



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 13, 2012

Timothy M. Kotroco, Esquire
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue, Suite 300
Towson, Maryland 21204-5025

RE: Petitions for Special Hearing and Variance
Case No.: 2013-0053-SPHA
Property: 9401, 9403, 9405, 9407, 9409 & 9411 Silver Charm Drive

Dear Mr. Kotroco:

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

-IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND VARIANCE	
2 nd Election District *	OFFICE OF
4 th Councilmanic District	
(9401, 9403, 9405, 9407, 9409 & 9411 *	ADMINISTRATIVE HEARINGS
Silver Charm Drive)	
CT Carriage Hills Business Trust *	FOR BALTIMORE COUNTY
Petitioner	
*	Case No. 2013-0053-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by CT Carriage Hills Business Trust, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to determine whether or not the Administrative Law Judge (ALJ) should approve an amendment of the 1st Amended Final Development Plan to reflect the variance request listed; to re-affirm the existing approved variances for Lot Nos. 33 through 38; and for such other further relief as may be necessary. In addition, a Petition for Variance was filed pursuant to § 1B01.2.c.1.c, to allow a minimum setback of 18' from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25' for Lots 33 through 38. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Chris (Topher) Smith, Vice President of Home Construction with Clark Turner, Inc., and Matthew A. Bishop with Morris & Ritchie Associates, Inc., the firm that prepared the site plan. Timothy M. Kotroco, Esquire appeared as counsel and represented the Petitioner. The file reveals that the Petition was properly posted as required by the Baltimore County Zoning Regulations. Though the

ORDER RECEIVED FOR FILING

Date 11-13-12

By AW

Department of Permits, Approvals, and Inspections (PAI) requested that Patuxent Publishing include the requisite advertisement for the case, that was not done. This however is not the applicant's fault, and I believe the posting of the property – done at two locations (Exhibit 3) suffices to provide adequate notice. There were no Protestants in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The subject property is 820,670 square feet (18.84 acres) and is zoned OR 2. The project was initially approved in 2003, and after struggling through the economic malaise, the developer has re-started the project and sales have been brisk. This case involves just six lots in the overall subdivision, which is comprised of 159 townhouses.

Based on the evidence presented, and the proffered testimony of Landscape Architect Matthew Bishop, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, the six lots in question are positioned immediately adjacent to a gas pipeline easement (which contains two 20" gas lines). While the gas line runs along the rear of Lots 33-60, the easement for the pipeline "bumps out" towards Lots 33-38, which requires the developer to position those units forward, closer to Silver Charm Drive, necessitating variance relief. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship, given that Petitioners would essentially be unable to construct the units as planned and approved on the 2003 development

ORDER RECEIVED FOR FILING

Date 11-13-12

By [Signature]

plan. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of opposition from the community and County reviewing agencies.

The special hearing petition simply seeks to amend the final development plan for Carriage Hills Townhouses, in accordance with the terms of this Order, and for Lots 33-38 only. This is an appropriate request and will be granted.

Pursuant to the posting of the property, public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 13th day of November, 2012, by the Administrative Law Judge, that the Petition for Variance seeking relief from § 1B01.2.c.1.c, to allow a minimum setback of 18' from a front building face to a public street right-of-way or property line for garage townhouse units, in lieu of the required 25' for Lots 33 through 38, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to amend the 1st Amended Final Development Plan for Carriage Hills Townhouses to reflect the variance relief granted herein and to re-affirm the existing approved variances for Lot Nos. 33 through 38, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 11-13-12

By [Signature]

The relief granted herein shall be subject to the following:

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

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

JEB/dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11-13-12

By dlw



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 See attached address sheet which is presently zoned OR-2
Deed References: See attached deed reference sheet 10 Digit Tax Account # See attached tax account sheet
Property Owner(s) Printed Name(s) CT Carriage Hills Business Trust

(SELECT THE HEARING(S) BY MARKING ☒ 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
To amend the 1st Amended Final Development to reflect the variance request listed below.
To re-affirm the existing approved variances for lots #33-#38.
And for such other and further relief as may be necessary.

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

3. ☒ a **Variance** from Section(s)

BCZR §1b01.2.c.1.c group house and CMDP Residential Standards page 27. A variance to allow a minimum setback of 18' from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25', for lots 33-38.

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

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

CT Carriage Hills Business Trust
Clark P. Turner, Managing Member

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

4685 Millennium Drive

Belcamp

MD

Mailing Address

City

State

21017-1505 / 410-575-6000

Zip Code

Telephone #

Email Address

Representative to be contacted:

Matthew Bishop

Name - Type or Print

Signature

1220-C East Joppa Road

Towson

MD

Mailing Address

City

State

21286 / 410-821-1690

Zip Code

Telephone #

/mbishop@mragta.com

Email Address

CASE NUMBER 2013-0053-S149 Filing Date 8/31/12

Do Not Schedule Dates:

Reviewer JS

Addresses	Tax ID Numbers	Deed Reference	Plat Reference
9401 Silver Charm Drive	2500008575	None	79/171
9403 Silver Charm Drive	2500008576	None	79/171
9405 Silver Charm Drive	2500008577	None	79/171
9407 Silver Charm Drive	2500008578	None	79/171
9409 Silver Charm Drive	2500008579	None	79/171
9411 Silver Charm Drive	2500008580	None	79/171

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the west side of Silver Charm Drive approximately 100' from the intersection of Master Derby Drive. **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

South 28 degrees 12 minutes 40 seconds West, 104.70' to a point; an arc with a radius of 64' and length of 44.88' to a point; North 61 degrees 47 minutes 20 seconds West, 108.11' to a point; North 28 degrees 12 minutes 40 seconds East, 146.00' to a point; South 61 degrees 47 minutes 20 seconds East, 93.00' to a point and place of beginning.

Containing an area of 13,775 square feet or 0.31 acres of land, more or less and being located in the Second Election District of Baltimore County Maryland.



2013-0053-SPHA

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 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
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BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **88941**

Date: **8-31-12**

PAID RECEIPT

BUSINESS ACTUAL TIME
 8/31/2012 8/31/2012 10:21:35

REC W506 WALKIN TRAY TR

>>RECEIPT # 675129 8/31/2012

Dep: 5 528 ZONING VERIFICATION

CR #0: 088941

Recpt Tot \$900.00

\$900.00 CR \$1.00

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	808	0000		6150						\$ 900.00

Total: **\$ 900.00**

Rec From: **CARRIAGE HILLS / MORRIS AND RITCHIE ASSOC.**

For: **2013-0053-SPHA**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: ~~SPHA~~ 2013 - 0053 - SPHA

Petitioner: CT Carriage Hills Business Trust

Address or Location: 9401, 9403, 9405, 9407, 9409, 9411 Silver Charm Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: Morris & Ritchie Associates C/o Matt Bishop

Address: 1220-C East Joppa Road
Towson, MD 21286

Telephone Number: 410-821-1690

CERTIFICATE OF POSTING

2013-0053-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

CT Carriage Hills Business Trust

November 1, 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

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: _____

1 sign at Pikeswood Drive and Liberty Rd and 1 sign on Silver Charm Drive

October 11, 2012

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,



October 11 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)

ZONING NOTICE

CASE #2013-0053-SPHA

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

Room 205 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE TOWSON 21204
PLACE:

DATE AND TIME THURSDAY, NOVEMBER 1, 2012 AT 10:00 A.M.

REQUEST SPECIAL HEARING TO AMEND THE 1ST AMENDED

FINAL DEVELOPMENT PLAN TO REFLECT THE VARIANCE REQUESTS
LISTED BELOW: TO REAFFIRM THE EXISTING APPROVED VARIANCES FOR
LOTS # 33-38 AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE
NECESSARY. VARIANCE TO ALLOW A MINIMUM SETBACK OF 18' FROM A
FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY OR PROPERTY
LINE FOR GARAGE UNITS IN LIEU OF THE REQUIRED 25' FOR LOTS 33-38.

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

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

ZONING NOTICE

CASE #2013-0053-SPHA

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

Room 205 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204
PLACE:

DATE AND TIME THURSDAY, NOVEMBER 1, 2012 AT 10:00 A.M.

REQUEST SPECIAL HEARING TO AMEND THE 1ST AMENDED
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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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



KEVIN KAMENETZ
County Executive

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

September 27, 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: 2013-0053-SPHA

9401, 9403, 9405, 9407, 9409 & 9411 Silver Charm Drive

2nd Election District – 4th Councilmanic District

W/s of Silver Charm Dr., 100 feet s/of centerline of intersection with Master Derby Dr.

Legal Owners: CT Carriage Hills Business Trust

Special Hearing to amend the 1st Amended Final Development Plan to reflect the variance requests listed below: to re affirm the existing approved variances for lots #33-38 and for such other and further relief as may be necessary. Variance to allow a minimum setback of 18' from a front building face to a public street right of way or property line for garage units in lieu of the required 25' for lots 33-38.

Hearing: Thursday, November 1, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Matthew Bishop, 1220 C East Joppa Road, Towson 21286
Clark Turner, 4685 Millennium Drive, Belcamp 21017

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 12, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 11, 2012 Issue - Jeffersonian

Please forward billing to:

Matt Bishop
Morris & Ritchie Associates
1220 C- East Joppa Road
Towson, MD 21286

410-821-1690

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: 2013-0053-SPHA

9401, 9403, 9405, 9407, 9409 & 9411 Silver Charm Drive

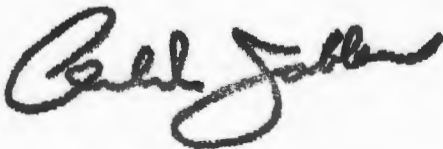
2nd Election District – 4th Councilmanic District

W/s of Silver Charm Dr., 100 feet s/of centerline of intersection with Master Derby Dr.

Legal Owners: CT Carriage Hills Business Trust

Special Hearing to amend the 1st Amended Final Development Plan to reflect the variance requests listed below: to re affirm the existing approved variances for lots #33-38 and for such other and further relief as may be necessary. Variance to allow a minimum setback of 18' from a front building face to a public street right of way or property line for garage units in lieu of the required 25' for lots 33-38.

Hearing: Thursday, November 1, 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
 AND VARIANCE
 9401, 9403, 9405, 9407, 9409, 9411 Silver Charm Dr* OF ADMINISTRATIVE
 W/S Silver Charm Dr @ Master Derby Drive
 2nd Election & 4th Councilmanic Districts * HEARINGS FOR
 Legal Owner(s): CT Carriage Hills Business * BALTIMORE COUNTY
 Trust *
 Petitioner(s) * 2013-053-SPHA

* * * * *

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

SEP 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 September, 2012, a copy of the foregoing Entry of Appearance was mailed to Matthew Bishop, 1220 C East Joppa Road, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

MEMORANDUM

DATE: December 17, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0053-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on December 13, 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

CASE NAME _____
CASE NUMBER 2013-0053-SHA
DATE Nov 1, 2012

[illegible]

FAX COVER SHEET

*Delia, I
This is what I
sent to Jefferson
Krieten*

Date:

10/1/12

To:

Legals/Patuxent

Fax number:

410-332-6446

From:

Krieten - PA I

Fax number:

410 887-3048Number of pages
(including this
cover sheet):5

Message:

Please publish accordinglyThanksIf any part of this fax transmission
is missing or not clearly received
please call:

Name:

Krieten

Phone number:

410 887-3391

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 11, 2012 Issue - Jeffersonian

Please forward billing to:

Barry Koluch
P.O. Box 65
Fort Howard, MD 21052

443-865-2467

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: 2013-0056-A

6920 River Drive Road

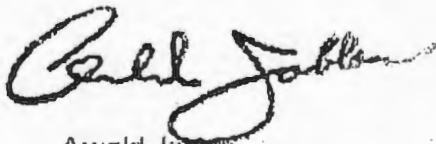
NE/s of River Drive Road, 70 ft. NE of the centerline of Alice Avenue

15th Election District - 7th Councilmanic District

Legal Owners: Barry & Darlene Koluch

Variance to permit an open porch and steps with a 1 foot side yard setback in lieu of the required 7.5 feet.

Hearing: Thursday, November 1, 2012 at 1:30 p.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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 11, 2012 Issue - Jeffersonian

Please forward billing to:

Matt Bishop
Morris & Ritchie Associates
1220 C- East Joppa Road
Towson, MD 21286

410-821-1690

NOTICE OF ZONING HEARING

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CASE NUMBER: 2013-0053-SPHA

9401, 9403, 9405, 9407, 9409 & 9411 Silver Charm Drive

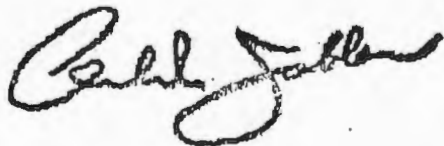
2nd Election District – 4th Councilmanic District

W/s of Silver Charm Dr., 100 feet s/of centerline of intersection with Master Derby Dr.

Legal Owners: CT Carriage Hills Business Trust

Special Hearing to amend the 1st Amended Final Development Plan to reflect the variance requests listed below: to re affirm the existing approved variances for lots #33-38 and for such other and further relief as may be necessary. Variance to allow a minimum setback of 18' from a front building face to a public street right of way or property line for garage units in lieu of the required 25' for lots 33-38.

