

**IN RE: PETITION FOR VARIANCE**  
SE side of Allender Road, 100 feet  
NW of Jerome Avenue  
11<sup>th</sup> Election District  
5<sup>th</sup> Council District  
**(11591-11595 Allender Road,  
5700-5732 Fieldcrest Drive,  
11505-11526 Ridgedale Drive)**

Allender, L.C. and NVR, Inc.  
*Petitioners*

BEFORE THE  
OFFICE OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
**CASE NO. 2012-0025-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owners of the property, Allender, L.C. and NVR, Inc. The Petitioners are requesting Variance relief from Section 1B01.2.C.1.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a minimum side building face to side building face setback of 15 feet in lieu of the required 20 feet for Lot Nos. 122-173, and from Section 1B01.2.C.1.B to permit a minimum distance of 20 feet from rear building face to rear property line in lieu of the required 30 feet for Lot Nos. 122-123; 126-135; 138-139; 164 and 166. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the variance request were Petitioners Edmund Levendusky, Vice President for NVR, Inc., Matt Bishop, a landscape architect, and David H. Karceski, Esquire with Venable LLP represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is a roughly triangular portion of land (about 15 acres in size) that is part of a much larger (approximately 67 acres)

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Date

By

residential development approved in 2010.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief. Mr. Karceski indicated he met with Lynn Lanham and Curtis Murray of the Office of Planning, and shared with them the drawings (Petitioners' Exhibit 5A and 5B) that depict two additional styles of homes which will be offered for sale at the development. Mr. Karceski indicated that the Office of Planning reacted favorably to the proposed home models, and that will essentially constitute an amendment to the Pattern Book approved earlier by Zoning Commissioner Wiseman, as part of the development plan case. Mr. Karceski also explained that the new housing models shown in Exhibits 5A and B generated the need for the variance (setback) relief sought herein.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request.

I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that variance relief can be granted in accordance with the requirements of Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Mr. Bishop, who was accepted as an expert (landscape architect) testified (via proffer) that the property was unique due to its rather large size (approximately 67 acres) and the fact that a BGE easement bisects the property and in essence creates two oddly shaped parcels, best seen from the overhead photo marked as Petitioners' Exhibit 3. Photos were submitted (Exhibit 4A-C) showing the large power lines constructed on the BGE easement, and that obviously prevents that land from being used for development purposes. In addition, the site is surrounded by

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Date

By

environmentally sensitive and restricted areas, and is bordered on the south by a CSX railroad, which further constrains the available development envelope.

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

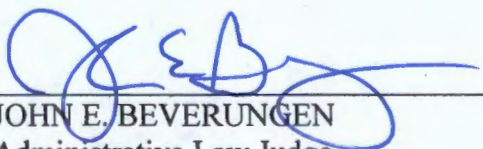
THEREFORE, IT IS ORDERED, this 2 day of September, 2011 by this Administrative Law Judge that Petitioners' Variance request from Section 1B01.2.C.1.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a minimum side building face to side building face setback of 15 feet in lieu of the required 20 feet for Lot Nos. 122-173, and from Section 1B01.2.C.1.B to permit a minimum distance of 20 feet from rear building face to rear property line in lieu of the required 30 feet for Lot Nos. 122-123; 126-135; 138-139; 164 and 166, be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioners may apply for a building permit and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will 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.

  
\_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date

By



KEVIN KAMENETZ  
*County Executive*

LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
TIMOTHY M. KOTROCO  
*Administrative Law Judges*

September 2, 2011

DAVID KARCESKI, ESQUIRE  
VENABLE, LLP  
210 WEST PENNSYLVANIA AVENUE  
SUITE 500  
TOWSON, MD 21204

Re: Petition for Variance  
Case No. 2012-0025-A  
Property: 11591-11595 Allender Road, 5700-5732 Fieldcrest Drive,  
11505-11526 Ridgedale Drive

Dear Mr. Karceski:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the name John E. Beverungen.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:pz

Enclosure



# Petition for Variance

to the Zoning Commissioner of Baltimore County for the property  
located at 11591-11595 Allender Road, 5700-5732 Fieldcrest Drive, 11505-11526 Ridgedale Drive  
which is presently zoned DR3.5

Deed Reference: 29404 / 376 Tax Account # See Attached Sheet 1  
30159/27, 30845/288

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached Sheet 2

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

To be determined at hearing.

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

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

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

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Ave., #500 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

## Legal Owner(s):

See Attached Sheets 3 and 4

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Representative to be Contacted:

David H. Karceski

Name

210 W. Pennsylvania Ave., #500 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 2012-0025-A

## Office Use Only

Estimated Length of Hearing \_\_\_\_\_  
Unavailable For Hearing \_\_\_\_\_

Reviewed by JNP

Date 7/29/2011

ORDER RECEIVED FOR FILING

REV 8/20/07

Date 9-2-11

By [Signature]

DROP OFF-NO 2nd REVIEW

**Attached Sheet 1**

**Petition for Variance  
11591-11595 Allender Road  
5700-5732 Fieldcrest Drive  
11505-11526 Ridgedale Drive**

**Lot / Tax Account Numbers:**

|                |                |
|----------------|----------------|
| 122/2500006699 | 170/2500006738 |
| 123/2500006700 | 171/2500006739 |
| 124/2500006701 | 172/2500006740 |
| 125/2500006702 | 173/2500006741 |
| 126/2500006703 | 155/2500006723 |
| 127/2500006704 | 156/2500006724 |
| 128/2500006705 | 157/2500006725 |
| 129/2500006706 | 158/2500006726 |
| 130/2500006707 | 159/2500006727 |
| 131/2500006708 | 160/2500006728 |
| 132/2500006709 | 161/2500006729 |
| 133/2500006710 | 162/2500006730 |
| 134/2500006711 | 163/2500006731 |
| 135/2500006712 | 145/2500006713 |
| 136/2500006748 | 146/2500006714 |
| 137/2500006749 | 147/2500006715 |
| 138/2500006750 | 148/2500006716 |
| 139/2500006751 | 149/2500006717 |
| 140/2500006752 | 150/2500006718 |
| 141/2500006753 | 151/2500006719 |
| 142/2500006754 | 152/2500006720 |
| 143/2500006755 | 153/2500006721 |
| 144/2500006756 | 154/2500006722 |
| 164/2500006732 |                |
| 165/2500006733 |                |
| 166/2500006734 |                |
| 167/2500006735 |                |
| 168/2500006736 |                |
| 169/2500006737 |                |

