

IN RE: PETITION FOR SPECIAL HEARING

SW side of Liberty Road, 621 feet E of
c/l Tiverton Road
2nd Election District
4th Councilmanic District
(9705 Liberty Road)

Beth El Congregation of Baltimore, Inc.

Legal Owner

Enterprise Housing Corporation

Developer

BEFORE THE

DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 2009-0168-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the Beth El Congregation of Baltimore, Inc., the legal property owner, and Enterprise Housing Corporation, the Developer of the subject property. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to abandon the cemetery use approved by Special Exception in Case No. 2008-0205-SPHX for the area of the approved Senior Housing Planned Unit Development upon vesting of the Development Plan. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing were Debbie A. Caplan and Steven D. Silverman on behalf of Petitioner Beth El Congregation of Baltimore, Inc., and Corey J. Powell on behalf of the Developer Enterprise Housing Corporation. Jason T. Vettori, Esquire appeared as attorney for Petitioners. Also appearing in support of the requested relief was Richard E. Matz with Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the site plan.

COPIES RECEIVED FOR FILE

2-23-08

pm

Testimony and evidence revealed that the subject property is rectangular in shape and contains 7.19 acres, more or less, zoned D.R.3.5. The property is located on the south side of Liberty Road between Marriottsville Road to the west and Kings Oak Road to the east in the Randallstown area of Baltimore County. The property was previously part of Parcel 106 that is shown west of the subject property on the site plan and also owned by Beth El Congregation of Baltimore, Inc. and utilized for cemetery purposes. The site plan also shows that there are several parcels located between Parcel 106 and the subject property that are also utilized for cemetery purposes. The instant matter is brought before this Commission at the behest of the County's Zoning Review Office for a Special Hearing in order to approve and confirm the abandonment of a previously granted cemetery use by special exception upon the vesting of the Development Plan for the area of the approved Senior Housing Planned Unit Development ("PUD"). The special exception use was granted approximately one year ago and the PUD was granted in November 2008.

In order to give proper context to the instant request and by way of brief background, the property was part of a previous zoning request in 2008. In Case No. 2008-0205-SPHX, the Beth El Congregation of Baltimore, Inc. as well as the owners of similar adjacent properties requested Special Hearing relief to affirm the use of the entire properties for cemetery purposes as approved in Case No. 1251-S, and to remove any conditions therefrom; or in the alternative, to approve a Special Exception for the use of the properties for cemetery purposes, without conditions. This included the subject property, which was then part of Parcel 106.¹ The undersigned granted the

¹ The west side of Parcel 106 was already being used for cemetery purposes. The east side of Parcel 106 (the subject property) was at that time unimproved; however, Petitioners anticipated using the rear half of the east side of that Parcel in order to expand the cemetery use. They had not yet decided on the manner in which to utilize the front half of the Parcel -- whether to sell or develop that area or also utilize it for cemetery purposes. The petitions for special hearing relief, or in the alternative, special exception were to confirm the cemetery uses granted previously by Case No. 1251-S in 1948 and 1949, and to update gaps in the records pertaining to those uses of the property. Essentially, Petitioners wanted to have the entire parcels recognized for cemetery purposes in the event expansion of the cemetery uses was necessary in the future.

COPIES RETURNED FOR FILE

2-23-08
pm

requested relief in an Order dated February 11, 2008. A copy of the Order was marked and accepted into evidence as Petitioners' Exhibit 2.

Thereafter, Beth El Congregation of Baltimore, Inc., with the Developer Enterprise Housing Corporation, requested approval of a Planned Unit Development for Affordable Senior Housing. The Developer proposed a 105 unit building featuring one and two bedroom residential units that would be appropriate for older or senior residents. This area is shown on the site plan as the subject property. In Case No. II-743, Zoning Commissioner William J. Wiseman, III, acting as Hearing Officer, issued an Order dated November, 2008 approving the PUD. A copy of the Order was marked and accepted into evidence as Petitioners' Exhibit 3. In his Order, Commissioner Wiseman discussed the issue involving the previously granted special exception use as a cemetery, and the intended abandonment of the cemetery use for the property, effectively, upon the vesting of the affordable senior housing facility. He even issued a specific Order stating that "the previously approved cemetery use for the PUD site shall be deemed to have been abandoned upon the vesting of the Senior Housing PUD." Nonetheless, the case is before this Commission to confirm the abandonment of the cemetery use.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated December 31, 2008 which indicates that they do not oppose the Petitioners' request provided the special hearing relief does not compromise that which was granted under the recent planned unit development process nor development plan requirements imposed by respective County review agencies.

