



KEVIN KAMENETZ  
County Executive

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

August 28, 2012

Lawrence E. Schmidt, Esquire  
Smith, Gildea & Schmidt, LLC  
600 Washington Avenue, Suite 200  
Towson, MD 21204

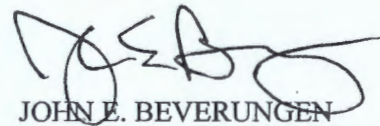
RE: **DEVELOPMENT PLAN HEARING AND PETITIONS FOR  
SPECIAL HEARING & VARIANCE**  
HOH Case No. 03-291 AND Zoning Case No. 2012-0304-SPHA  
(Paige Property at Roslyn Station)

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw  
Enclosure

c: Amanda Brown, 7 Esperanza Court, Pikesville, MD 21208  
Howard J. Needle, 1321 Harden Lane, Pikesville, MD 21208  
Nancy M. Mandell, 8 Peachtree Court, Pikesville, MD 21208  
Arnold Simon, 2 Peachtree Court, Pikesville, MD 21208  
Darryl W. and Janeen McLean, 3 Peachtree Court, Pikesville, MD 21208  
Linda P. Halpert, 1 Vaocluse Lane, Pikesville, MD 21208  
Lori A. and Kenneth Harvin, 1603 Woodling Way, Pikesville, MD 21208  
Edward A. King, 1 Peachtree Court, Pikesville, MD 21208  
Bradley P. Barthlow, 1609 Woodling Way, Pikesville, MD 21208  
Ross N. and Dianna Rogers Ford, 1610 Woodling Way, Pikesville, MD 21208  
Barisua Ikpe, 1802 Weyburn Road, Rosedale, MD 21237  
Margaret Jefferson, 1607 Woodling Way, Pikesville, MD 21208  
Darryl Putty, Project Manager, Division of Development Processing, PAI

IN RE: DEVELOPMENT PLAN HEARING \*  
AND PETITIONS FOR SPECIAL \*  
HEARING & VARIANCE \*  
N side of Old Court Road, 636' N of \*  
Peach Tree Court \*  
3<sup>rd</sup> Election District \*  
2<sup>nd</sup> Council District \*  
(Paige Property at Roslyn Station) \*

BEFORE THE  
OFFICE OF  
ADMINISTRATIVE HEARINGS  
FOR  
BALTIMORE COUNTY

Dr. David M. Paige and Nancy E. Paige \*  
Esperanza Court, LLC \*  
Developers \*

HOH Case No. 03-291 and  
Zoning Case No. 2012-0304-SPHA

\* \* \* \* \*

**ADMINISTRATIVE LAW JUDGE'S COMBINED ZONING AND  
DEVELOPMENT PLAN OPINION & ORDER**

This matter comes before the Office of Administrative Hearings 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."). The hearing also involved requests for special hearing and variance relief under the Baltimore County Zoning Regulations (B.C.Z.R.). Dr. David M. Paige & Nancy E. Paige, the developers of the subject property (hereinafter "the Developers"), submitted for approval a redlined Development Plan prepared by DS Thaler & Associates, Inc., known as "Paige Property at Roslyn Station."

In the instant matter, the Developers propose to develop 16 housing units (3 single-family detached, 3 standard townhouses and 10 front-entry garage townhouses) on 4.78 acres of land zoned DR 2 (0.07 acres) and DR 5.5 (4.71 acres). The site is currently improved with one single-family dwelling and four lots shown as undeveloped. The site was previously approved as the Paige Property (Roslyn Station), under the CRG process. The present submission would

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Date 8-28-12

By [Signature]

constitute the final section of this subdivision, and involves the 4<sup>th</sup> Amended Development Plan for this project.

In addition to the Hearing Officer's Hearing, the Developers are requesting certain zoning relief and have filed a Special Hearing request pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To permit the existing dwelling to remain in conjunction with the recordation of the plat indicating the new lines of division for proposed Lots 11-16;
- For an amendment to the 3<sup>rd</sup> Amended Final Development Plan entitled Paige Property; and
- For such other and further relief as may be deemed necessary by the Administrative Law Judge.

The Developers are also requesting Variance relief from the B.C.Z.R. as follows:

- § 1B01.2.C.1.C and Division II, Section A of the CMDP (See B.C.Z.R. §§ 504.1 and 504.2) to allow a building face setback from the tract boundary of 15' in lieu of the minimum building face setback from a tract boundary of 30' for Lot 11;
- § 301.1A of the B.C.Z.R. and/or Division II, Section A of the CDMP (See B.C.Z.R. §§ 301.1.B, 504.1 and 504.2) to allow porches 20' from the property line in lieu of the permitted 22.5' (the minimum required rear yards for the single-family attached units are 30' and the regulations only permit porches to extend into the rear yard 25% of the minimum required

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depth, so 25% of 30' is 7.5' leaving a permitted setback from the property line of 22.5' without variance relief);

- § 303.1 of the B.C.Z.R. to allow a front yard depth of a building to the right-of-way of 25' in lieu of the average front yard depth of 37.5' (the average of the lots immediately adjoining within 200') for Lots 1-16, and
- For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Details of the proposed development and the requested zoning relief are more fully depicted on the two-sheet redlined 4<sup>th</sup> Amended Development Plan that was marked and accepted into evidence as Developers' Exhibit 3A.

The property was posted with the Notice of Hearing Officer's Hearing and Zoning Notice on July 12, 2012 for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing.

Appearing at the requisite Hearing Officer's Hearing in support of the Development Plan on behalf of the Developers and property owners were Dr. David M. and Mrs. Nancy E. Paige, Stacey A. McArthur, Brian Childress, David Thaler and Victoria Ballestero, all with DS Thaler & Associates, Inc., the consulting firm that prepared the site plan, Mickey Cornelius with the Traffic Group, Inc., and Sherry Gillespie with Smith, Gildea & Schmidt, LLC. Lawrence E. Schmidt, Esquire with Smith, Gildea & Schmidt, LLC, appeared and represented the Developers. Also appearing as interested citizens were Amanda Brown, Howard J. Needle, Nancy M. Mandell, Arnold Simon, Darryl W. and Janeen McLean, Linda P. Halpert, Lori A. and Kenneth Harvin, Edward A. King, Bradley P. Barthlow, Ross N. and Dianna Rogers Ford, Barisua Ikpe, and

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By [Signature]



Margaret Jefferson.

Numerous representatives of the various Baltimore County agencies, who reviewed the Development Plan, also attended the hearing, including the following individuals from the Department of Permits and Development Management: Darryl Putty (Project Manager), Bruce Gill and Vishnu Desai (Development Plans Review [DPR]), LaChelle Imwiko, Real Estate Compliance, and Aaron Tsui (Office of Zoning Review). Also appearing on behalf of the County were Jeff Livingston from the Department of Environmental Protection and Sustainability (DEPS), and Jenifer Nugent from the Department of Planning. 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.

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 areas of concern and expertise. The agencies specifically comment on whether the plan complies with all applicable Federal, State, and/or County laws, policies, rules and regulations pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan review and approval process, which includes providing input to the Hearing Officer either in writing or in person at the hearing. It should also be noted that continued review of the plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

Pursuant to §§ 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. The only unresolved issue with respect to the development plan concerned

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By DW

the necessity of a second means of access to the Roslyn Station community. The Bureau of Development Plans Review (DPR), in comments dated August 7, 2012 and August 9, 2012, required the Developer to dedicate to the County a strip of land with roadway that would connect Woodling Way with Trentham Drive. Several members of the community spoke on this issue, which will be discussed in greater detail below.

Other than the roadway issue noted above, each of the Baltimore County agency representatives identified above indicated that the redlined Development Plan (marked as Developers' Exhibit 3A) addressed any and all comments submitted by their agency, and they each recommended approval of the plan.

Stacey A. McArthur, a registered landscape architect, presented the Developer's case. Ms. McArthur noted that the redlined notations on the Plan addressed each of the comments submitted at the DPC by County representatives. In conclusion, Ms. McArthur testified that in her opinion, the plan (Developers' Exhibit 3A) complied with all applicable provisions of the B.C.C. and development regulations.

#### COMMUNITY CONCERNS

Several members of the community spoke at the hearing and identified concerns with the project. The primary concern was with Woodling Way being opened (it is now a dead-end road) to service the 15 homes being built on the Paige property. Another concern, obviously related to the first, was with the overall traffic in the vicinity, especially the unsafe conditions at Woodling Way and Old Court Road, as detailed by Mr. Simon. *See* Protestants' Exhibit 1.