**Attached Sheet 2**

**Petition for Variance  
11591-11595 Allender Road  
5700-5732 Fieldcrest Drive  
11505-11526 Ridgedale Drive**

1. Variance from Section 1B01.2.C.1.B of the Baltimore County Zoning Regulations ("BCZR") to permit a minimum side building face to side building face setback of 15 feet in lieu of the required 20 feet for Lot Nos. 122-173.
2. Variance from BCZR Section 1B01.2.C.1.B to permit a minimum distance of 20 feet from rear building face to rear property line in lieu of the required 30 feet for Lot Nos. 122-123; 126-135; 138-139, 164, and 166.

**Attached Sheet 3**

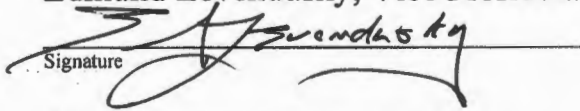
**Petition for Variance  
11591-11595 Allender Road  
5700-5732 Fieldcrest Drive  
11505-11526 Ridgedale Drive**

**Legal Owner:**

For Lot Nos. 124, 133, 134, 147 and 163

NVR, Inc.

Edmund Levendusky, Vice President

  
Signature

8019 Corporate Drive, Suite A  
Baltimore, MD 21236  
(410) 931-6833

**Attached Sheet 4**

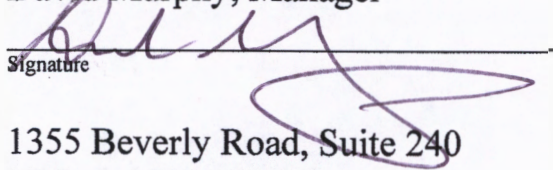
**Petition for Variance  
11591-11595 Allender Road  
5700-5732 Fieldcrest Drive  
11505-11526 Ridgedale Drive**

**Legal Owner:**

For Lot Nos. 122-123, 125-132, 135-146, 148-162, and 164-173

Allender, L.C.

David Murphy, Manager

  
Signature

1355 Beverly Road, Suite 240  
McLean, VA 22101  
(410) 720-3021

# MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



## Zoning Description

**Beginning** at a point located on the southeasterly side of Allender Road which has a width of  $\pm 70$  feet at the distance of  $\pm 100$  feet northwesterly of the centerline of the nearest intersecting street, Jerome Avenue, which has a width of  $\pm 50$  feet. **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

South 60 degrees 19 minutes 15 seconds West, 21.51' to a point; South 05 degrees 28 minutes 42 seconds East, 128.26' to a point; South 38 degrees 28 minutes 42 seconds East, 35.60' to a point; South 30 degrees 21 minutes 01 seconds West, 47.79' to the point; South 65 degrees 13 minutes 18 seconds West, 1056.27' to a point; North 55 degrees 56 minutes 26 seconds West, 172.88' to a point; North 38 degrees 5 minutes 28 seconds East, 1201.97' to a point; North 52 degrees 5 minutes 48 seconds East, 303.49' to a point; South 13 degrees 53 minutes 59 seconds East, 173.55' to a point; South 72 degrees 55 minutes 19 seconds West, 45.36' to a point; an arc with a radius of 1,467.39' and Length of 322.73' to a point; South 29 degrees 40 minutes 45 seconds East, 85.93' to a point; South 20 degrees 38 minutes 59 seconds East, 81.73' to a point and place of beginning.

**Containing** an area of 633,746 square feet or 14.54 acres of land, more or less and being located in the Fifth Election District of Baltimore County Maryland.



1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 [www.mragta.com](http://www.mragta.com)

Abingdon, MD  
(410) 515-9000

Laurel, MD  
(410) 792-9792

Towson, MD  
(410) 821-1690

Georgetown, DE  
(302) 855-5734

Wilmington, DE  
(302) 326-2200

York, PA  
(717) 751-6073

2012-0025-A

DROP OFF-NO 2nd REVIEW

**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: # 2012-0025-A**

11591-11595 Allender Road, 5700-5732 Fieldcrest Drive,  
11505-11526 Ridgedale Drive  
S/east side of Allender Road, 100 feet n/west of Jerome Avenue

11th Election District - 5th Councilmanic District

Legal Owner(s): NVR Inc., and Allender, LLC

**Variance:** to permit a minimum side building face to side building face setback of 15 feet in lieu of the required 20 feet for Lot Nos. 122-173. To permit a minimum distance of 20 feet from rear building face to rear property line in lieu of the required 30 feet for Lot Nos. 122-123, 126-135, 138-139, 164 and 166.

**Hearing:** Monday, August 29, 2011 at 11:00 a.m. Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative hearings Office at 410-887-3868

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

08/09/3 August 11

283503

*Hearing 8/29*  
**CERTIFICATE OF PUBLICATION**

8/11/, 2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/11/, 2011.

