

IN RE: DEVELOPMENT PLAN HEARING	*	BEFORE THE
& PETITIONS FOR SPECIAL HEARING,		
VARIANCE & SPECIAL EXCEPTION	*	HEARING OFFICER
E side Old Court Road; 55 feet S of		
the c/l of Church Lane	*	FOR BALTIMORE COUNTY
2 nd Election District		
4 th Councilmanic District	*	
(5105 Old Court Road)		
	*	
CSI Support and Development Services		HOH Case No. 02-615 and
<i>Developers</i>	*	Zoning Case No. 2010-0034-SPHA

* * * * *

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."). CSI Support and Development Services, the owners and developers of the subject property (hereinafter "the Developer"), submitted for approval a development plan prepared by Robert S. Rosenfelt, P.E., with Colbert Matz Rosenfelt, Inc., known as the "THIRD AMENDED DEVELOPMENT PLAN" for Randallstown III Nonprofit Housing Corporation for property located on the southeast side of Old Court Road, north of Liberty Road and south of Church Lane in the Randallstown area of Baltimore County. The Developer proposes the creation of Lot 4 and Lot 5 for the purpose of a residential use and a cemetery, respectively. The Plan was the subject of two previous amendments.

The Developer is also requesting certain zoning relief that includes the following:
Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To approve an amendment to the approved site plans in zoning Case No. 06-019-SPHX and Case No. 01-178-X; and

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- To reduce the acreage of the Special Exception approved in Case Nos. 01-178-X and 06-019-SPHX from 6.44 acres to 6.25 acres by removing the in-fee access strip and therefore to approve a minor density calculation change from the approved 9.01 density units per acre on Lot 3 to 9.16 density units per acre; and

Variance request as follows:

- From Section 1B01.1.B.1.e(5) of the B.C.Z.R. to permit a Residential Transition Area ("RTA") setback of 45 feet in lieu of 75 feet required; and
- From Section 1B01.1.B.1.e(3) of the B.C.Z.R. to permit an RTA buffer of 0 feet in lieu of 50 feet required for the portion of a storm water management structure on Lot 3; and

Special Exception request as follows:

- To permit a cemetery in a D.R.5.5 Zone in accordance with Section 1B02.1 of the B.C.Z.R.

Details of the proposed development and the requested zoning relief are more fully depicted on the Revised Plan to Accompany Special Exception, Special Hearing and Variance Petitions (for Third Amended Development Plan) Randallstown III Nonprofit Housing Corporation that was marked and accepted into evidence as Developer's Exhibit 1.

Appearing at the requisite public hearing in support of the Development Plan and requested zoning relief on behalf of the Developer, CSI Support and Development Services, were Cheryl Ross, Regional Manager, and Scooter Monroe. Jeffrey H. Scherr, Esquire, appeared as attorney for the Developer, as well as on behalf of the Mt. Olive United Methodist Church. Also appearing in support of the Development Plan and requested zoning relief was Robert S. Rosenfelt with Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the development and zoning relief plans. There were no Protestants, members of the community, or

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other interested persons in attendance at the hearing.

Numerous representatives of the various Baltimore County agencies who reviewed the plan and zoning petitions 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), Jeffrey Perlow (Zoning Review Office), and Brad Knatz (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 the 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 the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the development plan as it pertains to their specific area of concern and expertise. The agencies specifically comment on whether the plan complies with all applicable Federal, State, and/or County laws, regulations, and policies pertaining to development and related issues. In addition, these 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.

In order to put the instant matter involving the proposed development and related zoning petitions into context, some background into the zoning and development history of the property would be beneficial. The subject property originally consisted of approximately 24.551 acres,

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more or less, zoned D.R.5.5 and owned by the Mt. Olive United Methodist Church. The church building and an adjacent cemetery were (and are presently) located on the site. In the late 1990's, Cooperative Services, Inc. and the Church sought to develop the property with affordable elderly housing. As such, they proposed a plan to create Lot 3 on the property and build a two-story elderly housing facility consisting of 74 units. Lot 3 would consist of approximately 6.44 acres and be known as 5107 Old Court Road. In order to do so, the Church and Cooperative Services, Inc. filed for certain special exception relief from Section 432.3.A.1 of the B.C.Z.R.¹ in order to increase the density from the 47 density units allowed at that time to 74 density units. In Case No. 01-178-X, then-Deputy Zoning Commissioner Timothy M. Kotroco issued an Order dated January 17, 2001 approving the increase in density from 47 density units to 74 density units of elderly housing on an institutional site at a density of 8.6 units per acre. Thereafter, Randallstown Nonprofit Housing Corporation was completed in 2003. A copy of the Order was marked and accepted into evidence as Developer's Exhibit 3.

A few years later, with the demand for affordable elderly housing continuing to increase, the Church and Cooperative Services, Inc. again sought to develop a portion of the original 24 acre tract with another elderly housing facility. In that instance, they proposed to create Lot 2 on the property and build another elderly housing complex with 74 one-bedroom units and one two-bedroom unit. Once again, in order to do so, the parties filed for certain special exception as well as special hearing relief. As before, the special exception from Section 432.3.A.1 of the B.C.Z.R. sought an increase in density from that which is permitted in the D.R.5.5 Zone up to 12.84 density units per acre. The special hearing relief was requested to approve an amendment

¹ Section 432.3 of the B.C.Z.R. set forth the provisions for modifying or waiving maximum residential density standards for elderly housing facilities on property containing institutional or historic buildings. This section allowed the Zoning Commissioner to modify or waive these standards by special exception. In particular, Section 432.3.A.1 permitted a density increase if it was determined that the development involves an institutional site where the existing institutional use will be continued on a portion of the site and an elderly housing facility will be developed on the remainder. Section 432 was repealed by Bill No. 199-2004.

to the site plan approved in Case No. 01-178-X, pursuant to parking and storm water management integration with the special exception, to approve a minor density calculation change from the previously approved 8.6 density units per acre to 9.01 density units per acre for Lot 2 parking to be located on part of Lot 3, and to amend the Final Development Plan for "Randallstown Cooperative Housing." In Case No. 06-019-SPHX, then-Deputy Zoning Commissioner John V. Murphy issued an Order dated August 3, 2005 granting the increase in density to 12.84 density units per acre of elderly housing on an institutional site. He also granted the special hearing requests to amend the site plan in Case No. 01-178-X, to approve the minor density calculation changes from the previously approved 8.6 density units per acre to 9.01 density units per acre, and to approve an amendment to the Final Development Plan for "Randallstown Cooperative Housing." Thereafter, Randallstown II Nonprofit Housing Corporation was completed in 2003. A copy of the Order was marked and accepted into evidence as Developer's Exhibit 4.

At this juncture, the Developer now wishes to further develop the remainder of the subject property. In particular, as shown on the Third Amended Development Plan, the Developer proposes to create Lots 4 and 5 in order to construct another elderly housing facility and to set aside an area for an existing cemetery use, respectively.²

In furtherance of this project, the Developer's attorney, Mr. Scherr, and the Developer's representative, Ms. Ross, met with Department of Permits and Development Management Director Timothy M. Kotroco on April 8, 2009 in order to determine the proper manner of proceeding with the proposed development. At that time, it was determined that the Developer

² The Developer is utilizing the Planned Unit Development ("PUD") process for the proposed elderly housing facility on Lot 4. A Concept Plan dated July 7, 2009 that included a site proposal map, grading plan, and PUD plan was submitted to the County for the proposed "Randallstown III Nonprofit Housing Corporation." This Concept Plan was marked and accepted into evidence as Developer's Exhibit 2. The Developer is undergoing the PUD process as a parallel process to this Hearing Officer's Hearing and related zoning Petitions. Before the PUD process can continue in any meaningful manner, it is necessary that the Developer obtain approval of the development plan for the proposed Lot 4 and the related zoning Petitions.

would seek approval of a Planned Unit Development ("PUD") for the elderly housing facility, as well as simultaneously seek development plan approval and approval of the special exceptions to reduce the acreage of a previously granted special exception, and to permit the cemetery on proposed Lot 5.