Based on the testimony and evidence presented, I am easily persuaded to grant the requested special hearing relief. I believe the instant request is involves more "form" than "substance" and is in my view a "housekeeping" measure to ensure proper compliance with the Regulations.

ORDER RECOMMENDED FOR AFFIRMATION

2.23.08



Commissioner Wiseman covered the issue in his previous approval of the PUD in his capacity as Hearing Officer and I shall do the same in my capacity as Deputy Zoning Commissioner.

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 request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 23rd day of February, 2009 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to abandon the cemetery use approved by Special Exception in Case No. 2008-0205-SPHX for the area of the approved Senior Housing Planned Unit Development upon vesting of the Development Plan be and is hereby GRANTED, subject to the following:

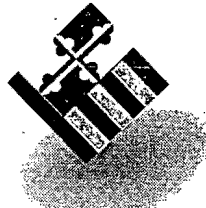
1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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

~~REMOVED FROM FILE~~
2-23-08

BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

February 23, 2009

JASON T. VETTORI
GILDEA & SCHMIDT LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON MD 21204

Re: Petition for Special Hearing
Case No. 2009-0168-SPH
Property: 9705 Liberty Road

Dear Mr. Vettori:

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,

A handwritten signature in dark ink, appearing to read "J. H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

- c: Richard E. Matz, Colbert, Matz & Rosenfelt, 2835 Smith Avenue, Suite G,
Baltimore, MD 21209
Debbie A. Caplan and Steven D. Silver, Beth El Congregation of Baltimore, Inc., 8101 Park Heights
Avenue, Baltimore MD 21208
Corey J. Powell, Enterprise Housing Corporation, 312 North Martin Luther King Jr. Blvd. 3rd Floor,
Baltimore MD 21201



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9705 Liberty Road

which is presently zoned D.R. 3.5

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

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Enterprise Housing Corporation c/o Marsha "Chickie" Grayson

Name - Type or Print

Signature

312 N. Martin Luther King Blvd, 3rd Fl (410) 332-7400

Address Telephone No.

Baltimore MD 21201

City State Zip Code

Attorney For Petitioner:

Jason T. Vettori

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200 (410) 821-0070

Address Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

Beth El Congregation of Baltimore, Inc. c/o Gilbert Kliener

Name - Type or Print

Signature

GILBERT KLEINER

Name - Type or Print

Signature

8101 Park Heights Avenue

Address Telephone No.

Baltimore MD 21208

City State Zip Code

Representative to be Contacted:

Jason T. Vettori

Name

600 Washington Avenue, Suite 200 (410) 821-0070

Address Telephone No.

Towson MD 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 12.11.08

REV 9/15/98

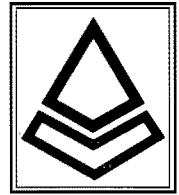
RECEIVED FOR FILING
2.23.08
[Signature]

ATTACHMENT TO PETITION FOR SPECIAL HEARING
9705 Liberty Road

1. To abandon the cemetery use approved by Special Exception in Case No. 08-205-SPHX for the area of the approved Senior Housing PUD upon vesting of the Development Plan; and
2. For such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

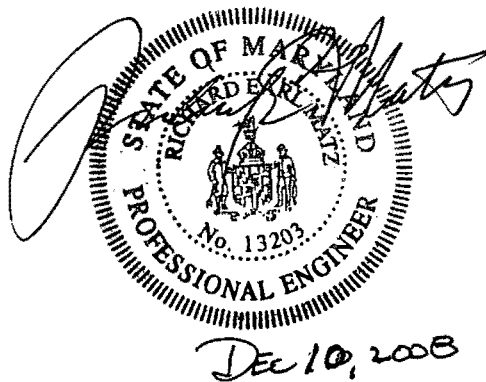


ZONING DESCRIPTION 9707 LIBERTY ROAD

Beginning at a point on the centerline of Liberty Road, which is 66 feet wide, at a point 621 feet east of the centerline of Tiverton Road, which is 60 feet wide, thence the following courses and distances:

S 31°24'10" W, 819.20 ft.;
N 84°17'45" W, 282.34 ft.;
N 56°48'51" W, 129.50 ft.;
N 33°24'44" E, 892.01 ft.; thence
S 57°51'50" E, 352.60 ft. to the Point of Beginning

Being a portion of the property recorded in Deed Liber 10359, folio 371, and containing 7.19 acres. To be known as #9705 Liberty Road and located in the 2nd Election District, 4th Councilmanic District.