Hearing: Thursday, November 1, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 11, 2012 Issue - Jeffersonian

Please forward billing to:
Roger Elliott
P.O. Box 147
Butler, MD 21023

410-771-4244

NOTICE OF ZONING HEARING

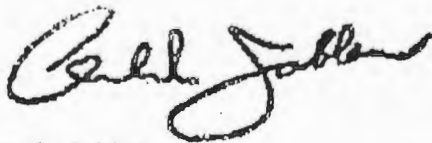
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0052-A

15815 Falls Road
E/s of Falls Road, 3.35 miles SE of Benson Mill Road
5th Election District – 3rd Councilmanic District
Legal Owners: Roger & C. Gregory Elliott

Variance to permit an existing shed and barn to be located in the front yard in lieu of the required rear yard, and for the barn to have a height of 42 feet in lieu of the permitted 15 feet as an accessory structure.

Hearing: Thursday, November 1, 2012 at 11:00 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 11, 2012 Issue - Jeffersonian

*New notice issued
please disregard
this request.*

Please forward billing to:
Clint Huhra
P.O. Box 1187
Bel Air, MD 21014

410-322-1501

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: 2013-0060-SPH

21043 York Road

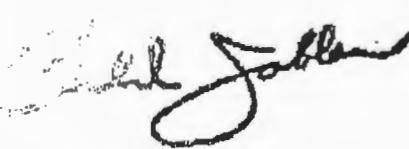
N/e side of York Road, 1218 ft. +/- S/e of the centerline of Old York Road

7th Election District – 3rd Councilmanic District

Legal Owners: Clint Huhra

Special Hearing to permit a garage addition with a side yard setback of 25 feet in lieu of the required 50 feet.

Hearing: Thursday, November 1, 2012 at 2:30 p.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.

Debra Wiley - Missing Newspaper Advertisements for Hearings on Thursday, November 1st

From: Debra Wiley
To: Fisher, June; Lewis, Kristen
Date: 10/29/2012 11:56 AM
Subject: Missing Newspaper Advertisements for Hearings on Thursday, November 1st
CC: Beverungen, John

Good Morning,

Please be advised that the hearings scheduled for Thursday, November 1st are all missing the newspaper advertisements. They are as follows:

10 AM - 2013-0053-SPHA

11 AM - 2013-0052-A

1:30 PM - 2013-0056-A

Please let me know ASAP. Thanks in advance.

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

11-0
10am

CASE NO. 2013- 0053-SPHA

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>10-2</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>9-11</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	<i>Missing 10/29</i> Date: _____	
SIGN POSTING	Date: <u>10-11-12</u>	by <u>Block</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

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[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 02 Account Number - 2500008575

Owner Information

Owner Name: CT CARRIAGE HILLS BUSINESS TRUST **Use:** RESIDENTIAL
Mailing Address: 4685 MILLENNIUM DR **Principal Residence:** NO
BELCAMP MD 21017-1505 **Deed Reference:** 1)
2)

Location & Structure Information

Premises Address **Legal Description**
9401 SILVER CHARM DR 0.081 AC
RANDALLSTOWN MD 21133-0000 9401 SILVER CHARM DR NS
CARRIAGE HILLS TOWNHOUSES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0076	12	419		9171	1		33	1	1	79/ 171

Town NONE

Special Tax Areas
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		3,498 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value As Of 01/01/2010	Phase-in Assessments As Of 07/01/2012	As Of 07/01/2013
Land	87,000	87,000		
Improvements:	0	0		
Total:	87,000	87,000	87,000	
Preferential Land:	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	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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Property maps provided courtesy of the Maryland Department of Planning ©2011.
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[GroundRent Registration](#)

Account Identifier: District - 02 Account Number - 2500008576

Owner Information

Owner Name: CT CARRIAGE HILLS BUSINESS TRUST **Use:** RESIDENTIAL
Mailing Address: 4685 MILLENNIUM DR **Principal Residence:** NO
BELCAMP MD 21017-1505 **Deed Reference:** 1)
2)

Location & Structure Information

Premises Address **Legal Description**
9403 SILVER CHARM DR 0.043 AC PHASE 2
RANDALLSTOWN MD 21133-0000 9403 SILVER CHARM DR NS
CARRIAGE HILLS TOWNHOUSES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
0076	12	419		9171	1		34	1	Plat Ref:	79/ 171

Town NONE

Special Tax Areas
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		1,861 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value As Of 01/01/2010	Phase-in Assessments As Of 07/01/2012	As Of 07/01/2013
Land	85,000	85,000		
Improvements:	0	0		
Total:	85,000	85,000	85,000	
Preferential Land:	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	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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Account Identifier: District - 02 Account Number - 2500008577

Owner Information

Owner Name: CT CARRIAGE HILLS BUSINESS TRUST **Use:** RESIDENTIAL
Mailing Address: 4685 MILLENNIUM DR **Principal Residence:** NO
BELCAMP MD 21017-1505 **Deed Reference:** 1)
2)

Location & Structure Information

Premises Address **Legal Description**
9405 SILVER CHARM DR 0.043 AC PHASE 2
RANDALLSTOWN MD 21133-0000 9405 SILVER CHARM DR NS
CARRIAGE HILLS TOWNHOUSES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0076	12	419		9171	1		35	i	1	791 171

Town NONE

Special Tax Areas
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		1,860 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value As Of 01/01/2010	Phase-in Assessments As Of 07/01/2012	As Of 07/01/2013
Land	85,000	85,000		
Improvements:	0	0		
Total:	85,000	85,000	85,000	
Preferential Land:	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	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

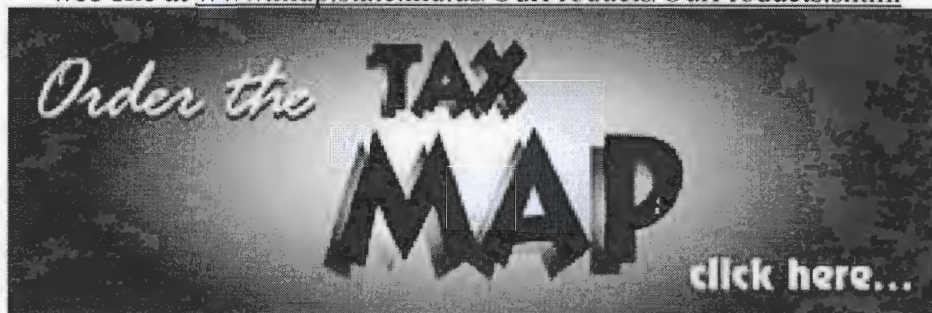


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[GroundRent Registration](#)

Account Identifier: District - 02 Account Number - 2500008578

Owner Information

Owner Name: CT CARRIAGE HILLS BUSINESS TRUST **Use:** RESIDENTIAL
Mailing Address: 4685 MILLENNIUM DR **Principal Residence:** NO
BELCAMP MD 21017-1505 **Deed Reference:** 1)
2)

Location & Structure Information

Premises Address **Legal Description**
9407 SILVER CHARM DR 0.043 AC PHASE 2
RANDALLSTOWN MD 21133-0000 9407 SILVER CHARM DR NS
CARRIAGE HILLS TOWNHOUSES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
0076	12	419		9171	1		36	1	Plat Ref:	79/ 171

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		1,860 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2012	07/01/2013
Land	85,000	85,000		
Improvements:	0	0		
Total:	85,000	85,000	85,000	
Preferential Land:	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	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application



A map was not found for this property

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[GroundRent Registration](#)

Account Identifier: District - 02 Account Number - 2500008579

Owner Information

Owner Name: CT CARRIAGE HILLS BUSINESS TRUST **Use:** RESIDENTIAL
Mailing Address: 4685 MILLENNIUM DR **Principal Residence:** NO
BELCAMP MD 21017-1505 **Deed Reference:** 1)
2)

Location & Structure Information

Premises Address **Legal Description**
9409 SILVER CHARM DR 0.043 AC PHASE 2
RANDALLSTOWN MD 21133-0000 9409 SILVER CHARM DR NS
CARRIAGE HILLS TOWNHOUSES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0076	12	419		9171	1		37	1	1	79/ 171

Town NONE

Special Tax Areas
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		1,860 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2012	07/01/2013
Land	85,000	85,000		
Improvements:	0	0		
Total:	85,000	85,000	85,000	
Preferential Land:	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	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

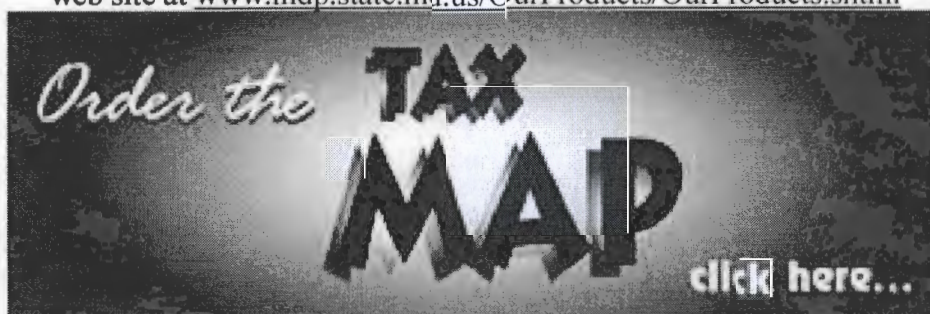
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[GroundRent Registration](#)

Account Identifier: District - 02 Account Number - 2500008580

Owner Information

Owner Name: CT CARRIAGE HILLS BUSINESS TRUST Use: RESIDENTIAL
Mailing Address: 4685 MILLENNIUM DR Principal Residence: NO
BELCAMP MD 21017-1505 Deed Reference: 1)
2)

Location & Structure Information

Premises Address Legal Description
9411 SILVER CHARM DR 0.066 AC PHASE 2
RANDALLSTOWN MD 21133-0000 9411 SILVER CHARM DR NS
CARRIAGE HILLS TOWNHOUSES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
0076	12	419		9171	1		38	1	Plat Ref:	79/ 171

Town NONE
Special Tax Areas Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		2,837 SF	04

Stories Basement Type Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2012	07/01/2013
<u>Land</u>	87,000	87,000		
<u>Improvements:</u>	0	0		
<u>Total:</u>	87,000	87,000	87,000	
<u>Preferential Land:</u>	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>	07/01/2012	07/01/2013
<u>County</u>	000	0.00	
<u>State</u>	000	0.00	
<u>Municipal</u>	000	0.00	

Tax Exempt: Special Tax Recapture:
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

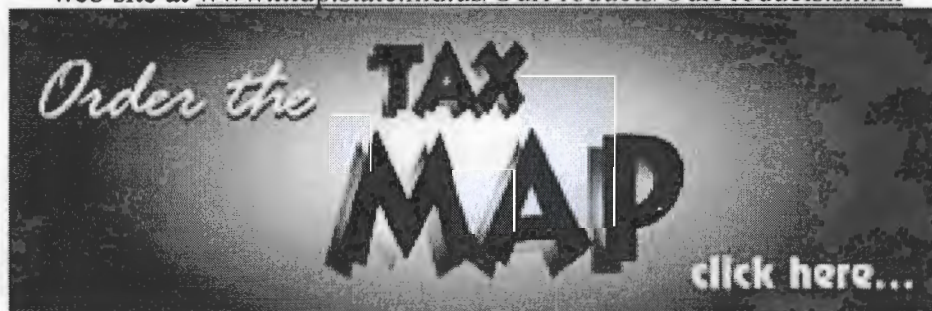
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A map was not found for this property

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11-1-12 10am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 02 2012



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: October 2, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013-0053-SPHA
Address 4685 Millenium Drive
(CT Carriage Hills Business Trust Property)

Zoning Advisory Committee Meeting of September 10, 2012.

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

Reviewer: *Jeff Livingston – Development Coordination*

11/1
10am

Debra Wiley - ZAC Comments - Distribution Mtg. of 9/24

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 9/18/2012 9:45 AM
Subject: ZAC Comments - Distribution Mtg. of 9/24

Good Morning,

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.

2013-0043-SPHA - (Floodplain)
 1472 Martin Blvd.

2013-0048-A - Administrative Variance - Closing Date: 9/24
 825 Queens Park Drive

2013-0049-SPHA
 734 Essex Ave.

2013-0050-A - Administrative Variance - Closing Date: 9/24 (Critical Area & Floodplain)
 1907 Cape May Road

2013-0051-A - Administrative Variance - Closing Date: 9/24
 12220 Dover Rd.

2013-0052-A
 15815 Falls Rd.

2013-0053-SPHA
 9401, 9403, 9405, 9407, 9409, 9411 Silver Charm Dr.

2013-0055-A - Administrative Variance - Closing Date: 10/1
 2909 Knoll Acres Dr.

2013-0056-A (Critical Area & Floodplain)
 6920 River Drive Rd.

2013-0057-A - Administrative Variance - Closing Date: 10/1 (Critical Area & Floodplain)
 3 Kingston Cove Rd.

2013-0058-A - Administrative Variance - Closing Date: 10/1
 6523 Darnell Rd.

2013-0059-A - Administrative Variance - Closing Date: 10/1
 119 Williams Ave.

2013-0060-SPH



KEVIN KAMENETZ
County Executive

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

October 24, 2012

Clark P. Turner, Managing member
CT Carriage Hills Business Trust
4685 Millennium Drive
Belcamp MD 21017-1505

RE: Case Number: 2013-0053 SPHA, Address: 9401, 9403, 9405, 9407, 9409, 9411 Silver Charm Drive

Dear Mr. Turner:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 31, 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
Matthew Bishop, 1220-C East Joppa Road, Towson, MD 21286



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

State Highway
Administration

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-11-12

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

RE: Baltimore County

Item No 2013-0053-SPHA

Special Hearing Variance

CT Carriage Hills Business Trust

9401, 9403, 9405, 9407, 9409, 9411

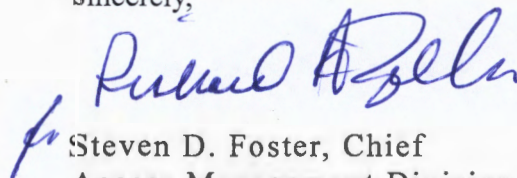
Silver Charm Drive

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. 2013-0053-SPHA.