Subsequently, on August 12, 2009, the Third Amended Development Plan was prepared, including a Revised Plan to Accompany Special Exception, Special Hearing, and Variance Petitions, and was submitted for review at a Development Plan Conference ("DPC"), which is held between the Developer's consultants and County agency representatives to review and scrutinize the plan. The DPC occurred on September 2, 2009 at 10:00 AM in the County Office Building. The combined Hearing Officer's Hearing and Zoning Hearing for this proposed development was then scheduled for October 30, 2009 at 9:00 AM in Room 106 of the County Office Building, 105 West Chesapeake Avenue in Towson, Maryland. Certifications contained within the case file indicate that the property was properly posted with signs that provided public notice of the Hearing Officer's Hearing and Zoning 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. A letter dated September 30, 2009 was also sent to nearby property owners and community groups, notifying them of the hearing.

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. Upon inquiry of the Developer's attorney, Mr. Scherr, he indicated it was his understanding that all agency comments had been addressed on the Third Amended Development Plan. Mr. Scherr also reiterated that related zoning requests for special hearing, special exception and variance relief had been filed pertaining to portions of the proposed development as well as existing conditions. Mr. Scherr indicated the reasons and support for

these requests would be expounded on during Mr. Rosenfelt's presentation of the development plan.

I then asked the particular agencies 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 all of the planned residential units for this project are in the future PUD. As a result, there are no open space requirements at this juncture for the development plan and, hence, no outstanding issues. Mr. Gill's department thus recommended approval of the Third Amended Development Plan.

Planning Office: Lloyd Moxley appeared on behalf of the Office of Planning. Mr. Moxley indicated that his department had no outstanding issues with the development plan. He explained that because the proposed development includes senior housing, it generally does not generate additional capacity, so no School Impact Analysis was required. He also indicated no pattern book was necessary at this stage merely for the creation of Lot 4 for the proposed PUD. This type of review would occur during the PUD process. He also noted that the PUD was to be introduced on November 5, 2009 before the Planning Board and presented for a public hearing before the Board on November 19, 2009. Hence, Mr. Moxley indicated his agency recommended approval of the Third Amended 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 plan met all of his department's requirements and comments, and that his department recommended approval of the Third Amended Development Plan.

Department of Environmental Protection and Resource Management (DEPRM): David Lykens appeared on behalf of DEPRM. Mr. Lykens confirmed that the Developer's plan met all

of his department's requirements and comments, and that his department recommended approval of the Third Amended Development Plan.

Office of Zoning Review: Jeffrey Perlow appeared on behalf of the Zoning Review Office. Mr. Perlow indicated that there were still some minor notes and details needed for the plan, as well as favorable consideration of the related zoning Petitions. If these notes and details were resolved and the zoning Petitions granted, he indicated his Department would recommend approval of the Third Amended Development Plan.

Land Acquisition: Brad Knatz appeared on behalf of the Bureau of Land Acquisition. Mr. Knatz indicated that there was no land dedication associated with this plan so there were no outstanding issues from his agency and recommends approval of the Third Amended Development Plan.

Because the Developer has combined the hearings on the proposed development and the zoning matters in one Hearing Officer's Hearing pursuant to Section 32-4-230 of the B.C.C., the Developer called on Mr. Rosenfelt to testify all at once -- in support of the zoning requests as well as to present the Development Plan. Mr. Rosenfelt confirmed his familiarity with the laws and regulations pertaining to residential and commercial development, particularly in Baltimore County. As Mr. Rosenfelt explained, he was directly involved in the evaluation and preparation of the development plan for this project, and he prepared the Third Amended Development Plan marked and accepted into evidence as Developer's Exhibit 1, which included information pertaining to the zoning Petitions. Mr. Rosenfelt was offered and accepted as an expert in the areas of planning, zoning, land use, development, and the necessary zoning and land use requirements in Baltimore County.

Mr. Rosenfelt explained that the Developer desires to create Lots 4 and 5 for the proposed elderly housing facility and for the existing cemetery, respectively. This would

essentially complete the development of the original 24.551 acre site that is currently home to the Mt. Olive United Methodist Church and the two elderly housing facilities known as Randallstown Nonprofit Housing Corporation and Randallstown II Nonprofit Housing Corporation. As shown on the plan, Lot 4 would be created near the northern corner of the tract for the proposed Planned Unit Development to be considered by the Planning Board, with an area of approximately 2.69 acres. An irregular-shaped area at the southern corner of the tract would create Lot 5 for the existing cemetery and would consist of approximately 6.09 acres.

The Developer has also requested certain zoning relief. The special hearing is requested to approve the amendment to the previously approved plans. It is also to approve a reduction in acreage on Lot 3 (the strip between proposed Lot 4) and to take this area out of the prior density calculation for Lot 3 and transferring it to proposed Lot 4 in order to increase its density. This strip will also contain parking for Lot 4.

The variance request is essentially for storm water management purposes. For the underground pipes that would be situated along the right side of Lot 4 and into Lot 3, the Developer would need to reduce the Residential Transition Area (RTA) and buffers. Mr. Rosenfelt noted that the storm water management facility would be underground and would deal with runoff and would preserve two large, mature trees. A storm water management pond would be underground and not visible. He also noted that the unique features of the property driving the need for the variance were that the property is already improved with the existing church and elderly housing facilities and that it is very irregularly shaped.

As to the special exception request, Mr. Rosenfelt indicated that the Developer requests approval for the existing cemetery use. The Developer desires to subdivide Lot 1 where the church is located and create Lot 5 as a separate lot for the cemetery. This would aid the church for maintenance purposes and would also ensure that the cemetery would remain intact even if it

were no longer affiliated with the church. In support of this request, Mr. Rosenfelt offered his expert opinion that this request would not be detrimental to the health, safety, or general welfare of the locale, and would have no detrimental effects on the other special exception criteria set forth in Section 502.1 of the B.C.Z.R.

Following his presentation of the plan and explanations regarding the requested zoning relief, Mr. Rosenfelt indicated that based on his professional knowledge and experience, the Third Amended 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. Rosenfelt confirmed, the Third Amended 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.

Following the hearing, the undersigned received a transmittal dated November 2, 2009 and a copy of the Third Amended Development Plan from Jeffrey Perlow with the Zoning Review Office. The plan contained redlined comments for the Developer that referenced Mr. Perlow's testimony regarding the "notes and details" that were still needed on the plan. A copy of the plan with Mr. Perlow's comments shall be marked and accepted into evidence as Baltimore County Exhibit 1. Shortly thereafter, the undersigned was contacted by Judith Floam with Colbert, Matz, Rosenfelt, Inc. concerning Mr. Perlow's redlined comments. Ms. Floam indicated the notes and additional details requested by Mr. Perlow would be forthcoming on a revised plan. On November 6, 2009, the undersigned received a transmittal from Ms. Floam accompanied by a revised Third Amended Development Plan dated November 4, 2009 which incorporated Mr. Perlow's comments. This revised plan shall be marked and accepted into evidence as Developer's Exhibit 5.

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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 and evidence presented by the Developer, 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 revised Third Amended Development Plan, marked and accepted into evidence as Developer's Exhibit 5, is in compliance with the Baltimore County Code and all applicable policies, rules, and regulations.

In addition, I am persuaded to grant the requested special hearing, variance, and special exception requests. The requested special hearing will merely permit an amendment to the prior site plans and Order's pertaining to this property so as to incorporate the changes permitted herein. It will also reduce the acreage of the prior special exception to account for the removal of the in-fee access strip between Lot 4. As to the variance request, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request, and also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon the Developer.

I also find that the variance requests can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. Thus, I find that these variance requests can be granted as to meet the requirements of Section 307 of the B.C.Z.R. Finally, as to the special exception, I am persuaded to grant this relief as well. Section 1B02.1 of the B.C.Z.R. permits cemeteries in the D.R.5.5 Zone by special exception. After considering Mr. Rosenfelt's uncontroverted expert testimony, I find that the requested relief meets the standards set forth in Section 502.1 of the B.C.Z.R. and should be granted.

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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 revised Third Amended Development Plan.

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 revised Third Amended Development Plan for Randallstown III Nonprofit Housing Corporation, accepted into evidence as Developer's Exhibit 5, shall be approved consistent with the comments contained herein, and the requested special hearing, variance, and special exception relief shall be granted.

THEREFORE, IT IS ORDERED by this Hearing Officer/Deputy Zoning Commissioner for Baltimore County, this 18th day of November, 2009, that the revised "THIRD AMENDED DEVELOPMENT PLAN" for Randallstown III Nonprofit Housing Corporation, marked and accepted into evidence as Developer's Exhibit 5, be and is hereby APPROVED.