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 13203, Expiration Date: Nov 2, 2010

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **33011**

Date **12-11-08**

PAID RECEIPT

BUSINESS ACTUAL TIME
 12/13/2008 12/11/2008 15:45:00
 REG. 502 MAIL JENA JEL
 MORE REPT # 613970 12/11/2008
 5 520 2008 VERIFICATION

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
200	200	0000		6150				325.00

Total **325.00**

Rec From: **ENT HOUSING CORP**

For: **2009-0169 SPH**

033014
 Rept for \$325.00
 \$325.00 CR \$20 CA
 Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: # 2009-0168-SPH

9705 Liberty Road

S/west side of Liberty Road, 621. feet +/- east of centerline of Tiverton Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Beth El Congregation of Baltimore, Inc.

Contract Purchaser: Enterprise Housing Corporation

Special Hearing: to abandon cemetery use approved by Special Exception in Case 08-205-SPHX for the area of the approved Senior Housing PUD upon vesting of the Development Plan, and for such other and further relief as may be deemed necessary by Zoning Commissioner for Baltimore County.

Hearing: Thursday, February 19 2009 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special 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 2/6/17 Feb. 3

193381

CERTIFICATE OF PUBLICATION

2/5/2009

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 2/3/2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 20090168-SPH

Petitioner/Developer: _____

Enterprise Housing Corporation.

Date of Hearing/closing Feb 19 2009

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn : Kristin Matthews

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 .

9705 Liberty Road.

The sign(s) were posted on Feb 4, 2009
(Month, Day, Year)

Sincerely,

Robert Black 2-10-09
(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)

ZONING NOTICE

CASE # 2009-0168SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

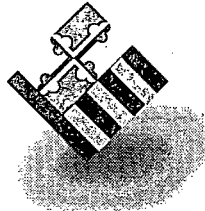
Room 106, County Office Building
PLACE: 111 WEST CHESAPEAKE AVE TOWSON 21204

DATE AND TIME THURSDAY, FEBRUARY 19, 2009 AT 10:00 A.M.

REQUEST: SPECIAL HEARING TO ABANDON CEMETARY USE
APPROVED BY SPECIAL EXCEPTION IN CASE 08-203-SPHX FOR
THE AREA OF THE APPROVED SENIOR HOUSING PUD UPON VESTING
OF THE DEVELOPMENT PLAN AND FOR SUCH OTHER AND FURTHER
RELIEF AS MAY BE DEEMED NECESSARY BY ZONING COMMISSIONER
FOR BALTIMORE COUNTY.

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

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 22, 2009
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: 2009-0168-SPH

9705 Liberty Road

S/west side of Liberty Road, 621 feet +/- east of centerline of Tiverton Road

2nd Election District – 4th Councilmanic District

Legal Owners: Beth El Congregation of Baltimore, Inc.

Contract Purchaser: Enterprise Housing Corporation

Special Hearing to abandon cemetery use approved by Special Exception in Case 08-205-SPHX for the area of the approved Senior Housing PUD upon vesting of the Development Plan, and for such other and further relief as may be deemed necessary by Zoning Commissioner for Baltimore County.

Hearing: Thursday, February 19, 2009 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
Gilbert Kleiner, Beth El Cong. of Baltimore, Inc., 8101 Park Heights Avenue; Baltimore 21208
Marsha Grayson, Enterprise Housing Corp., 312 N. Martin Luther King Blvd., 3rd Fl., Balto. 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 4, 2009.**
- (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, February 3, 2009 Issue - Jeffersonian

Please forward billing to:
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2009-0168-SPH

9705 Liberty Road

S/west side of Liberty Road, 621 feet +/- east of centerline of Tiverton Road

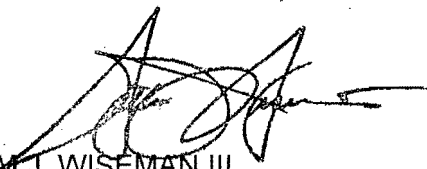
2nd Election District – 4th Councilmanic District

Legal Owners: Beth El Congregation of Baltimore, Inc.