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

*J. Wilkins*

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

2012-0025-A

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_

NVR Inc., and Allender, LLC

August 29, 2011

Date of Hearing/Closing: \_\_\_\_\_

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

Attn: Kristen Lewis:

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: \_\_\_\_\_

11591-11595 Allender Road, 6700-6732 Fieldcrest Drive, 11505-11526 Ridgedale Drive

August 13, 2011

The sign(s) were posted on \_\_\_\_\_

(Month, Day, Year)

Sincerely,

August 15, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

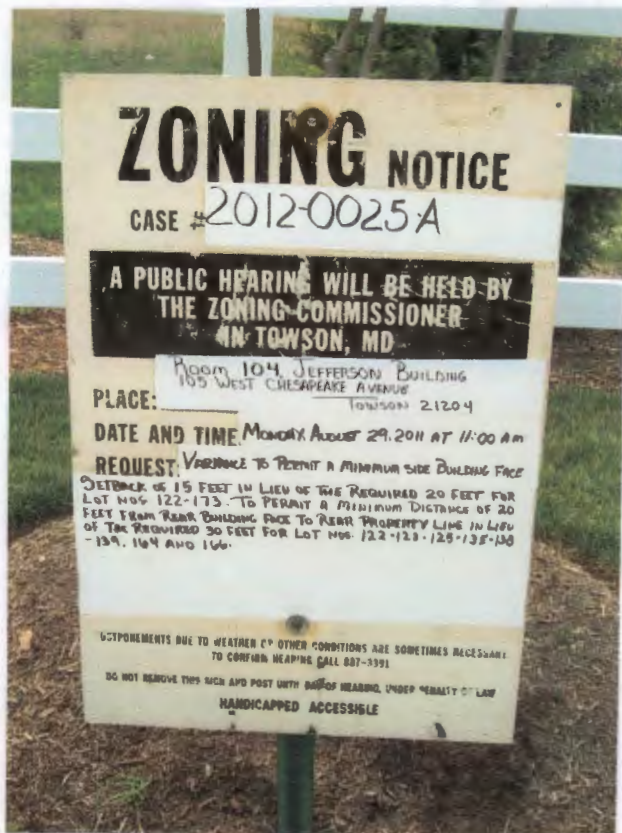
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY  
Thursday, August 11, 2011 Issue - Jeffersonian

Please forward billing to:

David Karceski  
Venable

410-494-6285

210 W. Pennsylvania Avenue, Ste. 500  
Towson, MD 21204

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## NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0025-A**

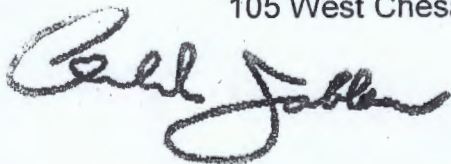
11591-11595 Allender Road, 5700-5732 Fieldcrest Drive, 11505-11526 Ridgedale Drive  
S/east side of Allender Road, 100 feet n/west of Jerome Avenue

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: NVR Inc., and Allender, LLC

Variance to permit a minimum side building face to side building face setback of 15 feet in lieu of the required 20 feet for Lot Nos. 122-173. To permit a minimum distance of 20 feet from rear building face to rear property line in lieu of the required 30 feet for Lot Nos. 122-123, 126-135, 138-139, 164 and 166.

Hearing: Monday, August 29, 2011 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ  
County Executive

ARNOLD JABLON  
Deputy Administrative Officer  
Director, Department of Permits,  
Approvals & Inspections

August 3, 2011

### NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0025-A**

11591-11595 Allender Road, 5700-5732 Fieldcrest Drive, 11505-11526 Ridgedale Drive  
S/east side of Allender Road, 100 feet n/west of Jerome Avenue  
11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
Legal Owners: NVR Inc., and Allender, LLC

Variance to permit a minimum side building face to side building face setback of 15 feet in lieu of the required 20 feet for Lot Nos. 122-173. To permit a minimum distance of 20 feet from rear building face to rear property line in lieu of the required 30 feet for Lot Nos. 122-123, 126-135, 138-139, 164 and 166.

Hearing: Monday, August 29, 2011 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

  
Arnold Jablon  
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, #500, Towson 21204  
Edmund Levendusky, 8019 Corporate Drive, Ste. A, Baltimore 21236  
David Murphy, 1355 Beverly Road, Ste. 240, McLean VA 22101

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 13, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS  
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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2012-0025-A  
Petitioner: NVR, Inc./Allender LC  
Address or Location: 11591-11595 Allender Road ; 5700-5732 Fieldcrest Dr. ;  
11505-11526 Ridgedale Drive.

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: David H. Karcecki  
Address: Venable, LLP  
210 W. Pennsylvania Avenue, Suite 500  
Towson, MD 21204  
Telephone Number: 410-494-6285

Revised 2/17/11 DT

**DROP OFF- NO 2nd REVIEW**



KEVIN KAMENETZ  
County Executive

ARNOLD JABLON  
Deputy Administrative Officer  
Director, Department of Permits,  
Approvals & Inspections

August 19 2011

Edmund Levendusky  
NVR, Inc.  
8019 Corporate Drive, Suite A  
Baltimore, MD 21236

RE: Case Number 2012-0025-A, 11591-11595 Allender Rd., 5700-5732 Fieldcrest Dr.,  
& 11505-11526 Ridgedale Drive

Dear Mr. Levendusky,

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, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel  
David Murphy, 1355 Beverly Road, Suite 240, McLean, VA 22101  
David Karceski, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 22 2011

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability  
(DEPS) - Development Coordination

DATE: August 22, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-025-A  
Address 11591 – 11595 Allender Road  
(Allender, L.C. & NVR, Inc. Property)

Zoning Advisory Committee Meeting of August 1, 2011.

X The Department of Environmental Protection and Sustainability has no  
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*



KEVIN KAMENETZ  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

August 1, 2011

County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **August 1, 2011**

Item No.:

**Administrative Variance:** 2012-0024A.

**Variance:** 2012-0020-XA, 2012-0022-SPHA, 2012-0023A, **2012-0025A.**

**Comments:**

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector  
Baltimore County Fire Marshal's Office  
700 E. Joppa Road, 3<sup>RD</sup> Floor  
Towson, Maryland 21286  
Office: 410-887-4880  
dmuddiman@baltimorecountymd.gov  
cc: File

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



Beverley K. Swaim-Staley, Secretary  
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-1-11

Ms. Kristen Matthews  
Baltimore County Department of  
Permits, Approvals and Inspections  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 2012-0025A  
Variance  
Allender, L.C. & NVR, Inc.  
11594 11595 Allender Road.

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. 2012-0025A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at ([rzeller@sha.state.md.us](mailto:rzeller@sha.state.md.us)). Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief  
Access Management Division

SDF/rz

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals  
And Inspections

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 15, 2011  
Item Nos. 2012-020, 021, 023, 024  
And 025

**DATE:** August 9, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08152011 -NO COMMENTS.doc

RE: PETITION FOR VARIANCE \* BEFORE THE  
11591-11595 Allender Road; SE/S Allender \*  
Road, 100' NW of Jerome Avenue \* ADMINISTRATIVE LAW  
11<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts \*  
Legal Owner(s): Allender, L.C. & NVR, Inc \* JUDGE FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 2012-025-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

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

RECEIVED

AUG 02 2011

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2nd day of August, 2011, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

**MATTHEW A. BISHOP, RLA, LEED AP**  
Sr. Landscape Architect

***Project Assignment:***

Expert Witness, Landscape Architect

***Years of Experience:***

MRA: 5  
Other Firms: 5

***Education:***

B.S. Landscape Architecture / 2001  
/ University of Connecticut  
M.S. Plant Science / 2005 /  
University of Connecticut

***Active Registration:***

Maryland, Landscape Architect,  
2006, #3365  
L.E.E.D. Accredited Professional  
(2008)

***Professional Affiliations:***

U.S. Green Building Council  
(USGBC)



**MORRIS & RITCHIE**  
**ASSOCIATES, INC.**

***Qualifications:***

Mr. Bishop is a Sr. Landscape Architect with MRA's Towson office. His experience includes a variety of projects ranging in scale from site specific to regional planning including streetscapes, neighborhood parks, mixed-use and residential development. The scope of Mr. Bishop's project involvement includes site analysis through construction documents; applications and permitting; graphic renderings; grading; and cost estimating. His experience also includes working with various government agencies, private interest groups, and project related consultants including; architects; civil engineers; traffic engineers; and State and County environmental and planning agencies.

Sample projects managed by Mr. Bishop include the following:

**Windlass Run, Baltimore County, Maryland** - Located on the east side of Baltimore County south of White Marsh Boulevard this Planned Unit Development incorporates 424 homes situated around an extensive network of community open spaces including a clubhouse, pool, and children's play equipment. Served as project landscape architect in the design and preparation of planning related design products including Concept Plan, Development Plan, Pattern Book, and Final Development Plan. Also designed and prepared detailed landscape architecture related design products including Active Open Space areas, Passive Open Space areas, Entry features, and Club house/pool area.

**Towson Manor, Towson, Maryland** - Located south of downtown Towson, on the east side of York Road, this Planned Unit Development incorporates 109 townhouses and an assisted living facility on  $\pm 8.22$  acres. The project is a redevelopment of an existing single family residential community which had fallen into disrepair. Served as project landscape architect in the design and preparation of Baltimore County required Concept Plan, Development Plan, Pattern Book, Final Development Plan, Grading Plan, Landscape Plan / Cost Estimates, and Stormwater Management Plan. Also designed and prepared landscape construction drawings for a highly visible centrally located Bio-Retention facility that will be used not only as a functional stormwater treatment facility but also as a visually appealing community open space. The design incorporated native plant species chosen for both functional and aesthetic qualities while also meeting the strict specifications of Baltimore County DEPRM and the Maryland Stormwater Design Manual.

**Artemis Properties at Rossville Boulevard, Perry Hall, Maryland** - Located at the intersection of Rossville Boulevard and Fitch Avenue in the Perry Hall section of Baltimore County this commercially zone site encompasses  $\pm 15$  acres of steep terrain, forest, wetlands, and associated forest buffer. The project proposes  $\pm 100,000$  sf of new commercial/retail space. Served as project landscape architect in the preparation of the overall Masterplan, Wetlands variance application, Forest Buffer variance application, Mass Grading Plan, Forest Conservation Plan, Forest Buffer Protection Plan. Worked closely with Baltimore County DEPRM, and the Maryland Department of the Environment in gaining plan approval. Key aspects of the project include the restoration of  $\pm 210'$  of concrete lined stream channel and onsite Forest Conservation / Forest Buffer Mitigation planting.

**Caves Valley Golf Club, Baltimore County, Maryland** - Located in the Owings Mills section of Baltimore County this exclusive golf course required an expansion of its clubhouse facilities which included a parking lot expansion, putting green expansion, new patio, pergola, common area expansion, and gardens. Served as Project Landscape Architect in the design and preparation of detailed construction documents including landscape plans, lighting plans, special paving plans, and grading plans.

**PETITIONER'S**

**EXHIBIT NO.**

**2**



3

idal,  
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nce

Printed 8/19/2011



PETITIONER'S

EXHIBIT NO.

4A



PETITIONER'S

EXHIBIT NO.

4B



PETITIONER'S

EXHIBIT NO. 4C

# THE BELFORD



ELEVATION D



ELEVATION A



ELEVATION C

PETITIONER'S

EXHIBIT NO.