IT IS FURTHER ORDERED by this Deputy Zoning Commissioner that the Special Hearing relief requested as follows:

- To approve an amendment to the approved site plans in zoning Case No. 06-019-SPHX and Case No. 01-178-X; and
- To reduce the acreage of the Special Exception approved in Case Nos. 01-178-X and 06-019-SPHX from 6.44 acres to 6.25 acres by removing the in-fee access strip and therefore to approve a minor density calculation change from the approved 9.01 density units per acre on Lot 3 to 9.16 density units per acre, be and are hereby GRANTED; and

FOR FILING
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[Signature]

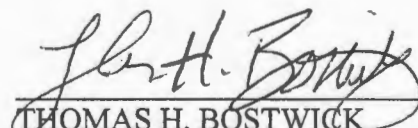
IT IS FURTHER ORDERED by this Hearing Officer/Deputy Zoning Commissioner for Baltimore County that the Variance request as follows:

- From Section 1B01.1.B.1.e(5) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a Residential Transition Area setback of 45 feet in lieu of 75 feet required; and
- From Section 1B01.1.B.1.e(3) of the B.C.Z.R to permit a Residential Transition Area buffer of 0 feet in lieu of 50 feet required for the portion of a storm water management structure on Lot 3, be and are hereby GRANTED; and

IT IS FURTHER ORDERED by this Hearing Officer/Deputy Zoning Commissioner for Baltimore County that the request for Special Exception to permit a cemetery in a D.R.5.5 Zone in accordance with Section 1B02.1 of the B.C.Z.R. be and is hereby GRANTED.

The relief granted herein is subject to the following:

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

11.19.09

pm



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

5111/5113/5121

for the property located at: 5105/5107/5109/5115 Old Court Road

which is presently zoned DR-5.5 + B2

Deed Reference 15784 / 273

Tax Account # 2400012861, 2400012862

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FOR OWNER SIGNATURE ONLY

5109 Old Court Road

24586 / 325

2400012863

15618 / 414

2400012864

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

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:

JEFFREY SCHERR, ESQ.

Name - Type or Print

Signature

KRAMON + GRAHAM, P.A.

Company

ONE SOUTH ST., SUITE 2600 410-752-6030

Address

Telephone No.

BALTO.

MD

21202

City

State Zip Code

Legal Owner(s):

Randallstown II Nonprofit Housing Corporation
Cheryl Ross, Regional Manager

Name - Type or Print

Signature

Name - Type or Print

Signature

3600 O'Donnell Street, Suite 2

410-288-9624

Address.

Telephone No.

Baltimore

MD 21224

City

State Zip Code

Representative to be Contacted:

Address

Telephone No.

City

State Zip Code

Case No. 2010-0034-SPHXA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 7/29/09

11:19:09

ATTACHMENT TO SPECIAL HEARING PETITION

To approve an amendment to the approved site plans in Zoning Case No. 06-019-SPHX, and Case No. 01-178-X, and

To reduce the acreage of the Special Exception approved in Case Nos. 01-178-X and 06-019-SPHX, from 6.44 acres to 6.25 acres by removing the in-fee access strip and therefore to approve a minor density calculation change from the approved 9.01 density units per acre on Lot 3 to 9.16 density units per acre, and

For such other and further relief as may be deemed necessary by the Zoning Commissioner of Baltimore County.

2010-034-SPHXA
REVISED 9/16/09



^{AmENDED} Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5107 Old Court Road

which is presently zoned DR-5.5

Deed Reference 15618 / 414 Tax Account # 2400012864

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 of thereof, hereby petition for a Variance from Section(s)

See Attached.

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

Reasons to be presented at the hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address.

Telephone No.

City

State Zip Code

Attorney For Petitioner:

Jeffrey Scherr, Esq.

Name - Type or Print

Signature

Kramon & Graham, P.A.

Company

One South Street, Suite 2600

410-752-6030

Address

Telephone No.

Baltimore

Md 21202

City

State Zip Code

Legal Owner(s):

Randallstown Nonprofit Housing Corporation

Cheryl Ross, Regional Manager

Name - Type or Print

Signature

Name - Type or Print

Signature

3600 O'Donnell Street

410-288-9624

Address.

Telephone No.

Baltimore

MD 21224

City

State Zip Code

Representative to be Contacted:

Robert S Rosenfelt, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 7/29/09

Case No. 2010-0034-SPHKA

AmENDED 9/16/09

ATTACHMENT TO VARIANCE PETITION

From Sec. 1B01.1.B.1.e (5), BCZR, to permit a Residential Transition Area setback of 45 feet in lieu of 75 feet required and from Sec. 1B01.1.B.1.e (3), BCZR, to permit a Residential Transition Area buffer of 0 feet in lieu of 50 feet required, for the portion of a stormwater management structure on Lot 3 and

For such other and further relief as may be deemed necessary by the Zoning Commissioner of Baltimore County.

2010-034-SPHXA
REVISED 9/16/09



Petition for Special Exception

for the property located at: 5121 Old Court Road

which is presently zoned DR-5.5 & BR

Deed Reference 15784 / 273 Tax Account # 2400012861

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 of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

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 Exception, 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:

Jeffrey Scherr, Esq.

Name - Type or Print

Signature

Kramon & Graham, P.A.

Company

One South Street, Suite 2600

410-752-6030

Address

Telephone No.

Baltimore

MD 21202

City

State Zip Code

Legal Owner(s):

Mt. Olive United Methodist Church
Richard Stansfield, Trustee

Name - Type or Print

Signature

Name - Type or Print

Signature

5115 Old Court Road

410-922-2853

Address

Telephone No.

Randallstown

MD 21133

City

State Zip Code

Representative to be Contacted:

Robert S Rosenfelt, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

Case No. 2010-0034-SPHXA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 7/29/09

20 FOR FILING

11-19-09

ATTACHMENT TO SPECIAL EXCEPTION PETITION

To permit a cemetery in a DR-5.5 zone, in accordance with Section 1B02.1.,
BCZR, and

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 FOR THE PORTION OF THE SPECIAL HEARING TO AMEND TO PREVIOUS SITE PLAN

5105/5107/5109/5111/5113/5115/5121 OLD COURT ROAD

Beginning at a point on the east side of Old Court Road, which is 70 feet wide, at a distance of 55 feet, more or less, south of the centerline of Church Lane, which is 60 feet wide.

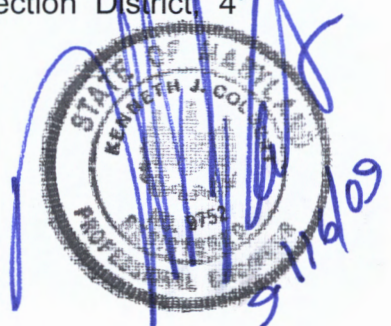
Being Lots 1, 2 and 3 on the First Amended Subdivision Plat of Randallstown Cooperative Housing, as recorded in the Baltimore County Land Records at Book 78, page 66 and containing 23.63 acres, more or less. Also known as 5105, 5107, 5109, 5111, 5113, 5115 and 5121 Old Court Road and located in the 2nd Election District, 4th Councilmanic District.

ZONING DESCRIPTION FOR THE PORTION OF THE SPECIAL HEARING TO AMEND THE PREVIOUS SPECIAL EXCEPTION 5107 OLD COURT ROAD

Beginning at a point located S 45°31'32" E, 51.71'; S 39°51'33", 50.32'; and S 45°33'41", 205.51' from a point on the east side of Old Court Road, which is 70 feet wide, at a distance of 305 feet, more or less, south of the centerline of Church Lane, which is 60 feet wide, thence the following courses and distances:

N 44°26'19" E, 191.11 ft.;
S 45°33'55" E, 1018.65 ft.;
S 32°26'48" W, 214.45 ft.;
N 52°05'09" W, 390.97 ft.;
S 71°31'23" W, 93.89 ft.;
N 81°28'55" W, 41.81 ft.;
N 45°35'02" W, 266.90 ft.;
N 09°58'00" W, 72.80 ft.;
N 45°33'55" W, 143.13 ft., thence
N 44°26'19" E, 128.89 ft. to the point of beginning.

Being a portion of Lot 3 in the First Amended Subdivision of Randallstown Cooperative Housing, as recorded in the Land Records of Baltimore County at Book 78, Page 66 and containing 6.259 acres, more or less. Also known as a portion of 5107 Old Court Road and located in the 2nd Election District, 4th Councilmanic District.