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,


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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 17, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For September 24, 2012
Item Nos. 2013-0043, 0048, 0049, 0050, 0051, 0052, 0053, 0055, 0057, 0058,
0059 and 0060.

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-09242012-NO COMMENTS.doc

Case No.: 2013-0053-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

19W 12-17-12
19W 11-13-12

No. 1	Site Plan	
No. 2	FDP	
No. 3	Posting	
No. 4	Zoning Description	
No. 5	Bishop CV	
No. 6	Photos	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

November 12, 2003

G. Scott Barhight, Esquire
Jennifer Busse, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE
S/S Liberty Road and SW/S Pikeswood Drive
(Carriage Hills Townhouses)
2nd Election District – 4th Council District
Q-C Carriage Hills, LLC – Owner/Developer
Case Nos. II-649 & 04-026-A

Dear Mr. Barhight & Ms. Busse:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Variance granted, in accordance with the attached Order.

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. James P. Quillen, Jr., Q-C Enterprises, Inc.,
110 Old Padonia Road, Suite LL, Hunt Valley, Md. 21030
Mr. Steve Stannard, Bowman Consulting Group, 101 S. Street, SW, Leesburg, Va. 22085
Messrs. Robert Eitel & Dan Bartolo, Bowman Consulting Group
2530 Rivard, #200, Annapolis, Md. 21404
Ryan Potter, Esquire, 218 N. Charles Street, #400, Baltimore, Md. 21201
Jose' Anderson, Esquire, 9922 Tuscarora Road, 1, Randallstown, Md. 21133
Rev. Andrew S. Mohl, 9533 Liberty Road, Randallstown, Md. 21133
Mr. Larry Jackson, 8808 Meadow Heights Road, Randallstown, Md. 21133
Mr. Roz Roddy, 3036 Hernwood Road, Granite, Md. 21163
Ms. Linda Dorsey Walker, 3010 Fairview Road, Woodlawn, Md. 21207
Mr. & Mrs. Raymond Clapp, 3710 Bowers Avenue, Baltimore, Md. 21207
Mr. & Mrs. Clarence Smith, 7210 Upper Mills Circle, Catonsville, Md. 21228
Ms. Jane Mann, 2916 Offutt Road, Randallstown, Md. 21133
Walt Smith, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITION FOR VARIANCE
SW/S Pikeswood Drive & Liberty Road * ZONING COMMISSIONER
(Carriage Hills Townhouses)
2nd Election District * OF BALTIMORE COUNTY
4th Council District * Case Nos. II-649 & 04-026-A
Q-C Carriage Hills, LLC
Owner/Developer *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to Title 26 thereof, the Owners/Developers, Q-C Carriage Hills, LLC request approval of a red-lined development plan for the proposed residential development of the subject property with 153 townhouse dwelling units. In addition, a series of variances are requested from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as set forth in the Petition for Variance filed in companion Case No. 04-026-A. Specifically, relief is requested from Section 1B01.2.C.1.c of the B.C.Z.R. and Part III, Section II, A. p.19 of the C.M.D.P. to permit: (a) minimum setbacks from front building face to a public street right-of-way or property line of 15 feet in lieu of the required 25 feet for proposed garage units on Lots 1-367 and 55-141; (b) minimum setbacks from side building face to a public street right-of-way of 15 feet in lieu of the required 25 feet for Lots 55, 66-67, 78-79, 90, 100, 107, 122, 135, 121 and 136; (c) minimum setbacks from rear building face to a public street right-of-way of 30 feet in lieu of the required 45 feet for Lots 1-12, 55-78, 100-106 and 136-141; (d) minimum setbacks from any building face to a tract boundary line of 15 feet in lieu of the required 30 feet for Lots 73-78, 101-106, 136-141 and 13-36; (e) from Section 301.1.A of the B.C.Z.R. to permit a minimum setback from the rear property line for decks or one-story open porches of 10 feet in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear yard for Lots 1 through 159; and (f), from Part II, Section II, A, P.19 of the C.M.D.P. to permit minimum setbacks from

rear building face to a public street right-of-way of 30 feet in lieu of the required 50 feet, with a ~~landscape buffer~~ of 0 feet for Lots 1-12, 55-78, 100-106, 136-141 and 89. The subject property consists of a gross area of 22.41 acres, more or less, split zoned O.R.2 and D.R.3.5, and is located on the south side of Liberty Road and the northwest side of Pikeswood Drive in Randallstown. The proposed subdivision is more particularly described on the red-lined development plan submitted into evidence and marked as Developer's Exhibits 7A & 7B, the Open Space Plan marked Developer's Exhibit 7C, and the Variance Plan marked Developer's Exhibits 8A & 8B.

This proposal has been reviewed in accordance with the development review regulations codified in Title 26 of the Baltimore County Code. The process described therein is initiated by the filing of a concept plan, which is a schematic representation of the proposed development. The concept plan is submitted for review at a conference held by and between representatives of the Developer and the County at a Concept Plan Conference (CPC), which in this case was conducted on April 21, 2003. Thereafter, as required, a Community Input Meeting (CIM) is conducted during evening hours at a public facility in the vicinity of the proposed development. The CIM provides an opportunity for residents of the locale to review and offer comment on the proposal. The CIM for this project was held on June 2, 2002 at the Randallstown Elementary School. Subsequently, a development plan is submitted for review and comment at a conference held again between the Developer and County agency representatives. Often the development plan has been revised to incorporate changes suggested at the CPC and/or CIM. The Development Plan Conference (DPC) in this case was held on September 10, 2003. Following the DPC, a public hearing on the proposal is conducted before the Zoning Commissioner/Deputy Zoning Commissioner. In this case, the Hearing Officer's Hearing was held before me on October 2, 2003 and continued to October 22, 2003. Additionally, the record of the case was held open to permit the Developer to submit a revised pattern book, which provides details of the proposed design guidelines for this subdivision. The revised pattern book was submitted on November 12, 2003 (Developer's Exhibit 9) and pursuant to Section 26-206, this opinion follows.

The subject proposal relates to two non-contiguous parcels, which contain a combined gross area of approximately 22.41 acres, split zoned D.R.2 and D.R.3.5. The largest tract (approximately 18 acres in area) is located adjacent to the south side of Liberty Road (Maryland Route 26) between Pikeswood Drive and Oak Road. The smaller parcel, which contains ~~4.6358~~ 4.6358 acres in area, is located nearby, but is not contiguous with the other parcel. That tract is located on Chapman Road and is identified on the plan as Parcel 4. Development is proposed on the larger parcel, while ~~the smaller parcel will be used exclusively as a forest conservation area.~~ The Developer proposes 153 townhouse units as more particularly shown on the plan. There will be no direct access to the new lots from Liberty Road; rather, a new public road will be constructed along the western border of the property across from an existing County road reservation area. This new means of access was the subject of significant discussion between the County and the Developer to prevent additional curb cuts along Liberty Road, which is already highly congested. A new cross-shaped intersection through Liberty Road will abut the northwest side of the property, created by the new public road for this project and the County project across the street. On the east side, access to the site will be provided from existing Pikeswood Drive. Moreover, as more particularly shown on Developer's Exhibit 7A, internal public roads are proposed to provide additional access.

As noted above, the hearing was held over two days. On October 2, 2003, a number of individuals appeared. They included James P. Quillen, Jr., President of Q-C Enterprises, Inc., property owner/Developer; Steve Stannard, a Landscape Architect who prepared the development plan for this project; Robert Eitel, Professional Engineer; and G. Scott Barhight, Esquire and Jennifer Busse, Esquire, attorneys for the Developer. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Walt Smith, Project Manager; Bob Bowling, Development Plans Review; Don Stires, Land Acquisition; and, John Alexander, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); R. Bruce Seeley, Department of Environmental

Protection and Resource Management (DEPRM); and Jan Cook, Department of Recreation and Parks (R&P). Several citizens from the surrounding locale appeared. They included Reverend Andrew S. Mohl, who appeared on behalf of the Holy Family Catholic Church, which is located west of the site on Liberty Road, and their attorney Ryan Potter, Esquire. Also appearing were a number of representatives of the Colonial Baptist Church, which is located east of the subject site. They were represented by Jose' Anderson, Esquire. Other interested persons from the community were Roz Roddy and Linda Dorsey Walker.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, a number of issues were identified on the first hearing day (October 2, 2003) which were unresolved. Baltimore County agency representatives identified some of these issues while others were identified by some of the neighbors. These included concerns over traffic, the proposed storm water management facility, fencing and access, etc. The matter then reconvened on October 22, 2003 and at that time, the parties reported that they had had an opportunity to meet and negotiate regarding their differences. As a result of these negotiations, the Developer and the Holy Family Catholic Church entered into a written agreement (Developer's Exhibit 6) which resolved the open issues between them. Another agreement was reached between the Colonial Baptist Church and the Developer. That agreement was memorialized in a letter dated October 1, 2003 from the Colonial Baptist Church to Mr. Quillen, a copy of which was entered into evidence as Community Exhibit 1. Based upon these documents/agreements, the two churches indicated they support the amended plan and do not believe the proposal will adversely impact the neighborhood. Also, it is to be noted that the time between the two hearing days was utilized to address some of the outstanding concerns which were identified by County representatives at the initial hearing.

The development plan has undergone a series of revisions as issues have been identified and resolved. The Developer now seeks approval of the redlined development plan marked as Developer's Exhibits 7A and 7B. Additionally, the Developer submitted an open space plan (marked As Developer's Exhibit 7C) depicting the proposed amount of open space as

required by the Local Open Space Manual, which is administered by the Department of Recreation and Parks. Additionally, the Developer submitted a plan to accompany the Petition for Variance, which was received and marked into evidence as Developer's Exhibits 8A and 8B.

It is apparent that the development review process codified in Title 26 of the Baltimore County Code has worked as intended when enacted by the Baltimore County Council. It has resulted in an ongoing dialogue between all parties, including the applicant, the neighbors and the representatives of Baltimore County to develop plan which satisfied all of their concerns. It is to be noted that the subject proposal is under the maximum permitted density. That is, 205 residential units would be allowed based upon the zoning and acreage of the property, although only 153 are proposed. Additionally, elements of screening and architectural design as shown in the pattern book (Developer's Exhibit 9) have resulted in an aesthetically pleasing development. Additionally, changes were made to the storm water management layout and proposed road network to address certain concerns. Based upon all of the testimony and evidence presented, I shall approve the plan. I find that the plan is in compliance with all requirements contained in the development regulations in Title 26 and all applicable policies, rules and regulations adopted pursuant thereto. I will, however, insert certain conditions as more fully set forth below, pursuant to Section 26-206. These conditions are added based on comments made at the hearing and are agreeable by all parties and will mitigate impacts on the surrounding locale and adjacent properties.

Turning to the variance relief requested, testimony and evidence offered demonstrated that the subject property is unique, given its unusual shape and the environmental constraints associated therewith. Moreover, the property's location immediately adjacent to Liberty Road and the desire of all parties to limit access to this road was persuasive. Testimony was also received from Mr. Stannard who described the neo-traditional features of the proposed development, which also drives the need for variance relief. He indicated that the proposal called for smaller streets and a network of alleys to provide access to individual lots and as a result, houses will be located closer to the street. It is also to be noted that there is more than sufficient

~~passive open space than is required. However, as a result of changes to the plan the exact amount of open space has not been finalized. The Developer agreed to recalculate this figure; however, Mr. Cook from the Department of Recreation and Parks and the Developer's consultant all agreed that there is significantly more passive open space than required for this project. Additionally, the Developer has requested a waiver of active open space requirements. In this regard, the Developer is donating a sum of \$200,000 to Baltimore County for improvements to a nearby County park in lieu of providing the required active open space. The waiver request is highly supported by all of the neighbors who testified. Thus, the requested waiver shall be granted.~~

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 12th day of November, 2003 that the red-lined development plan for the Carriage Hill Townhouses, identified herein as Developer's Exhibits 7A & 7B, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.1.c of the B.C.Z.R. and Part III, Section II, A. p.19 of the C.M.D.P. to permit: (a) minimum setbacks from front building face to a public street right-of-way or property line of 15 feet in lieu of the required 25 feet for proposed garage units on Lots 1-367 and 55-141; (b) minimum setbacks from side building face to a public street right-of-way of 15 feet in lieu of the required 25 feet for Lots 55, 66-67, 78-79, 90, 100, 107, 122, 135, 121 and 136; (c) minimum setbacks from rear building face to a public street right-of-way of 30 feet in lieu of the required 45 feet for Lots 1-12, 55-78, 100-106 and 136-141; (d) minimum setbacks from any building face to a tract boundary line of 15 feet in lieu of the required 30 feet for Lots 73-78, 101-106, 136-141 and 13-36; (e) from Section 301.1.A of

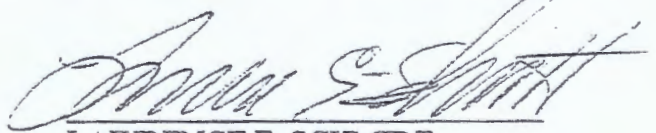
the B.C.Z.R. to permit a minimum setback from the rear property line for decks or one-story open porches of 10 feet in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear yard for Lots 1 through 159; and (f), from Part II, Section II, A, P.19 of the C.M.D.P. to permit minimum setbacks from rear building face to a public street right-of-way of 30 feet in lieu of the required 50 feet, with a landscape buffer of 0 feet for Lots 1-12, 55-78, 100-106, 136-141 and 89, in accordance with Developer's Exhibits 8A and 8B, be and is hereby GRANTED, subject to the following restrictions:

- 1) The terms and conditions of the agreements reached with the Holy Family Catholic Church (Developer's Exhibit 6) and the Colonial Baptist Church (Community Exhibit 1) shall be adopted herein and made a part hereof.
- 2) ~~The Developer shall submit to DEPRM satisfactory evidence that no floodplain exists on Parcel 4, which is the non-contiguous parcel that will be retained for use as a forest conservation area.~~
- 3) DEPRM shall be given an opportunity to review the storm water management proposal prior to final signature on the development plan by the Project Manager. It is to be noted that the Project Manager does not have any review authority; however, that agency will be given a window of opportunity to further review the plan prior to signature.
- 4) ~~Any signage for the proposed Carriage Hills Townhouse community shall be in accordance with that depicted in the pattern book.~~
- 5) ~~The Developer shall provide to the Department of Recreation and Parks the recomputed amount of passive open space prior to the record plat.~~

IT IS FURTHER ORDERED ~~that a waiver of active open space requirements shall be granted,~~ pursuant to the amended development plan comments submitted by the Department of Recreation and Parks dated September 9, 2003 and September 22, 2003.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner/Hearing Officer
for Baltimore County

WHITEFORD, TAYLOR & PRESTON L.L.P.