Contract Purchaser: Enterprise Housing Corporation

Special Hearing to abandon cemetery use approved by Special Exception in Case 08-205-SPHX for the area of the approved Senior Housing PUD upon vesting of the Development Plan, and for such other and further relief as may be deemed necessary by Zoning Commissioner for Baltimore County.

Hearing: Thursday, February 19, 2009 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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.

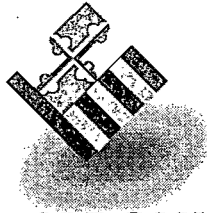
For Newspaper Advertising:

Item Number or Case Number: 0168
Petitioner: ENTERPRISE HOUSING CORPORATION
Address or Location: 9705 LIBERTY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: GILDEA & SCHMIDT, LLC
Address: 600 WASHINGTON AVE., SUITE 200
TOWSON, MD ~~21205~~ 21204
Telephone Number: (410) 821-0070

Revised 7/11/05 - SCJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
February 12, 2009

Jason T. Vettori
Gildea & Schmidt, LLC
600 Washington Ave. Ste. 200
Towson, MD 21204

Dear: Jason T. Vettori

RE: Case Number 2009-0168-SPH, 9705 Liberty Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 11, 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
Beth El Congregation of Baltimore, Inc.; 8101 Park Heights Ave.; Baltimore, MD 21208
Enterprise Housing Corporation; 312 N. Martin Luther King Blvd.; Baltimore, MD 21201

TB 2/19
10 am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 31, 2008

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

SUBJECT: 9705 Liberty Road

INFORMATION:

Item Number: 9-168

Petitioner: Enterprise Housing Corporation

Zoning: DR 3.5

Requested Action: Special Hearing

RECEIVED

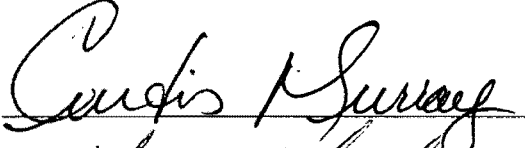
JAN 07 2008

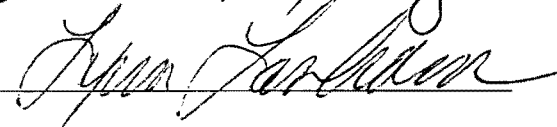
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the special hearing relief does not compromise that which was granted under the recent PUD process nor development plan requirements imposed by respective county review agencies.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by: 

Division Chief: 
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 6, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For December 29, 2008
Item Nos. 2009-0148, 0162, 0167, 0168, 
0169, 0170, 0171, and 0173.

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

DAK:CEN:lrk
cc: File
ZAC-122908 -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

December 23, 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. 2009-0168-SPH
MD 26 (Liberty Road)
Enterprise Housing Corporation
9705 Liberty Road
Senior Housing PUD
Mile Post 3.86

Dear Ms. Matthews:

We have reviewed the site plan to accompany special hearing on the subject of the above captioned, which was received on December 23rd. A field inspection and internal review reveals that an entrance and road widening improvements onto MD 26 (Liberty Road) consistent with current State Highway Administration guidelines is required. As a condition of approval for Enterprise Housing Corporation located at 9705 Liberty Road, Case Number 2009-0168-SPH the applicant must contact the State Highway Administration to obtain an access permit.

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

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. Richard B. Matz, Engineer, Colbert Matz Rosenfelt, Inc.
Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. John Vananzo, Traffic manager, SHA

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
9705 Liberty Road; Sw/S Liberty Road, * ZONING COMMISSIONER
621' E of c/line Tiverton Road *
2nd Election & 4th Councilmanic Districts * FOR
Legal Owner(s): Beth El Congregation *
of Baltimore, Inc *
Contract Purchaser(s): Enterprise Housing * BALTIMORE COUNTY
Corporation *
Petitioner(s) * .09-168-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

