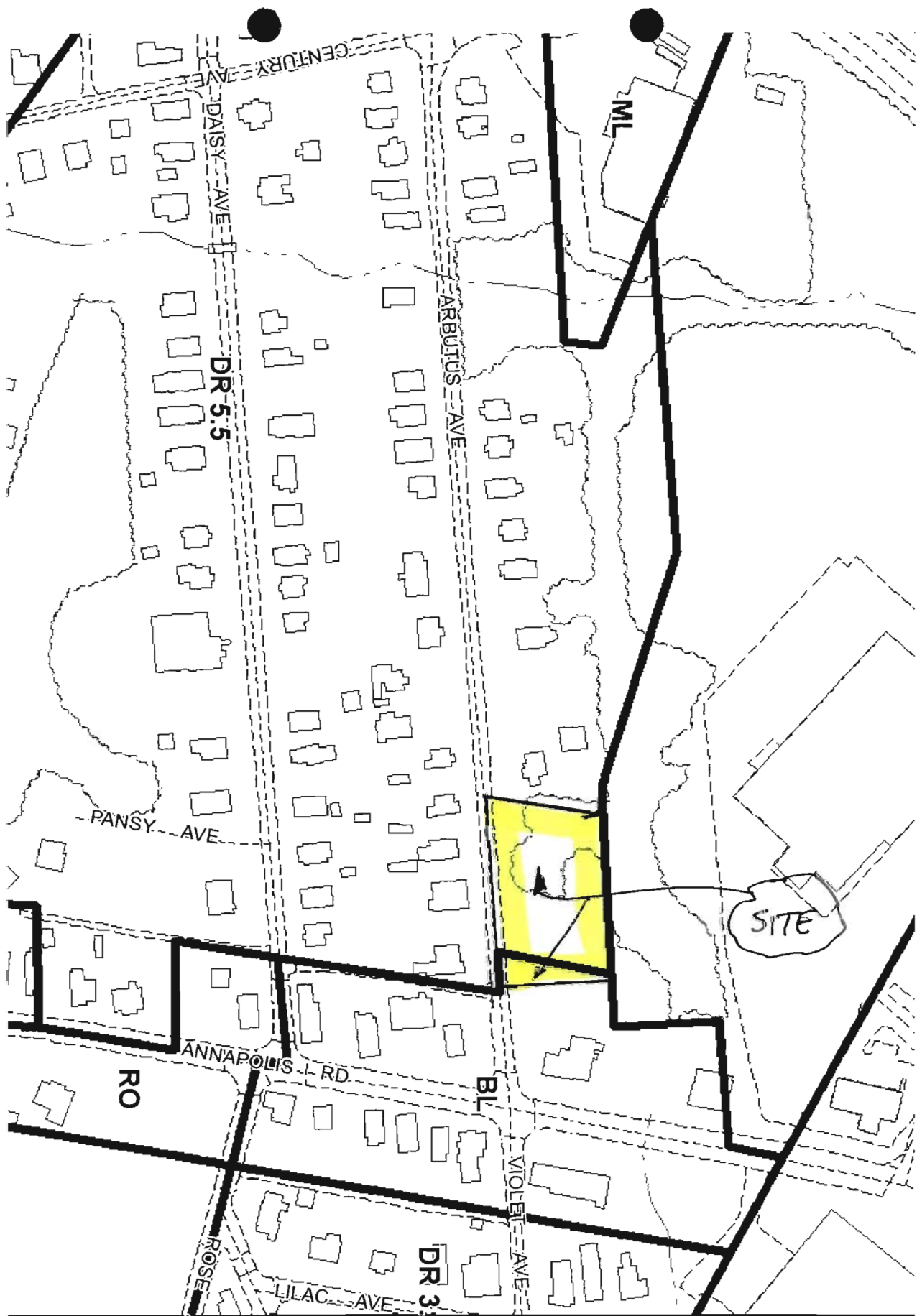
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

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 Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286 and Paul Schwabb, Esquire, 101 E. Chesapeake Avenue, Towson, MD 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



0587 SPA

109B1

CASE NO 6587 SPH