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JENNIFER R. BUSSE
DIRECT NUMBER
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jbusse@wtplaw.com

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FAX 202 331-0573

115 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 703 836-5742
FAX 703 836-3558

February 28, 2006

James P. Quillen, Jr., President
Quillen Development
Suite 100
7 W. Ridgely Road
Timonium, Maryland 21093

Re: Carriage Hills
Documents You Requested Regarding Agreements with Holy
Family Catholic Church and Colonial Baptist Church
Our File No. 100057/1

Dear Jim:

You sent me an e-mail asking for copies of the documents evidencing agreements between you and the Holy Family Catholic Church and Colonial Baptist Church. To that end, enclosed please find the following:

1. Copy of Zoning Commissioner's Opinion in Case 04-026-A & II-649 dated November 12, 2003;
 2. Letter from the Zoning Commissioner dated November 20, 2003 noting a typographical error in the Order and Opinion;
 3. Letter dated November 25, 2003 to the Zoning Commissioner from WTP documenting another typographical error in the Order and Opinion;
- A copy of what was accepted into evidence at the Zoning Hearing as Developer's Exhibit 6 - an Agreement dated October 22, 2003 between Q-C Enterprises and the Holy Family Catholic Church;

James P. Quillen, Jr., President
February 28, 2006
Page 2

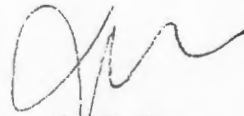
5. What was accepted as Community Exhibit 1 - a letter dated October 1, 2003 from the Colonial Baptist Church to you; and

6. What was accepted as Developer's Exhibit 5 - letter from WTP to Colonial Baptist Church dated October 15, 2003.

Let me know whether you also need any copies of the drafted Stormwater Management Agreement and drafted Deed. Previously, you instructed me that you could not yet finalize your comments on the Stormwater Management Agreement and Deed until you retain an engineer who was able to straighten out errors made by CNA.

I look forward to working with you in this matter.

Sincerely,



Jennifer R. Busse

JRB:tdm
Enclosures
356174

Baltimore County Government
Department of Permits and Development Management



111 West Chesapeake Ave.
Towson, MD 21204

410-887-3321
410-887-2877 (fax)

June 22, 2004

Q.C. Enterprises
110 Old Padonia Road, Ste. LC
Hunt Valley, MD 21030

Re: Approved Development Plan
Carriage Hills Townhouses
PDM #: II-649

Dear Sir/Madam:

Enclosed you will find a copy of the approved, signed development plan for your files on the above referenced project. Please note that one (1) additional copy is being forwarded to the engineer to be used as a Public Works Agreement (PWA) mark-up plan, if applicable, to show all required Public Works improvements.

This development proposal may be further processed in accordance with the following:

An introductory meeting may be scheduled through this office to establish time frames for the submission, review and approval of all phase II plans.

~~A certified or cashier's check in the amount of \$10,401.00~~ made payable to Baltimore County, MD, must be forwarded to this office to cover processing of Phase II plans.

~~A public works agreement (PWA)~~ must be prepared by your consultant. This agreement and related forms may be obtained by contacting this office.

Because this project is on a state road, the State Highway Administration (SHA) will require plan review prior to approval of any permit. For further information, contact Larry Gredlein of SHA at (410)545-5600.

Sincerely,

Walter T. Smith, Jr.
Walter T. Smith, Jr.
Project Manager

WTS:kw
Enclosure
c. Bowman Consulting (2)
R & P (1), DEPRM (1), DPR (1), PO (1), B of ED (1), File (2)

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

November 20, 2003

G. Scott Barhight, Esquire
Jennifer Busse, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE
S/S Liberty Road and SW /S Pikeswood Drive
(Carriage Hills Townhouses)
2nd Election District – 4th Council District
Q-C Carriage Hills, LLC - Owner/Developer
Case Nos. II-649 & 04-016-A

Dear Mr. Barhight & Ms. Busse

It has been brought to my attention that a typographical error appears on Page 3 of the Order issued in the above-captioned matter. Specifically, on Line 2 of the first paragraph, the split zoning of the property was erroneously noted as being D.R.2 and D.R.3.5. However, Page 2 of the Order correctly notes that the property is split zoned O.R.2 and D.R.3.5. Please change Page 3 of your copy of the Order accordingly. Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. James P. Quillen, Jr., Q-C Enterprises, Inc.,
110 Old Padonia Road, Suite LL, Hunt Valley, Md. 21030
Mr. Steve Stannard, Bowman Consulting Group, 101 S. Street, SW, Leesburg, Va. 22085
Messrs. Robert Eitel & Dean Bartolo, Bowman Consulting Group
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Ms. Linda Dorsey Walker 3010 Fairview Road, Woodlawn, Md. 21207
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Mr. & Mrs. Clarence Smith, 7210 Upper Mills Circle, Catonsville, Md. 21228
Ms. Jane Mann, 2916 Offit Road, Randallstown, Md. 21133
Walt Smith, DPDM; DEPM; DPW; OP; R&P; People's Counsel; Case File

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1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

November 25, 2003

The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

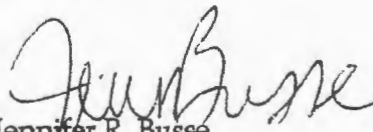
Re: Carriage Hills
Zoning Case No. 04-026-A; PDM No. II-649

Dear Mr. Schmidt:

Please accept this letter as confirmation that you have acknowledged the typographical error within the Opinion and Order for the above-referenced case which notes that zoning relief for the front set-backs relates to Lots 1-36 and 55-141, not Lots 1-367 and 55-141. Per your instruction, I have made a notation on my copy of the Opinion and Order correcting this typographical error, and you have explained that you made the same notation on the official file copy of this Opinion and Order. By copy of this letter, I am informing both the neighboring property owners, namely, the Colonel Baptist Church and Holy Family Catholic Church.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,


Jennifer R. Busse

JRB:sl

cc: Ryan J. Potter, Esquire
Professor Jose F. Anderson
Ms. Linda Dorsey-Walker
Ms. Emily Wolfson
Q-C Enterprises, Inc.
G. Scott Barhight, Esquire

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

April 2, 2009

RECEIVED
Morris & Ritchie Associates, Inc

APR 03 2009

Mr. Dan Whitehurst
Land Development Manager
Clark Turner Companies
4685 Millennium Drive
Belcamp MD 21017

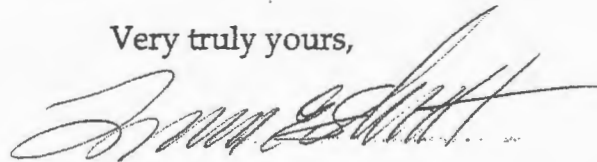
Re: Clark Turner Companies/ Carriage Hills
Case No. 2009-111-A

Dear Mr. Whitehurst:

Enclosed please find the decision handed down in the above referenced case from Baltimore County Zoning Commissioner William J. Wiseman. This decision approved our Petition for Variance.

The appeal period for which an appeal can be filed on this matter began on March 27, 2009, and will run for thirty (30) days. We will monitor this appeal period and inform you if any appeal is filed in opposition. Should you have any questions, comments or concerns, please feel free to contact me. As always, I am

Very truly yours,



Lawrence E. Schmidt

LES: kmb

Enclosure

CC: Clark Turner, Clark Turner Companies
Matthew Bishop, Morris & Ritchie Associates, Inc
Sebastian A. Cross, Esquire

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
S/Side Liberty Road, 659' NW c/line of	*	ZONING COMMISSIONER
Pikeswood Road	*	
(Carriage Hills Townhouses)	*	OF
2 nd Election District	*	
4 th Council District	*	BALTIMORE COUNTY
Clark Turner Companies	*	
Petitioner	*	Case No. 2009-0111-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Clark Turner Companies, legal owner of the subject property, by and through its attorney, Sebastian A. Cross, Esquire with Gildea & Schmidt, LLC. Petitioner requests variance relief from Sections 400.1, 400.3 and 450.4.I.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building to be located in either a front and/or side yard, rather than the permitted rear yard and to be located not in the third of the lot farthest removed from any street for a corner lot; to allow an accessory structure to have a height of 38 feet in lieu of the maximum permitted 15 feet, and to allow a sign height of 19 feet in lieu of 6 feet and a maximum square footage of 50 feet per side (face) in lieu of 25 feet for a community sign. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Fred Sheckells, on behalf of Clark Turner Companies, legal owner, and Jim Hermann, Registered Landscape Architect, with Morris and Ritchie Associates, Inc. (MRA), the consultants who prepared the site plan. The Petitioner was represented by Lawrence E. Schmidt, Esquire with Gildea & Schmidt, LLC. There were no Protestants or other interested persons present.

The undersigned Zoning Commissioner is familiar with the subject property by virtue of several prior cases. Testimony and evidence offered revealed that the subject property under

consideration is an 18-acre parcel known as Carriage Hills and located on the southwest side of Liberty Road near its intersection with Pikeswood Drive in the Randallstown. The property is zoned OR-2 and is presently unimproved and vacant. As will be discussed below, it is irregularly shaped and features a series of site constraints. These include an existing utility line/easement which traverses the property to accommodate a natural gas line. Additionally, there is an existing right-of-way that enters the property from Liberty Road to the north. At one time, this right-of-way was to be used to accommodate the construction of Metropolitan Boulevard, however, that road was never built.

The surrounding community is predominantly residential in character, however there are several institutional uses nearby. Specifically, immediately abutting the property on the east side is the Holy Family Catholic Church and School. Immediately to the west of the Carriage Hills property is the Colonial Baptist Church. To the south (rear) of the site is a large apartment complex (800+ units) known as the Carriage Hill Apartments. Immediately across the street from the subject property are several business/commercial uses. Liberty Road (MD Route 26) is a major thoroughfare, which runs in an east to west direction in front of the subject property from Baltimore City through Baltimore County and into Carroll County. Near Baltimore City, the Liberty Road corridor is commercial; however, it becomes more residential in nature at this location in Baltimore County.

The history of the proposed development of this property is significant. At one time, the subject property was owned by Q-C Carriage Hills LLC (hereinafter "Q-C"). This developer proposed the site for a townhouse development and its plans were processed pursuant to the County's development review regulations as contained in Article 32 of the Baltimore County Code (B.C.C.). Q-C's proposed development was the subject of the major subdivision development review processes and was reviewed by the designated reviewing agencies of Baltimore County. Ultimately, pursuant to that process, the matter came in for a public hearing before the County's Hearing Officer/Zoning Commissioner. At that public hearing, Q-C requested approval of its Development Plan, as well as a series of zoning variances which were necessary to accommodate

the proposed layout of the development. By Order of this Commission in Case Nos. II-649 and 04-026-A, dated November 12, 2003, the Development Plan was approved and the variances granted. Certain restrictions were also incorporated into that decision. There was no appeal of that decision and it became final.

Subsequently, Q-C apparently suffered financial setbacks and ultimately filed for bankruptcy. Testimony offered at the instant hearing was that the Turner Companies acquired the site through proceedings in the United States Bankruptcy Court. Turner then retained MRA to review the previously approved Development Plan and determine if the residential development as shown thereon was feasible. The Development Plan approved by the Hearing Officer/Zoning Commissioner, although subject to review by Baltimore County, is not a final plan. Rather, it is schematic in nature. Under law, the plan is further refined and additional details are added. A Final Development Plan (FDP) is then submitted to the County and later a plat is recorded in the Land Records of Baltimore County. Q-C never submitted a FDP nor recorded a plat. Thus, MRA was retained by Clark Turner Companies to ascertain whether the approved plan could proceed to FDP and ultimately record plat under current requirements and market conditions.

MRA reviewed the plan and determined that the same was viable. However, a series of changes were necessary to accommodate the changes in the market since 2003, as well as to ensure compliance with the County's evolving regulations as they relate to development. MRA prepared a revised plan which divided the proposed development into two (2) sections; shown as Phase I and Phase II. The development in Phase I will remain as proposed under the original approved Q-C Plan. The development in the area shown as Phase II required certain variances and special hearing approval. Those petitions (variance and special hearing) were considered by this Commissioner in Case No. 08-252-SPHA. By my written Opinion and Order dated March 18, 2008, the variances and special hearing approval was granted to enable the development of this site as proposed in the revised Development Plan. That Opinion not appealed is now final. Additionally, an FDP and plat have been filed and recorded as required.