JAN 07 2009

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

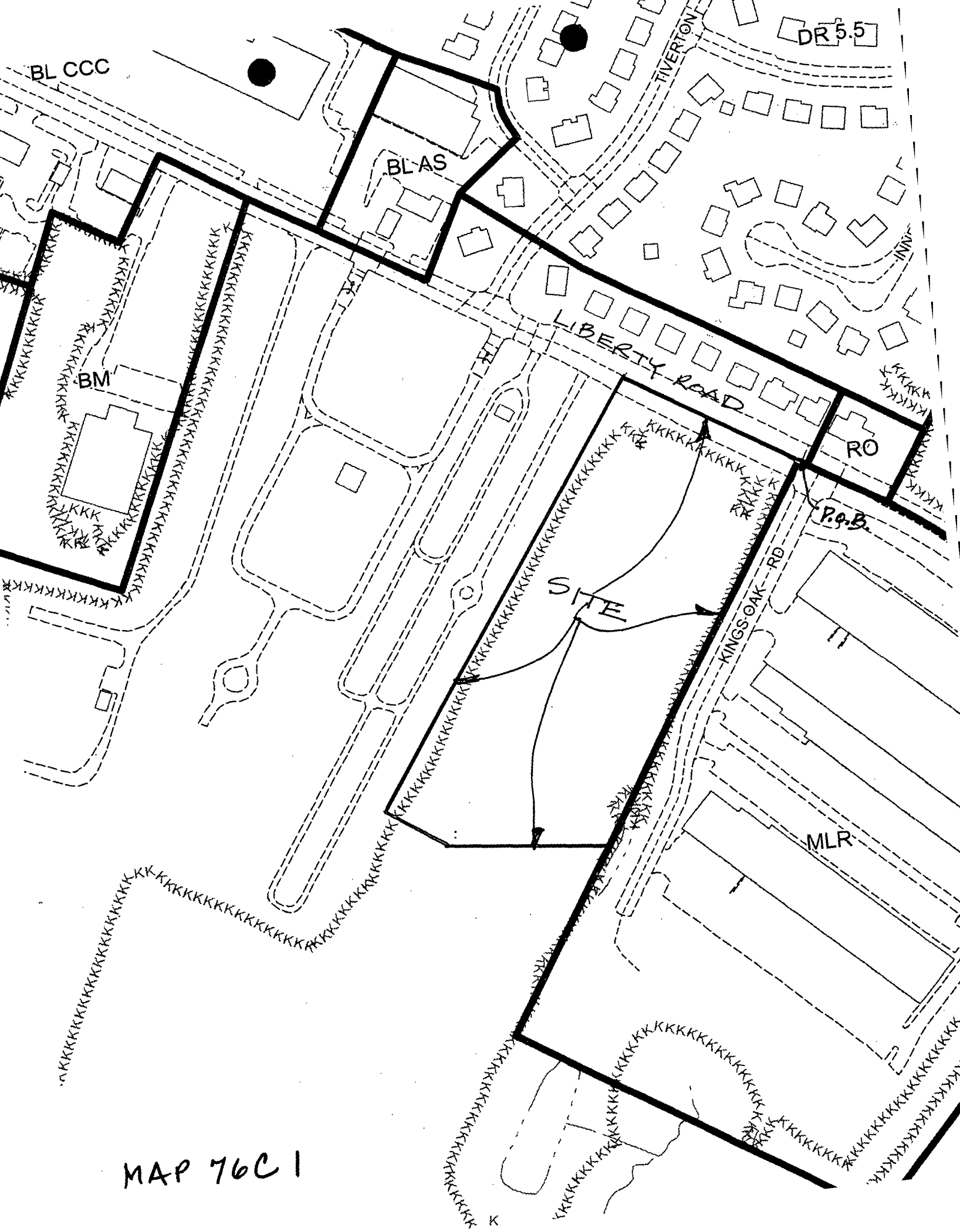
I HEREBY CERTIFY that on this 7th day of January, 2009, a copy of the foregoing Entry of Appearance was mailed to Jason T. Vettori Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 2009-168-SPH
DATE FEB 19, 2009.