5A

**Ryan**  
Homes

WELCOMING FAMILIES HOME FOR OVER 60 YEARS

# THE ZACHARY PLACE



ELEVATION C



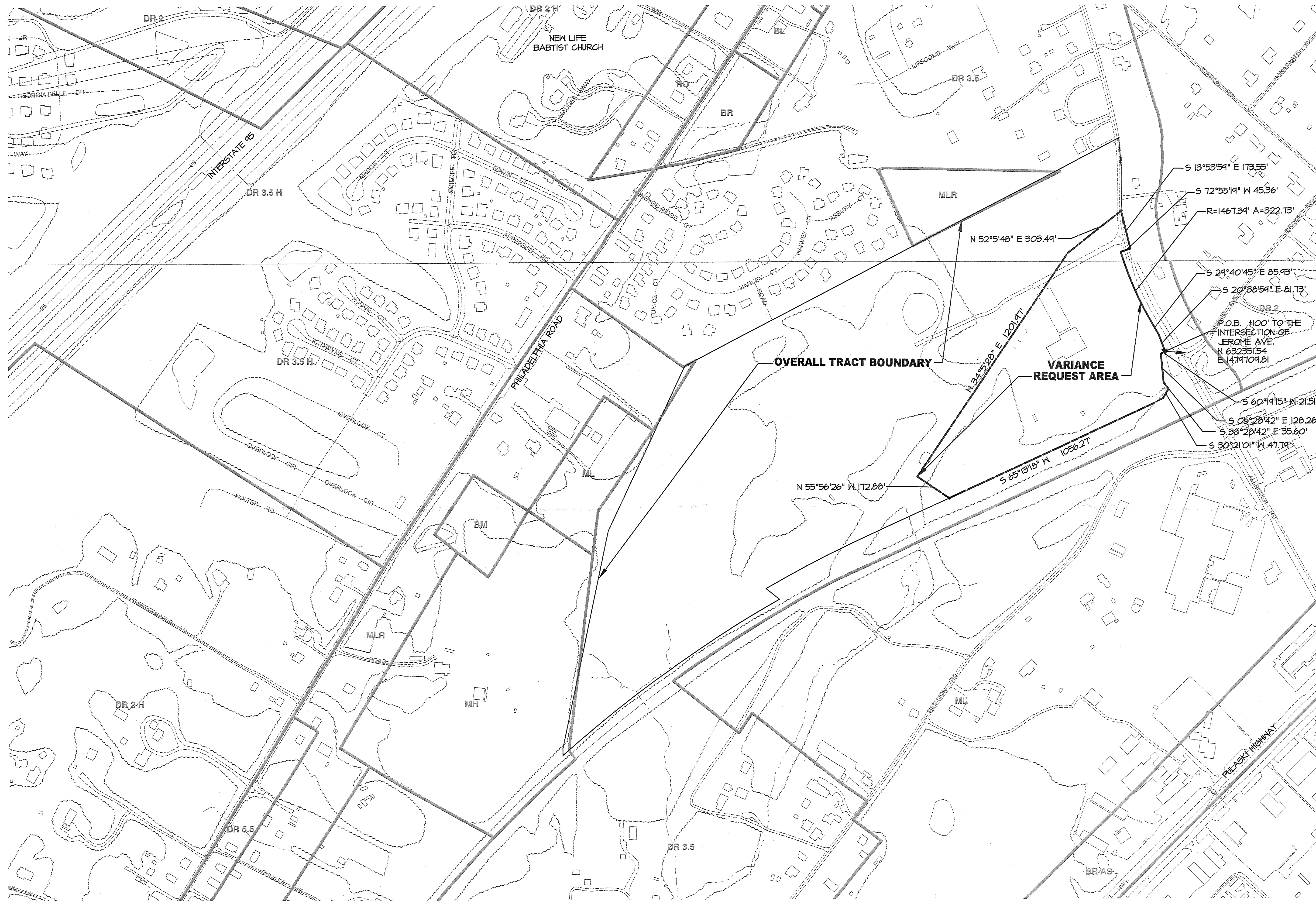
ELEVATION A



ELEVATION B

PETITIONER'S  
EXHIBIT NO. 5B

**Ryan**  
Homes  
WELCOMING FAMILIES HOME FOR OVER 60 YEARS



NOTE:  
UTILITY CONNECTIONS ARE  
AVAILABLE FROM ALLENDER  
ROAD. SEE PLAN TO  
ACCOMPANY VARIANCE  
PETITION FOR MORE DETAIL.

Plan Sheet: 073A2 & 073A1

Note:  
The zoning depicted in this application incorporates the actions  
associated with 2008 Comprehensive Zoning Map Process, zoning  
changes associated with an adopted Community Plan and  
Baltimore County Board of Appeals actions through December 31,  
2008.

#### Legend

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

### Baltimore County Office of Planning and Zoning Official Zoning Map

|       |       |       |       |       |
|-------|-------|-------|-------|-------|
| 072B1 | 072C1 | 073A1 | 073B1 | 073C1 |
| 072B2 | 072C2 | 073A2 | 073B2 | 073C2 |
| 072B3 | 072C3 | 073A3 | 073B3 | 073C3 |

Scale

1" = 200'

0 100 200 400  
Feet



Data Sources:  
Planimetric Data - Baltimore County  
GIS Services Unit  
1:2400, from 1985/86 photography  
Zoning - Baltimore County Office of Planning  
1:2400, 2008

2012-0025-A DROP OFF - NO 2nd REVIEW

THE ZONING COMMISSIONER, IN CASE NO. 75-271-RX ON MAY 29TH, 1975, GRANTED THE FOLLOWING RELIEF:

SAID GRANTING SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

- THE ZONING COMMISSIONER, IN CASE NO. 75-271-RX ON JUNE 16TH, 1975, AMENDED THE ORDER DATED MAY 29TH, 1975 BY AMENDING SUB-PARAGRAPH 4 TO READ:

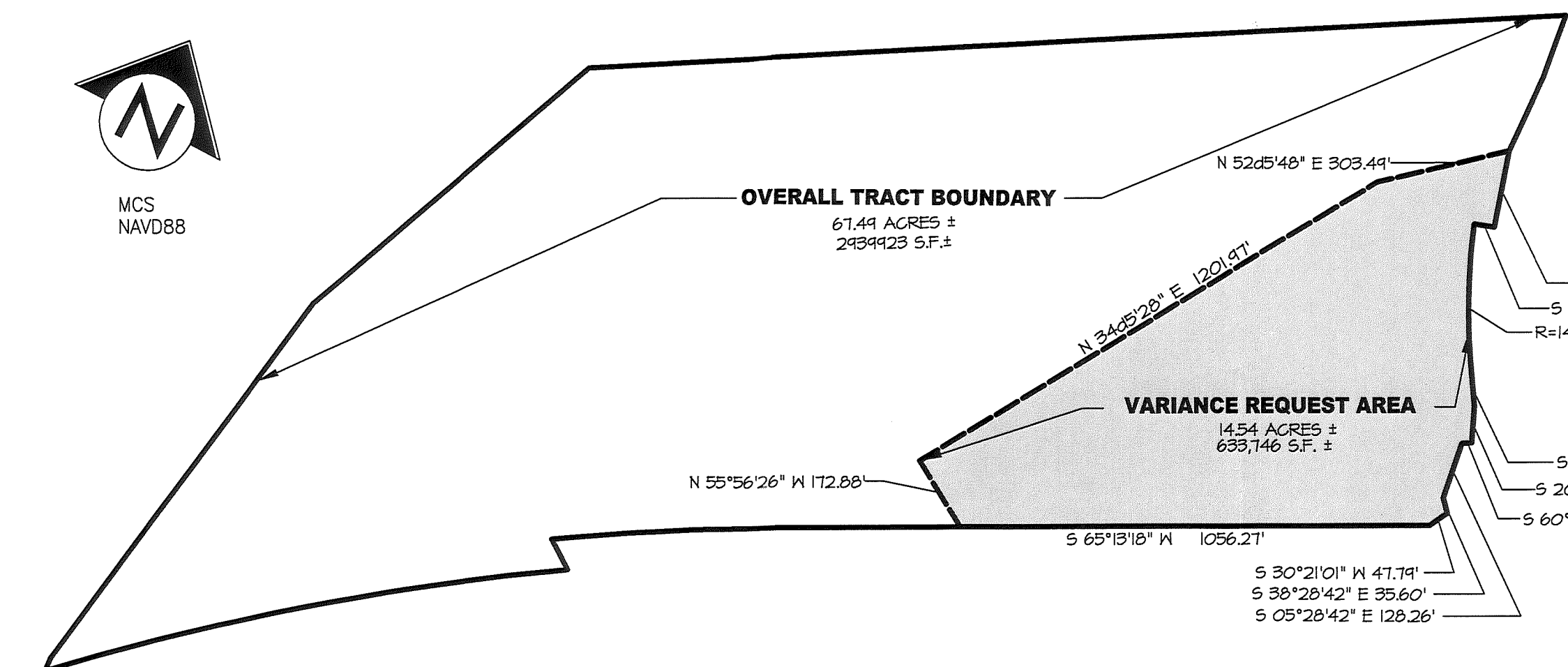
THE ZONING COMMISSIONER, IN CASE NO. 80-80-XSPH 253 ON NOVEMBER 14TH, 1979 DENIED THE FOLLOWING RELIEF:

DEVELOPMENT PLAN (PDM# 11-1065/2009-0140-SPH) HEARING OFFICER'S ORDER:

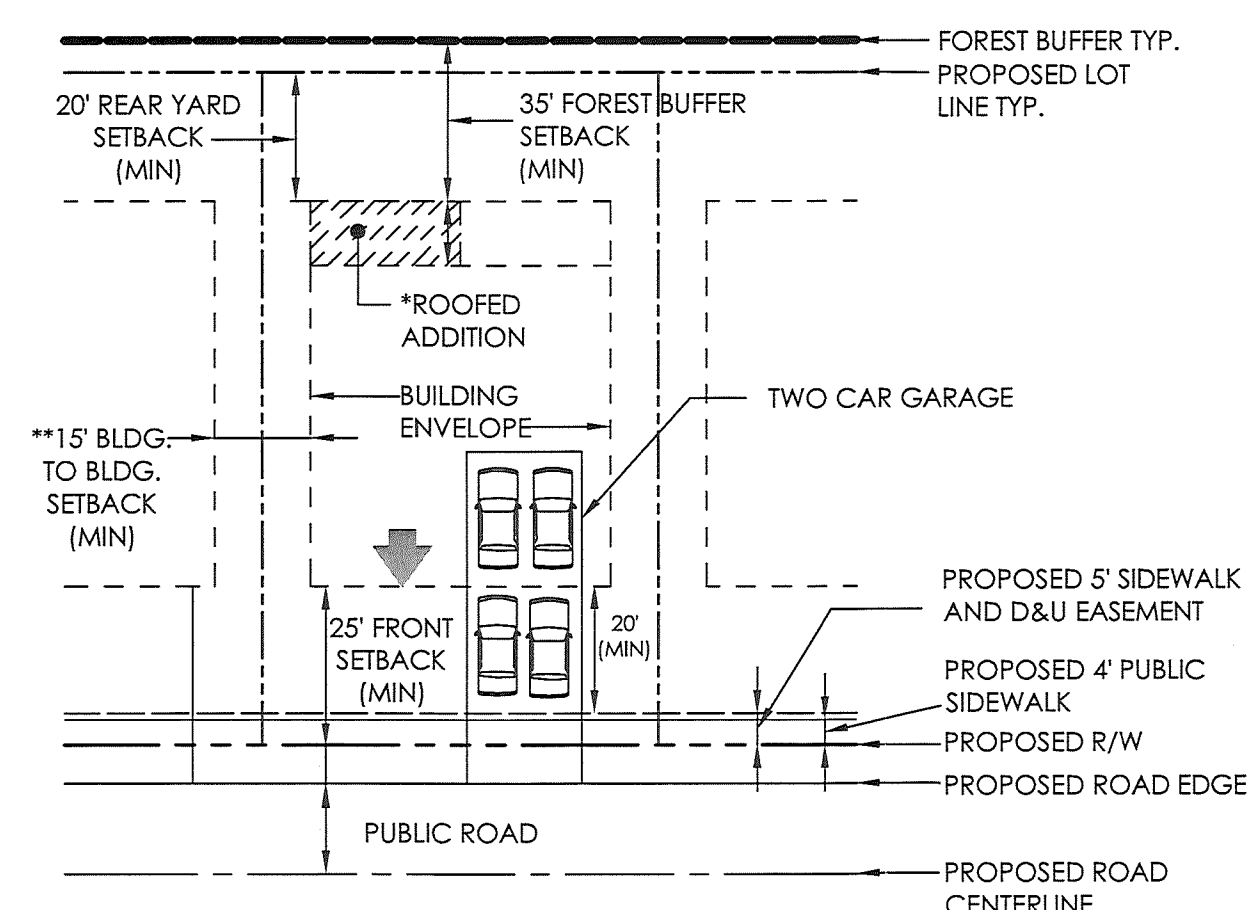
1. Developer shall provide bituminous concrete stamped islands, as shown and indicated on Developer's Exhibit 3, in the center of each of the three (3) cul-de-sacs provided on the development plan. The bituminous concrete stamped within each cul-de-sac shall be gray in color.
2. The imposition of the above condition is due to the unusual facts and circumstances of the subject property that is the subject of this Hearing Officer's Hearing. I wish to clarify that the decision to impose Condition No. 1 is not legal precedent that may be cited by any applicant(s) as such in another development plan case(s).
3. The Petition for Special Hearing granted below in Case No. 2069-0140-SPH to abandon the special exception granted in Case No. 75-271-RX is conditioned upon the concurrence of the subject property to Developer or the vacating of the property by the Operating Engineers, whichever is later in time.

IT IS FURTHER ORDERED by this Hearing Officer/Zoning Commissioner, that the Petition for Special Hearing to abandon the special exception relief approved in Case No. 75-271-RX, is hereby GRANTED and shall become effective upon the conveyance of the subject property (5737 Allender Road) from the Legal Owner to the Developer or the vacating of the property by the Operating Engineers, whichever is last to occur.

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner/Hearing Officer

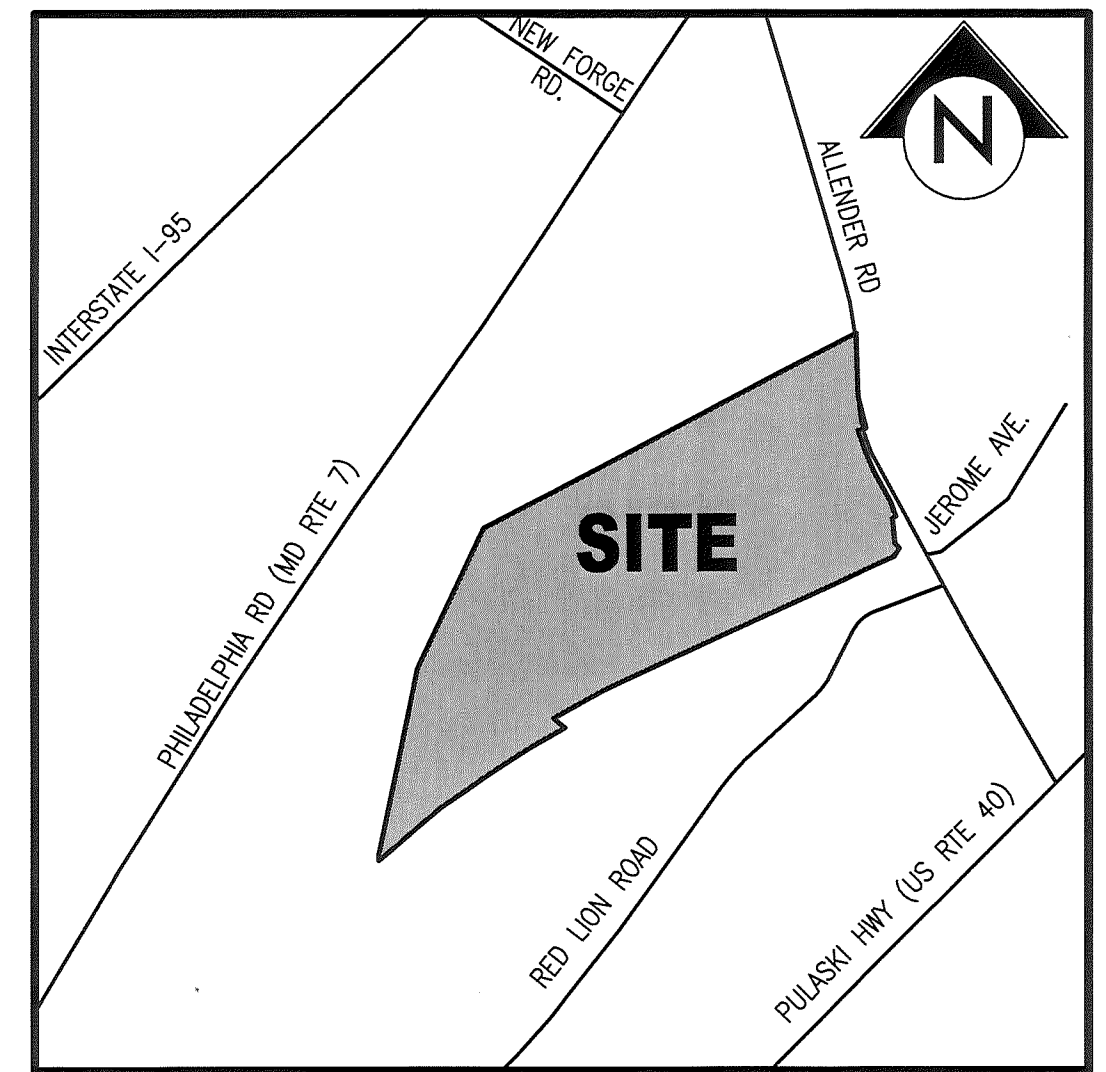


**SCALE: 1"=300'**



\*ROOFED ADDITIONS ARE PROPOSED WHICH DO NOT EXCEED, IN WIDTH 50% OF THE DWELLING UNIT.

\*\*A 15' BUILDING -TO-BUILDING SETBACK IS PROPOSED BETWEEN DWELLINGS.



SCALE 1" = 1000'

OWNER/APPLICANT:

- PLAN PREPARED BY:

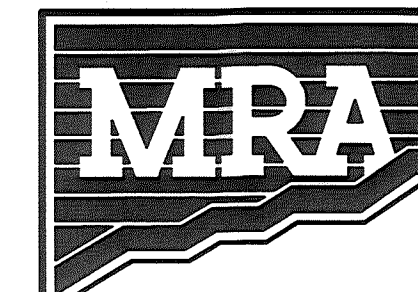
|               |                    |                             |
|---------------|--------------------|-----------------------------|
| OVERALL TRACT |                    |                             |
| 1.            | GROSS ACREAGE:     | 67.90 ac ± (2,957,625 S.F.) |
|               | NET ACREAGE:       | 67.49 ac ± (2,939,923 S.F.) |
| 2.            | EXISTING LAND USE: | RESIDENTIAL                 |

- VARIANCE REQUEST AREA
- |                       |                           |
|-----------------------|---------------------------|
| 1. GROSS ACREAGE:     | 14.82 ac ± (645,986 S.F.) |
| NET ACREAGE:          | 14.54 ac ± (633,746 S.F.) |
| 2. EXISTING LAND USE: | RESIDENTIAL               |

## OVERALL TRACT SITE INFORMATION

1. PROPERTY INFORMATION  
a. TAX ACCOUNT NUMBERS: \*\*\*SEE INSET  
b. DEED REFERENCES: 29404/376; 30159/27 (LOT 124); 30845/288 (LOTS 133,134,147,163)  
c. COUNCILMANIC DISTRICT: 5  
d. ELECTION DISTRICT: 12  
e. CENSUS TRACT: 11  
f. ADC MAP LOCATION: 4113.02  
g. ZONING MAP REFERENCES: 73A1 & 73A2 (111B3 and 111C3)  
h. ZONED: DR 3.5  
i. TAX MAP: 73  
j. PARCEL: 25  
k. LOT: \*\*\*SEE INSET  
l. WATERSHED: BIRD RIVER
2. REGIONAL PLANNING DISTRICT: PERRY HALL - WHITE MARSH
3. THERE ARE NO KNOWN 100-YEAR FLOODPLAINS WITHIN 50' OF THE VARIANCE AREA.
4. NON-TIDAL WETLANDS WITHIN 50' OF THE VARIANCE AREA ARE AS SHOWN ON THE SITE PLAN.
5. THERE ARE NO DESIGNATED HISTORIC SITES AS PER LANDMARKS PRESERVATION COMMISSION OR THE MD HISTORIC TRUST INVENTORY LOCATED WITHIN THE VARIANCE REQUEST AREA.
6. THIS SITE IS NOT LOCATED WITHIN ANY FAILED BASIC SERVICES AREAS.
7. PARKING REQUIRED: 52 SINGLE FAMILY DETACHED DWELLING UNITS X 2 SPACES EACH = 104 SPACES
8. PARKING PROPOSED: 52 SPACES
9. ALL SITES WILL CONFORM TO BALTIMORE COUNTY ZONING CODE, SECTIONS 450 OR THE APPROPRIATE ZONING RELIEF WILL BE REQUESTED.
10. EXISTING AND PROPOSED BUILDING HEIGHT: MAXIMUM 50'
11. EXISTING AND PROPOSED BUILDING NUMBER OF STORIES: 3

1. VARIANCE FROM BCZR SECTION 1801.2.C.1.B OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR") TO PERMIT A MINIMUM SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 20 FEET FOR LOTS 122-173.
2. VARIANCE FROM BCZR SECTION 1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE OF THE REQUIRED 30 FEET FOR LOTS 122-123; 126-135; 138-139; 164; AND 166.



ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
1220-C EAST JOPPA ROAD, SUITE 505  
TOWSON, MARYLAND 21286  
(410) 821-1690  
FAX: (410) 821-1748

MRAGTA.COM

**11591-11595 ALLENDER ROAD**  
**5700-5732 FIELDCREST DRIVE**  
**11505-11526 RIDGEDALE DRIVE**

PLAN TO ACCOMPANY  
PETITION FOR VARIANCE

WHITE MARSH, MD

ELECTION DISTRICT 11TH

COUNCILMANIC DISTRICT 5TH

|      |           |                  |
|------|-----------|------------------|
| DATE | REVISIONS | JOB NO.: 15510   |
|      |           | SCALE: AS SHOWN  |
|      |           | DATE: 07/21/2011 |
|      |           | DRAWN BY: MLE    |
|      |           | DESIGN BY: MB    |
|      |           | REVIEW BY: MB    |
|      |           | SHEET: 1 OF 1    |

| ***LOT / TAX ACCOUNT NUMBERS: |                |                |                |                |
|-------------------------------|----------------|----------------|----------------|----------------|
| 122/2500006699                | 134/2500006711 | 146/2500006714 | 158/2500006726 | 170/2500006738 |
| 123/2500006700                | 135/2500006712 | 147/2500006715 | 159/2500006727 | 171/2500006739 |
| 124/2500006701                | 136/2500006748 | 148/2500006716 | 160/2500006728 | 172/2500006740 |
| 125/2500006702                | 137/2500006749 | 149/2500006717 | 161/2500006729 | 173/2500006741 |
| 126/2500006703                | 138/2500006750 | 150/2500006718 | 162/2500006730 |                |
| 127/2500006704                | 139/2500006751 | 151/2500006719 | 163/2500006731 |                |
| 128/2500006705                | 140/2500006752 | 152/2500006720 | 164/2500006732 |                |
| 129/2500006706                | 141/2500006753 | 153/2500006721 | 165/2500006733 |                |
| 130/2500006707                | 142/2500006754 | 154/2500006722 | 166/2500006734 |                |
| 131/2500006708                | 143/2500006755 | 155/2500006723 | 167/2500006735 |                |
| 132/2500006709                | 144/2500006756 | 156/2500006724 | 168/2500006736 |                |
| 133/2500006710                | 145/2500006713 | 157/2500006725 | 169/2500006737 |                |

2012-0025-A DROP OFF-NO 2nd REVIEW