With regard to the first issue, every resident who testified was adamantly opposed to any additional traffic on Woodling Way. But Jennifer Nugent, from the Department of Planning, testified that County policy and Master Plan 2020 both dictated that Woodling Way be opened to

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provide connectivity and access to the 16 new homes. At the hearing, Developers' counsel presented various options regarding the roadway issue, but I believe I am obliged to accept the recommendation of the Department of Planning, given that in development plan cases such as this, the Master Plan is binding, and requires that connectivity be provided on Woodling Way for the 16 new homes.

Woodling Way will not be open to the emergency access road to be provided via Trentham Drive. This new road will be constructed to provide a second means of access to the Roslyn Station community, which now relies upon Woodholme Avenue as the sole means of access. Under current Baltimore County regulations, a second means of access to a development must be provided when there are more than 150 dwellings served, and in this community there are 154 homes. The emergency access roadway will be gated at both ends, will not be constructed to Baltimore County standards (i.e., it will be only a 20' wide corridor with 16' of paving width, as detailed on the overlay marked as Developers' Exhibit 3B) and if the roadway were ever to be opened, it would require that it be improved to County standards, which seems unlikely in this era of municipal budget tightening. Finally, the County Code requires notice and a hearing before a roadway can be opened, and the County is expressly subject to this procedure. B.C.C. § 18-3-302(f). As such, if this were ever proposed, the nearby residents would receive notice and be entitled to testify at a hearing on the issue.

The other significant concern identified by community residents concerned the potential increase in traffic, as well as the dangerous conditions already existing at Woodling Way and Old Court Road. While I certainly do not take these concerns lightly, the evidence in the record establishes that the proposed 16 homes will not cause area roadways to become overburdened.

The Developers presented testimony from Mickey Cornelius, of the Traffic Group, who

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was accepted as an expert in traffic engineering. Mr. Cornelius testified he performed "delay studies" at the intersections of Old Court Road and Woodholme Avenue (Developers' Exhibit 9A) and Woodling Way and Old Court (Developers' Exhibit 9B). Both of these intersections are regulated by stop signs, and are not signalized. Mr. Cornelius testified to the average and maximum delay times to navigate these intersections, and opined that a signalized intersection was not required, and that federal standards for signalization had not been met. Mr. Cornelius further opined that both intersections were acceptable and met applicable standards, and that neither intersection required any further improvements or enhancements. Finally, Mr. Cornelius opined that the addition of the proposed 16 homes would not cause traffic conditions to deteriorate in any material respect.

The residents who testified all took issue with Mr. Cornelius' testimony, and each described lengthy delays they had to endure at these intersections. While I am mindful of and credit their testimony, Maryland law provides that lay witness testimony about traffic congestion and delays will not successfully rebut the testimony of an expert to the effect that the roadway is capable of absorbing the increased traffic volume generated by the development proposal. *Anderson v. Sawyer*, 23 Md. App. 612, 618-19 (1974).

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." B.C.C. § 32-4-229. After due consideration of the testimony and evidence presented by the Developers, 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 Developer has satisfied its burden of proof and, therefore, is entitled to approval of the 4<sup>th</sup> Amended Redlined Development Plan.

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By PW



## ZONING REQUESTS

### VARIANCES

In addition to the Development Plan approval, the Developers sought variances under the B.C.Z.R. for certain setbacks and for porches/decks to be constructed on the dwellings. Each of the variance requests was described in detail earlier in this Opinion.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).

Petitioners have met this test. The property at issue is undoubtedly unique, a finding made in an earlier case by the prior Zoning Commissioner. See, Developers' Exhibit 6 (Case No. 07-264-SPHA).

In addition, the Developers would suffer a practical difficulty if the variances were denied, in that they would need to re-engineer the Development Plan to comply with the setbacks, and potential purchasers of the homes would be unable to enjoy decks in the rear of their homes, an amenity enjoyed by other homes in the community. In light of the modest nature of the relief requested, and the fact that there will be no negative impact upon the surrounding community, the variances will be granted.

### SPECIAL HEARING

The request for special hearing relief is not so clear cut. The Developers seek to allow the existing single-family dwelling to remain (along with the oil tank, well and septic system used by the Paiges) while permitting the recordation of an amended record plat. Mr. Livingston indicated

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that the Department of Environmental Protection and Sustainability (DEPS) [Ground Water Management] was opposed to the request, although that agency was willing to continue discussing options with the Developers' engineers.

David Thaler, one of Developers' engineers, testified that he was familiar with other cases wherein the applicant was permitted to record a plat with proposed new development, while still residing in a single-family dwelling with a well and septic system that eventually needed to be abandoned. Mr. Thaler indicated that the County could put a note to this effect on the record plat, and could also deny issuance of any building permits until the systems were properly abandoned.

I tend to agree with counsel that this really is just a question of timing, and it only makes sense that the Paiges be allowed to continue living in the dwelling until such time that construction is actually begun on this project. I will impose certain conditions in the Order to address the concerns raised by Mr. Livingston, but will otherwise grant the special hearing relief.

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 Paige Property at Roslyn Station 4<sup>th</sup> Amended Development Plan shall be approved consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 28<sup>th</sup> day of August, 2012, that the redlined "**PAIGE PROPERTY AT ROSLYN STATION**" Development Plan, marked and accepted into evidence as Developers' Exhibit 3A, be and is hereby **APPROVED**.

IT IS FURTHER ORDERED that the Special Hearing request pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To permit the existing dwelling to remain in conjunction with the recordation of the

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By [Signature]

plat indicating the new lines of division for proposed Lots 11-16, and

- For an amendment to the 3<sup>rd</sup> Amended Final Development Plan entitled  
Paige Property,

be and is hereby GRANTED.

IT IS ALSO FURTHER ORDERED that the Variance request pursuant to the B.C.Z.R. as follows:

- § 1B01.2.C.1.C and Division II, Section A of the CMDP (See B.C.Z.R. §§ 504.1 and 504.2) to allow a building face setback from the tract boundary of 15' in lieu of the minimum building face setback from a tract boundary of 30' for Lot 11,
- § 301.1A of the B.C.Z.R. and/or Division II, Section A of the CDMP (See B.C.Z.R. §§ 301.1.B, 504.1 and 504.2) to allow porches 20' from the property line in lieu of the permitted 22.5' (the minimum required rear yards for the single-family attached units are 30' and the regulations only permit porches to extend into the rear yard 25% of the minimum required depth, so 25% of 30' is 7.5' leaving a permitted setback from the property line of 22.5' without variance relief), and
- § 303.1 of the B.C.Z.R. to allow a front yard depth of a building to the right-of-way of 25' in lieu of the average front yard depth of 37.5' (the average of the lots immediately adjoining within 200') for Lots 1-16,

be and is hereby GRANTED.

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By 102

The Development Plan and zoning approvals herein are expressly subject to and conditioned upon the following:

1. Developers conveyance to Baltimore County of a 20' wide access easement, connecting Woodling Way with Trentham Drive, as shown on the cellophane overlay marked as Developers' Exhibit 3B, to be improved (at Developers' expense) with a 16' wide macadam surface.
2. This roadway shall be for emergency access only, and shall be gated on both ends at Woodling Way and Trentham Drive. The gates shall be equipped with knox-box mechanisms, which can be accessed by emergency responders.
3. No permits for grading and/or construction of the dwellings shown on the 4<sup>th</sup> Amended Development Plan (Exhibit 3A) shall be issued until the Developers have abandoned, to the satisfaction of the Department of Environmental Protection and Sustainability (DEPS), the oil tank, well and septic system associated with the single-family dwelling on site.
4. The Final Development Plan (FDP) and record plat recorded among the land records shall also contain a conspicuous notation that permits shall not be issued for grading and/or construction until the oil tank, well and septic system are property abandoned, as set forth in condition #3 above.
5. The Developers shall, at their own cost and within 45 days of the date of this Order, obtain and provide to Department of Environmental Protection and Sustainability (DEPS) a field survey prepared by a licensed surveyor,

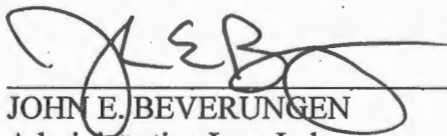
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By [Signature]

showing the exact locations of the oil tank, well and septic system existing  
on the Paige's property.

Any appeal of this Order shall be taken in accordance with Baltimore County Code,  
§ 32-4-281.