[illegible]



MAP 76C 1

Case No.: 2009-0168-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	prior order 08-0205-SPHX	
No. 3	PUD approval	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

TB

**IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION**

SW side Liberty Road, 621 feet E of
the c/l of Tiverton Road
2nd Election District
4th Councilmanic District
(9707 Liberty Road)

Gilbert Kleiner, Laure Gutman, and David Green
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

* **Case No. 08-205-SPHX**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing filed by Gilbert Kleiner, Executive Director of the Beth El Congregation of Baltimore, Inc., Laure Gutman, President of Chevra Ahavas Chesed, Inc., and David Green, President of the Congregation B'nai Jacob Shaarei Zion, the legal property owners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to affirm the use of the entire properties for cemetery purposes as approved by Special Permit granted in Case No. 1251-S, and to remove any conditions therefrom; or in the alternative, to approve a Special Exception for the use of the properties for cemetery purposes, without conditions. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing on behalf of Petitioners were Debbie A. Caplan, Steven D. Silverman, and Stanley H. Hellman. Also appearing were Corey Powell and Harvey Zeiger. Deborah Dopkin, Esquire appeared as the attorney representing Petitioners, as well as Richard E. Matz with Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the site plan.

PETITIONER' S

EXHIBIT NO.

2

BW

IN RE: PLANNED UNIT DEVELOPMENT	*	BEFORE THE
S/S Liberty Road,		
E Marriottsville Road	*	ZONING COMMISSIONER
(The Greens at Liberty Road)	*	OF
2 nd Election District		
4 th Council District	*	BALTIMORE COUNTY
Enterprise Housing Corporation	*	Case No. II-743
<i>Developer</i>		

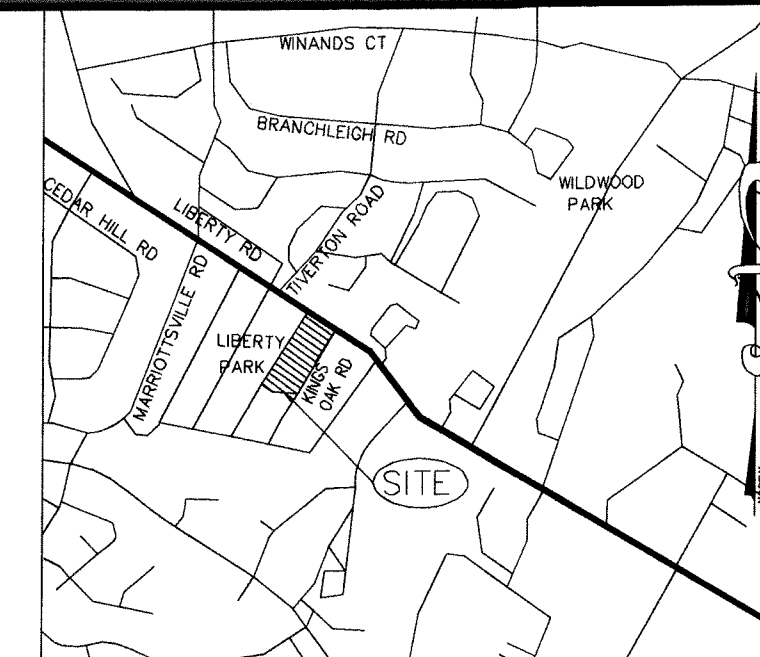
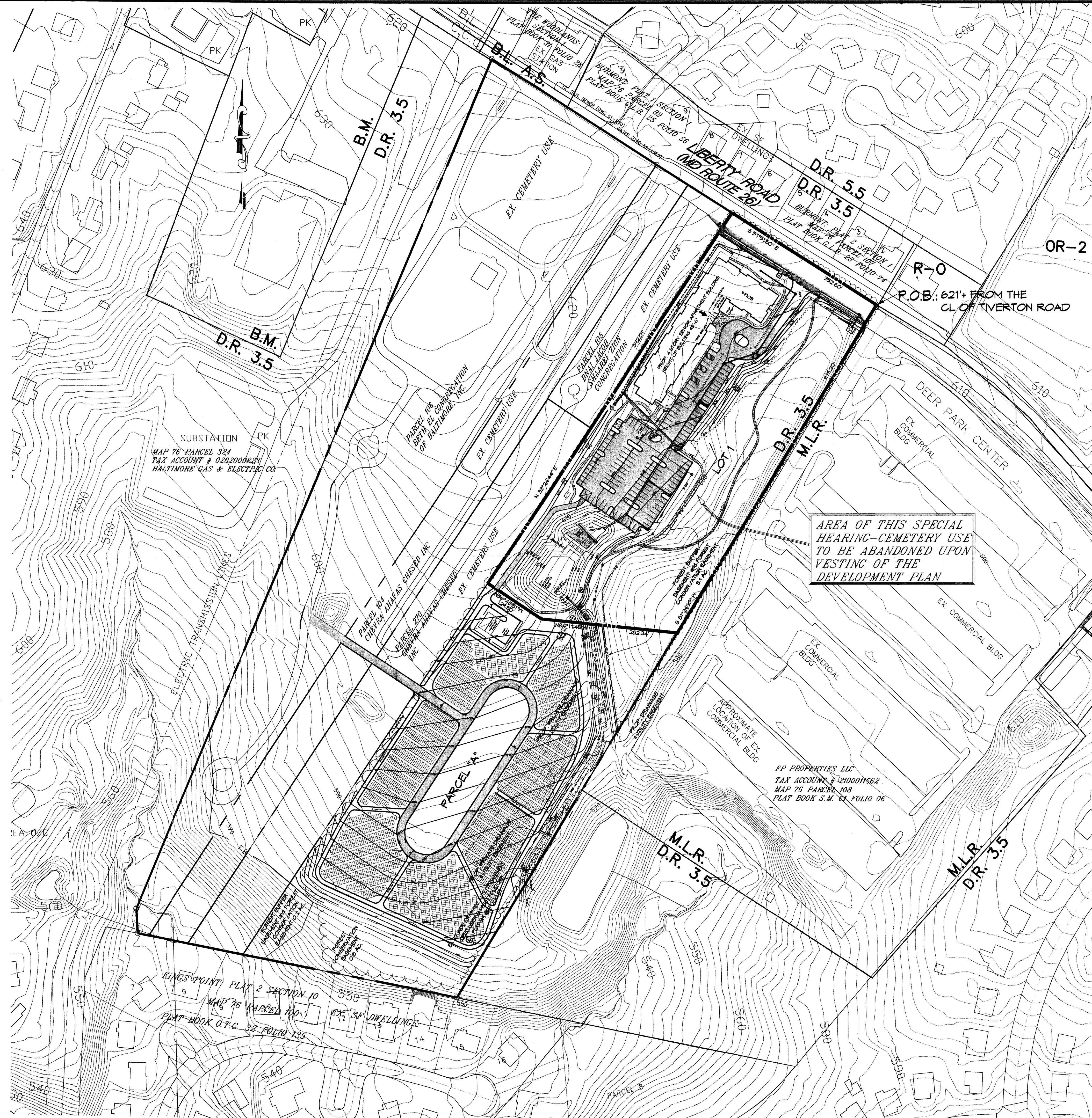
* * * * *