2010-034-SPHXA
REVISED 9/16/09

Colbert Matz Rosenfelt, Inc.

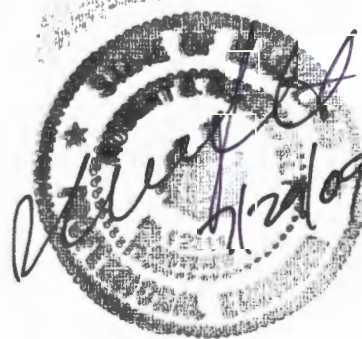
Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION FOR **VARIANCE** 5107 OLD COURT ROAD

Beginning at point on the east side of Old Court Road, which is 70 feet wide, at a distance of 305 feet, more or less, south of the centerline of Church Lane, which is 60 feet wide.

Being Lot 3 on the First Amended Subdivision Plat of Randallstown Cooperative Housing, as recorded in the Land Records of Baltimore County at Book 78, Page 66 and containing 6.4431 acres, more or less. Also known as 5107 Old Court Road and located in the 2nd Election District, 4th Councilmanic District.



Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION FOR SPECIAL EXCEPTION 5121 OLD COURT ROAD

Beginning at a point on the east side of Old Court Road, which is 70 feet wide, at a distance of 1004 feet, more or less, south of the centerline of Church Lane, which is 60 feet wide, thence the following courses and distances:

S 78°40'24"E, 7.26 ft.;

S 59°08'38"E, 224.47 ft.;

N 31°14'55" E, 240.37 ft.;

S 58°10'41" E, 252.82 ft., thence

By a curve to the right with a radius of 24.09 ft., length 27.14 ft., thence

By a curve to the left with a radius of 65.95 ft., length 159.09 ft.;

S 35°28'07" E, 102.59 ft.;

S 32°20'27" W, 201.86 ft.;

N 58°56'21" W, 346.39 ft.;

S 32°56'08" W, 441.06 ft.;

N 59°22'09" W, 307.57 ft.,

N 24°38'34" E, 433.61 ft., thence

By a curve to the right with a radius of 2829.79 ft., length 17.18 ft., to the Point of Beginning.

Being a portion of Lot 1 in the First Amended Subdivision Plat of Randallstown Cooperative Housing, as recorded in the Baltimore County Land Records, Book 78, page 66 and containing 6.090 acres, more or less. Also known as 5121 Old Court Road, and located in the 2nd Election District, 4th Councilmanic District.



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: #2010-0034-SPHXA

5105-5115; 5121 Old Court Road

E/side of Old Court Road, 55 ft. +/- south of the centerline of Church Lane

2nd Election District - 4th Councilmanic District

Legal Owner(s): Randallstown Nonprofit Housing Corp.,

Cheryl Ross, Regional Manager

Special Exception: to permit a cemetery in a DR 5.5 zone, in accordance with section 1802.1; BCZR, and for such other and further relief as may be deemed necessary by the Zoning Commissioner. **Special Hearing:** for an amendment to the approved site plan in zoning case 06-019-SPHX; to reduce the acreage of the special exception approved in case no. 01-078-X and 06-019-SPHX from 6.44 acres to 6.25 acres by removing the in-fee access strip and therefore to approve a minor density calculation change from the approved 9.01 density units per acre on lot 3 to 9.16 density units per acre, and for such other & further relief as deemed necessary by the Zoning Commissioner. **Variance:** to permit a residential transition area setback of 45 feet in lieu of the 75 feet required and from Section 1801.1.B.1.e(3), BCZR, to permit a residential transition area buffer of 0 feet in lieu of 50 feet required, for the portion of a storm water management structure on lot 3, and for such other relief deemed necessary.

Hearing: Friday, October 30, 2009 at 9:00 a.m. in Room 104, 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.

10/30/09 Oct. 15

218199

CERTIFICATE OF PUBLICATION

10/15/2009

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 10/15/2009.

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

J. Wilkinson

LEGAL ADVERTISING

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

No. **45734**

Date: **9/16/09**

PAID RECEIPT

BUSINESS ACTUAL TIME
9/18/2009 9/16/2009 16:05:47

REC NO.02 WALKIN JEFF

RECEIPT # 654199 9/16/2009 OFLN

Dept 5 528 ZIRING VERIFICATION

REC NO. 045734

Recpt Tot \$200.00

\$200.00 CR \$0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				200.00

Total: **200.00**

Rec
From: **CONBERT MATZ + ROSENFELT**

For: **REVISED PETITION + PLANS**
2010-034-SPHXA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

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

No. **43256**

Date: **7/29/09**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 7/31/2009 7/31/2009 11:47:04 1

REG WSO1 WALKIN JRIC JMR
 >>RECEIPT # 426460 7/31/2009 OFLN

Dept 5 528 ZONING VERIFICATION
 CR NO. 043256

Recpt Tot \$800.00
 \$800.00 CK \$.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150							800.00

Total: **800.00**

Rec From: **C.S.I. SUPPORT + DEV. SERVICES**
~~CHIEF DEPT ROSENFELD, INC.~~

For: **2010-0034-SPHXA**
5105/5107/5109/5111/5113/5115/5121 OLD COURT RD.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 10/15/09

Case Number: 2010-0034-SPHXA

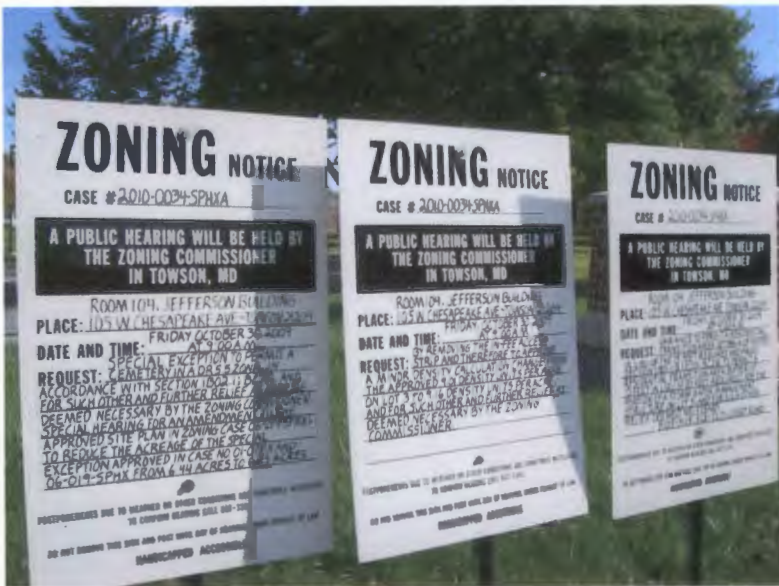
Petitioner / Developer: COLBERT, MATZ & ROSENFELT, INC.

JEFFREY SCHERR, ESQ. of KRAMON & GRAHAM~CHERYL ROSS

Date of Hearing (Closing): OCTOBER 30, 2009

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 5105-5115, 5121 OLD COURT ROAD (ON-SITE)

The sign(s) were posted on: OCTOBER 11, 2009



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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: 2010-0034-SPHXA

5105-5115; 5121 Old Court Road

E/side of Old Court Road, 55 ft. +/- south of the centerline of Church Lane

2nd Election District – 4th Councilmanic District

Legal Owners: Randallstown Nonprofit Housing Corp., Cheryl Ross, Regional Manager

Special Exception to permit a cemetery in a DR 5.5 zone, in accordance with section 1B02.1; BCZR, and for such other and further relief as may be deemed necessary by the Zoning Commissioner. Special Hearing for an amendment to the approved site plan in zoning case 06-019-SPHX; to reduce the acreage of the special exception approved in case no. 01-078-X and 06-019-SPHX from 6.44 acres to 6.25 acres by removing the in-fee access strip and therefore to approve a minor density calculation change from the approved 9.01 density units per acre on lot 3 to 9.16 density units per acre, and for such other & further relief as deemed necessary by the Zoning Commissioner. Variance to permit a residential transition area setback of 45 feet in lieu of the 75 feet required and from Section 1B01.1.B.1.e (3), BCZR, to permit a residential transition area buffer of 0 feet in lieu of 50 feet required, for the portion of a storm water management structure on lot 3, and for such other relief deemed necessary.