The matter now returns to the undersigned for an additional variance in the instant case. This variance request relates entirely to a proposed "amenity" identification sign which is to be constructed on a portion of the property immediately adjacent to Liberty Road and therefore does not directly change the plan in any significant aspect. It was indicated at the hearing that Clark Turner Companies builds a quality home product and enjoys a favorable reputation for their home building throughout the Baltimore Metropolitan area. One signature of a Clark Turner development is the entrance signage. In this case, a monument type sign is proposed as more particularly shown on the site plan (Petitioner's Exhibit 1). The proposed signage contains a stone base and arch, as well as a roof and copula type structure. The name of the development, "Carriage Hills" is displayed within the signage.

Three (3) separate variances are required in order to approve this monument sign package. First, the sign will be located on a corner lot within the property which will ultimately be owned by the homeowners association. This lot immediately abuts Liberty Road and an access road (Peace Chance Drive) to be constructed leading into the interior of the site. Pursuant to B.C.Z.R. Section 400.1, an accessory structure must be located in the third of the lot farthest removed from the intersection. Obviously this requirement is not practical in this instance. The purpose of the sign, *to direct visitors into the site and identify the residential subdivision*, can be accommodated only if the sign is visible from Liberty Road. Thus, the sign will be located immediately adjacent to the intersection. It will not be located within the right-of-way nor cause any detrimental impact or interference with vehicular or pedestrian traffic. However variance relief is required so the sign is visible for traffic traveling in both directions on Liberty Road. If situated on that portion of the lot as required, it would not be functional.

The second variance requested is to accommodate the height of the accessory structure. As noted above, the sign is a monument type structure which reaches the height of approximately 38 feet. This height is required for identification purposes and so the sign is visible to traffic approaching on this major thoroughfare. It is an attractively designed structure which is consistent with the architectural theme of the development. As with other Clark Turner developments, it will also serve as an appropriate gateway to the community. Moreover, given the character of Liberty Road at this location and the character of the neighborhood, it is compatible with the locale.

Finally, variance relief is requested from B.C.Z.R. Section 450.4.I.2 to allow a sign height of 19 feet and square footage of 50 feet per face. The height requirement in this regard relates to the actual area of the lettering and location of the face of the sign within the structure.

At the public hearing, the Petitioners submitted a series of exhibits in support of the variances requested. These include a series of photographs of the site and locale. These photographs were persuasive that the proposed sign and its location and size are appropriate. As noted above, Liberty Road is a major corridor which contains four (4) lanes of traffic (two east and two west). Additionally, given the mixed uses in the vicinity, there is significant signage in the area; and the design and size is appropriate. Given the residential character of the project, the sign is designed and is compatible with the residential project proposed and the neighborhood. Finally, it is to be noted that there were no Protestants present and no adverse Zoning Advisory Committee (ZAC) comments were submitted. Turner has consulted with its neighbors regarding the project and a pattern book was reviewed and approved by the Office of Planning. That agency supports the Petitioner's request.

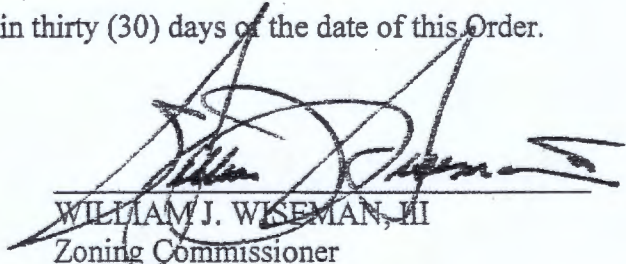
Based upon the testimony and evidence presented, I am persuaded to grant the petition for variance. The proposed redevelopment project as a whole is appropriate for the vicinity and will

upgrade the community. The particular structure/signage proposed in this case is also appropriate for the size of the community, and I find that the Petitioner meets the requirements of B.C.Z.R. Section 307 and that relief should be granted. I find that there are unique circumstances and characteristics associated with this property that justify the variances requested. I also find that a denial of the variances would cause practical difficulty; to wit, that visibility to the development would be compromised and unduly limited. Finally, I find that the proposal is consistent with the spirit and intent of the B.C.Z.R. and that the proposal will not detrimentally impact the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of March 2009 that the Petition for Variance seeking relief from Sections 400.1, 400.3 and 450.4.I.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building to be located in either a front and/or side yard, rather than the permitted rear yard and to be located not in the third of the lot farthest removed from any street for a corner lot; to allow an accessory structure to have a height of 38 feet in lieu of the maximum permitted 15 feet, and to allow a sign height of 19 feet in lieu of 6 feet and a maximum square footage of 50 feet per side (face) in lieu of 25 feet for a community sign, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

RECEIVED
MAR 20 2008
MORRIS & RITCHIE ASSOCIATES



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 18, 2008

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

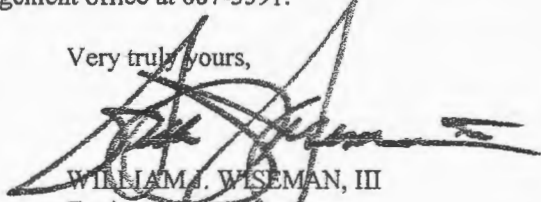
RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
SW/S Liberty Road (MD 26), 28' NW of c/line of Pikeswood Drive (a Private Road)
(Carriage Hills Townhouses)
2nd Election District - 4th Council District
Clark Turner Companies - Petitioner
Case No. 08-252-SPHA

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted with restrictions, in accordance with the attached Order.

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Daniel Whitehurst, Land Development Manager, Clark Turner Companies,
4685 Millenium Drive, Belcamp, MD 21017
Jim Hermann, 1895 Eden Mill Road, Pylesville, MD 21132
Matt Bishop, Morris Ritchie & Associates, Inc., 1220-C East Joppa Road,
Towson, MD 21286
Rachel Stafford, Esquire, 1401 Bank of America Center, 100 South Charles Street,
Baltimore, MD 21201
Ryan J. Potter, Esquire, Gallagher, Evelius & Jones, LLP, 218 North Charles Street,
Suite 400, Baltimore, MD 21201
David R. Owens, Project Manager, Division of Facilities and Real Estate,
Archdiocese of Baltimore, 320 Cathedral Street, Baltimore, MD 21201
People's Counsel; Office of Planning; File

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

SW/S Liberty Road (MD 26), 28' NW of *

c/line of Pikeswood Drive (a Private Road) *

(Carriage Hills Townhouses) *

2nd Election District *

4th Council District *

Clark Turner Companies *

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-252-SPHA

* * * * *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance (including a request for Modification of Standards) filed by Clark Turner Companies (Turner), the owner of the subject property, by and through its attorney Lawrence E. Schmidt, Esquire. The Petitioner requests a special hearing to confirm that the zoning relief granted by the Hearing Officer/Zoning Commissioner in Case Nos. II-649 and 04-026-A remains valid under the revised plan which proposes the residential development of the property. A series of variances are requested from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as set forth in the Petition for Variance. Specifically, relief is requested from Section 1B01.2C.1.c¹ (Group House Chart) of the B.C.Z.R. and the C.M.D.P. Residential Standards page 27 to permit: (a) a minimum setback of 15' from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25', for Lots 1-32, 53-54, and 79-145; (b) a minimum setback of 15' from any building face to a tract boundary, in lieu of the required 30', for Lots 89-94 and 122-129; (c) a minimum setback of 15' from side building face to public street right-of-way, in lieu of the required 25', for Lots 7, 14, 52, 53, 95, 105-106, 121, 129, 130, and 145; (d) a

¹ As filed, the Petition for Variance erroneously referenced Section 1B01.C.1c of the regulations which was amended at the outset of the hearing by Mr. Schmidt.

minimum setback of 30' from a rear building face to a public street right-of-way, in lieu of the required 45', for Lots 1-14, 89-94, and 122-129; (e) from Section 301.1.A of the B.C.Z.R. to permit a minimum setback of 10' from the rear property line for a deck or one-story open porch, in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear, for Lots 1-54 and 79-159; (f) from Sections 504.2 and 1B01.2C.1.c -- Chart and C.M.D.P. Residential Standards pages 27 and 30 to permit a modification to allow a minimum setback of 20' from side building face to side building face, in lieu of the required 25', for Lots 20-21, 26-27, 38-39, 45-46, 82-83, 99-100, 110-111, 116-117, 134-135, 140-141, 150-151, 154-155; (g) from B.C.Z.R. Section 504.2 and C.M.D.P. Residential Standards page 27 for a variance to allow a minimum rear landscape strip of 0' in lieu of the required 20' and a rear building setback of 30' in lieu of the required 50', for Lots 1-14, 89-94, and 122-129; and finally (h) from B.C.Z.R. Section 504.2 and the C.M.D.P. Residential Standards pages 28 and 30 for a variance to allow a maximum of 8 units in a row, in lieu of the permitted six. The above approvals sought under items F and H are considered requests for a "modification of standards" of the C.M.D.P. The subject property and requested relief are more particularly described on the redlined site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Daniel Whitehurst, Land Development Manager of the Clark Turner Companies, the property owner, Matt Bishop, and Jim Hermann, a Registered Landscape Architect with Morris Ritchie & Associates, Inc. (MRA), the engineering firm that prepared the site plan for this property. The Petitioner was represented by Lawrence E. Schmidt, Esquire of Gildea & Schmidt, LLC. Appearing as an interested person was Rachael E. Stafford, Esquire, an attorney representing the

Colonial Baptist Church, which owns and occupies an adjacent property immediately to the west of the subject site. An inquiry was also received regarding this matter from Ryan Potter, Esquire, an attorney representing the Holy Family Catholic Church, which abuts the subject site to the east. However, Mr. Potter, following his review of the case file and accompanying Zoning Advisory Committee (ZAC) comments, did not appear at the hearing. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property under consideration is an 18-acre parcel known as Carriage Hills and located on the southwest side of Liberty Road near its intersection with Pikeswood Drive in the Randallstown community of northwestern Baltimore County. The property is zoned OR-2 and is presently unimproved and vacant. As will be discussed below, it is irregularly shaped and features a series of site constraints. These include an existing utility line/easement which traverses the property to accommodate a natural gas line. Additionally, there is an existing right-of-way that enters the property from Liberty Road to the north. At one time, this right-of-way was to be used to accommodate the construction of Metropolitan Boulevard. However, that road was never built.

The property is located within a predominantly residential neighborhood, which also contains institutional uses. As noted above, immediately abutting the property on the east side is the Holy Family Catholic Church and School. Immediately to the west of the Carriage Hills property is the Colonial Baptist Church. To the south (rear) of the site is a large apartment complex (800+ units) known as the Carriage Hill Apartments. Immediately across the street from the subject property are several business/commercial uses. Liberty Road (MD Route 26) is a major through way which runs in an east to west direction in front of the instant property from Baltimore City through Baltimore County and into Carroll County. Near Baltimore City, the

Liberty Road corridor is commercial; however, it becomes more residential in nature at this location.

The history of the proposed development of this property is significant. At one time, the subject property was owned by Q-C Carriage Hills LLC (Q-C). This developer proposed the site for a townhouse development. Pursuant to Baltimore County's development review regulations as contained in Article 32 of the Baltimore County Code (B.C.C.), Q-C's proposed development was the subject of the major subdivision development review processes and was reviewed by the designated reviewing agencies of Baltimore County. Ultimately, pursuant to that process, the matter came in for a public hearing before the Hearing Officer/Zoning Commissioner of Baltimore County. At that public hearing, Q-C requested approval of its development plan, as well as a series of zoning variances which were necessary to accommodate the proposed layout of the development. By Order of the Hearing Officer/Zoning Commissioner in Case Nos. II-649 and 04-026-A, dated November 12, 2003, the development plan was approved and the variances granted (*See* Petitioner's Exhibit 4). Certain restrictions were also incorporated into that decision. There was no appeal of that decision and it became final.

Subsequently, Q-C apparently suffered financial setbacks and ultimately filed for bankruptcy. Testimony offered during the matter at issue was that Turner acquired the site through proceedings in the United States Bankruptcy Court. Turner then retained MPA to review the previously approved development plan (Petitioner's Exhibit 2) and determine if the residential development as shown thereon was feasible. The development plan approved by the Hearing Officer/Zoning Commissioner, although subject to review by Baltimore County, is not a final plan. Rather it is schematic in nature. Under law, the plan is further refined and additional details are added. After a development plan is approved by the Hearing Officer, a final

development plan (FDP) is submitted to Baltimore County and later a plat is recorded in the Land Records of the County. Q-C never obtained or received approval of a FDP or record plat. Thus, MRA was retained by Turner to ascertain whether the approved plan could proceed to FDP and ultimately record plat under current requirements and market conditions.

MRA reviewed the plan and determined that the same was generally viable. However, a series of changes were necessary to accommodate the changes in the market since 2003, as well as to ensure compliance with the County's evolving regulations as they relate to development. MRA prepared a new plan (Petitioner's Exhibit 1). That plan divides the proposed development into two sections shown as Phase I and Phase II. The development in Phase I will remain as proposed under the original approved Q-C Plan. The development in the area shown as Phase II contains modest changes which necessitate the instant zoning requests.

Turning to that relief, the Petition for Special Hearing is filed to confirm that the previous zoning variances and relief granted in the prior case are still valid. Unlike relief granted under a petition for special exception (B.C.Z.R. Section 502.3), the law is well settled that variances run with the land and do not have an expiration or lapse date. The Petitioner requests confirmation that the approvals granted in the prior Order are valid. It is to be noted that I previously confirmed, by letter of April 6, 2007, that the development plan remains valid and it is clear that the variance relief has not lapsed. Thus, I easily find that the Petition for Special Hearing should be granted.