  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB/dlw

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Date 8-28-12

By dw





## PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 4020 Old Court Road

which is presently zoned DR 2 and DR 5.5

Deed Reference Please see attached.

10 Digit Tax Account # Please see attached.

Property Owner(s) Printed Name(s) Please see attached.

CASE NUMBER 2012-0304-0P4A Filing Date 6/4/12 Estimated Posting Date      Reviewer DR/JE

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached.

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ 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 below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

# To be presented at hearing.

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

I, or we, agree to pay expenses of above petition(s), 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.

**Legal Owner(s) Affirmation:** I / we do so 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 / these Petition(s).

### Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

State

Zip Code

Telephone #

Email Address

### Attorney for Petitioner:

Lawrence E. Schmidt, Smith Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

410-821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

### Legal Owners:

Please see attached.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

### Representative to be contacted:

Lawrence E. Schmidt, Smith Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

410-821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

**ATTACHMENT TO PETITION FOR ZONING HEARING**

4020 Old Court Road

**Special Hearing to determine whether or not the ALJ should approve:**

1. The existing dwelling to remain in conjunction with the recordation of the plat indicating the new lines of division for proposed Lots 11 - 16; and
2. An amendment to the 3rd Amended Final Development Plan entitled the Paige Property, which plat is recorded among the Land Records of Baltimore County in Plat Book SM78, Folio 454 as provided in BCZR §§ 1A00.4 and 1B01.3 and Section 1B01.3.A.7.c of the Zoning Commissioner's Policy Manual; and
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

**Variance from Section(s):**

1. 1B01.2.C.1.C of the BCZR and Division II, Section A of the CMDP (See BCZR §§ 504.1 and 504.2) to allow a building face setback from the tract boundary of 15 feet in lieu of the minimum building face setback from a tract boundary of 30 feet for Lot 11; and
2. 301.1.A of the BCZR and/or Division II, Section A of the CMDP (See BCZR §§ 301.1.B, 504.1 and 504.2) to allow porches 20 feet from the property line in lieu of the permitted 22.5 feet (the minimum required rear yards for the single-family attached units are 30 feet and the regulations only permit porches to extend into the rear yard 25% of the minimum required depth, so 25% of 30 feet is 7.5 feet leaving a permitted setback from the property line of 22.5 feet without variance relief); and
3. Section 303.1 of the BCZR to allow a front yard depth of a building to the right of way of 25 feet in lieu of the average front yard depth of 37.5 feet (the average of the lots immediately adjoining within 200 feet) for Lots 14 - 16; and
4. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.



**ATTACHMENT TO PETITION FOR ZONING HEARING**

4020 Old Court Road

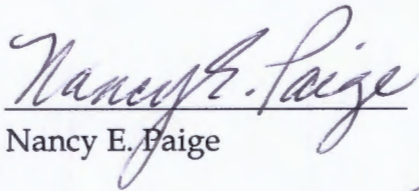
**Legal Owners/Petitioners:**

| Owner                             | Address                                 | Tax Account No. | Tax Map, Grid | Parcel | Lot | Plat   | ADC Map          |
|-----------------------------------|-----------------------------------------|-----------------|---------------|--------|-----|--------|------------------|
| Esperanza Court, LLC              | 4020 Old Court Road, Baltimore MD 21208 | 2500005396      | 78,1          | 3      | -   | 78/454 | Map 25, Grid D10 |
| David M. Paige and Nancy E. Paige | 4020 Old Court Road, Baltimore MD 21208 | 2500005397      | 78,1          | 3      | -   | 78/454 |                  |
| David M. Paige and Nancy E. Paige | 4020 Old Court Road, Baltimore MD 21208 | 2500005391      | 78,1          | 3      | 145 | 78/454 |                  |

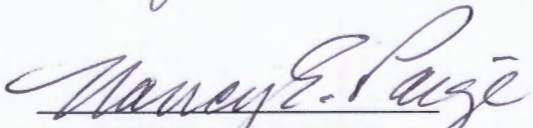
**Signatures:**



David M. Paige



Nancy E. Paige



Nancy Paige, authorized signatory  
of Esperanza Court, LLC

## PAIGE PROPERTY AT ROSLYN STATION

(Description to Accompany Zoning Petition)

Beginning at a point located along the Northeasterly Right-of-way line of Woodling Way, located approximately 636 feet North of the intersection of the centerlines of Woodling Way and Peach Tree Court, thence running the following twenty (20) courses and distances;

1. South  $73^{\circ}13'13''$  West 183.04 feet to a point, thence
2. South  $14^{\circ}05'50''$  East 134.28 feet to a point, thence
3. South  $81^{\circ}41'36''$  West 69.00 feet to a point, thence
4. North  $22^{\circ}29'18''$  West 124.58 feet to a point, thence
5. North  $14^{\circ}10'05''$  West 115.32 feet to a point, thence
6. North  $79^{\circ}12'13''$  East 93.56 feet to a point, thence
7. Northeasterly 1.65 feet by a curve to the right having a radius of 782.03 feet and a chord bearing North  $61^{\circ}19'12''$  East 1.65 feet to a point, thence
8. North  $10^{\circ}47'47''$  West 124.99 feet to a point, thence
9. South  $79^{\circ}12'13''$  West 8.40 feet to a point, thence
10. North  $10^{\circ}47'47''$  West 162.00 feet to a point, thence
11. South  $79^{\circ}21'13''$  West 98.66 feet to a point, thence
12. Northeasterly 69.53 feet, binding on the easterly side of Esperanza Court, a 50-foot Right-of-way by a curve to the right having a radius of 151.54 and a chord bearing North  $13^{\circ}46'30''$  East 68.92 feet to a point, thence

13. Northeasterly 135.09 feet, binding on the easterly side of Esperanza Court,  
a 50-foot Right-of-way by a curve to the right having a radius of 180.00 and a  
chord bearing North 48°25'09" East 131.94 feet to a point, thence
14. South 20°04'51" East 96.30 feet to a point, thence
15. North 81°31'13" East 82.69 to a point, thence
16. North 69°55'09" East 107.00 to a point, thence
17. North 20°04'51" West 96.08 to a point, thence
18. South 70°50'48" East 15.78 to a point, thence
19. North 70°13'08" East 85.00 to a point, thence
20. South 19°46'47" East 506.97 to a point, thence
21. South 73°13'13" West 221.05 to the point of beginning.

Containing 4.51 acres, more or less located within the 3<sup>rd</sup> Election District and  
2<sup>nd</sup> Councilmanic District.





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

No. **83483**

Date: **6/4/12**

**PAID RECEIPT**

BUSINESS ACTUAL TIME

6/04/2012 6/04/2012 10:22:11

REG MSD6 WALKIN TTAY TST

RECEIPT # 666355 6/04/2012

Dept 5 528 ZONING VERIFICAT

CR NO. 083483

Recpt Tot \$950.00

\$950.00 CK \$.

Baltimore County, Maryland

**CASHIER'S  
 VALIDATION**

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept | Obj | BS Acct | Amount    |
|------|------|------|----------|----------------|-------------|------|-----|---------|-----------|
| 001  | 806  | 0000 |          | 6150           |             |      |     |         | \$ 750.00 |
|      |      |      |          |                |             |      |     |         |           |
|      |      |      |          |                |             |      |     |         |           |
|      |      |      |          |                |             |      |     |         |           |
|      |      |      |          |                |             |      |     |         |           |
|      |      |      |          |                |             |      |     |         |           |

Total: **\$ 750.00**

Rec From: **Smith, Golden & Schmidt Inc.**

For:

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

*6/5/12 2012-0304*

**APPLICANT  
REQUESTS A  
COMBINED  
HEARING  
WITH THE  
HOH.**

**PLEASE  
SCHEDULE  
TO COMPLY  
WITH THEIR  
REQUEST.**



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.**

---

For Newspaper Advertising:

Item Number or Case Number: 2012-0304-SPHA  
Petitioner: NANCY PAIKE  
Address or Location: 4020 OLD COURT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON T. VETTORI  
Address: SMITH, GILDEA & SCHMIDT, LLC  
600 WASHINGTON AVE, STE. 200  
TOWSON, MD 21204  
Telephone Number: (410) 821-0070

Revised 2/17/11 DT

TO: PATUXENT PUBLISHING COMPANY  
Thursday, July 19, 2012 Issue - Jeffersonian

Please forward billing to:

Jason Vettori  
Smith, Gildea & Schmidt  
600 Washington Avenue, Ste. 200  
Towson, MD 21204

410-821-0070

---

## NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0304-SPHA**

4020 Old Court Road

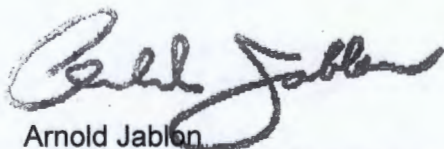
N/side of Old Court Road at a distance of 636 ft. +/- north of Peach Tree Court

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Esperanza Court, LLC and Mr. and Mrs. David Paige

Special Hearing to permit the existing dwelling to remain in conjunction with the recordation of the plat indicating the new lines of division for proposed Lots 11-16; and for an amendment to the 3<sup>rd</sup> Amended Final Development Plan entitled Paige Property; for such other and further relief as may be deemed necessary by the ALJ. Variance to allow a building face setback from the tract boundary of 30 ft. for Lot 1; to allow porches 20 ft. from the rear property line in lieu of the permitted 22.5 ft. and to allow a front yard depth of a building to the right-of-way of 25 ft. in lieu of the average front yard depth of 37.5 ft.; and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Friday, August 10, 2012 at 10:00 a.m. in Room 205, 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

June 29, 2012

### 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: 2012-0304-SPHA**

4020 Old Court Road

N/side of Old Court Road at a distance of 636 ft. +/- north of Peach Tree Court

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Esperanza Court, LLC and Mr. and Mrs. David Paige

Special Hearing to permit the existing dwelling to remain in conjunction with the recordation of the plat indicating the new lines of division for proposed Lots 11-16; and for an amendment to the 3<sup>rd</sup> Amended Final Development Plan entitled Paige Property; for such other and further relief as may be deemed necessary by the ALJ. Variance to allow a building face setback from the tract boundary of 30 ft. for Lot 1; to allow porches 20 ft. from the rear property line in lieu of the permitted 22.5 ft. and to allow a front yard depth of a building to the right-of-way of 25 ft. in lieu of the average front yard depth of 37.5 ft.; and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Friday, August 10, 2012 at 10:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon  
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204  
Mr. & Mrs. Paige, 4020 Old Court Road, Baltimore 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 21, 2012.**
- (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.**

RE: PETITION FOR VARIANCE  
4020 Old Court Road; N/S Old Court Road,  
636' N of Peach Tree Court  
3<sup>rd</sup> Election & 2<sup>nd</sup> Councilmanic Districts  
Legal Owner(s): Esperanza Court, LLC and  
David & Nancy Page

Petitioner(s)

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* 2012-304-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.

RECEIVED

JUN 13 2012

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13th day of June, 2012, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



**CERTIFICATE OF POSTING****2012-0304-SPHA****RE: Case No.:** \_\_\_\_\_**Petitioner/Developer:** \_\_\_\_\_**Esperanza Court LLC & Mr & Mrs David Paige****August 10, 2012****Date of Hearing/Closing:** \_\_\_\_\_

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

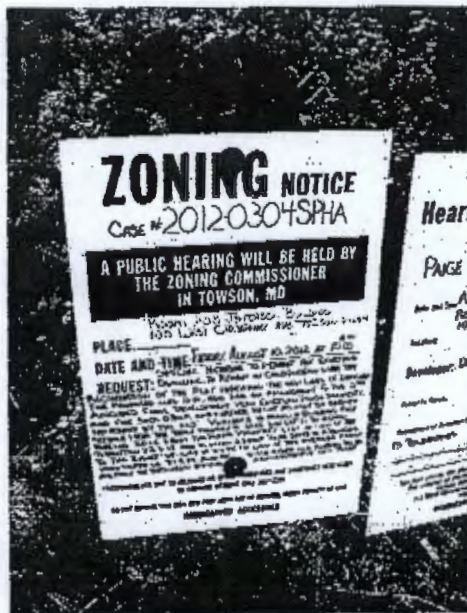
RECEIVED

AUG 02 2012

OFFICE OF ADMINISTRATIVE HEARINGS

**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: \_\_\_\_\_

**4020 Old Court Rd****July 21, 2012****The sign(s) were posted on** \_\_\_\_\_**(Month, Day, Year)****Sincerely,****July 21, 2012****(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)**

8/10 10Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: July 10, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0304-A  
Address 4020 Old Court Road  
(Esperanza Court, LLC Property)

Zoning Advisory Committee Meeting of June 4, 2012.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Michael S. Kulis; Environmental Impact Review

RECEIVED

JUL 11 2012

OFFICE OF ADMINISTRATIVE HEARINGS



**NOTICE OF ZONING HEARING**

The Administrative Law Judge 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: # 2012-0304-SPHA**

4020 Old Court Road

N/side of Old Court Road at a distance of 636 ft. +/- north of Peach Tree Court

3rd Election District — 2nd Councilmanic District

Legal Owner(s): Esperanza Court, LLC and Mr. and Mrs. David Paige

**Special Hearing:** to permit the existing dwelling to remain in conjunction with the recordation of the plat indicating the new lines of division for proposed Lots 11-16; and for an amendment to the 3rd Amended Final Development Plan entitled Paige Property; for such other and further relief as may be deemed necessary by the ALJ. **Variance** to allow a building face setback from the tract boundary of 30 ft. for Lot 1; to allow porches 20 ft. from the rear property line in lieu of the permitted 22.5 ft. and to allow a front yard depth of a building to the right-of-way of 25 ft. in lieu of the average front yard depth of 37.5 ft.; and for such other and further relief as may be required by the Administrative Law Judge.

**Hearing:** Friday, August 10, 2012, at 10:00 a.m. in Room 205, 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.

07/19/12 July 19

305118

**CERTIFICATE OF PUBLICATION**

7/19/, 2012

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 7/19/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

## MEMORANDUM

DATE: September 28, 2012  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2012-0304-SPHA - Appeal Period Expired

---

The appeal period for the above-referenced case expired on September 27, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File  
Office of Administrative Hearings

Paige Property

JB  
8/10

Case No.: 03-291 & 2012-0304-A

Exhibit Sheet

All Original exhibits are located in the Hall file (03-291)

Petitioner/Developer

Protestants

|             |                                                                                      |                                             |
|-------------|--------------------------------------------------------------------------------------|---------------------------------------------|
| No. 1       | 1A Roslyn Station 3d FDP<br>1B Plan                                                  | Aug. 10, 2012 letter<br>from Arnold Simon   |
| No. 2       | 2A Roslyn Station Plat<br>2B<br>2C                                                   | Neighborhood Petition                       |
| No. 3<br>3A | 2 sheet Redlined Dev.<br>3A<br>3B - overlay cellophane                               | 8-3-12 Letter<br>Lila Niappi<br>Gail Kramer |
| No. 4       | 2C opinion                                                                           | (18) Color Photos of<br>Woodling Way        |
| No. 5       | 2C opinion                                                                           |                                             |
| No. 6       | 2C opinion                                                                           |                                             |
| No. 7       | 7A CRG Minutes<br>7B CRG Minutes                                                     |                                             |
| No. 8       | Aerial Color Photos<br>8A, 8B, 8C                                                    |                                             |
| No. 9       | 9A - Traffic Delay Study - Woodholme Ave.<br>9B - Traffic Delay Study - Woodling Way |                                             |
| No. 10      | Letters June 1 + July 11, 2012<br>+ July 5, 2012 - DEPS.                             |                                             |
| No. 11      |                                                                                      |                                             |
| No. 12      |                                                                                      |                                             |



CASE NAME Paige Property  
CASE NUMBER 03-291 + 2012 -  
DATE 8-10-12 0304 SPHA

[illegible]

CASE NAME Paige Property  
CASE NUMBER 03-291 & 2012 -  
DATE 8-10-12 0304-A  
SPRM

[illegible]



CASE NAME Paige Property  
CASE NUMBER 03-291 + 2012-  
DATE 8-6-12 0304-A  
SCLM

[illegible]



August 10<sup>th</sup>, 2012

I live on Tesperanza Ct. About six months ago we had a house fire <sup>in the neighborhood</sup>. The fire truck blocked the entrance to Trentham and residents had to park up on Trentham and walk to their houses. I would agree with the 16 foot road that would be gated ~~as~~ for emergency use only, and allow pedestrian traffic.

Having traffic from the new development on Trentham would increase the Roslyn Station traffic.

There is no traffic light at Woodholme and it is currently difficult to make a left turn onto Old Court Rd.