Hearing: Friday, October 30, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Jeffrey Scherr, Kramon & Graham, One South St., Ste. 2600, Baltimore 21202
Robert Rosenfelt, 2835 Smith Ave., Ste. G, Baltimore 21209
Cheryl Ross, 3600 O'Donnell Street, Baltimore 21224

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 15, 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
Thursday, October 15, 2009 Issue - Jeffersonian

Please forward billing to:

Cheryl Ross
C.S.I Support & Development Services
3600 O'Donnell Street, Ste. 2
Baltimore, MD 21224

410-288-9624

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: 2010-0034-SPHXA

5105-5115; 5121 Old Court Road

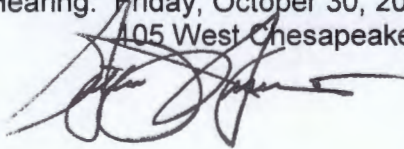
E/side of Old Court Road, 55 ft. +/- south of the centerline of Church Lane

2nd Election District – 4th Councilmanic District

Legal Owners: Randallstown Nonprofit Housing Corp., Cheryl Ross, Regional Manager

Special Exception to permit a cemetery in a DR 5.5 zone, in accordance with section 1B02.1; BCZR, and for such other and further relief as may be deemed necessary by the Zoning Commissioner. Special Hearing for an amendment to the approved site plan in zoning case 06-019-SPHX; to reduce the acreage of the special exception approved in case no. 01-078-X and 06-019-SPHX from 6.44 acres to 6.25 acres by removing the in-fee access strip and therefore to approve a minor density calculation change from the approved 9.01 density units per acre on lot 3 to 9.16 density units per acre, and for such other & further relief as deemed necessary by the Zoning Commissioner. Variance to permit a residential transition area setback of 45 feet in lieu of the 75 feet required and from Section 1B01.1.B.1.e (3), BCZR, to permit a residential transition area buffer of 0 feet in lieu of 50 feet required, for the portion of a storm water management structure on lot 3, and for such other relief deemed necessary.

Hearing: Friday, October 30, 2009 at 9:00 a.m. in Room 104, 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 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.

2010-0034-SPHXA

**MT. OLIVE UNITED METHODIST CHURCH/
RANDALLSTOWN II NONPROFIT HOUSING CORP.**

**PLEASE SCHEDULE THIS HEARING
WITH THE DEVELOPMENT PLAN
CONFERENCE**

**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: 2010-0034 - SPHXA

Petitioner: MT. OLIVE UNITED METHODIST CHURCH / RANDALLSTOWN II NONPROFIT HSG. CORP.

Address or Location: 5105 / 5107 / 5109 / 5111 / 5113 / 5115 / 5121 OLD COURT RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. CHERYL ROSS

Address: C.S.I. SUPPORT & DEV. SERVICES

3600 O'DONNELL ST., SUITE 2

BALTO. MD 21224

Telephone Number: 410-288-9624



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 22, 2009

Jeffrey Scherr, Esq.
Kramon & Graham, P.A.
One South St. Ste. 2600
Baltimore, MD 21202

Dear: Jeffrey Scherr

RE: Case Number 2010-0034-SPHXA, 5105- 5115; 5121 Old Court Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 29, 2009. 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
Cheryl Rose; Randallstown Nonprofit Housing Corporation; 3600 O'Donnell St.; Baltimore, MD
21224



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

October 8, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 5. 2009

ItemNumbers

0006, 0034, 0088, 0096, 0097, 0098, 0099, 0100, 0102, 0103, 0104, 0106, 0107, 0108, 0109, 0111, 0113 and 0115

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 9, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For October 19, 2009
Item Nos. 10-006, 034, 096, 097, 098, 099, 100, 101,
102, 103, 104, 105, 106, 107, 108, 109, 113 and 115

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10192009.b -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 13, 2009

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 10, 2009
Item Nos. 2009-0326, 2010-032, 034, 036, 037,
038, 039 and 040

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08132009 (2) -NO COMMENTS.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

August 21, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 10, 2009

Item Numbers 0325, 0328, 0032, 0034, 0036, 0037, 0038, 0040

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

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



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 7, 2009

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

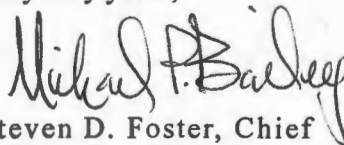
RE: Baltimore County
Item No. 2610-0034-SPHXA
5109-5115-5121 OLD COURT RD
MT OLIVE METHODIST CHURCH
SPECIAL EXCEPTION - VARIANCE -
SPECIAL HEARING -

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. 2010-0034-SPHXA.

Should you have any questions regarding this matter, please 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).

Very truly yours,


FOA¹ 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.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: August 4, 2009

TO: Zoning Commissioner and File

FROM: Leonard Wasilewski, Planner II, Zoning Review
Jeff Perlow, Planner II Zoning Review

SUBJECT: Petition for Special Hearing (Randallstown Nonprofit Housing
Corporation/Mt. Olive United Methodist Church)
Case No. 2010-0034-SPHXA
(5105/5107/5109/5111/5113/5115/5121 Old Court Road)

A. For clarification, this office accepted a Petition for Special Hearing, Special Exception, and Variance on July 29, 2009 from the above referenced petitioners, to correct deficiencies created by a proposed PUD for senior housing at the above listed location.

B. During the filing appointment the petitioners, their engineer, and their attorney was advised by Carl Richards, Zoning Review Supervisor, that the density of Lot #3, pursuant to Special Exception Case # 2006-0016-SPHX and Case # 2001-0178-X, was an issue when a portion of Lot #3 becomes part of the PUD. Mr. Richards advised them that the area of a Special Exceptions and the proposed PUD may not overlap. (see note 3 of PUD Concept Plans Comments attached)

Please call me if you have any questions.

LW/JP

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE * ZONING COMMISSIONER
5105-5115, 51521 Old Court Road; E/side *
Old Court Rd, 55' S of Church Lane *
2nd Election & 4th Councilmanic Districts * FOR
Legal Owner(s): Mt. Olive Methodist Church *
& Randallstown Nonprofit Housing Corp. * BALTIMORE COUNTY
* 10-034-SPHXA

Petitioner(s)

* * * * *

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/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

AUG 13 2009

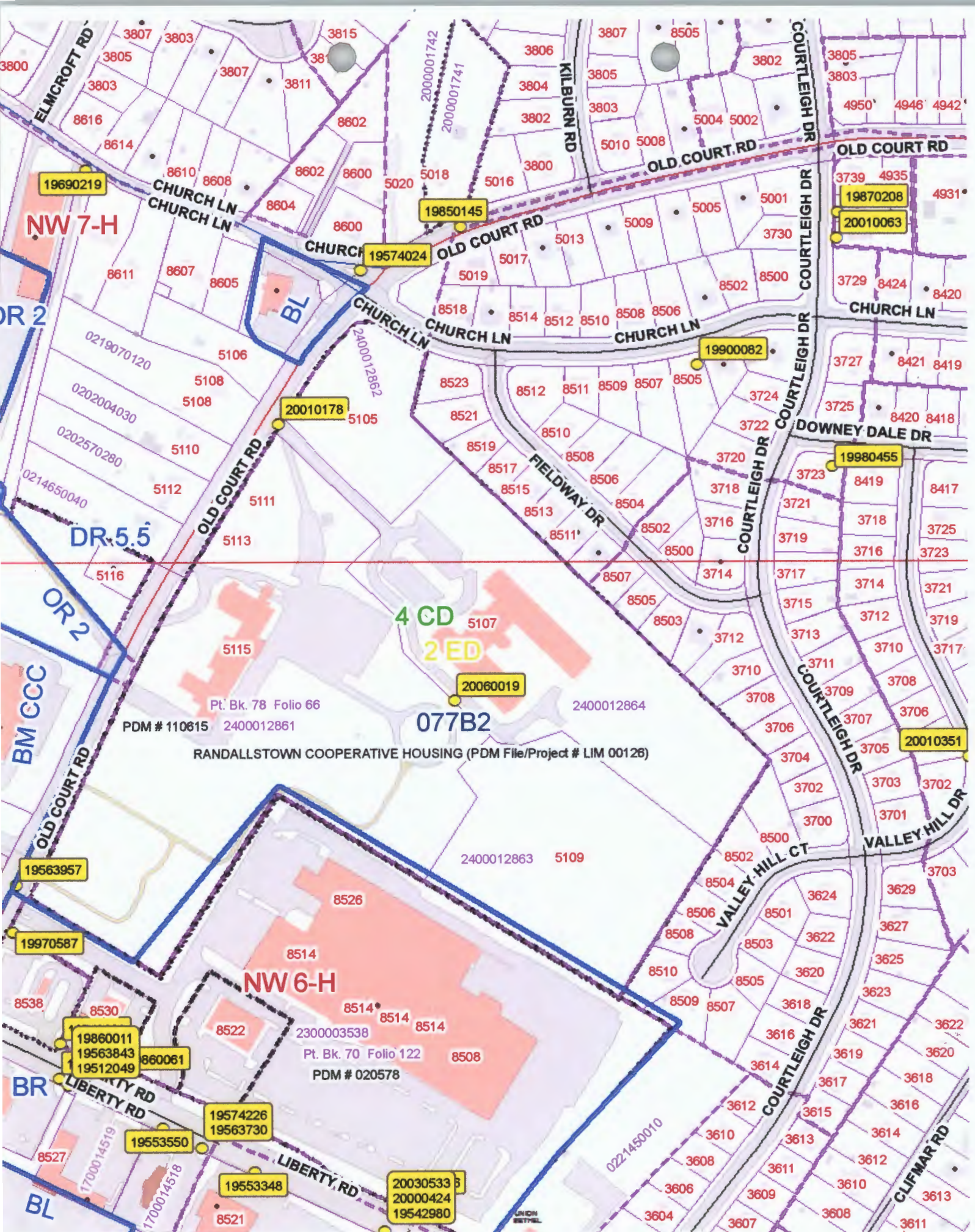
.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of Augsut, 2009, a copy of the foregoing Entry of Appearance was mailed to Robert S. Rosenfelt, P.E., Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, and Jeffrey Scherr, Esquire, Kramon & Graham, P.A., One South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