Turning next to the Petition for Variance, a series of variances are requested. These variances are largely identical to the variances that were previously granted (*See* Case Nos. II-649 & 04-026-A), however, due to the revised layout, many of the lot numbers for which variance relief was granted in the prior case have been changed. As already discussed when

comparing the Q-C plan to the current plan, the layout of the community in the Phase II area has changed. The variances requested in the instant case reflect the new lot numbers and reconfigured layout.

There are, however, two new requests under the Petition for Variance, which were not part of the original Q-C approval. Specifically, two modifications of standards are sought. Pursuant to B.C.Z.R. Section 504 and the C.M.D.P., certain requirements for residential development may be "modified" through a petition for variance. Under the prior scheme, 153 townhouse units were proposed. This is well within the permitted density of 185 units which is based upon the site acreage and zoning. Moreover, there were agreements made with adjacent property owners by Q-C restricting the total number of units not to exceed 159. Certain provisions in those agreements were referenced in the prior decision. Based upon current market conditions, Turner proposes that each individual unit will be narrower than originally anticipated (20 feet rather than 22 feet). In part, due to this modest reduction in individual widths which by these means keep blocks of units consistent with the original proposal, additional units can be added so that the overall development now proposes 159 units, rather than 153 approved in the original Order. To emphasize, this number remains within the permissible density and the maximum number of units agreed to under Q-C's agreements with the neighbors. These agreements were introduced as Petitioner's Exhibits 5 and 6.

Under "Item H" of the Variance request, a modification of standards is requested to approve this new layout and to allow 8 attached units in a single block, in lieu of the maximum permitted 6 units. This layout is consistent with the scheme of the overall development and is an appropriate residential layout in this neighborhood.

The second new request relates to a modification of standards to allow a minimum setback of 20 feet from side building face to side building face, in lieu of the required 25 feet. This modification is also sought based upon the revised layout and likewise is appropriate.

Counsel for the Petitioner presented a series of documents and exhibits in support of the Petition for Variance. These are included in the record of the case and incorporated herein. Additionally, substantial testimony was offered by Mr. Hermann, the Registered Landscape Architect who prepared the plan. He discussed each of the variances in detail and produced an exhibit which showed each of the variances requested. This exhibit (Petitioner's 7) depicted (through color coding) each of the individual units which were the subject of by each specific request.

Mr. Hermann further opined that this property is unique given its size, irregular shape and site constraints. He also opined that the zoning classification, as well as the existing easements and utilities, made the property unique from a zoning perspective. He also observed that several of the variances were internal to the property.

Mr. Hermann also concluded that the Petitioner would suffer a practical difficulty if relief was not granted. In this regard, he noted that the relief was consistent (nearly identical) with the prior relief and that a denial of the relief would not permit a reasonable use of the subject property for an expressly permitted purpose. Obviously, given the character of the neighborhood and the zoning classification, a high density residential development is appropriate for this site. Clearly, this townhouse development is less "dense" than the adjacent apartment complex and fits this area of the County. Finally, he indicated that a grant of the relief would be consistent with the spirit and intent of the regulations and would not adversely impact adjacent properties.

To emphasize, many of the variances are internal and do not relate to tract boundaries or impact adjacent properties.

A ZAC comment was received from the Office of Planning that generally supports the request and offers certain recommendations. Most of these recommendations will be adopted herein and are agreeable to the developer. However, the Office of Planning did make one recommendation which I will decline to adopt. Specifically, Planning asks that there be a third point of access into the property from Pikeswood Drive. It is noted that the plan shows three (3) means of access to the subdivision, one from Liberty Road and two (2) from Pikeswood Drive. In my judgment, a third point of access from that road (fourth overall) is unnecessary. Moreover, the Office of Planning proposes that it be introduced at a point where the road is curved, which may create sight distance issues. Finally, this is a private, not a public road. For all of these reasons, I decline to adopt that recommendation. I will adopt the balance of the Office of Planning's written comments.

As noted above, counsel for the Colonial Baptist Church attended the hearing. She did not appear in opposition to the request. However, counsel for both parties advised that Turner has agreed to convey a 1.3-acre adjacent parcel (shown as Parcel 399 on Tax Map No. 76) to the Church. Ultimately, that parcel will be utilized by the Church for parking and other uses consistent with the Church operation. The Church had anticipated the conveyance would occur previously when Q-C owned the property. Turner has agreed that the conveyance occurs at the time of the recordation of the record plat for Phase II of the project. This timing is to promote the processing of the plan through County reviewing agencies. At the request of the parties, I shall incorporate this as a condition.

Finally, it is to be noted that certain written agreements between Q-C and the neighboring churches were referenced in the prior decision. Certainly, the spirit of their agreements (maximum number of units at 159, the proposed method of access, etc.) remains applicable to the current plan. However, in view of the revised layout and under current County review, some of the specific agreements need to be adjusted to coincide with the current plan. In my judgment, the current plan is consistent with the spirit and intent (and in many cases the express letter) of their prior agreements. I shall thus approve this amended site plan as it supersedes the prior approved plan.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

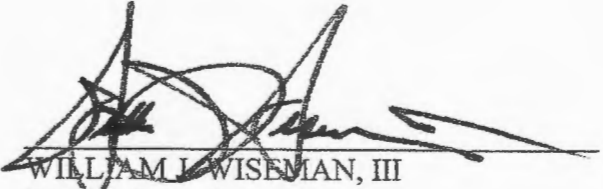
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 18th day of March 2008, that the Petition for Special Hearing to confirm the zoning relief granted by the Hearing Officer/Zoning Commissioner in Case Nos. II-649 and 04-026-A remains valid under the current revised plan, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2C.1.c of the B.C.Z.R. and the C.M.D.P. Residential Standards page 27 to permit: (a) a minimum setback of 15' from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25', for Lots 1-32, 53-54, and 79-145; (b) a minimum setback of 15' from any building face to a tract boundary, in lieu of the required 30', for Lots 89-94 and 122-129; (c) a minimum setback of 15' from side building face to public street right-of-way, in lieu of the required 25', for Lots 7, 14, 52, 53, 95, 105-106, 121, 129, 130, and 145; (d) a minimum setback of 30' from a

rear building face to a public street right-of-way, in lieu of the required 45', for Lots 1-14, 89-94, and 122-129; (e) from Section 301.1.A of the B.C.Z.R. to permit a minimum setback of 10' from the rear property line for a deck or one-story open porch, in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear, for Lots 1-54 and 79-159; (f) from Sections 504.2 and 1B01.2C.1.c – Chart and C.M.D.P. Residential Standards pages 27 and 30 to permit a modification to allow a minimum setback of 20' from side building face to side building face, in lieu of the required 25', for Lots 20-21, 26-27, 38-39, 45-46, 82-83, 99-100, 110-111, 116-117, 134-135, 140-141, 150-151, 154-155; (g) from B.C.Z.R. Section 504.2 and C.M.D.P. Residential Standards page 27 for a variance to allow a minimum rear landscape strip of 0' in lieu of the required 20' and a rear building setback of 30' in lieu of the required 50', for Lots 1-14, 89-94, and 122-129, and finally (h) from B.C.Z.R. Section 504.2 and the C.M.D.P. Residential Standards pages 28 and 30 for a variance to allow a maximum of 8 units in a row, in lieu of the permitted six, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject to the following restrictions:

1. Except as inconsistent with the plan marked as Petitioner's Exhibit 1, the terms and conditions of the agreements reached with the Holy Family Catholic Church (Petitioner's Exhibit 6) and the Colonial Baptist Church (Petitioner's Exhibit 5) shall be adopted herein, a copy of which is attached to the original Order and shall be kept in the Zoning Commissioner's office. The terms and conditions of these agreements are subject to the approval of the reviewing agencies of Baltimore County to ensure that the proposed development and plan (Petitioner's Exhibit 1) is in compliance with Baltimore County law.
2. Petitioner shall provide a sidewalk system along the Liberty Road frontage, Pikeswood Drive and Metropolitan Boulevard. This system should also interconnect in the interior of the site. Petitioner shall also submit a revised pattern book to the Director of Planning for review and approval prior to applying for any building permits.
3. The Clark Turner Companies will convey the 1.3-acre Parcel 399 on Tax Map No. 76 (Account No. 2200023284) to Colonial Baptist Church within thirty (30) days of the recording of the record plat for Phase II.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the
Baltimore County Code (B.C.C.).

A handwritten signature in black ink, appearing to read 'William J. Wiseman, III', is written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

ZONING NOTICE

CASE #2013-0053 SPHA

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

Room 205, Jefferson Building
105 WEST CHESAPEAKE AVE. TOWSON 21204
PLACE:

DATE AND TIME THURSDAY, NOVEMBER 1, 2012 AT 10:00 A.M.

REQUEST SPECIAL HEARING TO AMEND THE 1ST AMENDED
FINAL DEVELOPMENT PLAN TO REFLECT THE VARIANCE REQUESTS
LISTED BELOW: TO MAINTAIN THE EXISTING APPROVED VARIANCES FOR
LOTS # 33-38 AND FOR SIGN OTHER AND FURTHER RELIEF AS MAY BE
NECESSARY. VARIANCE TO ALLOW A MINIMUM SETBACK OF 10 FEET FROM A
FRONT BUILDING FACE TO A PUBLIC STREET FRONT-OF-WAY OR PROPERTY
LINE FOR GARAGE UNITS IN LIEU OF THE REQUIRED 25' FOR LOTS 33-38.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 882-3311

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

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE #2013-0053 SPHA

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

Room 205, Jefferson Building
105 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204
PLACE

DATE AND TIME THURSDAY, NOVEMBER 1, 2012 AT 10:00 A.M.

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FINAL DEVELOPMENT PLAN TO REFLECT THE VARIANCE REQUESTS
LISTED BELOW: TO MAINTAIN THE EXISTING APPROVED VARIANCES
FOR LOTS # 33-38 AND FOR SIGN OTHER AND FURTHER RELIEF
AS MAY BE NECESSARY. VARIANCE TO ALLOW A MINIMUM SETBACK
OF 10' FROM A FRONT BUILDING FACE TO A PUBLIC STREET FRONT-
OF-WAY OR PROPERTY LINE FOR GARAGE UNITS IN LIEU OF THE REQUIRED
25' FOR LOTS 33-38.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 882-3311

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

CERTIFICATE OF POSTING**2013-0053-SPHA**

RE: Case No.: _____

Petitioner/Developer: _____

CT Carriage Hills Business Trust**November 1, 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

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: _____

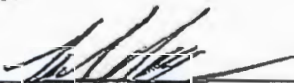
1 sign at Pikeswood Drive and Liberty Rd and 1 sign on Silver Charm Drive

October 11, 2012

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,


(Signature of Sign Poster)**October 11 2012**

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the west side of Silver Charm Drive approximately 100' from the intersection of Master Derby Drive. **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

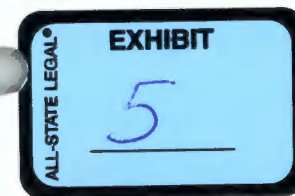
South 28 degrees 12 minutes 40 seconds West, 104.70' to a point; an arc with a radius of 64' and length of 44.88' to a point; North 61 degrees 47 minutes 20 seconds West, 108.11' to a point; North 28 degrees 12 minutes 40 seconds East, 146.00' to a point; South 61 degrees 47 minutes 20 seconds East, 93.00' to a point and place of beginning.

Containing an area of 13,775 square feet or 0.31 acres of land, more or less and being located in the Second 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

Abingdon, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ Wilmington, DE ♦ York, PA
(410) 515-9000 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (717) 751-6073



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

Project Assignment:

Expert Witness, Landscape Architect

Years of Experience:

MRA:	6
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 ± 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 ± 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.





EXHIBIT

6

ALL-STATE LEGAL



RYLAND HOMES

Marriott's
Choice

Beautifully Designed
Garage Townhomes
410-655-1231

Monday 2-6
Tuesday - Friday 11-6
Saturday & Sunday 10-6

RYLAND HOMES

45

RYLAND HOMES
The
Feelings

















ZONING NOTICE

CASE # 20130053 SPA

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

Place: 2005 Jurek Road, Towson, MD 21204
1005 Lister Center for Towson-21204

DATE AND TIME: Tuesday, October 15, 2013 at 10:30 AM

REQUEST: Special Homeowner's Request to Amend the 1st Paragraph of the Zoning Ordinance to allow for a single-family detached house with a detached garage and a detached carport. The request is for a change in the zoning classification from R-1 to R-2. The request is for a change in the zoning classification from R-1 to R-2. The request is for a change in the zoning classification from R-1 to R-2.

NOTICE: This notice is given to all property owners in the vicinity of the proposed change. It is requested that all property owners who have an interest in the proposed change, please contact the Planning Department at 410-526-1234 or by email at planning@towsonmd.gov.