Sincerely,

Amanda  
Brown

410-602-3955

917-805-2021

**John Beverungen - paige property@ roslyn station**

---

**From:** Dennis Kennedy  
**To:** Beverungen, John; Lanham, Lynn; McArthur, Stacey; Muddiman, Don; Nug...  
**Date:** 08/07/12 3:26 PM  
**Subject:** paige property@ roslyn station  
**Attachments:** ZAC-ITEM NO12-0304-08072012.doc

---

All:

Attached are comments on ZAC Item 2012-0304, which is to be heard on August 10, 2012 with the HOH for the subject site. You may wish to address this early in the proceedings since its contents complement an open issue from my development plan comments.

Dennis Kennedy, Supervisor  
Bureau of Development Plans Review

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

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals  
And Inspections  
And  
John Beverungen  
Administrative Law Judge

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For June 18, 2012  
Item No. 2012-0304

**DATE:** August 9, 2012

The Departments of Public Works, Planning and Permits and Development Management all object to approval of special hearing request number 2. Granting it would prevent any property owner within 300 feet of the site from being a signatory to the revision to the Final Development Plan. These adjacent owners would be among those who would be directly affected if the second means of access is not provided.

Brief History

By previous correspondence and previous comments, we have notified the developer that he must build a second means of access as part of the proposed development, known as the "Paige Property at Roslyn Station." The Bureau of Development Plans Review Policy Manual (BDPRPM), on pages 22 and 23, requires a second means of access be provided when the number of units being served exceeds 150. The developer has steadfastly refused, citing concerns from the Woodling Way community and a note from a previous Final Development Plan which uses 200 units as the threshold.

Background

There are 154 homes using Woodholme Avenue as their sole means of access and there are four more lots that have been platted but not yet built upon. In addition, there is an 88-bed assisted living facility (ALF) on the same single means of access. As far back as 1998, when the units were being developed, it was recognized that a second means of access would be needed. The right of way for this second means of access, which would connect Trentham Drive with Woodling Way, was designated on subsequent plans and plats and is shown on the current plan.

Discussion about the note cited

The County Council passed Bill No. 58-09 which provided that material amendments to approved plans must conform to all current regulations. Before the Bill, amendments to plans were approved under the County regulations in effect when the original plans were approved. This is why there is a note on the third amended Final Development Plan citing 200 units as the threshold for having a second means of access and is also why the ALF was allowed on a single means of access. Plans for the ALF were processed before Bill 58-09 was passed.



The current threshold is 150 units and Bill No. 58-09 contained no provisions for grandfathering. In fact, I understand that one of the reasons for writing the bill was to prevent grandfathering.

As stated the current threshold is 150 units and it was instituted in the BDPRPM in 2002. The term "units" has always been interpreted as homes or dwellings. Institutional uses such as ALFs and nursing homes are not specifically mentioned. In 2011, the County Fire Department made 7,422 calls to ALFs and nursing homes, or more than 20 calls per day on average. In their records, they do not differentiate between ALF and nursing homes. There are 8,560 beds in these types of facilities in Baltimore County, meaning that, on average, there were 0.87 calls per bed per year. Using this average, an 88-bed facility would have 76 calls per year. In the same year, the Fire Department made 70,682 calls to dwellings. There are approximately 334,000 dwellings in the County, which averages out to about 1 call for every 4.7 homes. This means that the call rate is 5.4 ( $4.7/0.87$ ) times higher for ALF beds than for homes, so for the purposes of determining the number of units on one means of access, the number of ALF beds should be multiplied by 5.4 to get the equivalent number of units. More calculations could be made to compare homes with beds in ALFs, but simpler is the following: 158 units leaves only 42 units to reach the 200 units specified on the previous Final Development Plan. Considering the number of calls made to ALFs and nursing homes in 2011, I submit that 88 ALF beds is equivalent to many more than 42 dwelling units, and therefore the 200 unit threshold is breached anyway.

#### Discussion about the community concern

The homeowners along Woodling Way object to having their peaceful dead-end road extended with traffic from 15 homes being added. Woodling Way is 24 feet wide and parking is allowed on both sides. While not ideal, this access would be acceptable to the County if there were no alternative.

#### Solution

As an alternative, the BDPRPM allows for the second means of access to be gated and used as an emergency access only. So the community concern can be allayed and the BDPRPM requirement can be met by requiring the developer to connect Woodling Way with Trentham Drive and then gating Woodling Way, such that the 15 new homes use Trentham Drive for access. Emergency responders would have Knox-box access to open the gate in case Woodholme Avenue is blocked. The residents of Woodling Way would see no traffic from the new 15 homes unless there was an emergency.

#### Conclusion

Should you agree with the solution, we withdraw our objection to approval of special hearing request number 2.

DAK

cc: file

ZAC-ITEM NO 12-0304-08072012.doc

JB 8/10  
10am

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

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals  
And Inspections  
And  
John Beverungen  
Administrative Law Judge

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For June 18, 2012  
Item No. 2012-0304

**DATE:** August 7, 2012

RECEIVED

AUG 08 2012

OFFICE OF ADMINISTRATIVE HEARINGS

The Departments of Public Works, Planning and Permits and Development Management all object to approval of special hearing request number 2. Granting it would prevent any property owner within 300 feet of the site from being a signatory to the revision to the Final Development Plan. These adjacent owners would be among those who would be directly affected if the second means of access is not provided.

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Background

There are 154 homes using Woodholme Avenue as their sole means of access and there are four more lots that have been platted but not yet built upon. In addition, there is an 88-bed assisted living facility (ALF) on the same single means of access. As far back as 1998, when the units were being developed, it was recognized that a second means of access would be needed. The right of way for this second means of access, which would connect Trentham Drive with Woodling Way, was designated on subsequent plans and plats and is shown on the current plan.

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#### Discussion about the community concern

The homeowners along Woodling Way object to having their peaceful dead-end road extended with traffic from 15 homes being added. Woodling Way is 24 feet wide and parking is allowed on both sides. While not ideal, this access would be acceptable to the County if there were no alternative.

#### Solution

As an alternative, the BDPRPM allows for the second means of access to be gated and used as an emergency access only. So the community concern can be allayed and the BDPRPM requirement can be met by requiring the developer to connect Woodling Way with Trentham Drive and then gating Woodling Way, such that the 15 new homes use Trentham Drive for access. Emergency responders would have Knox-box access to open the gate in case Woodholme Avenue is blocked. The residents of Woodling Way would see no traffic from the new 15 homes unless there was an emergency.

#### Conclusion

Should you agree with the solution, we withdraw our objection to approval of special hearing request number 2.

DAK

cc: file

ZAC-ITEM NO 12-0304-08072012.doc



8/10 10AM

CASE NO. 2012- 0304-A

CHECKLIST

| <u>Comment Received</u>                                                           | <u>Department</u>                                                     | <u>Support/Oppose/ Conditions/ Comments/ No Comment</u> |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------|
| _____                                                                             | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____) | _____                                                   |
| <u>7-11</u>                                                                       | DEPS<br>(if not received, date e-mail sent _____)                     | <u>Comments</u>                                         |
| _____                                                                             | FIRE DEPARTMENT                                                       | _____                                                   |
| _____                                                                             | PLANNING<br>(if not received, date e-mail sent _____)                 | _____                                                   |
| <u>6-12</u>                                                                       | STATE HIGHWAY ADMINISTRATION                                          | <u>No objection</u>                                     |
| _____                                                                             | TRAFFIC ENGINEERING                                                   | _____                                                   |
| _____                                                                             | COMMUNITY ASSOCIATION                                                 | _____                                                   |
| _____                                                                             | ADJACENT PROPERTY OWNERS                                              | _____                                                   |
| ZONING VIOLATION (Case No. _____)                                                 |                                                                       |                                                         |
| PRIOR ZONING (Case No. _____)                                                     |                                                                       |                                                         |
| NEWSPAPER ADVERTISEMENT Date: <u>7-19-12</u>                                      |                                                                       |                                                         |
| SIGN POSTING <u>Missing</u> <u>Rec'd 8/2</u> Date: <u>7-21-12</u> by <u>Black</u> |                                                                       |                                                         |
| <u>8/2</u> <u>Left voice mail - Larry Schmidt</u><br><u>10:45</u>                 |                                                                       |                                                         |
| PEOPLE'S COUNSEL APPEARANCE                                                       | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>   |                                                         |
| PEOPLE'S COUNSEL COMMENT LETTER                                                   | Yes <input type="checkbox"/> No <input type="checkbox"/>              |                                                         |

Comments, if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8/10  
10AM

---

**Debra Wiley - ZAC Comments - Distribution Meeting of June 4th**

---

**From:** Debra Wiley  
**To:** Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...  
**Date:** 6/11/2012 1:52 PM  
**Subject:** ZAC Comments - Distribution Meeting of June 4th

---

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0301-SPHA- 411 Lorraine Avenue  
No hearing date per data base as of 6/11/12

2012-0302-A - 4017 Klausmier Road  
Administrative Variance - Closing Date: 6/25/12

2012-0303-SPHA - 950 York Road  
No hearing date in data base as of 6/11/12

2012-0304-A - 4020 Old Court Road  
No hearing date in data base as of 6/11/12

2012-0305-A - 16 Betlou James Place  
No hearing date in data base as of 6/11/12

2012-0306-SPHA - 6732 Fox Meadow Place  
Administrative Variance - Closing Date: 5/7/12

2012-0307-SPH - 8044 Bradshaw Road  
No hearing date in data base as of 6/11/12

2012-0308-A - 7801 Doe Ridge Drive  
Administrative Variance - Closing Date: 7/2/12

2012-0309-A - 7208 Bridgewood Drive  
Administrative Variance - Closing Date: 7/2/12

Thanks.

Debbie Wiley  
Legal Administrative Secretary  
Office of Administrative Hearings  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov



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Account Identifier:

District - 03 Account Number - 2500005396

**Owner Information**

|                         |                                              |                             |             |
|-------------------------|----------------------------------------------|-----------------------------|-------------|
| <u>Owner Name:</u>      | ESPERANZA COURT LLC                          | <u>Use:</u>                 | RESIDENTIAL |
| <u>Mailing Address:</u> | 4020 OLD COURT RD<br>BALTIMORE MD 21208-2807 | <u>Principal Residence:</u> | NO          |
|                         |                                              | <u>Deed Reference:</u>      | 1)<br>2)    |

**Location & Structure Information**

|                         |                          |
|-------------------------|--------------------------|
| <u>Premises Address</u> | <u>Legal Description</u> |
| ESPERANZA CT            | 0.359AC FUTRE RD BED     |
| BALTIMORE MD 21208-0000 | ESPERANZ CT ES           |
|                         | PAIGE PROPERTY           |

| <u>Map</u> | <u>Grid</u> | <u>Parcel</u> | <u>Sub District</u> | <u>Subdivision</u> | <u>Section</u> | <u>Block</u> | <u>Lot</u> | <u>Assessment Area</u> | <u>Plat No:</u>                |
|------------|-------------|---------------|---------------------|--------------------|----------------|--------------|------------|------------------------|--------------------------------|
| 0078       | 0001        | 0003          |                     | 0000               |                |              |            | 2                      |                                |
|            |             |               |                     |                    |                |              |            |                        | <u>Plat Ref:</u> 0078/<br>0454 |

|                          |                   |      |
|--------------------------|-------------------|------|
| <u>Special Tax Areas</u> | <u>Town</u>       | NONE |
|                          | <u>Ad Valorem</u> |      |
|                          | <u>Tax Class</u>  |      |

|                                |                      |                           |                   |
|--------------------------------|----------------------|---------------------------|-------------------|
| <u>Primary Structure Built</u> | <u>Enclosed Area</u> | <u>Property Land Area</u> | <u>County Use</u> |
|                                |                      | 0.3500 AC                 | 04                |

|                |                 |             |                 |
|----------------|-----------------|-------------|-----------------|
| <u>Stories</u> | <u>Basement</u> | <u>Type</u> | <u>Exterior</u> |
|----------------|-----------------|-------------|-----------------|

**Value Information**

|                           | <u>Base Value</u> | <u>Value</u> | <u>Phase-in Assessments</u> |            |
|---------------------------|-------------------|--------------|-----------------------------|------------|
|                           |                   | As Of        | As Of                       | As Of      |
|                           |                   | 01/01/2011   | 07/01/2011                  | 07/01/2012 |
| <u>Land</u>               | 350               | 300          |                             |            |
| <u>Improvements:</u>      | 0                 | 0            |                             |            |
| <u>Total:</u>             | 350               | 300          | 300                         | 300        |
| <u>Preferential Land:</u> | 0                 |              |                             | 0          |

**Transfer Information**

|                |               |               |
|----------------|---------------|---------------|
| <u>Seller:</u> | <u>Date:</u>  | <u>Price:</u> |
| <u>Type:</u>   | <u>Deed1:</u> | <u>Deed2:</u> |
| <u>Seller:</u> | <u>Date:</u>  | <u>Price:</u> |
| <u>Type:</u>   | <u>Deed1:</u> | <u>Deed2:</u> |
| <u>Seller:</u> | <u>Date:</u>  | <u>Price:</u> |
| <u>Type:</u>   | <u>Deed1:</u> | <u>Deed2:</u> |

**Exemption Information**

|                                   |              |            |            |
|-----------------------------------|--------------|------------|------------|
| <u>Partial Exempt Assessments</u> | <u>Class</u> | 07/01/2011 | 07/01/2012 |
| <u>County</u>                     | 000          | 0.00       |            |
| <u>State</u>                      | 000          | 0.00       |            |
| <u>Municipal</u>                  | 000          | 0.00       | 0.00       |

|                      |                               |
|----------------------|-------------------------------|
| <u>Tax Exempt:</u>   | <u>Special Tax Recapture:</u> |
| <u>Exempt Class:</u> | NONE                          |

**Homestead Application Information**

|                                      |                |
|--------------------------------------|----------------|
| <u>Homestead Application Status:</u> | No Application |
|--------------------------------------|----------------|

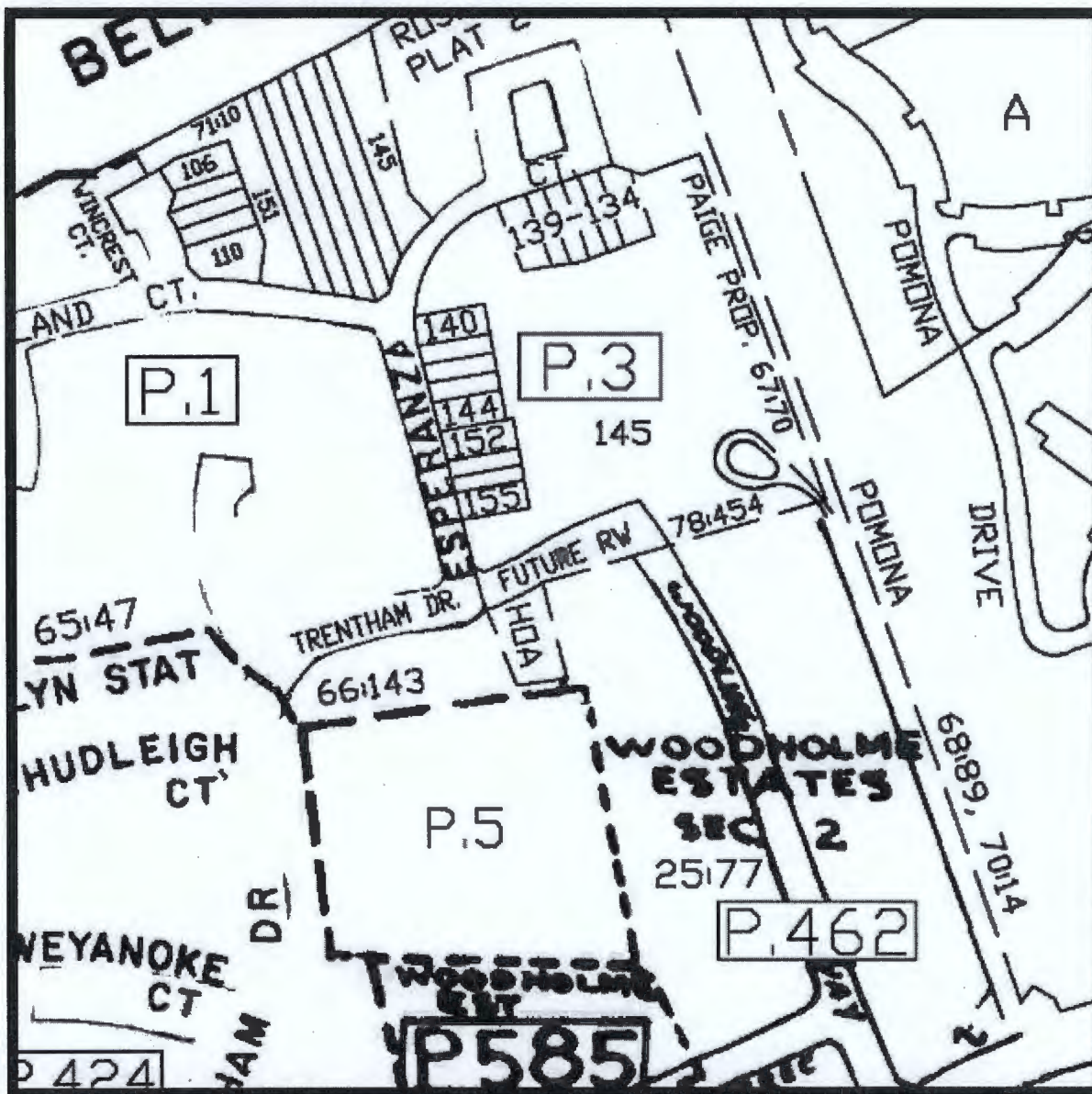




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District - 03 Account Number - 2500005396



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Account Identifier:

District - 03 Account Number - 2500005397

**Owner Information**

|                         |                                              |                             |             |
|-------------------------|----------------------------------------------|-----------------------------|-------------|
| <u>Owner Name:</u>      | PAIGE DAVID M<br>PAIGE NANCY E               | <u>Use:</u>                 | RESIDENTIAL |
| <u>Mailing Address:</u> | 4020 OLD COURT RD<br>BALTIMORE MD 21208-2807 | <u>Principal Residence:</u> | NO          |
|                         |                                              | <u>Deed Reference:</u>      | 1)<br>2)    |

**Location & Structure Information**

|                                         |                                                          |
|-----------------------------------------|----------------------------------------------------------|
| <u>Premises Address</u>                 | <u>Legal Description</u>                                 |
| ESPERANZA CT<br>BALTIMORE MD 21208-0000 | 0.2132 AC HOA OP SPA<br>ESPERANZ CT ES<br>PAIGE PROPERTY |

| <u>Map</u> | <u>Grid</u> | <u>Parcel</u> | <u>Sub District</u> | <u>Subdivision</u> | <u>Section</u> | <u>Block</u> | <u>Lot</u> | <u>Assessment Area</u> | <u>Plat No:</u>                |
|------------|-------------|---------------|---------------------|--------------------|----------------|--------------|------------|------------------------|--------------------------------|
| 0078       | 0001        | 0003          |                     | 0000               |                |              |            | 2                      |                                |
|            |             |               |                     |                    |                |              |            |                        | <u>Plat Ref:</u> 0078/<br>0454 |

|                          |                   |      |
|--------------------------|-------------------|------|
| <u>Special Tax Areas</u> | <u>Town</u>       | NONE |
|                          | <u>Ad Valorem</u> |      |
|                          | <u>Tax Class</u>  |      |

|                                |                      |                           |                   |
|--------------------------------|----------------------|---------------------------|-------------------|
| <u>Primary Structure Built</u> | <u>Enclosed Area</u> | <u>Property Land Area</u> | <u>County Use</u> |
|                                |                      | 0.2100 AC                 | 37                |

|                |                 |             |                 |
|----------------|-----------------|-------------|-----------------|
| <u>Stories</u> | <u>Basement</u> | <u>Type</u> | <u>Exterior</u> |
|----------------|-----------------|-------------|-----------------|

**Value Information**

|                           | <u>Base Value</u> | <u>Value</u> | <u>Phase-in Assessments</u> |            |
|---------------------------|-------------------|--------------|-----------------------------|------------|
|                           |                   | As Of        | As Of                       | As Of      |
|                           |                   | 01/01/2011   | 07/01/2011                  | 07/01/2012 |
| <u>Land</u>               | 0                 | 0            |                             |            |
| <u>Improvements:</u>      | 0                 | 0            |                             |            |
| <u>Total:</u>             | 0                 | 0            | 0                           | 0          |
| <u>Preferential Land:</u> | 0                 |              |                             | 0          |

**Transfer Information**

|                |               |               |
|----------------|---------------|---------------|
| <u>Seller:</u> | <u>Date:</u>  | <u>Price:</u> |
| <u>Type:</u>   | <u>Deed1:</u> | <u>Deed2:</u> |
| <u>Seller:</u> | <u>Date:</u>  | <u>Price:</u> |
| <u>Type:</u>   | <u>Deed1:</u> | <u>Deed2:</u> |
| <u>Seller:</u> | <u>Date:</u>  | <u>Price:</u> |
| <u>Type:</u>   | <u>Deed1:</u> | <u>Deed2:</u> |

**Exemption Information**

|                                   |              |            |            |
|-----------------------------------|--------------|------------|------------|
| <u>Partial Exempt Assessments</u> | <u>Class</u> | 07/01/2011 | 07/01/2012 |
| <u>County</u>                     | 000          | 0.00       |            |
| <u>State</u>                      | 000          | 0.00       |            |
| <u>Municipal</u>                  | 000          | 0.00       | 0.00       |

|                      |                               |
|----------------------|-------------------------------|
| <u>Tax Exempt:</u>   | <u>Special Tax Recapture:</u> |
| <u>Exempt Class:</u> | NONE                          |

**Homestead Application Information**

|                                      |                |
|--------------------------------------|----------------|
| <u>Homestead Application Status:</u> | No Application |
|--------------------------------------|----------------|

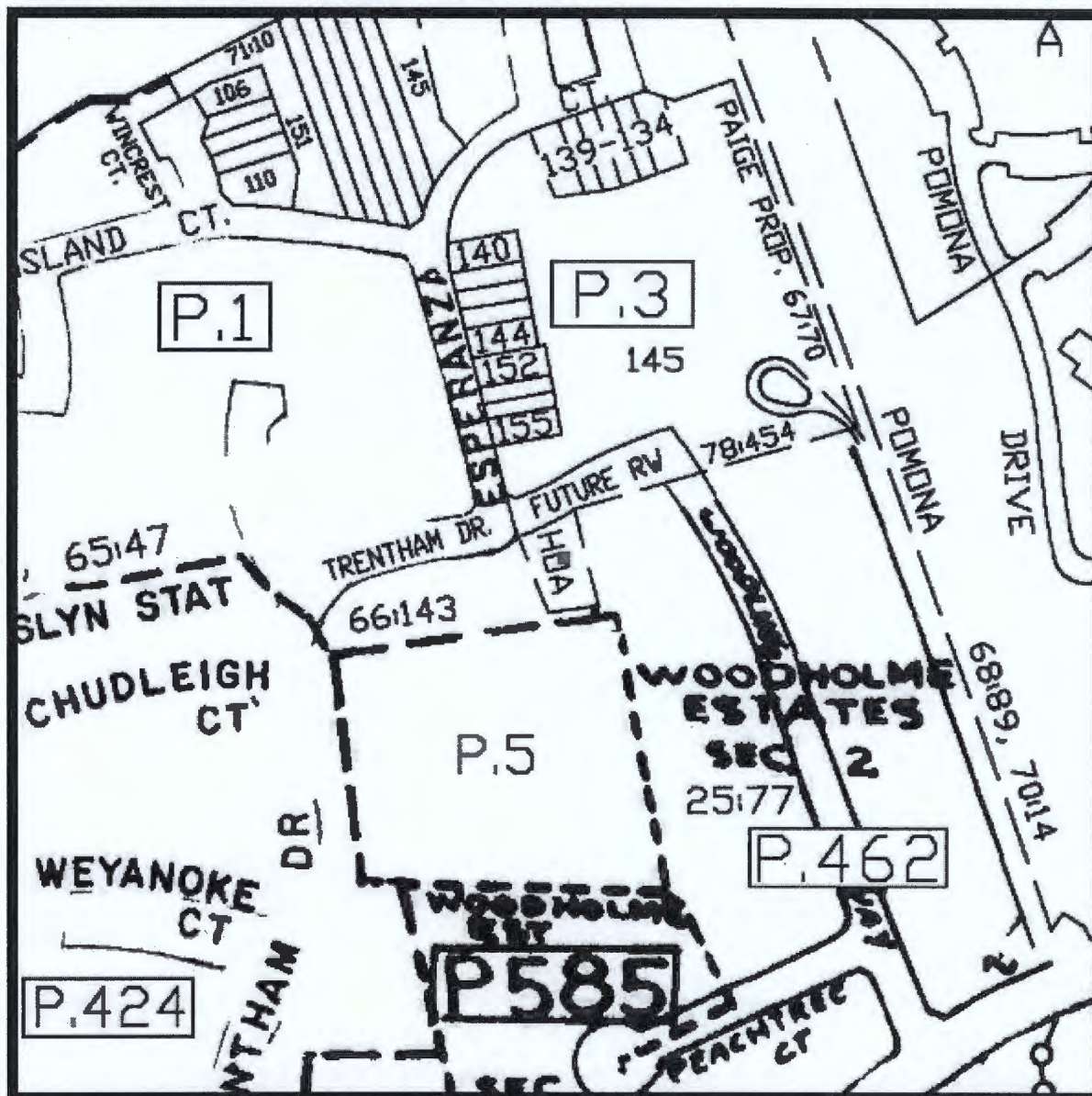




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District - 03 Account Number - 2500005397



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**Account Identifier:****District - 03 Account Number - 2500005391****Owner Information**

**Owner Name:** PAIGE DAVID M  
PAIGE NANCY E  
**Use:** RESIDENTIAL  
**Principal Residence:** YES  
**Mailing Address:** 4020 OLD COURT RD  
BALTIMORE MD 21208-2807  
**Deed Reference:** 1)  
2)

**Location & Structure Information**

**Premises Address**  
4020 OLD COURT RD  
BALTIMORE MD 21208-2807  
**Legal Description**  
3.9341 AC  
4020 OLD COURT RD NS  
PAIGE PROPERTY

| Map  | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:                       |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|--------------------------------|
| 0078 | 0001 | 0003   |              | 0000        |         |       | 145 | 2               |                                |
|      |      |        |              |             |         |       |     |                 | <b>Plat Ref:</b> 0078/<br>0454 |

**Special Tax Areas**  
**Town** NONE  
**Ad Valorem**  
**Tax Class**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1919                    | 4,424 SF      | 3.9300 AC          | 04         |

| Stories  | Basement | Type          | Exterior |
|----------|----------|---------------|----------|
| 2.000000 | YES      | STANDARD UNIT | STONE    |

**Value Information**

|                           | Base Value | Value      | Phase-in Assessments |            |
|---------------------------|------------|------------|----------------------|------------|
|                           |            | As Of      | As Of                | As Of      |
|                           |            | 01/01/2011 | 07/01/2011           | 07/01/2012 |
| <b>Land</b>               | 160,260    | 160,200    |                      |            |
| <b>Improvements:</b>      | 471,400    | 271,300    |                      |            |
| <b>Total:</b>             | 631,660    | 431,500    | 431,500              | 431,500    |
| <b>Preferential Land:</b> | 0          |            |                      | 0          |

**Transfer Information**

| Seller: | Date:  | Price: |
|---------|--------|--------|
| Type:   | Deed1: | Deed2: |
| Seller: | Date:  | Price: |
| Type:   | Deed1: | Deed2: |
| Seller: | Date:  | Price: |
| Type:   | Deed1: | Deed2: |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2011                    | 07/01/2012 |
|----------------------------|-------|-------------------------------|------------|
| County                     | 000   | 0.00                          |            |
| State                      | 000   | 0.00                          |            |
| Municipal                  | 000   | 0.00                          | 0.00       |
| <b>Tax Exempt:</b>         |       | <b>Special Tax Recapture:</b> |            |
| <b>Exempt Class:</b>       |       | NONE                          |            |

**Homestead Application Information**

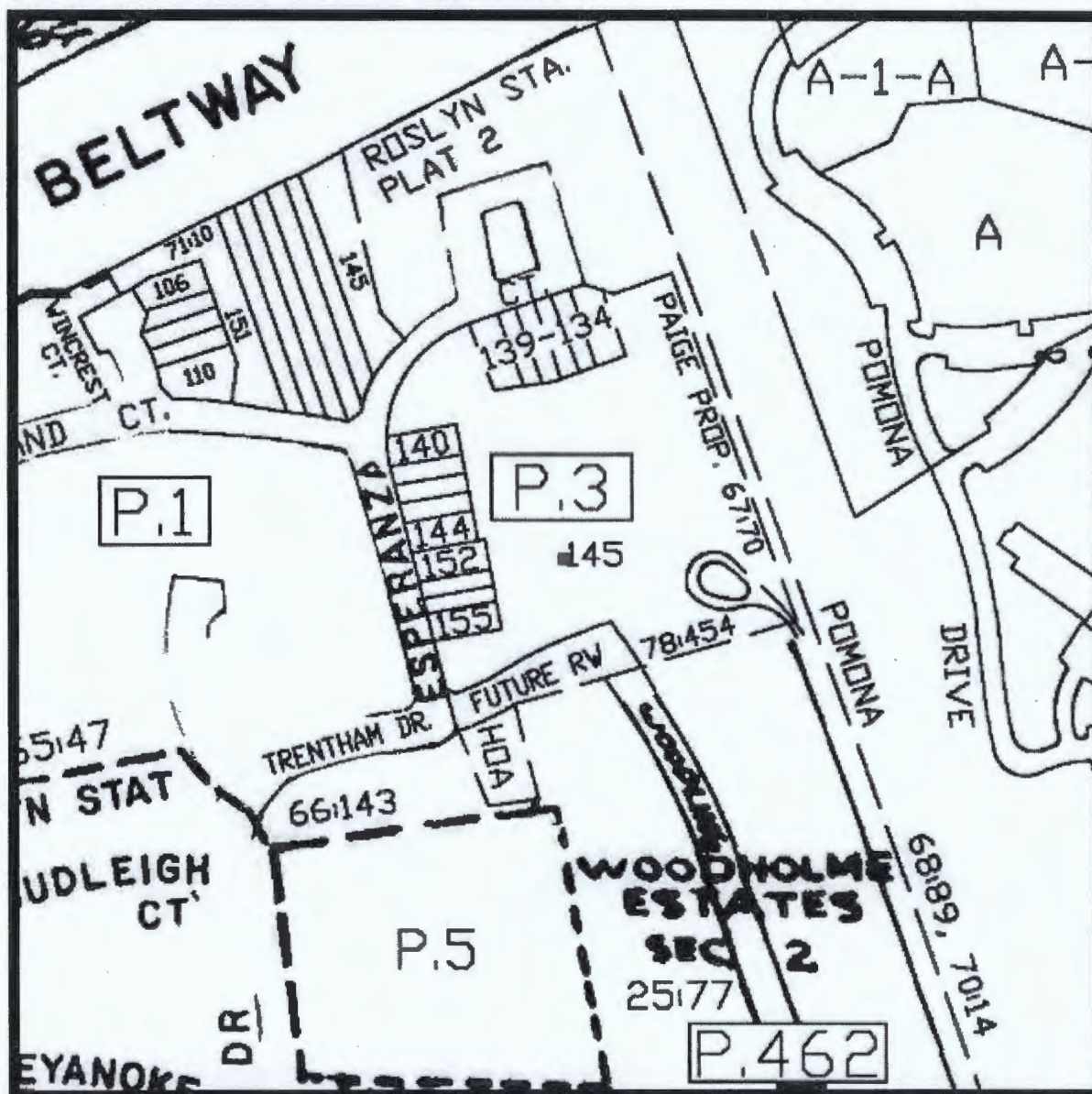
**Homestead Application Status:** No Application



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District - 03 Account Number - 2500005391



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KEVIN KAMENETZ  
*County Executive*

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

July 31, 2012

Esperanza Court LLC  
David M. & Nancy Paige  
4020 Old Court Road  
Baltimore MD 21208

RE: Case Number: 2012-0304-SPHA, Address: 4020 Old Court Road

Dear: Mr. & Ms. Paige:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 4, 2012. 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: jaf

Enclosures

c: People's Counsel  
Lawrence E. Schmidt, Esq., 600 Washington Avenue, Suite 200, Towson MD 21204



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



Beverley K. Swaim-Staley, Secretary  
Melinda B. Peters, Administrator

Date: 6-12-12

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

RE: Baltimore County  
Item No 2012-0304-A  
Special Hearing Variance  
Esperanza Ct. LLC  
David & Nancy Paige  
4020 Old Court Road.

Dear Ms. Lewis:

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. 2012-0304-A.

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).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster', is written over the typed name.

Steven D. Foster, Chief  
Access Management Division

SDF/raz

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.roads.maryland.gov](http://www.roads.maryland.gov)