OR 2

DR-5.5

BL

~~CHURCH-LANE~~

CHURCH - IN

FIELDWAY DR

SPECIAL
HEARING
TO AMEND PREVIOUS
SPECIAL EXCEPTION

SPECIAL
HEARING TO AMEND PREVIOUS PLAN
(ENTIRE SITE)

DR-5.7

BR

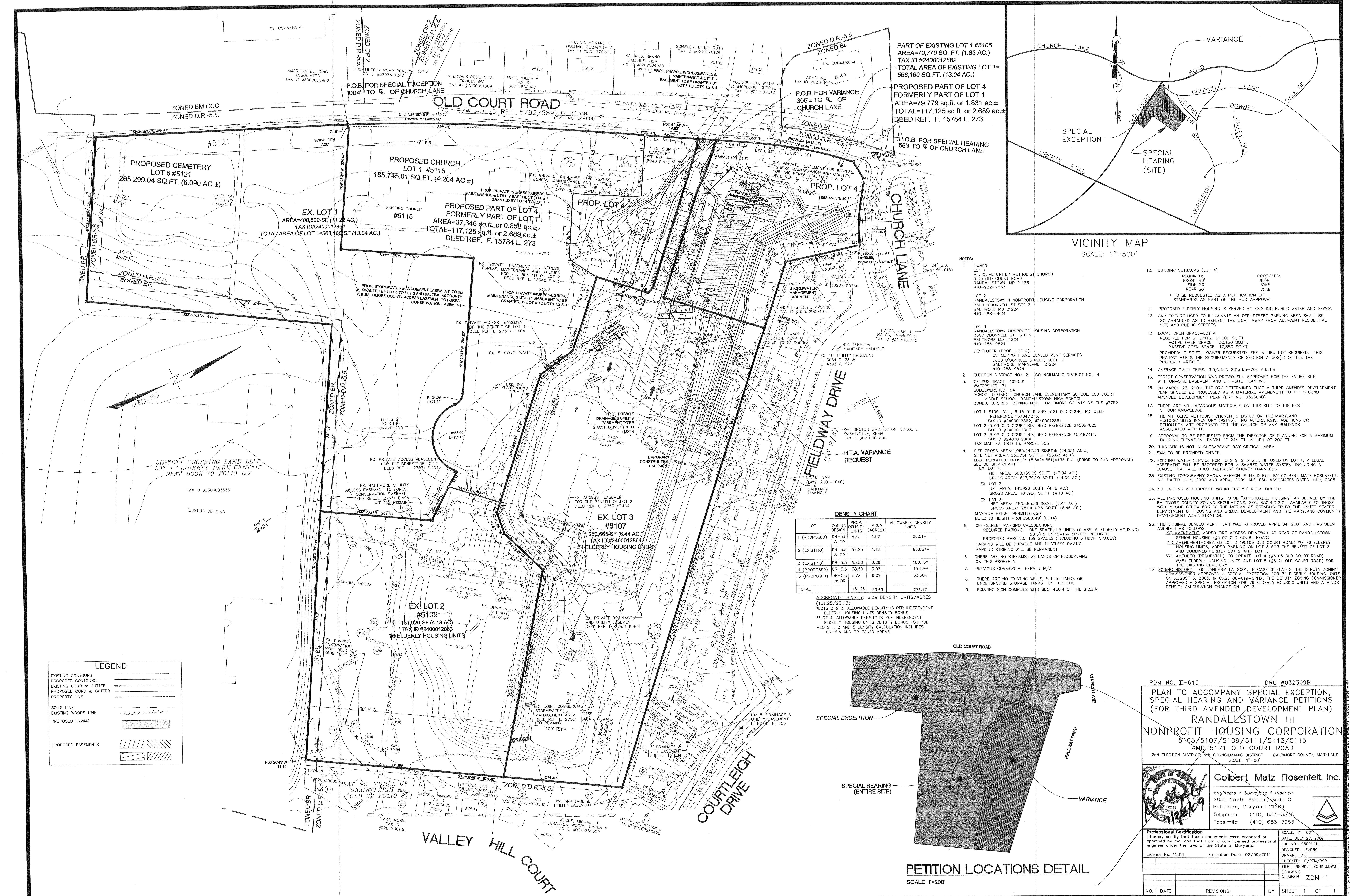
BRAS

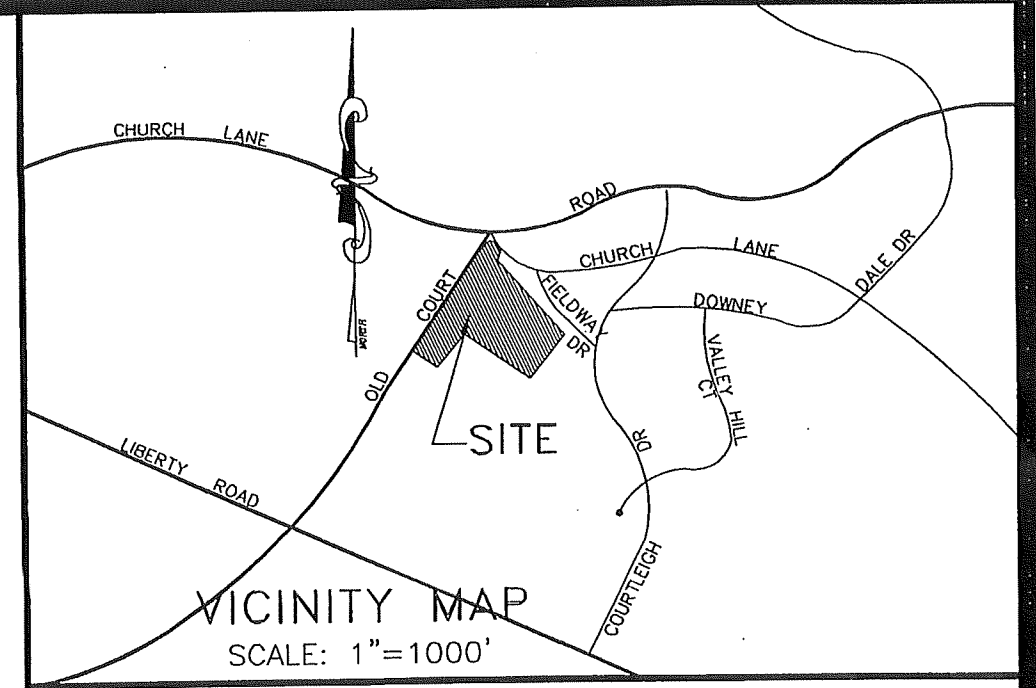
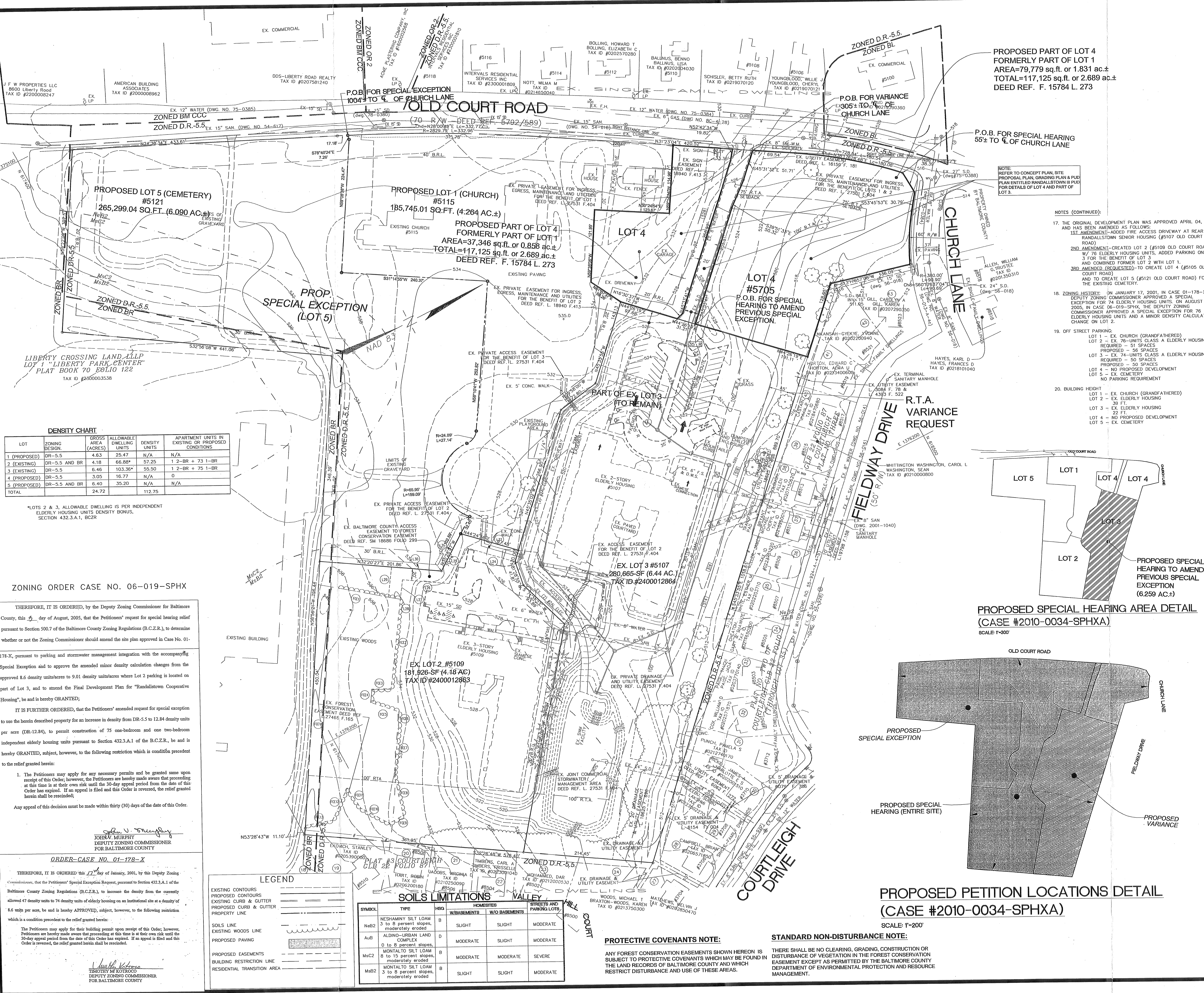
DR.