DO NOT REMOVE THIS SIGN AND POST WITHIN DAY OF HEARING, UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE



**RYLAND
HOMES**

SOLD

35



















23.5
PEACE CHANCE DR
1800008841



SUBJECT PROPERTIES

2004-0026-A
2008-0252-SPHA

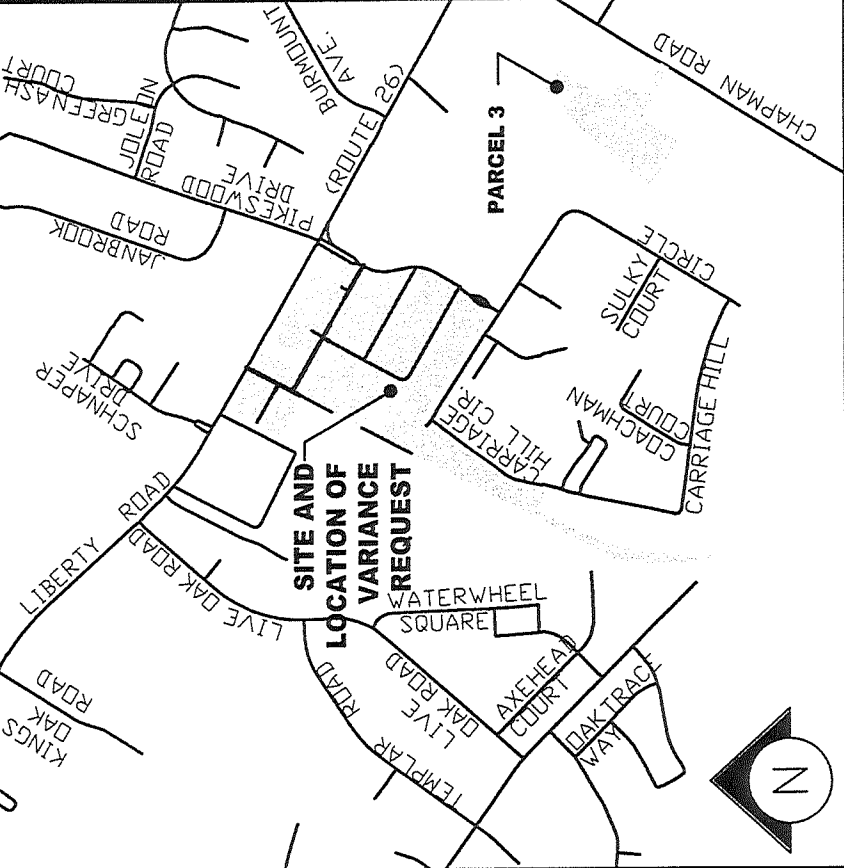
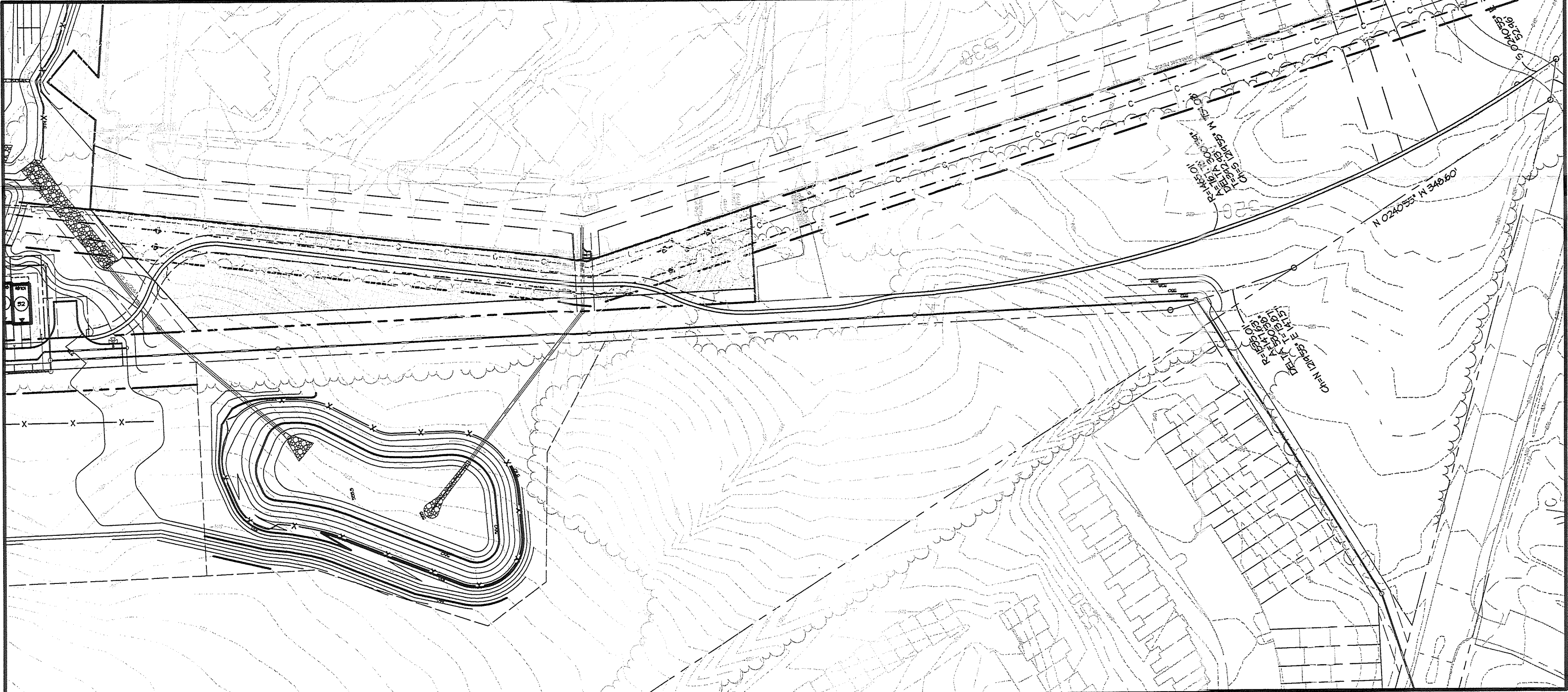
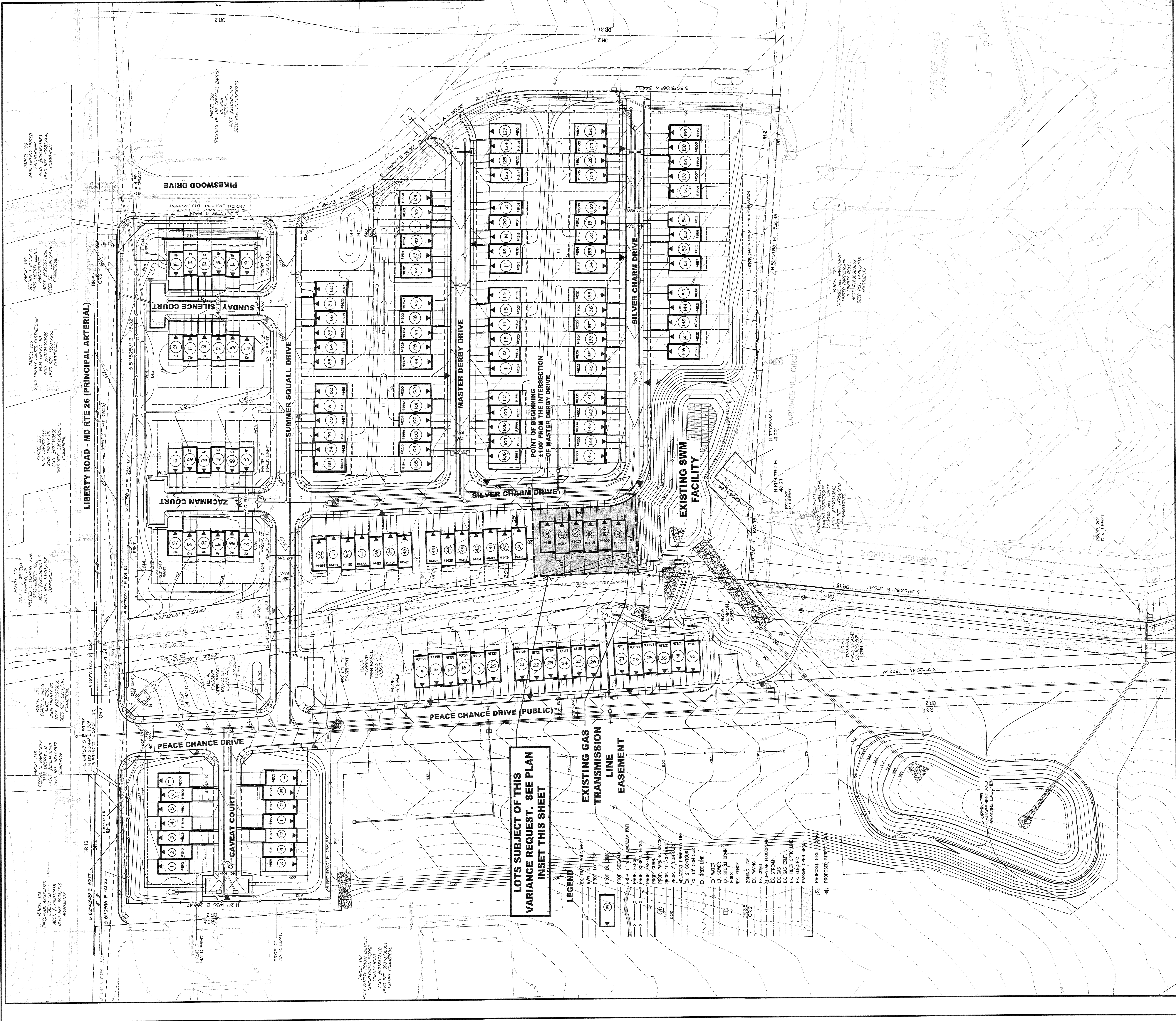
OR 2
NW 7-J 076C1
4 CD 2 ED

DR 16

1900010642
Pt. Bk. 000 PDM # 020159 084

Pt. Bk./Folio # 049084

2013-0053-SPHA



PROPERTY OWNERSHIP

OWNER:
CT CARRIAGE HILLS BUSINESS TRUST
BELLEVUE, MD 21017-1505
ATTN: CLARK P. TURNER
ADDRESSES:
9401, 9403, 9405,
9407, 9409, 9411
250008578, 250008579,
250008577, 250008578,
250008579, 250008580
TAX ID NUMBERS:
78/171
PLAT REFERENCES:
78/171

GENERAL NOTES:

1. ZONING: O-2
2. LOT AREA: 1.76
3. LOT AREA: 1.76
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OVERALL DEVELOPMENT SITE PLAN

SCALE: 1" = 100'

PLAN INSET

SCALE: 1" = 20'

LOTS SUBJECT OF THIS VARIANCE AND SPECIAL HEARING PETITION

VARIANCE RELIEF REQUESTED

BC2R §1801.2.C.1.c GROUP HOUSE AND CNDP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 18' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE FOR GARAGE UNITS, IN LIEU OF THE REQUIRED 25', FOR LOTS #33-#38.

REASONS FOR SPECIAL HEARING

TO AMEND THE 1ST AMENDED FINAL DEVELOPMENT PLAN TO REFLECT THE VARIANCE REQUEST LISTED ABOVE, TO RE-AFFIRM THE EXISTING PREVIOUSLY APPROVED VARIANCES FOR LOTS #33-#38, AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE NECESSARY.

OVERALL DEVELOPMENT SITE PLAN

SCALE: 1" = 50'

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE. ANY REQUIRED TO THE PROJECT SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

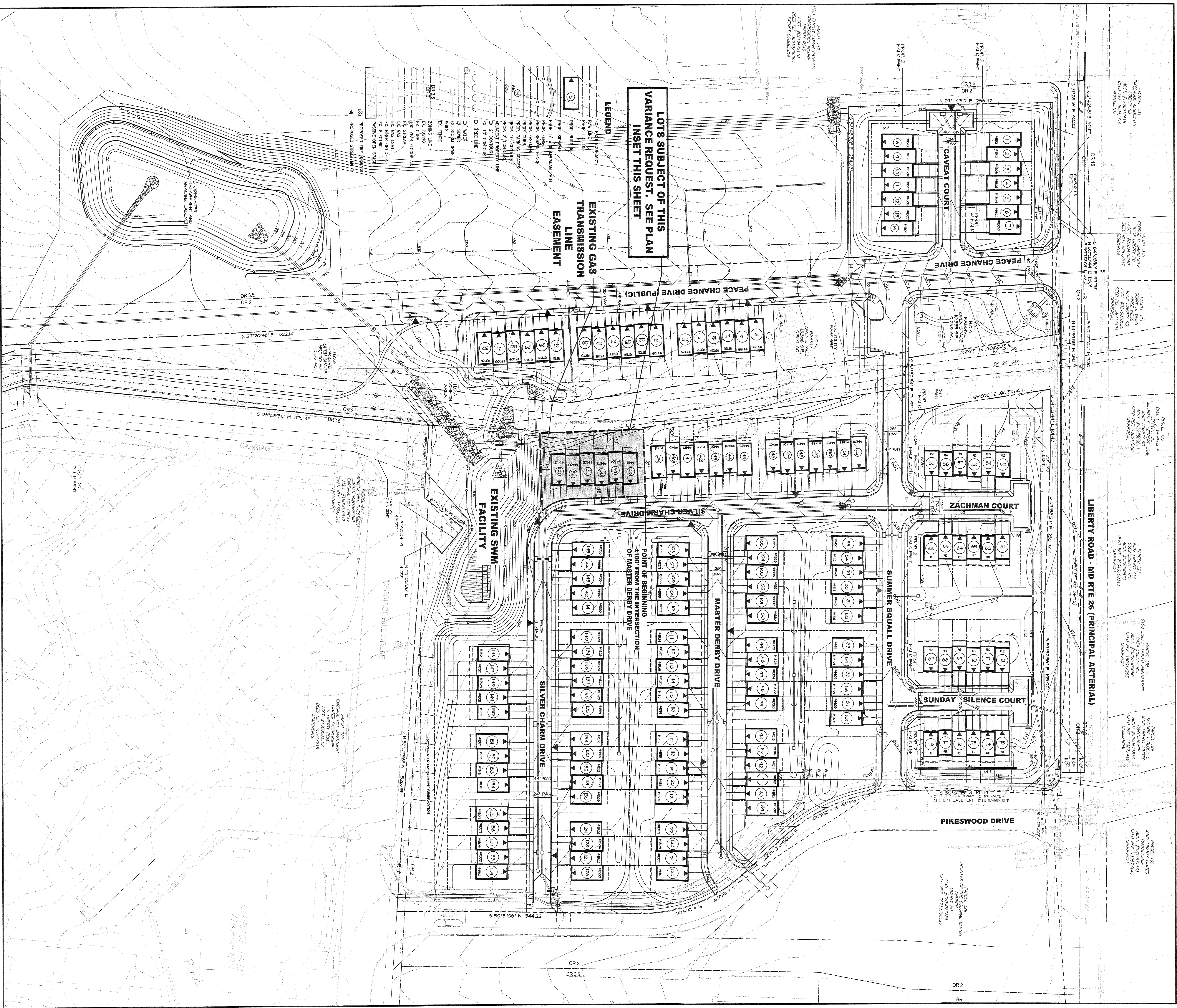
PAI # (2)-649

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
12200 WOODBRIDGE DRIVE, SUITE 350
TOWSON, MARYLAND 21206
(410) 851-1880
FAX: (410) 821-1748
MRAGTA.COM

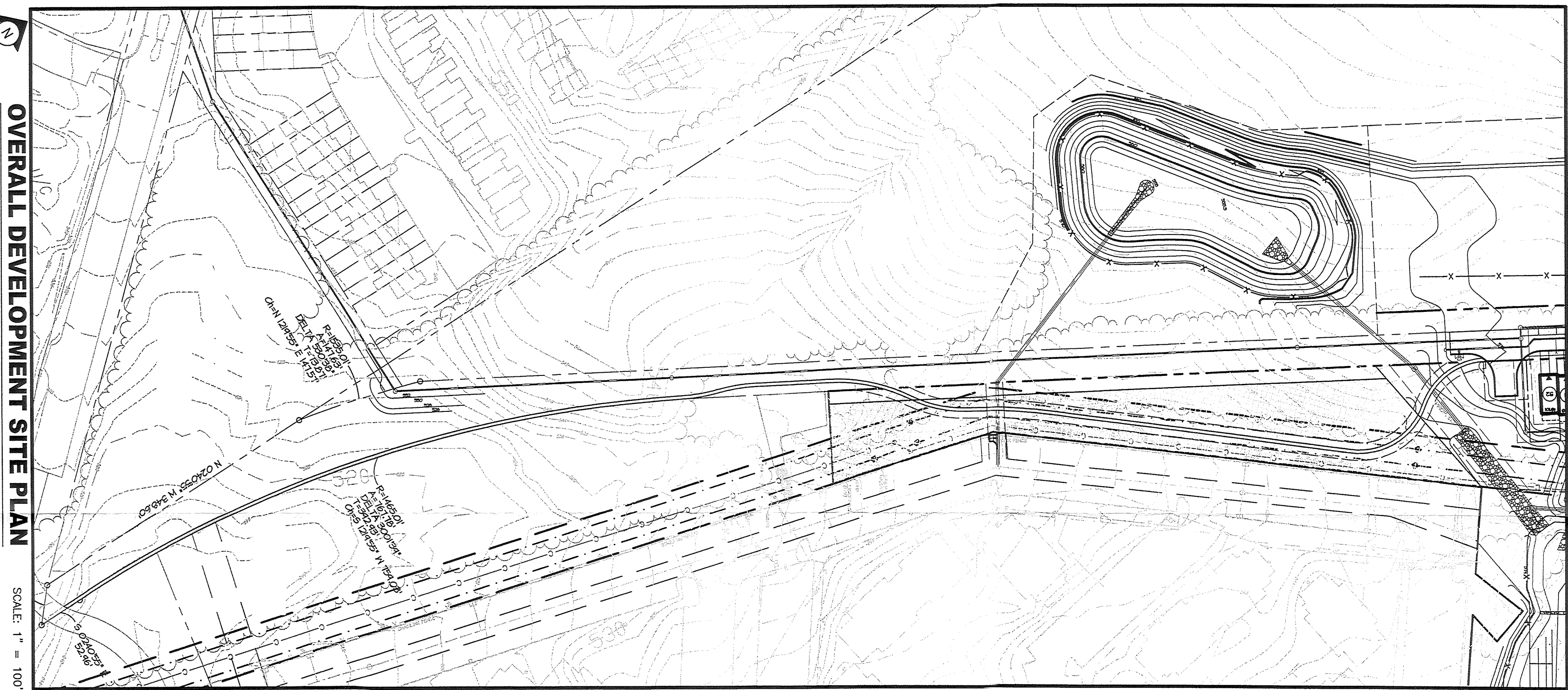
PLAN TO ACCOMPANY
PETITION FOR VARIANCE
&
SPECIAL HEARING
CARRIAGE HILLS TOWNHOUSES
2ND ELECTION DISTRICT

DATE: 08/20/2012	JOB NO.: 10341
SCALE: AS SHOWN	DATE: 08/20/2012
DRAWN BY: MAM	DESIGN BY: MAM
REVIEW BY: MAM	REVIEW BY: MAM
SHEET: 1 OF 1	



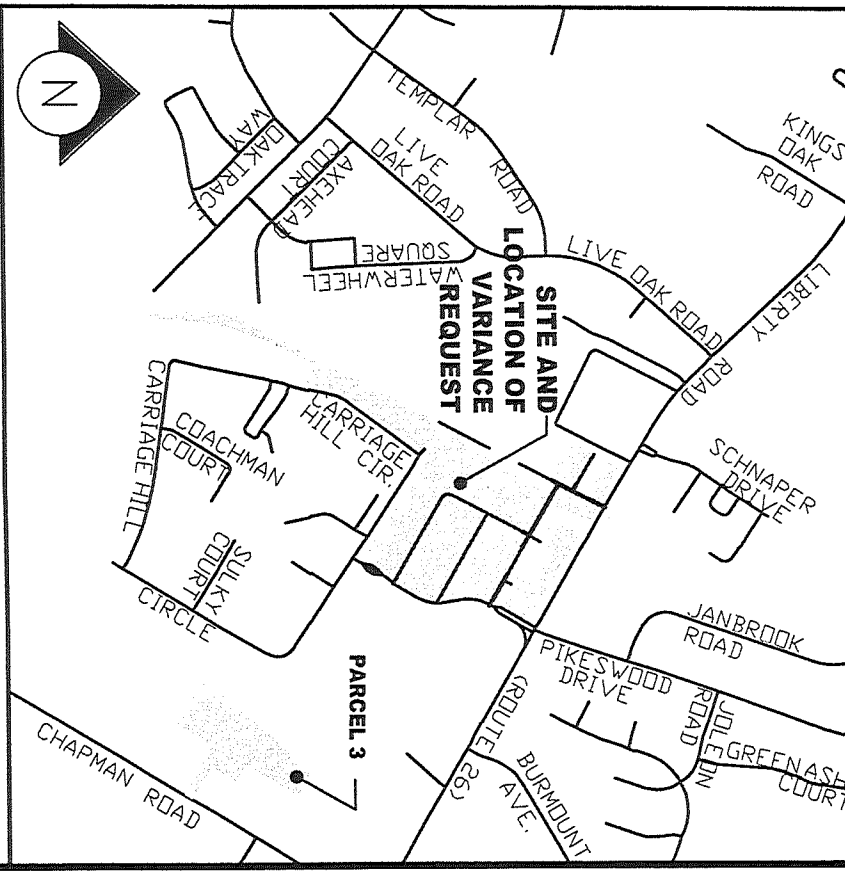
OVERALL DEVELOPMENT SITE PLAN

SCALE: 1" = 50'



OVERALL DEVELOPMENT SITE PLAN

SCALE: 1" = 100'



VICINITY MAP

SCALE: 1" = 1000'

PROPERTY OWNERSHIP

OWNER: CT CARRIAGE HILLS BUSINESS TRUST

4855 MILLSTONE DRIVE

ATLANTA, GA 30328

ATTN: CLARK P. TURNER

LOTS SUBJECT TO: 9401 9403 9405

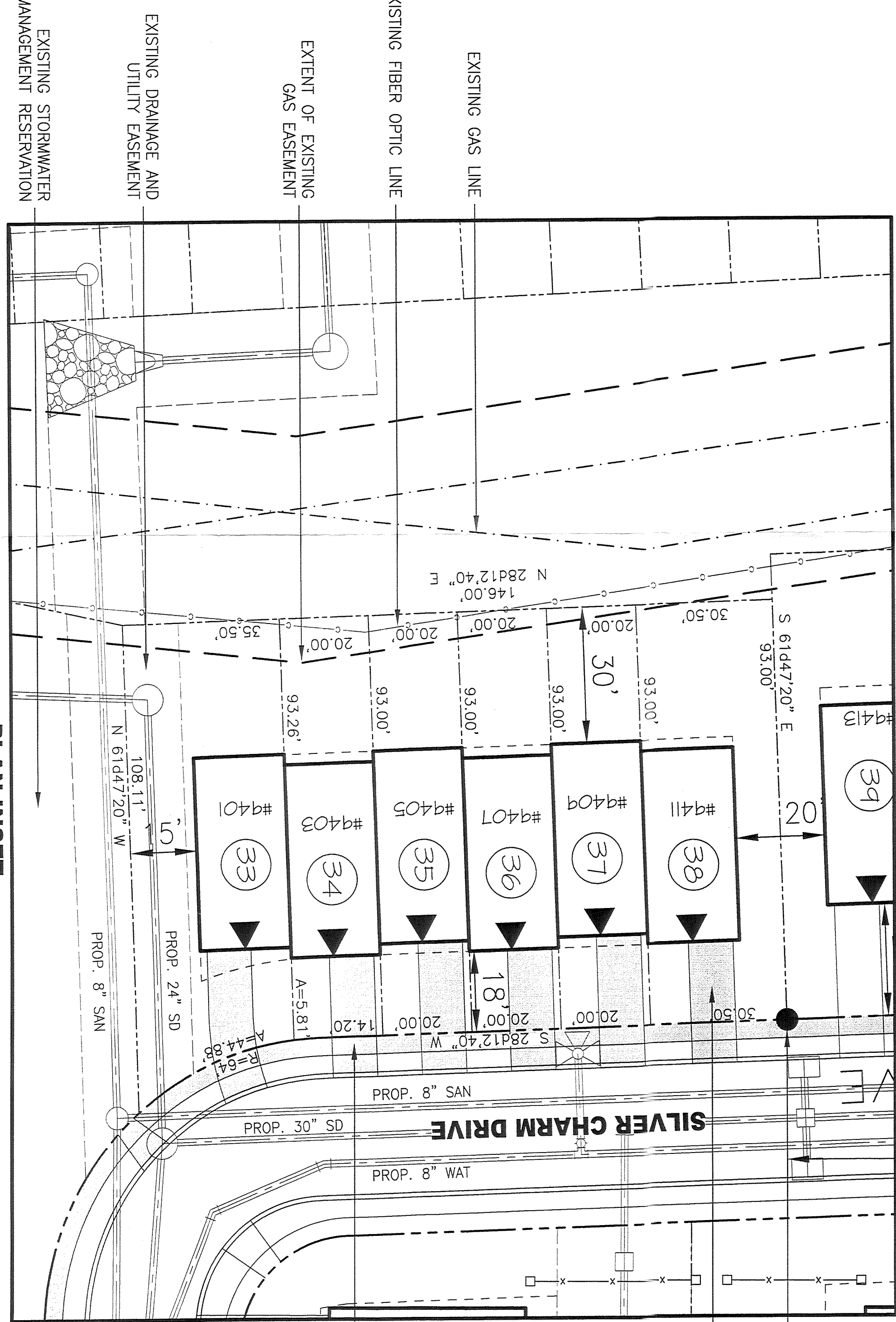
VARIANCE REQUEST: 9407 9409 9411

TAX ID NUMBERS: 2500008572 2500008576

PLAN REFERENCES: 79/171

GENERAL NOTES:

1. ZONING: 042
2. LOT: 145
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100. LOT: 243



PLAN INSET

SCALE: 1" = 20'

LOTS SUBJECT OF THIS VARIANCE AND SPECIAL HEARING PETITION

VARIANCE RELIEF REQUESTED

BECAUSE THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE ZONING ORDINANCE, THE VARIANCE REQUESTED IS TO AMEND THE 1ST AMENDED FINAL DEVELOPMENT PLAN TO REFLECT THE VARIANCE REQUEST LISTED ABOVE, TO RE-ATTRIBUTION THE EXISTING PREVIOUSLY APPROVED VARIANCES FOR LOTS #33-#38 AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE NECESSARY.

REASONS FOR SPECIAL HEARING

TO AMEND THE 1ST AMENDED FINAL DEVELOPMENT PLAN TO REFLECT THE VARIANCE REQUEST LISTED ABOVE, TO RE-ATTRIBUTION THE EXISTING PREVIOUSLY APPROVED VARIANCES FOR LOTS #33-#38 AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE NECESSARY.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1250 EAST OAK PARK ROAD, SUITE 505
ATLANTA, GA 30328
(404) 821-1748
FAX: (404) 821-1748

**PLAN TO ACCOMPANY
PETITION FOR VARIANCE
&
SPECIAL HEARING
CARRIAGE HILLS TOWNHOUSES**

PAI # (2)-649

DATE: 06/26/2012	SCALE: AS SHOWN
DRAWN BY: JMB	DATE: 06/26/2012
DESIGN BY: JMB	DATE: 06/26/2012
REVIEW BY: JMB	DATE: 06/26/2012
SHEET: 1 OF 1	