HEARING OFFICER'S REVIEW AND APPROVAL ORDER

This matter comes before the Hearing Officer/Zoning Commissioner for review of a Planned Unit Development Concept Plan prepared by the civil engineering firm of Colbert, Matz & Rosenfelt, Inc., for Developer/Applicant Enterprise Housing Corporation's proposed affordable senior housing project to be built on the subject property. The property is located on the south side of Liberty Road, east of Marriottsville Road, in the Randallstown area and consists of 6.75 +/- gross acres, more or less, zoned D.R.3.5. Developer proposes a 105 unit building featuring one and two bedroom residential rental units that will be appropriate for older or senior residents. The subject Class A elderly housing development is more particularly described on redlined Concept Plans A and B dated September 25, 2008, submitted to Baltimore County and made a part hereof as Developer's Exhibit No. 1.

This project is being reviewed under the optional Planned Unit Development (PUD) process as permitted by Baltimore County Code (B.C.C. or Code) Section 32-4-241, *et seq.* The Planned Unit Development process does not establish new zoning, but is intended to create a development "in which residential and/or commercial uses are approved subject to restrictions calculated to achieve the compatible and efficient use of land, including the consideration of any

PETITIONER' S
EXHIBIT NO. 3

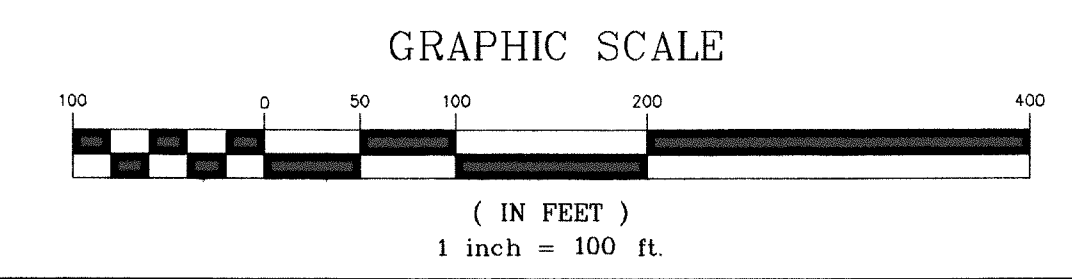


- NOTES:
- OWNERS: BETH EL CONGREGATION OF BALTIMORE INC.
8101 PARK HEIGHTS AVE
BALTIMORE, MD 21208
 - APPLICANT/CONTRACT PURCHASER:
ENTERPRISE HOUSING CORPORATION
312 N. MARTIN LUTHER KING DRIVE
BALTIMORE, MD 21201
(410) 332-7400
 - PROPERTY ADDRESS: 9705 LIBERTY ROAD
 - THERE HAVE BEEN NO PREVIOUS COMMERCIAL PERMITS FOR THIS PROPERTY
 - THE SITE IS ZONED D.R. 3.5 (ZONING MAP #76C1)
 - THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
 - THE SITE IS NOT IN A 100-YEAR FLOODPLAIN.
 - THE SITE IS NOT IN A HISTORIC DISTRICT.
 - SITE DATA:
TAX ACCOUNT #: 0202200950
DEED REF.: 10359/371
LOT 1 SITE AREA: 313,164 SF OR 7.19± ACRES
 - DIMENSIONS/SETBACKS: N/A
 - OFF-STREET PARKING: N/A
 - ZONING HISTORY:
ON SEPTEMBER 30TH, 1948, THE BOARD OF ZONING APPEALS APPROVED A SPECIAL PERMIT FOR USE OF THE PROPERTIES FOR A CEMETERY, GRAVEYARD OR BURIAL GROUND. (CASE NO. 1251-S). THE CASE WAS APPEALED TO CIRCUIT COURT AND THEN REMANDED TO THE BOARD OF APPEALS FOR RECONSIDERATION.
ON FEBRUARY 11, 2008, THE DEPUTY ZONING COMMISSION APPROVED A REQUEST FOR SPECIAL HEARING RELIEF TO AFFIRM THE USE OF THE ENTIRE PROPERTIES FOR CEMETERY PURPOSES AS APPROVED BY THE SPECIAL PERMIT GRANTED IN CASE NO. 1251-S AND TO REMOVE ANY CONDITIONS THEREFROM, SUBJECT TO THE FOLLOWING CONDITIONS:
1. 30-DAY APPEAL PERIOD
2. DEVELOPMENT OF THE PROPERTY TO COMPLY WITH COUNTY REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS.
3. DEVELOPMENT OF THE PROPERTY TO COMPLY WITH COUNTY FOREST CONSERVATION REGULATIONS.

PETITIONER'S
EXHIBIT NO. 1

SPECIAL HEARING TO ABANDON THE CEMETERY USE APPROVED BY SPECIAL EXCEPTION IN CASE NO. 08-205-SPHX FOR THE AREA OF THE APPROVED SENIOR HOUSING PUD UPON VESTING OF THE DEVELOPMENT PLAN; AND
FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

PLAN TO ACCOMPANY SPECIAL HEARING
9705 LIBERTY ROAD
TAX MAP 76 - GRID 05 - PARCEL 106
2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. 13203 Expiration Date: 11-02-2010

NO.	DATE	REVISIONS	BY

SCALE: 1" = 100'
DATE: 12/11/08
JOB NO.: 2008-187
DESIGNED: HCM/CMR/RD
DRAWN: SR/RAH
CHECKED: JMT/REM
FILE: 2008187_SPEC_HR2_121008.DWG
DRAWING NUMBER: SPH-1

SHEET 1 OF 1

N:\087\proj\proj1\2008\2008187\proj1\Drawings\CMR\Concepts\Prelim\2008187_SPEC_HR2_121008.dwg 12/11/2008 10:45:45 AM EST