MAP 77BZ

$$\text{111} = 700$$

2010-034-SPHXA REVISED 9/16/09

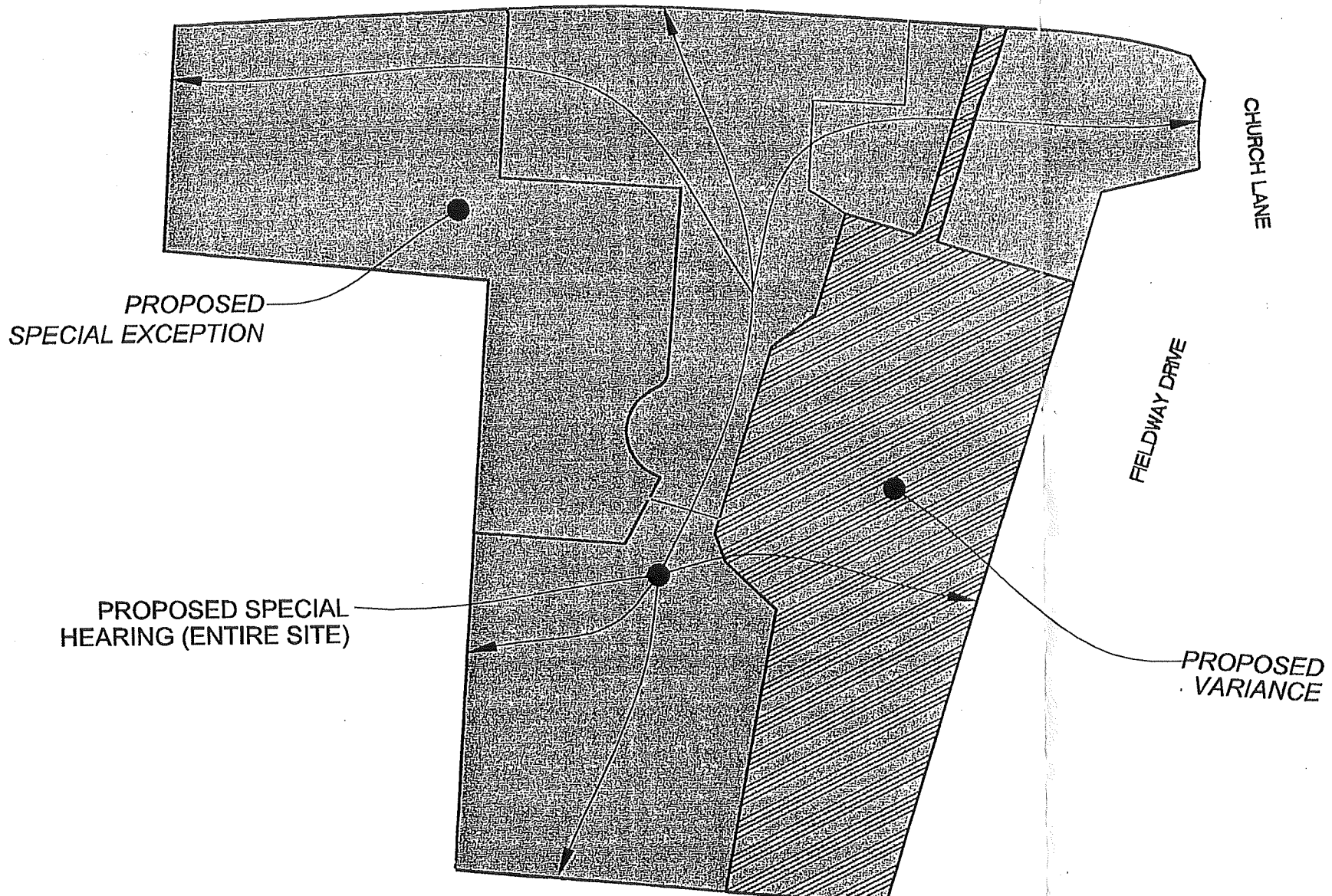




- NOTES:
- OWNER:
1. MT. OLIVE UNITED METHODIST CHURCH
5115 OLD COURT ROAD
RANDALLSTOWN, MD 21133
 - LOT 2
RANDALLSTOWN II NONPROFIT HOUSING CORPORATION
3600 O'DONNELL ST. SITE 2
BALTIMORE MD 21224
 - LOT 3
RANDALLSTOWN NONPROFIT HOUSING CORPORATION
3600 O'DONNELL ST. SITE 2
BALTIMORE MD 21224
 - DEVELOPER:
CSI SUPPORT AND DEVELOPMENT SERVICES
3600 O'DONNELL STREET, SUITE 2
BALTIMORE, MARYLAND 21224
410-288-9624
 - ELECTION DISTRICT NO. 2 COUNCILMANIC DISTRICT NO. 4
 - CENSUS TRACT: 4023.01
WATERSHED: 31
SUBWATERSHED: 64
SCHOOL DISTRICT: CHURCH LANE ELEMENTARY SCHOOL, OLD COURT MIDDLE SCHOOL, RANDALLSTOWN HIGH SCHOOL
ZONED: D.R. 5.5 AND BR ZONING MAP: BALTIMORE COUNTY GIS TILE #7792
 - LOT 1-5105 AND 5115 OLD COURT RD, DEED REFERENCE 15784/273,
TAX ID #2400012863, #2400012861
LOT 2-5109 OLD COURT RD, DEED REFERENCE 24586/625,
TAX ID #2400012863
LOT 3-5107 OLD COURT RD, DEED REFERENCE 15618/414,
TAX ID #2400012864
TAX MAP 77, GRID 18, PARCEL 353
 - LOT 1 EXISTING CONDITIONS:
NET AREA: 568,160 SQ.FT. (13.04 AC.)
GROSS AREA: 613,708 SQ.FT. (14.09 AC.)
PROPOSED - 51 SPACES
LOT 2 EXISTING CONDITIONS:
NET AREA: 185,745 SQ.FT. (4.26 AC.)
GROSS AREA: 201,878 SQ.FT. (4.63 AC.)
LOT 3 EXISTING AND PROPOSED CONDITIONS:
NET AREA: 181,926 SQ.FT. (4.18 AC.)
GROSS AREA: 181,926 SQ.FT. (4.18 AC.)
LOT 4 EXISTING AND PROPOSED CONDITIONS:
NET AREA: 280,665 SQ.FT. (6.44 AC.)
GROSS AREA: 281,415 SQ.FT. (6.44 AC.)
PROPOSED LOT 4:
NET AREA: 117,125 SQ.FT. (2.69 AC.)
GROSS AREA: 132,858 SQ.FT. (3.05 AC.)
PROPOSED LOT 5:
NET AREA: 265,299 SQ.FT. (6.09 AC.)
GROSS AREA: 278,829 SQ.FT. (6.40 AC.)
 - THERE ARE NO STREAMS, WETLANDS OR FLOODPLAINS ON THIS PROPERTY.
 - PREVIOUS COMMERCIAL PERMIT: N/A
 - THERE ARE NO EXISTING WELLS, SEPTIC TANKS OR UNDERGROUND STORAGE TANKS ON THIS SITE.
 - ALL SIGNS WILL CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS, SECTION 450.
 - FOREST CONSERVATION WAS PREVIOUSLY APPROVED FOR THE ENTIRE SITE WITH ON-SITE EASEMENT AND OFF-SITE PLANTING.
 - ON MARCH 23, 2009, THE DRC APPROVED THE THIRD AMENDED DEVELOPMENT PLAN AS A MATERIAL AMENDMENT TO THE SECOND AMENDED DEVELOPMENT PLAN (DRC NO. 032309B).
 - THERE ARE NO HAZARDOUS MATERIALS ON THIS SITE TO THE BEST OF OUR KNOWLEDGE.
 - THE MT. OLIVE METHODIST CHURCH IS LISTED ON THE MARYLAND HISTORIC SITES INVENTORY (#2145). NO ALTERATIONS, ADDITIONS OR DEMOLITION ARE PROPOSED FOR THE CHURCH OR ANY BUILDINGS ASSOCIATED WITH IT.
 - EXISTING TOPOGRAPHY SHOWN HEREON IS FIELD RUN BY COLBERT MATZ ROSENFELT, INC. DATED JULY, 2000 AND APRIL, 2009 AND FSH ASSOCIATES DATED JULY, 2005.
 - A REQUEST FOR A COMBINED HEARING HAS BEEN FILED. A ZONING HEARING WILL BE REQUESTED FOR APPROVAL OF A SPECIAL EXCEPTION FOR THE CEMETERY TO BE ON A SEPARATE LOT. A SPECIAL HEARING TO AMEND THE PREVIOUS ZONING PLAN AND TO AMEND THE SITE PLAN APPROVED IN CASE NO. 01-178-X AND NO. 06-019-SPHX TO ELIMINATE THE IN-FEE ACCESS EASEMENT AS PART OF THE SPECIAL EXCEPTION AREA AND AS SHOWN ON THE FINAL DEVELOPMENT PLAN, AND THEREFORE TO APPROVE A MINOR DENSITY CALCULATION CHANGE FROM THE APPROVED 9.01 DENSITY UNITS PER ACRE ON LOT 3 TO 9.16 DENSITY UNITS PER ACRE. AN RTA VARIANCE HAS BEEN REQUESTED FOR LOT 3.
 - THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA. THE SITE IS NOT IN AN AREA DEFICIENT FOR WATER OR SEWER SERVICE.
 - THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

PROPOSED SPECIAL HEARING AREA DETAIL
(CASE #2010-0034-SPHXA)

SCALE: 1"=300'



PROPOSED PETITION LOCATIONS DETAIL
(CASE #2010-0034-SPHXA)

SCALE: 1"=200'

PROTECTIVE COVENANTS NOTE:

ANY FOREST CONSERVATION EASEMENTS SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

STANDARD NON-DISTURBANCE NOTE:

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

SOILS LIMITATIONS			
SYMBOL	TYPE	HSG	W/ BASEMENTS
NsB2	NESHAMINY SILT LOAM 3 to 8 percent slopes, moderately eroded	B	SLIGHT
AuB	ALDINO-URBAN LAND COMPLEX	D	MODERATE
MsC2	MONTALTO SILT LOAM 8 to 15 percent slopes, moderately eroded	B	MODERATE
MbB2	MONTALTO SILT LOAM 3 to 8 percent slopes, moderately eroded	B	SLIGHT

LOT	ZONING DESIGN	GROSS AREA (ACRES)	ALLOWABLE DWELLING UNITS	DENSITY UNITS	APARTMENT UNITS IN EXISTING OR PROPOSED CONDITIONS
1 (PROPOSED)	DR-5.5	4.63	25.47	N/A	N/A
2 (EXISTING)	DR-5.5 AND BR	4.18	66.88*	57.25	1 2-BR + 73 1-BR
3 (EXISTING)	DR-5.5	6.46	103.36*	55.50	1 2-BR + 75 1-BR
4 (PROPOSED)	DR-5.5	3.05	16.77	N/A	0
5 (PROPOSED)	DR-5.5 AND BR	6.40	35.20	N/A	N/A
TOTAL		24.72		112.75	

*LOTS 2 & 3, ALLOWABLE DWELLING IS PER INDEPENDENT ELDERLY HOUSING UNITS DENSITY BONUS, SECTION 432.3.A.1, BCZR

ZONING ORDER CASE NO. 06-019-SPHX

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 2nd day of August, 2005, that the Petitioners' request for special hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Zoning Commissioner should amend the site plan approved in Case No. 01-178-X, pursuant to parking and stormwater management integration with the accompanying Special Exception and to approve the amended minor density calculation changes from the approved 8.6 density units/acre to 9.01 density units/acre where Lot 2 parking is located on part of Lot 3, and to amend the Final Development Plan for "Randallstown Cooperative Housing", be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the Petitioners' amended request for special exception to use the herein described property for an increase in density from DR-5.5 to 12.84 density units per acre (DR-12.84), to permit construction of 75 one-bedroom and one two-bedroom independent elderly housing units pursuant to Section 432.3.A.1 of the B.C.Z.R., be and is hereby GRANTED, subject, however, to the following restriction which is condition precedent to the relief granted herein:

1. The Petitioners may apply for any necessary permits and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER-CASE NO. 01-178-X

THEREFORE, IT IS ORDERED, this 17th day of January, 2001, by this Deputy Zoning Commissioner, that the Petitioners' Special Exception Request, pursuant to Section 432.3.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to increase the density from the currently allowed 47 density units to 74 density units of elderly housing on an institutional site at a density of 8.6 units per acre, be and is hereby APPROVED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

The Petitioners may apply for their building permit upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY