

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND VARIANCE	
(910 Frederick Road) *	OFFICE OF
1 st Election District	
1 st Councilmanic District *	ADMINISTRATIVE HEARINGS
Joanne L. Booth, Personal Representative	
for the Estate of Thomas E. Booth, *	FOR
Legal Owner	
Stephen D. Maddock, *	BALTIMORE COUNTY
Contract Purchaser/Lessee	
Petitioners *	Case No. 2013-0200-SPHA

* * * * *

ORDER OF DISMISSAL

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Charles B. Marek, III, Esq., with Smith Gildea & Schmidt, LLC, on behalf of Joanne L. Booth, Personal Representative for the Estate of Thomas E. Booth, legal owner, and Stephen D. Maddock, contract purchaser/lessee, ("Petitioners"). The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) to approve commercial parking in a residential zone pursuant to §409.8.B; (2) to approve a shared parking adjustment between a church and an office pursuant to §409.6.A.3; (3) to approve modifications to the landscape design and screening requirements pursuant to §409.8.A.1; (4) to approve a modified parking plan pursuant to §409.12.B, and (5) For such other and further relief as may be deemed necessary by the Administrative Law Judge. In addition, Variance relief was sought pursuant to B.C.Z.R. as follows: (1) to permit an existing Residential Transition Area (RTA) buffer of 0 ft. in lieu of the required 50 ft. pursuant to §§1B01.1.B.1.e (2) and (5); (2) to permit existing RTA setbacks of 7 ft. for an existing parking lot, 8 ft. for an existing accessory structure in lieu of the required 75 ft. pursuant to §§1B01.1.B.1.e (2) and (5); (3) to permit an existing setback for a parking lot from a

ORDER RECEIVED FOR FILING

Date 2-26-14

By DW

right-of-way of 3 feet in lieu of the required 10 feet pursuant to §409.8.A; (4) to permit an amenity open space ratio of 0.16 in lieu of the required 0.2 pursuant to §238A.4; and (5) For such other and further relief as may be deemed necessary by the Administrative Law Judge.

Although the initial public hearing was scheduled for April 15, 2013, Jason T. Vettori, Esq. with Smith, Gildea & Schmidt, LLC, counsel for Petitioners, appeared on that date and requested a postponement and continuance, which was granted. David Wasmund and Berchie & Jack Manley were also in attendance on April 3, 2013. The file reveals that the Petition was properly advertised and posted as required by the B.C.Z.R.

By letter dated February 17, 2014, Mr. Vettori indicated this hearing had been rescheduled for March 26, 2014. But the undersigned received another letter also dated February 17, 2014, from Jason T. Vettori, Esq. indicating that the requested relief is no longer needed and requesting a withdrawal of the Petition.

By letter dated February 24, 2014, Ms. Manley and Mr. Wasmund asked the undersigned to deny Mr. Vettori's withdraw request and proceed with the March 26, 2014 hearing date. Under the Zoning Commissioner's Rules, a zoning petition may be withdrawn by the Petitioner. B.C.Z.R. Appendix G, Rule 4F (a copy of which is attached hereto). As such, the request will be granted.

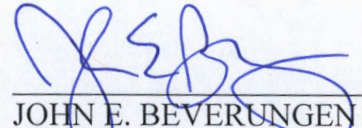
THEREFORE, IT IS ORDERED, this 26th day of February, 2014, by the Administrative Law Judge for Baltimore County, that the Petitions for Special Hearing and Variance filed in the above case, be and are hereby DISMISSED with prejudice.

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Date 2-26-14

By DW

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

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Date 2-26-14

By bw

KEVIN KAMENETZ
County Executive



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

February 26, 2014

Jason T. Vettori, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Property: 910 Frederick Avenue
Case No.: 2013-0200-SPHA

Dear Mr. Vettori:

Pursuant to your request, the above case has been dismissed with prejudice. An Order reflecting that dismissal is attached.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: David Wasmund, 8 Osborne Avenue, Catonsville, MD 21228
Berchie L. and Jack Manley, 402 Montemar Avenue, Catonsville, MD 21228

involved therein, which stipulation shall be regarded and used as evidence at such proceeding. The Zoning Commissioner may, nevertheless, require such additional evidence as he may deem necessary. At the request of the parties, or by direction of the Zoning Commissioner, testimony shall be under oath. The Zoning Commissioner may also accept, by agreement of the parties, a proffer of the testimony to be given by any party or witness.

B. Character of testimony. Except where stipulations are filed as above, the witnesses whose testimony may be desired at any hearing before the Zoning Commissioner shall testify orally, unless the Zoning Commissioner, for good cause shown, deems it proper in special cases that written evidence, under affidavit or otherwise, be submitted.

C. Subpoenas.

1. Subpoenas for witnesses may be signed and issued by the Zoning Commissioner and may be served by mail, served by any person of full age designated by the Zoning Commissioner, or served through the sheriff's office of any city or county of the state.
2. The Zoning Commissioner may cause subpoenas and subpoenas duces tecum to be issued upon his own motion or upon the application of any party to any hearing or investigation; but subpoenas duces tecum will not be issued upon application unless such application is in writing and describes the books, papers or other documents to be produced.
3. No official or employee of the State of Maryland or of any city or county in the State of Maryland shall testify in any zoning hearing unless he shall come willingly or he has been summoned at least five business days before the scheduled hearing.

D. Documentary evidence. In all cases where documentary evidence is offered, the Zoning Commissioner, in his discretion in lieu of requiring the originals thereof to be filed, may accept true copies of such evidence or of such parts of the same as may be relevant, or he may require that such evidence be transcribed as part of the record.

E. Briefs. The Zoning Commissioner may, whenever he deems it desirable, require printed or typewritten briefs to be filed on behalf of any party or parties to any hearing, investigation or other proceeding. Such briefs shall contain an abstract of the evidence and also the arguments relied on by the party or parties filing the same. Briefs, when required, shall be prepared and filed with the Zoning Commissioner within such time or times, and under such regulations as to service of copies thereof upon the adverse party or parties, as the Zoning Commissioner may prescribe.

F. Withdrawals. All requests for withdrawals of petitions must be in writing and directed to the Zoning Commissioner. Any petitioner who desires to have his request withdrawn and dismissed without prejudice must do so in writing at least 10 business days prior to the hearing date. If a petition is withdrawn any time thereafter, it will be dismissed with prejudice, and the case may not be resubmitted for a hearing for 18 months. Such a dismissal is subject to appeal before the County Board of Appeals. In each instance, all costs of advertising and posting must be satisfied before an order of dismissal will be issued.

ORDER RECEIVED FOR FILING

Date 2-26-14

G:2

12 - 01 - 2008

By [signature]



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 Attachment 1. which is presently zoned BL-CCC, DR 5.5 & D.R. 16

Deed Reference See Attachment 1. 10 Digit Tax Account # See Attachment 1.

Property Owner(s) Printed Name(s) See attachment 1.

CASE NUMBER 2013-0200-SPHA Filing Date 2/27/13 Estimated Posting Date / / Reviewer AT

(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

Please see Attachment 2.

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

3. ☒ **a Variance** from Section(s)

Please see Attachment 2.

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:

See Attachment 1.

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Charles B. Marek, III, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

cmarek@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners:

See Attachment 1.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Charles B. Marek, III, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

cmarek@sgs-law.com

Zip Code

Telephone #

Email Address

Attachment 1 to Petition for Special Hearing and Variance

908 Frederick Road
Tax Id #0813856990
Deed Reference: 11638/465

Contract Purchaser/Lessee:
910 Frederick Road, LLC

By: *Stephen D. Maddock*
Name: Stephen D. Maddock CEO
Title: Authorized Signatory
Address:
3421 Benson Ave. Baltimore, Md. 21227
Telephone: 410-644-1880 x200
Email: smaddock@mdbonedocs.com

Legal Owners:

By: _____
Name: _____
Title: _____
Address: _____

Telephone: _____
Email: _____

910 Frederick Road
Tax ID #0111000070
Deed Reference: 10495/238

Contract Purchaser/Lessee:
910 Frederick Road, LLC

By: *Stephen D. Maddock*
Name: Stephen D. Maddock CEO
Title: Authorized Signatory
Address:
3421 Benson Ave. Baltimore, Md. 21227
Telephone: 410-644-1880 x200
Email: smaddock@mdbonedocs.com

Legal Owners:

By: *Joanne L. Booth*
Name: Thomas E. Booth
Address:
2529 Washington Blvd.
Baltimore, MD 21230
Telephone: _____
Email: _____

*personal
rep. for the
estate of
Tom Booth*

Attachment 2 to Petition for Special Hearing and Variance

908 & 910 Frederick Road

9, 11 & 17 Winters Lane

Variance

1. To permit an existing RTA buffer of 0 feet in lieu of the required 50 feet pursuant to BCZR §§ 1B01.1.B.1.e(2) and (5).
2. To permit existing RTA setbacks of 7 feet for an existing parking lot, 8 feet for an existing accessory structure in lieu of the required 75 feet pursuant to BCZR §§ 1B01.1.B.1.e(2) and (5).
3. To permit an existing setback for a parking lot from a right of way of 3 feet in lieu of the required 10 feet pursuant to BCZR § 409.8.A.
4. To permit an amenity open space ratio of 0.16 in lieu of the required 0.2 pursuant to BCZR § 238A.4.
5. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

Special Hearing

1. To approve commercial parking in a residential zone pursuant to BCZR § 409.8.B.
2. To approve a shared parking adjustment between a church and an office pursuant to BCZR § 409.6.A.3.
3. To approve modifications to the landscape design and screening requirements pursuant to BCZR § 409.8.A.1.
4. To approve a modified parking plan pursuant to BCZR § 409.12.B.
5. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

2013-0200-S PHA

ZONING DESCRIPTION

BEGINNING for the same at a point on the northwesterly side of Frederick Road (66' wide), at the beginning of the First line of the land described in Deed dated April 20, 1994 from Mercantile-Safe Deposit and Trust Company to Thomas E. Booth recorded among the Land Records of Baltimore County, Maryland in Liber 10495, folio 238, thence leaving the northwesterly side of Frederick Road and running with said First line of Liber 10495, folio 238, with all courses of this description being those recited in the referenced deed and not being the result of a survey,

1. North 33° 55' West 218' 0-1/2" to the end of the Third line of the land described in Deed dated January 22, 2002 from Frederick Charles Raab, III and Ruth B. Raab to Catonsville United Methodist Church and recorded among the aforesaid Land Records in Liber 16077, folio 185, thence leaving said First line of Liber 10495, folio 238 and running reversely with said Third line of Liber 16077, folio 185,
2. North 31-1/4 ° West 71 feet, more or less, to the end of the Third line of the land described in Deed dated March 30, 1970 from Margaret S. Steigleman and Richard W. Kiefer and recorded among the aforesaid Land Records in Liber 5081, folio 142, thence leaving said Third line of Liber 16077, folio 185 and running reversely with said Third line of Liber 5081, folio 142,
3. North 29-3/4° West 50 feet to the end of the Third line of the land described in Deed dated May 8, 1959 from Emma B. Garvey to The Trustees of the Catonsville Station of the Methodist Episcopal Church of Baltimore County, State of Maryland and recorded among the aforesaid Land Records in Liber 3526, folio 213, thence leaving said Third line of Liber 5081, folio 142 and running reversely with said Third line and part of the Second line of Liber 3526, folio 213,
4. North 29-3/4° West 50 feet, and
5. North 64° East 263.52 feet to a point on the westerly right of way line of Winters Lane (variable width), said point being at the end of the Seventh line as shown on Baltimore County Acquisition Drawing No. RW-97-114-45, thence leaving said Second line of Liber 3526, folio 213 and running reversely with the Seventh and Third lines as shown on said Baltimore County Acquisition Drawing No. RW-97-114-45,
6. South 34° 27' 59" East 50.72 feet and
7. South 34° 27' 59" East 50.00 feet to a point at the end of the Fourth line as shown on Baltimore County Acquisition Drawing No. RW-97-114-46, thence leaving said Third line of Drawing No. RW-97-114-45 and running reversely with said Fourth and Third lines of Baltimore County Acquisition Drawing No. RW-97-114-46,
8. South 34° 27' 59" East 50.96, and
9. South 35° 57' 21" East 19.96 to the Fifth line described in the aforesaid Liber 16077, folio 185, thence leaving the westerly right of way line of Winters Lane and running reversely with part of

2013-0200-SPT

said Fifth line of Liber 16077, folio 185,

10. Westerly 127 feet, more or less, to a point at the end of the Fourth line described in a Deed dated May 29, 1996 from Phineas S. Dixon, et al to Cinmar, LLC and recorded among the aforesaid Land Records in Liber 11638, folio 465, thence leaving said Fifth line of Liber 16077, folio 185 and running reversely with said Fourth and the Third through First lines of Liber 11638, folio 465,
11. South 35° 46' West 172.68 feet,
12. South 78° 12' East 10.92 feet,
13. South 15° 57' East 77.89 feet to a point on the northwesterly side of Frederick Road, thence continuing therewith,
14. South 74° 25' West 36.5 feet to the beginning of the Fifth line described in the aforesaid Liber 10495, folio 238, thence leaving said First line of Liber 11638, folio 465 and running with said Fifth line of Liber 10495, folio 238 and along said Frederick Road,
15. South 74° 25' West 99' 8-1/4" to the place of beginning.

CONTAINING 1.82 acres of land, more or less.

BEING and CONSISTING of the lands described in the following deeds:

- 1) Deed dated April 20, 1994 from Mercantile-Safe Deposit and Trust Company to Thomas E. Booth recorded among the Land Records of Baltimore County, Maryland in Liber 10495, folio 238. (Balto. Co. Tax Map 101, Parcel 1800)
- 2) Deed dated January 22, 2002 from Frederick Charles Raab, III and Ruth B. Raab to Catonsville United Methodist Church and recorded among the aforesaid Land Records in Liber 16077, folio 185. (Balto. Co. Tax Map 101, Parcel 912)
- 3) Deed dated March 30, 1970 from Margaret S. Steigleman and Richard W. Kiefer and recorded among the aforesaid Land Records in Liber 5081, folio 142. (Balto. Co. Tax Map 101, Parcel 1814)
- 4) Deed dated May 8, 1959 from Emma B. Garvey to The Trustees of the Catonsville Station of the Methodist Episcopal Church of Baltimore County, State of Maryland and recorded among the aforesaid Land Records in Liber 3526, folio 213. (Balto. Co. Tax Map 101, Parcel 426)
- 5) Deed dated May 29, 1996 from Phineas S. Dixon, et al to Cinmar, LLC and recorded among the aforesaid Land Records in Liber 11638, folio 465. (Balto. Co. Tax Map 101, Parcel 1018)

The above described parcel has been compiled from deeds and plats of record and is not the result of an actual field survey by Morris and Ritchie Associates, Inc.



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 2013-0200-SPHA

Petitioner: 910 Frederick Road, LLC

Address or Location: 910 Frederick Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Debbie Gaskins

Address: 600 Washington Ave.

Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

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

No. **94128**

Date: **2/27/13**

PAID RECEIPT

BUSINESS ACTUAL THE BNA
 2/27/2013 2/27/2013 11:01:51
 REG NO: 44138 4001 000
 RECEIPT # 656473 2/27/2013
 5 528 JUDGE VERIFICATION
 094128
 Rcpt Tot \$770.00
 \$770.00 CR 1.00 CR
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$770.00

Total: **\$770**

Rec From: **SMITH, GILDEA & SCHMIDT, LLC**
 For: **910 FREDERICK RD**
2013 - 0200 - SPHA

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2013-0200-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Estate of Tom Booth by Joanne Booth &
Catonsville United Methodist Church/
Stephen D. Maddock, CEO

April 15, 2013

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: _____

910 Frederick Rd

March 26, 2013

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,



March 26, 2013

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

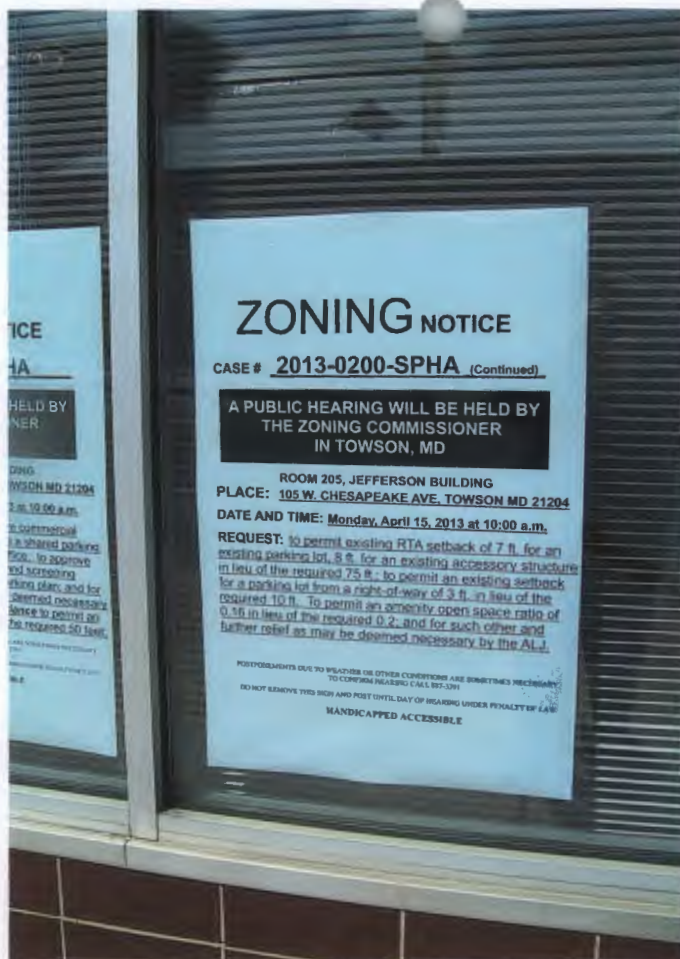
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: # 2013-0200-SPHA

910 Frederick Road

N/W of Frederick Road, 165 ft. S/W of centerline of Winters Lane

1st Election District - 1st Councilmanic District

Legal Owner(s): Estate of Tom Booth by Joanne Booth & Catonsville United Methodist Church

Contract Purchaser/Lessee: Stephen D. Maddock, CEO

Special Hearing: to approve commercial parking in a residential zone; to approve a shared parking adjustment between a church and an office; to approve modifications to the landscape design and screening requirements; to approve a modified parking plan; and for such other and further relief as may be deemed necessary by the Administrative Law Judge. **Variance:** to permit an existing RTA setback of 7 ft. for an existing parking lot, 8 ft. for an existing accessory structure in lieu of the required 75 ft.; to permit an existing setback for a parking lot from a right-of-way of 3 ft. in lieu of the required 10 ft. To permit an amenity open space ratio of 0.16 in lieu of the required 0.2; and for such other and further relief as may be deemed necessary by the ALJ.

Hearing: Monday, April 15, 2013 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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

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

JT 3/754 March 26

911889



501 N. Calvert Street, Baltimore, MD 21278

March 28, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on March 26, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson



KEVIN KAMENETZ
County Executive

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

March 14, 2013

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: 2013-0200-SPHA

910 Frederick Road

N/w of Frederick Road, 165 ft. S/w of centerline of Winters Lane

1st Election District – 1st Councilmanic District

Legal Owners: Estate of Tom Booth by Joanne Booth & Catonsville United Methodist Church

Contract Purchaser/Lessee: Stephen D. Maddock, CEO

Special Hearing to approve commercial parking in a residential zone; to approve a shared parking adjustment between a church and an office; to approve modifications to the landscape design and screening requirements; to approve a modified parking plan; and for such other and further relief as may be deemed necessary by the Administrative Law Judge. **Variance** to permit an existing RTA buffer of 0 feet in lieu of the required 50 ft.; to permit existing RTA setback of 7 ft. for an existing parking lot, 8 ft. for an existing accessory structure in lieu of the required 75 ft.; to permit an existing setback for a parking lot from a right-of-way of 3 ft. in lieu of the required 10 ft. To permit an amenity open space ratio of 0.16 in lieu of the required 0.2; and for such other and further relief as may be deemed necessary by the ALJ.

Hearing: Monday, April 15, 2013 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: Charles Marek, III, 600 Washington Avenue, Ste. 200, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 26, 2013.**
- (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.

MEMORANDUM

DATE: March 31, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0200-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on March 28, 2014. 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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
908/910 & 9, 11, 17 Winters Lane; NW	*	OF ADMINISTRATIVE
Frederick Road, 165' SW of c/line Winter's Ln		
1 st Election & 1 st Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Estate of Tom Booth		
Contract Purchaser(s): 910 Frederick Rd, LLC	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2013-200-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

MAR 07 2013

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of March, 2013, a copy of the foregoing Entry of Appearance was mailed to Charles Marek, III, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3/13/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>3/26/13</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>3/5/13</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 3/26/13

SIGN POSTING Date: 3/26/13 by Black

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For March 11, 2013
Item Nos. 2013-0196,0198, 0200,0201 and 0202.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: March 26, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0200-SPHA
Address 910 Frederick Road
(Estate of Tom Booth)

Zoning Advisory Committee Meeting of March 4, 2013.

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

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: *Glenn Shaffer - Environmental Impact Review (EIR)*

RECEIVED

MAR 26 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 12, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 910 Frederick Road

Item Number: 13-200

APR 12 2013

Petitioner: 910 Frederick Road, LLC

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BL-CCC, DR 5.5 and DR 16

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's special hearing and variance requests provided the following comments, as a result of the February 13, 2013 hearing (see attached inter-office memo dated February 19, 2013), before the Baltimore County Design Review Panel are addressed:

1. *Revise architectural elevations - add more or larger windows along the street frontage, possibly revise the planter detail.*
2. *Revise landscape plan - provide more trees in parking lot, additional plantings on site.*
3. *Locate sidewalk areas on all plans and note material to be used.*
4. *Clarify building materials on all elevations.*

Revised plans shall be submitted to the Department of Planning for review and approval.

Additionally, The Design Review Panel motioned to approve the subject project provided the above comments are addressed. As such, the Department of Planning recommends that any relief granted by the Administrative Law Judge should be contingent upon project approval by the Design Review Panel. Revisions were submitted on March 21, 2013 which addressed comments 3 and 4 satisfactorily. Comments 1 and 2 require additional revisions. As of this date submittals and clarifications have not been submitted to the Department of Planning.

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

Prepared By:

Division Chief:
AVA/LL:cjm
Attachment

INTER-OFFICE CORRESPONDENCE

DESIGN REVIEW COMMENTS

TO: Arnold Jablon, Deputy Administrative Officer
And Director Department of Permits, Approvals
and Inspections

DATE: February 19, 2013

FROM: Andrea Van Arsdale,  Director
Department of Planning

SUBJECT: Design Review Panel – Minutes (February 13, 2013 Meeting)

PROJECT NAME: 908 & 910 Frederick Road

PROJECT : DRP # 538

PROJECT TYPE: Commercial, Catonsville

DESIGN REVIEW PANEL MEMBERS IN ATTENDANCE:

David Martin, Shannon Comer Dodge, Melanie Moser, Ed Hord

PROJECT DESCRIPTION:

Mr. Charlie Marek, of Smith Gildea & Schmidt, introduced the project team to the panel which included Jeff Jacobson of Solstice Development, Shawn Davis of Morris & Ritchie Associates, Inc. and Matt Herbert of Design Collective. Mr. Davis outlined the site details. The proposed project is located in the Catonsville Design Review Panel area at 908 & 910 Frederick Road. The proposed development includes the construction of a 31,508 SF, 3-story medical office building with a basement. The applicant also proposes to restripe the existing parking lot on the site. There is an existing 1-story office building with a partial basement on the site, which is to be razed. The proposed building will be constructed entirely within the existing building's footprint.

The applicant proposes a parking lot expansion, which will include the addition of 22 new parking spaces. The proposed building and a portion of the parking lot will be located on 908 & 910 Frederick Road, which the developer is in the process of purchasing. The remainder of the parking lot expansion is located on land owned by the Catonsville United Methodist Church. The developer will enter into a shared parking agreement with the Church in order to construct the parking spaces and to allow common use of the parking lot.

The Department of Planning prepared a staff report for the project which is filed as Appendix C. The staff report highlighted the need for additional landscaping on the site, as well as a need for lighting in the parking area and a coordination of plans to accurately show pedestrian circulation on the site. The applicants revised some of the plans, due to the staff's comments and presented the changes to the Panel. Proposed parking was reworked to allow the open space area near the church to remain and to allow a

Subject: Minutes (Design Review Panel)

Project name: 908 & 910 Frederick Road

Project #: DRP 538

new grass area along the front parking area. This will help to increase the green space on the site and reduce impervious. One light pole is also proposed at the interior corner of the parking area to light up the rear parking area. The applicant stated that landscaping the painted parking islands would require them to construct curbs in the parking area, which would only leave a small landscape area that will not be very sufficient for trees and would impede drainage.

Matt Herbert of Design Collective presented the architecture to the Panel. Due to budget constraints a few changes were made to the building. Along the street frontage, the planter wall will be constructed of stone and the stone element along the front will be used as a watertable, with the main façade being primarily brick. The floor to floor height of the building was also reduced. There will be entrances at the front and rear of the building, with an ADA ramp at the front. The building was designed to step back at the 3rd level to maintain the street wall and reflect building materials and massing of nearby structures.

DISPOSITION:

Mr. Hord made a motion to approve the project with the following conditions:

1. Revise architectural elevations – add more or larger windows along the street frontage, possibly revise the planter detail
2. Revise landscape plan – provide more trees in parking lot, additional plantings on site
3. Locate sidewalk areas on all plans and note material to be used
4. Clarify building materials on all elevations

All revised plans are to be submitted to the Department of Planning for review and final approval from the Staff and Panel Members in attendance. The motion was seconded by Ms. Moser and approved by acclamation at 7:10 p.m.

LL:kp: File

c: DRP members in attendance
Charlie Marek, Smith, Gildea & Schmidt, LLC
Cinmar, LLC, Property Owner
Jeff Jacobson, Solstice Partners
Matt Herbert, Design Collective Inc.
Shawn Davis, Morris & Ritchie Associates, Inc.
Thomas Booth, Property Owner

JB 4/15/13 ✓
2013-0200-
SPHA

INTER-OFFICE CORRESPONDENCE

DESIGN REVIEW COMMENTS

TO: Arnold Jablon, Deputy Administrative Officer
And Director Department of Permits, Approvals
and Inspections

DATE: May 29, 2013

FROM: Andrea Van Arsdale, Director
Department of Planning

SUBJECT: Design Review Panel – Approval

PROJECT NAME: 908 & 910 Frederick Road

PROJECT : DRP # 538

PROJECT TYPE: Commercial, Catonsville

RECEIVED

MAY 30 2013

OFFICE OF ADMINISTRATIVE HEARINGS

DESIGN REVIEW PANEL MEMBERS IN ATTENDANCE:

David Martin, Shannon Comer Dodge, Melanie Moser, Ed Hord

PROJECT DESCRIPTION:

Mr. Charlie Marek, of Smith Gildea & Schmidt, introduced the project team to the panel which included Jeff Jacobson of Solstice Development, Shawn Davis of Morris & Ritchie Associates, Inc. and Matt Herbert of Design Collective. Mr. Davis outlined the site details. The proposed project is located in the Catonsville Design Review Panel area at 908 & 910 Frederick Road and was presented to the Panel at the February 13, 2013 DRP meeting. The proposed development includes the construction of a 31,508 SF, 3-story medical office building with a basement. The applicant also proposes to restripe the existing parking lot on the site. There is an existing 1-story office building with a partial basement on the site, which is to be razed. The proposed building will be constructed entirely within the existing building's footprint.

The applicant proposes a parking lot expansion, which will include the addition of 22 new parking spaces. The proposed building and a portion of the parking lot will be located on 908 & 910 Frederick Road, which the developer is in the process of purchasing. The remainder of the parking lot expansion is located on land owned by the Catonsville United Methodist Church. The developer will enter into a shared parking agreement with the Church in order to construct the parking spaces and to allow common use of the parking lot.

The Department of Planning prepared a staff report for the project which is filed as Appendix C. The staff report highlighted the need for additional landscaping on the site, as well as a need for lighting in the parking area and a coordination of plans to accurately show pedestrian circulation on the site. The applicants revised some of the plans, due to the staff's comments and presented the changes to the Panel.

Debra Wiley - RE: Solstice/910 Frederick Avenue (Rescheduling of 2013-0200-SPHA)

From: Alyssa Fiore <afiore@sgs-law.com>
To: 'Debra Wiley' <dwiley@baltimorecountymd.gov>
Date: 2/17/2014 2:38 PM
Subject: RE: Solstice/910 Frederick Avenue (Rescheduling of 2013-0200-SPHA)
Attachments: Letter to Wasmund and Manleys re rescheduled hearing - pdf.PDF

Deb-

For your records.

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
afiore@sgs-law.com

RECEIVED

FEB 18 2014

OFFICE OF ADMINISTRATIVE HEARINGS

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Debra Wiley [dwiley@baltimorecountymd.gov]
Sent: Wednesday, February 12, 2014 12:34 PM
To: Alyssa Fiore
Subject: Solstice/910 Frederick Avenue (Rescheduling of 2013-0200-SPHA)

Hi,

Per your request, please find attached the sign-in sheets. Thanks and be safe tonight and tomorrow !

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
CHARLES B. MAREK, III
NATALIE MAYO
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT
of counsel:
JAMES T. SMITH, JR.

April 15, 2013

John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

APR 15 2013

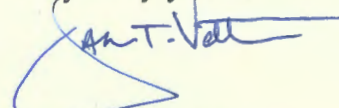
OFFICE OF ADMINISTRATIVE HEARINGS

Re: Case No: 2013-0200-SPHA
910 Frederick Road
Request for Continuance

Dear Mr. Beverungen:

Pursuant to Rule G of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, the ALJ is responsible for granting a postponement or continuance within five business days from the scheduled date of the hearing and only in unusual and extraordinary circumstances. In the instant matter, People's Counsel e-mailed a brief to you and this office yesterday afternoon, two business days before the scheduled date of the hearing. In light of the pending decision in Case No. 2013-0171-SPHXA on similar issues which may impact the petitioners request for relief and the fact that the plan shows among other things a dumpster in the DR zoned portion of the site, we feel it would behoove all parties involved if a continuance was granted at this time.

Very truly yours,


Jason T. Vettori

JTV: sf
CC: Peter Max Zimmerman, People's Counsel

FAX COVER SHEET**DATE:** FEB. 24, 2014**NUMBER OF PAGES
INCLUDING COVER
SHEET:** 2**SEND TO FAX#** 410-887-3468**TO:** JUDGE JOHN BEVERUGEN**FROM:** Berchie Manley**SUBJECT:** DEVELOPMENT CASE # SP 2013-200**IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION,
PLEASE CALL: 410/747-7419****NOTES:****RECEIVED****FEB 25 2014****OFFICE OF ADMINISTRATIVE HEARINGS**

Judge John Beverungen
Administrative Law Judge
105 West Chesapeake Avenue
Towson, Maryland 21204

February 24, 2014

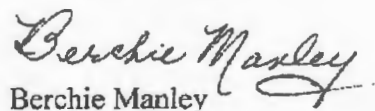
Dear Judge Beverungen,

On February 19, we received Mr. Vettori's letter, advising that his client is asking that his petition be dismissed with prejudice. We have been advised that if the petition is dismissed, construction may continue, since the County issued the building permit. Apparently, a mistake occurred in the issuance of the building permit, but the citizens are entitled to a correction of that mistake by holding the continuum which was to be scheduled at a later date, after the first day of Case #SP 2013-200.

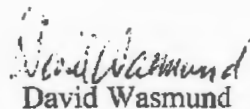
Some issues to be addressed at the continuum are still unresolved, i.e.: residential area; existing businesses are mostly old homes converted to small scale, local services and amenities; historic area on Frederick Road, which is America's first federally funded road (the Historic National Road); offsite parking; commercial traffic having access to and from residential streets; and does the development qualify for transit reduction.

We are respectfully requesting that you deny the dismissal of their petition for special hearing and variance relief, with the continuance date of March 26, as scheduled, to proceed, thereby giving the citizens a voice in their community.

Sincerely,


Berchie Manley

402 Montemar Avenue
Catonsville, Maryland 21228
410 747 7419


David Wasmund

8 Osborne Avenue
Catonsville, Maryland 21228
410 747 6882

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD
JASON T. VETTORI

LAUREN M. DODRILL
CHARLES B. MAREK, III
NATALIE MAYO
ELYANA TARLOW
of counsel:
DAVID T. LAMPTON

July 19, 2013

Sent Via Hand Delivery

John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

JUL 22 2013

OFFICE OF ADMINISTRATIVE HEARINGS

**Re: Solstice Development/910 Frederick Road
Case No: 2013-0200-SPHA**

Dear Mr. Beverungen:

I am writing on behalf of the Petitioner, Solstice Development, LLC, to update you in regard to the status of the above referenced matter.

As you are aware, People's Counsel raised a number of issues in a prehearing memo he submitted a few days before the hearing in the instant matter. As you recall, I requested a continuance to address those issues. The issues I wanted to address included, for instance, uses other than parking and drive aisles (backup generator, etc.) were being proposed in the area which was to be the subject of the use permit for business parking in a residential zone and had to be relocated. Additionally, People's Counsel's memo addresses issues which were similar to those being litigated with respect to a property on York Road, Case No. 2013-171-SPHXA ("Sonic") such as the applicability of the RTA regulations. The Sonic decision was appealed to the Board of Appeals. It is scheduled for deliberation on August 20, 2013. Of course, a written decision can take a few more weeks. As it is a *de novo* appeal, the Petitioner would prefer to have the benefit of having read the Board of Appeals decision in the Sonic case before reconvening.

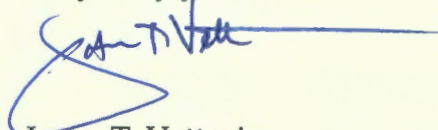
The Petitioner advises me that they continue to work with Planning, EPS and the Zoning Review Bureau on the proposed changes to the plan. Of course, these issues could potentially become moot if the Board of Appeals issues a negative decision in the Sonic case. However, we are confident the outcome of the Sonic case will allow us to finalize the plan revisions in the instant matter so we can reconvene the instant hearing.

Therefore, we respectfully request some additional time, with the agencies' assistance, to resolve these issues. We suspect that the matter will be able to be set back in once the

ALJ Beverungen
July 19, 2013
Page 2

written decision in the Sonic case is issued by the Board of Appeals. Thank you for your patience in this most important matter.

Very truly yours,



Jason T. Vettori

JTV: sf

CC: Peter Max Zimmerman, People's Counsel
David Wasmund
Jack and Berchie Manley
Jeff Jacobson
Alex Kopicki
David K. Gildea, Esquire

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
RAY M. SHEPARD
JASON T. VETTORI
DAVID W. TERRY*

*LICENSED IN MO, IL, AR ONLY

CHRISTOPHER W. COREY
LAUREN M. DODRILL
CHARLES B. MAREK, III
NATALIE MAYO
ELYANA TARLOW

of counsel:

DAVID T. LAMPTON

February 17, 2014

Sent Via First Class Mail

Mr. David Wasmund
8 Osborne Avenue
Catonsville, MD 21228

Sent Via First Class Mail

Jack and Berchie Manley
402 Montemar Avenue
Catonsville, MD 21228

**Re: Solstice Development/910 Frederick Road
Case No: 2013-0200-SPHA**

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FEB 19 2014

OFFICE OF ADMINISTRATIVE HEARINGS

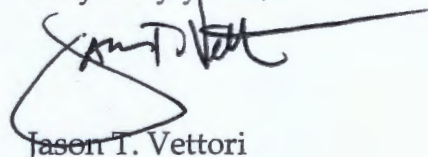
Dear Mr. Wasmund and Mr. and Mrs. Manley:

I am writing on behalf of the Petitioner, Solstice Development, LLC, to update you in regard to the status of the above referenced matter.

A hearing on this matter has been rescheduled for Wednesday, March 26, 2014 at 1:30 p.m. in Room 205 of the Jefferson Building. Please note that no notice will be sent from Baltimore County nor will there be a re-advertisement in the newspaper or a repost of a sign on the property.

Please feel free to contact me should you have any questions.

Very truly yours,



Jason T. Vettori

JTV/ amf

CC: John E. Beverungen, Esquire
Peter Max Zimmerman, People's Counsel
Debra Wiley, Office of Administrative Hearings
Kristen Lewis, Baltimore County
Jeff Jacobson
Alex Kopicki
David K. Gildea, Esquire

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
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JASON T. VETTORI
DAVID W. TERRY*

*LICENSED IN MO, IL, AR ONLY

CHRISTOPHER W. COREY
LAUREN M. DODRILL
CHARLES B. MAREK, III
NATALIE MAYO
ELYANA TARLOW
of counsel:
DAVID T. LAMPTON

February 17, 2014

Sent Via First Class Mail

John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

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FEB 19 2014

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Solstice Development/910 Frederick Road
Case No: 2013-0200-SPHA

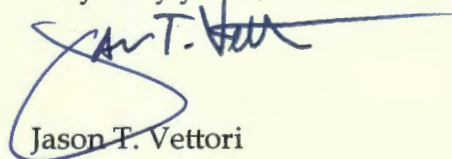
Dear Mr. Beverungen:

On behalf of the Legal Owner/Petitioner in the above referenced Petition for Zoning Relief, Solstice Development, LLC, please accept this request for withdrawal of the petition for zoning relief.

The Legal Owner/Petitioner moves to have the petition dismissed with prejudice. As you are aware, a request for continuance was granted on April 15, 2013 and a hearing date was recently set for Wednesday, March 26, 2014. The requested relief is no longer needed. As such, I respectfully request that the Petition for Zoning Relief seeking special hearing and variance relief be dismissed with prejudice.

Thank you for your time and consideration of this most important matter.

Very truly yours,


Jason T. Vettori

JTV: amf

CC: Peter Max Zimmerman, People's Counsel
Debra Wiley, Office of Administrative Hearings
Kristen Lewis, Baltimore County
David Wasmund
Jack and Berchie Manley
Jeff Jacobson
Alex Kopicki
David K. Gildea, Esquire

Debra Wiley - RE: Solstice/910 Frederick Avenue (Rescheduling of 2013-0200-SPHA)

From: Alyssa Fiore <afiore@sgs-law.com>
To: 'Debra Wiley' <dwiley@baltimorecountymd.gov>
Date: 2/17/2014 3:20 PM
Subject: RE: Solstice/910 Frederick Avenue (Rescheduling of 2013-0200-SPHA)
Attachments: Letter to ALJ withdrawing petition with prejudice - pdf.PDF

Deb - Please see the attached letter.

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
afiore@sgs-law.com

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FEB 18 2014

OFFICE OF ADMINISTRATIVE HEARINGS

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From: Alyssa Fiore
Sent: Monday, February 17, 2014 2:38 PM
To: 'Debra Wiley'
Subject: RE: Solstice/910 Frederick Avenue (Rescheduling of 2013-0200-SPHA)

Deb-

For your records.

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200

Debra Wiley - Case No. 2013-0200-SPH - Solstice Development/910 Frederick Road

From: Debra Wiley
To: jvettori@sgs-law.com
Date: 1/30/2014 10:49 AM
Subject: Case No. 2013-0200-SPH - Solstice Development/910 Frederick Road
Attachments: 20140130103346579.pdf

Good Morning,

Please see attached correspondence dated July 19, 2013 and provide an update in reference to the status of the above matter.

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

>>> <officeofhearings@baltimorecountymd.gov> 1/30/2014 10:33 AM >>>
This E-mail was sent from "zoneprt1" (Aficio MP 2852).

Scan Date: 01.30.2014 10:33:46 (-0500)
Queries to: officeofhearings@baltimorecountymd.gov

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD
JASON T. VETTORI

LAUREN M. DODRILL
CHARLES B. MAREK, III
NATALIE MAYO
ELYANA TARLOW
of counsel:
DAVID T. LAMPTON

July 19, 2013

Sent Via Hand Delivery

John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

JUL 22 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Solstice Development/910 Frederick Road
Case No: 2013-0200-SPHA

Dear Mr. Beverungen:

I am writing on behalf of the Petitioner, Solstice Development, LLC, to update you in regard to the status of the above referenced matter.

As you are aware, People's Counsel raised a number of issues in a prehearing memo he submitted a few days before the hearing in the instant matter. As you recall, I requested a continuance to address those issues. The issues I wanted to address included, for instance, uses other than parking and drive aisles (backup generator, etc.) were being proposed in the area which was to be the subject of the use permit for business parking in a residential zone and had to be relocated. Additionally, People's Counsel's memo addresses issues which were similar to those being litigated with respect to a property on York Road, Case No. 2013-171-SPHXA ("Sonic") such as the applicability of the RTA regulations. The Sonic decision was appealed to the Board of Appeals. It is scheduled for deliberation on August 20, 2013. Of course, a written decision can take a few more weeks. As it is a *de novo* appeal, the Petitioner would prefer to have the benefit of having read the Board of Appeals decision in the Sonic case before reconvening.

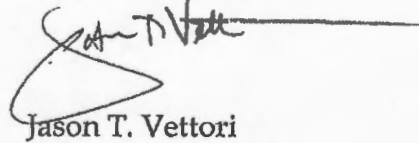
The Petitioner advises me that they continue to work with Planning, EPS and the Zoning Review Bureau on the proposed changes to the plan. Of course, these issues could potentially become moot if the Board of Appeals issues a negative decision in the Sonic case. However, we are confident the outcome of the Sonic case will allow us to finalize the plan revisions in the instant matter so we can reconvene the instant hearing.

Therefore, we respectfully request some additional time, with the agencies' assistance, to resolve these issues. We suspect that the matter will be able to be set back in once the

ALJ Beverungen
July 19, 2013
Page 2

written decision in the Sonic case is issued by the Board of Appeals. Thank you for your patience in this most important matter.

Very truly yours,



Jason T. Vettori

JTV: sf

CC: Peter Max Zimmerman, People's Counsel
David Wasmund
Jack and Berchie Manley
Jeff Jacobson
Alex Kopicki
David K. Gildea, Esquire

Debra Wiley - 2013-0200-SPHA - Solstice Develop./910 Frederick Rd.

From: Debra Wiley
To: Lewis, Kristen
Date: 12/24/2013 9:48 AM
Subject: 2013-0200-SPHA - Solstice Develop./910 Frederick Rd.

Hi Kristen,

Has Jason Vettori contacted you in reference to setting the above in? The BOA issued their decision on Nov. 21st in another case that had similar issues to this being litigated and we were giving him 30 days.

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

Message Id: 52B99EC4.6EE : 38 : 53259
Subject: 2013-0200-SPHA - Solstice Develop./910 Frederick Rd.
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 12/24/2013 9:48 AM
From: Debra Wiley

Recipients

Recipient	Action	Date & Time	Comment
 COB_PO.COB_DOM	Delivered	12/24/2013 9:48 AM	
To: Kristen Lewis (klewis@baltimorecountymd.gov)	Read	12/24/2013 9:51 AM	

Post Offices

Post Office	Delivered	Route
COB_PO.COB_DOM	12/24/2013 9:48 AM	baltimorecountymd.gov

Files

File	Size	Date & Time
MESSAGE	1015	12/24/2013 9:48 AM
TEXT.htm	808	12/24/2013 9:48 AM

Options

Auto Delete: No
Concealed Subject: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply requested by None
Security: Standard
To Be Delivered: Immediate

Record Id

Record Id: 52B95874.NCH_DOM.NCH_PO.100.1687076.1.1A8B0.1
Common Record Id: 52B95874.NCH_DOM.NCH_PO.200.2000026.1.44336.1

Judge John Beverungen
Administrative Law Judge
105 West Chesapeake Avenue, Room 103
Towson, MD 21204

RECEIVED

FEB 05 2014

OFFICE OF ADMINISTRATIVE HEARINGS

Case 2013-200

January 30, 2014

Dear Judge Beverungen,

On April 15, 2013, a zoning hearing for the development plan for 908-910 Frederick Road was scheduled, at which time; I attended, expecting it to be heard. The hearing was not completed, and a continuance was to be scheduled. As of today, that continuance has never been held, yet construction permits have been issued, and footings have been poured. When I saw construction, I made inquiries, and learned that there has been an attempt to avoid compliance with zoning and development requirements, thereby, keeping citizens in the dark.

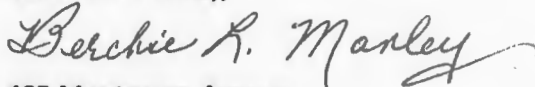
Bill 36-13, apparently allows the Director of Permits to reduce the required parking spaces by 15 %, if certain criteria is met, and to deny the citizens a public hearing without due notification. Those citizens who attended the first meeting, and were awaiting the scheduling of the continuance were never informed of the change. I believe the citizens deserve a public hearing, particularly those who attended the first meeting, and were awaiting the scheduling of the continuance.

Please be aware that the citizens were not made aware of the Design Review Panel meeting, therefore, were unable to attend. The Design Review Panel (DRP 538) should also be reviewed at the hearing since the DRP has authority only to approve the design of the building, and not to address other issues such as compatibility, commercial revitalization areas, and exit onto a residential street.

I am concerned that these circumstances have created a violation of due process, and a grave injustice. I respectfully request a Special Hearing, or that you exercise your authority, as permitted in Section 500.7 of the County Code, to schedule a hearing to address all of the issues aforementioned above. It is important that citizens hear testimony proving that the developer qualifies for transit reduction, offsite parking and that the design satisfies DRP standards. There are serious concerns as to whether the design of the building is compatible with the buildings in downtown *Historic Catonsville*.

Thank you for addressing this matter.

Berchie L. Manley,



402 Montemar Avenue
Catonsville, Md. 21228

cc. Arnold Jablon

Debra Wiley - RE: Case No. 2013-0200-SPH - Solstice Development/910 Frederick Road

From: Jason Vettori <jvettori@sgs-law.com>
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Date: 2/5/2014 1:44 PM
Subject: RE: Case No. 2013-0200-SPH - Solstice Development/910 Frederick Road
Attachments: ~WRD164.jpg; image001.jpg

Ms. Wiley,

Please feel free to place the hearing back on the calendar whenever Administrative Law Judge Beverungen has availability.

While I will be happy to address Ms. Manley's comments in further detail at the hearing, the fact remains that ALJ Beverungen's jurisdiction in this case is limited to the relief requested, after proper notice. Inasmuch as her attempts to expand that jurisdiction constitute some sort of motion, we summarily reject that proposition. There has been no violation of due process. The reality is the Petitioner asked for certain relief. There was a change in the law that inured to the Petitioner's benefit. With the aforementioned change in the law, Bill No. 36-13, certain authorizations became available through administrative approvals rather than relief to be obtained through a public hearing. Having obtained those approvals, I respectfully assert that the relief requested has become moot. I believe Ms. Manley said it best at our initial hearing, "laws exist for a reason." It is a civics lesson that applied then and now. The law authorized the Petitioner to obtain permits. Having done so in accordance with the law, this matter can now be rescheduled and dismissed as moot.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

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From: Debra Wiley [dwiley@baltimorecountymd.gov]
Sent: Wednesday, February 05, 2014 12:41 PM
To: Jason Vettori
Subject: Fwd: Case No. 2013-0200-SPH - Solstice Development/910 Frederick Road

Good Morning,

Please see attached correspondence received today (via Priority Mail) from Berchie L. Manley in reference to the above.

Just a reminder ... an e-mail was sent to you from this office on January 30th asking you to provide an update in reference to the status of the above matter.

Please respond to either myself or Judge Beverungen ASAP.

Thanks very much.

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

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

>>> <officeofhearings@baltimorecountymd.gov> 2/5/2014 12:17 PM >>>
 This E-mail was sent from "zoneprt1" (Aficio MP 2852).

Scan Date: 02.05.2014 12:17:35 (-0500)
 Queries to: officeofhearings@baltimorecountymd.gov

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

Debra Wiley - Re: Case No. 2013-0200-SPH - Solstice Development/910 Frederick Road

From: Jason Vettori <jvettori@sgs-law.com>
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Date: 2/5/2014 12:50 PM
Subject: Re: Case No. 2013-0200-SPH - Solstice Development/910 Frederick Road

I'm so sorry. I will get back to you today.

Sent from my iPhone

On Feb 5, 2014, at 12:41 PM, "Debra Wiley" <dwiley@baltimorecountymd.gov> wrote:

Good Morning,

Please see attached correspondence received today (via Priority Mail) from Berchie L. Manley in reference to the above.

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Thanks very much.

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CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

<20140205121735606.pdf>

Debra Wiley - RE: 2013-0200-SPHA (910 Frederick Road)

From: Jason Vettori <jvettori@sgs-law.com>
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Date: 5/23/2013 11:36 AM
Subject: RE: 2013-0200-SPHA (910 Frederick Road)

Debbie,

Thanks for reaching out to me. Sorry for the delayed response regarding the continuation of the hearing.

Your understanding is accurate. A hearing on the above referenced matter took place on April 15th. Per Judge Beverungen, it was "opened and continued" and we were going to obtain another date and notify all parties from the sign-in sheets. However, we were not going to seek to have the hearing reset until after certain revisions to the plan were made that addressed certain issues which Judge Beverungen was ruling upon in Case No. 2013-0171-SPHXA. Having received Judge Beverungen's order on motion for reconsideration in that case (the Sonic case), we are awaiting the Design Review Panel's (DRP) approval of the modified plan and a resolution of the number of spaces provided, among other things, before we request that the zoning hearing being rescheduled.

Rec'd 5/30/13

I assure you that we re working with our consultants and client to resolve the issues as quickly as possible. I anticipate that we will have a better idea when we can reset the matter in for the hearing within the next two weeks. Thanks again for your diligence in checking on us.

*2 wks
from
4/30
is
6/13*

Also, I gleaned from the attached e-mail that you originally tried to send me the below e-mail on Monday, May20, 2013. Please note that our firm changed it's e-mail address over a year ago and the old e-mail (@gildeallc.com) shut down within the past few months. Please make a note that David Gildea's, Larry Schmidt's, Dusky Holman's and Charlie Marek's e-mails all end in @sgs-law.com now. Sorry for any inconvenience!

Jason T. Vettori
 Smith, Gildea & Schmidt, LLC
 600 Washington Avenue
 Suite 200
 Towson, MD 21204
 Phone: (410) 821-0070
 Facsimile: (410) 821-0071
<http://sgs-law.com>

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From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Thursday, May 23, 2013 11:22 AM

Debra Wiley - FW: Solstice/910 Frederick Road - Case No. 2013-0200-SPHA

From: Jason Vettori <jvettori@sgs-law.com>
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Date: 7/19/2013 2:34 PM
Subject: FW: Solstice/910 Frederick Road - Case No. 2013-0200-SPHA
Attachments: Ltr to ALJ Beverungen re status update 7.19.13.PDF

Debbie,

A hard copy will go in the mail today as well.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

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To: Jason Vettori

Subject: Fwd: 2013-0200-SPHA (910 Frederick Road)

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

KEVIN KAMENETZ
County Executive



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

February 6, 2014

Berchie L. Manley
402 Montemar Avenue
Catonsville, Maryland 21228

RE: Petitions for Special Hearing and Variance
Property: 910 Frederick Avenue
Case No.: 2013-0200-SPHA

Dear Ms. Manley:

I am in receipt of your letter dated January 30, 2014, which was received in our office yesterday.

Please be advised that the Petitioner's attorney, Jason T. Vettori, Esq., is in the process of rescheduling the hearing which was opened and continued in this case on April 15, 2013. After Mr. Vettori reschedules this case through Kristen Lewis in the Office of Zoning Review, Department of Permits, Approvals, Inspections (PAI), I would ask that he promptly notify you and Mr. Wasmund (who was also in attendance on April 15, 2013) of the date and time of the rescheduled public hearing.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

c: Jason T. Vettori, Esq., Smith, Gildea & Schmidt, LLC, 600 Washington Avenue,
Suite 200, Towson, Maryland 21204

Judge John Beverungen
Administrative Law Judge
105 West Chesapeake Avenue, Room 103
Towson, MD 21204

RECEIVED

FEB 05 2014

OFFICE OF ADMINISTRATIVE HEARINGS

Case 2013-200

January 30, 2014

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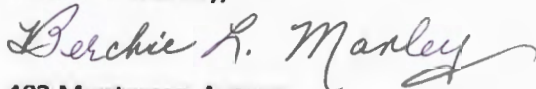
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Thank you for addressing this matter.

Berchie L. Manley,



402 Montemar Avenue
Catonsville, Md. 21228

cc. Arnold Jablon



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 11, 2013

HAND DELIVERED

John Beverungen, Administrative Law Judge/Hearing Officer
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

APR 11 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Estate of Tom Booth by Joanne Booth
908 & 910 Frederick Rd and 9, 11, 17 Winters Lane
Case No. : 2013-200 -SPHA

Dear Judge Beverungen,

Consistent with our office's position in recent cases, this letter sets forth our views on particular aspects of this petition, focusing on business parking in the residential zone, the applicability of the residential transition area (RTA) standards and setback variances, the modified parking plan, and, in location context, the size and scale of the project.

The Property. The downtown Catonsville property fronts the north side of Frederick Road and, in part adjoins Winters Lane to the east. It is split zoned B.L.-C.C.C. (at the front) and D.R. 5.5, with a sliver of D.R.16. The property actually comprises 5 different parcels. Two parcels (1800 and 1018, at 910 and 908 Frederick Road) are owned by petitioner and comprise .78 acres. The main existing building, to be razed, is at 910 Frederick Road. A proposed medical office building will replace it, along with 39 "unshared" parking spaces adjacent to the building. This area is mainly zoned B.L.-C.C.C.

The other three parcels (912, 1814, and 426, with Winters Lane addresses) are owned by Catonsville United Methodist Church. They are to be used for parking, with a shared parking adjustment. They are mainly zoned D.R. 5.5, with a slice of D.R. 16 for parcel 426. There will be 96 "shared" parking spaces in the residential zone, with the medical office building having acquired such parking rights from the church. Together with the 39 unshared spaces in or about the B.L. Zone, this adds up to 135 spaces.

The Petition. The petition centers on a use permit for business parking in a residential zone and a number of variances for such parking, including RTA buffer and setback variances. There are also included variances to amenity open space, landscape and design requirements, and the request for a modified parking plan. The use permit is subject under BCZR Section 409.8.B

to special exception and other standards, including a consideration of its impact on "The character of the community and the anticipated impact of the proposed use on that community." BCZR Section 409.8.b.1.e.(3),(4). Additional site standards are enumerated in BCZR Section 409.8.B.2.

The petition actually begins with variances "1. To permit an existing RTA buffer of 0 feet in lieu of the required 50 feet" and 2. To permit existing RTA setbacks of 7 feet for an existing parking lot, 8 feet for existing accessory structure in lieu of the required 75 feet ..." and "3. to permit an existing setback for a parking lot from a right of way of 3 feet in lieu of the required 10 feet"

The petition here, in calling the RTA buffer and setbacks "existing," may give the impression that the proposal is simply to legitimize an existing situation. This is not the case. The proposal involves for the first time business parking in a residential zone as well as RTA buffer and setback variances.

The proposal involves the razing of a 1-story building of 11,764 square feet in the B.L. Zone and its replacement with a 3-story medical office building of 31,508 square feet. Our impression or understanding is that the existing building, or its predecessor, had uses at one time as a grocery store and more recently as a Baltimore County social service use. It appears that the existing business parking has essentially, if not exclusively, been in the B.L. Zone. Although SDAT records show the existing building dates from 1995, it seems likely that the parking lot there existed for an earlier building. This history may be clarified at the hearing. To the extent that there was any parking in the residentially zoned area of the church parcels, it was apparently for church use, and likely not so intense as it will be for the proposed medical office parking.

Moreover, the petition, in calling the RTA situation "existing," may give the impression that RTA setbacks or variances have previously been approved one way or another. So far as we can tell, there has never been any approval of RTA setback variances. There is no zoning case history listed on the site plan. Any previous use by the church of its parcels would not have generated business parking in a residential zone. It appears likely that any church parking began before the RTA law came into being. In any event, it would be subject to review under the more liberal exceptions to the RTA.

The bottom line is that this is a major new proposal, which demands a fresh look at all the standards. It should be kept in mind that the use permit for business parking in a residential zone, together with the RTA and other variances, make possible a much larger medical office building than otherwise could fit on the premises. In this context, while an office building is a use permitted by right in the B.L. Zone (BCZR Section 230.1.A.6), a consideration of the parking requests is inextricably intertwined with the impact of the proposed office building. That is to say, the petitions should be considered as an integrated whole, and not disconnected from each other, so the decision process should focus on the impact of the building as well as the parking..

RTA Law, Legislative History, and Applicability. A question has arisen in recent cases as to whether RTA law applies only to assure "...that similar housing types are built adjacent to

one another (Bill 2-92; BCZR Section 1B01.1.B.1.a.(2)). The focus, under this approach, is to protect adjacent single-family homes from apartment uses. If so, the RTA law would not apply to split-zone business or office use situations. Our office has taken a different position. We believe lawful the past practice of applying RTA law to split-zone business/office parking in the residential zone. Therefore, we must preserve and reinforce our position here that the application is not so limited.

Based on our research, the RTA law came into being with Bill 100, 1970. As to business parking in a residential zone, it was later Bill 124-81 which identified residential transition uses as including "...any parking area permitted under subsection 409.4." BCZR Section 1B01.1.B.2(C). At that time, BCZR Section 409.4 was the provision for business parking in a residential zone. Bill 124-81 also introduced in then BCZR Sections 1B01.B.2.B.3 the building setback and buffer area provisions which substantially are still in place albeit as amended in BCZR Section 1B01.1.B.1.e.

Bill 2-92, reformulated the same provision in BCZR Section 1B01.1.B.1.d(3) to define a residential transition use as "...any parking area permitted under paragraph 409.8.B(subject to landscape requirements). By that time, Bill 26-88 had amended the provisions for business parking in a residential zone and placed them in BCZR Section 409.8.B. This remains in the current law.

Bill 2-92 provided new definitions and purposes for "residential transition area" and its "generation." This included the introductory purpose to assure similar housing types adjacent to one another. BCZR Section 1B01.1.B.1.a.2. This is still the law.

Bill 2-92 also included geographic frameworks of "... a 100 foot area ... extending from a D.R. zoned tract into the site to be developed" and "An RTA is generated if the property to be developed lies adjacent to land zoned D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5 or R.C. ... (subject to further criteria)." BCZR Sections 1B01.1.B.1.a.1, and 1B01.1.B.1.b. These remain in the current law.

Bill 2-92 also added the provision for variance of the RTA area itself, subject to certain standards. BCZR Section 1B01.1.B.1.c. This is still in the law, but we cannot recall its application in practice.

Bill 40-92 subsequently added the various exceptions to the RTA for public utility uses, churches, community buildings, fishing and shellfishing facilities, group child care centers, conversions to bed and breakfast homes and inns and country inns, assisted living facilities, and transit facilities and rail passenger stations. BCZR Section 1B01.1.B.1.g. These remain, with modest subsequent amendments.

Principles of Statutory Construction. As a matter of statutory construction, there are applicable the time-honored principles recently summarized in Bourgeois v. Live Nation 430 Md. 14, 26-28 (2013). These include an integrated consideration of purpose, language, legislative history, practical impacts, and common sense. All related parts of the statute must be

considered, so that no part is superfluous. Apparent differences must be harmonized. In the present situation, these principles support our office's position that the RTA law has evolved explicitly to cover business parking in residential zones, as targeted in BCZR Section 1B01.1.B.1.d.3. The office building here, proposed within the framework of the B.L. Zone constitutes such a business use.

It is also significant that the consistent administrative practice has been to apply the TA law to split-zone business/residential configurations in numerous cases for many years. It is presumed the legislative body was aware of the outstanding decisions and practice when it enacts amendments to legislation, as has occurred with some frequency for the RTA law. This presumption was articulated in reference to state legislation in The Maryland Classified Employees Association, Inc. v. Schaeffer, 325 Md. 19, 34 (1991):

"Furthermore, "[t]he General Assembly is presumed to have had, and acted with respect to, full knowledge and information as to prior and existing law and legislation on the subject of the statute and the policy of the prior law." (citation omitted). See also *Lussier v. Maryland Racing Commission*, 343 Md.681 (1996)."

Similarly MLE Section 65 summarizes this principle:

"A contemporaneous construction, especially where there are subsequent reenactments without change of the language thus construed, is entitled to great weight." (citations omitted).

In Washington Suburban Sanitary Commission v. C.I. Mitchell and Best Co. 303 Md. 544, 559. (1985), a 1985 declaratory action for statutory construction, the Court upheld a long-standing administrative interpretation that was not disturbed by subsequently enacted statutes.

"This legislative acquiescence in the administrative construction gives rise to a presumption that the administrative interpretation is correct."

The law has thus evolved beyond the stated preliminary purpose to assure that similar housing types are adjacent to one another. Furthermore, the RTA geographic provisions which define the RTA and its generation, with boundaries and zones relating to the "site" and "area" to be "developed" have to do with the entire split-zoned site development. This is not just a reasonable construction. If not applied to development of the entire site, the explicit coverage of business parking in a residential zone would be nugatory.

If it were not already apparent, the addition by Bill 40-92 of the various exceptions to the RTA law would make no sense and be unnecessary if the RTA law applies only to dissimilar residential uses.

Analysis. To make a long story short, the present petition presents an entirely new proposal, neither grandfathered nor supported by any existing situation. It must comply with current law, and this includes both business parking in a residential zone, the RTA and other

variances, and the modified parking plan. Because the proposed parking occupies the entire residential zone, including the church parking lot, the business parking is extensive, and the variances are to the maximum. Furthermore, as noted, the extensive parking and encroachment into the RTA buffer and setback areas make possible the medical office building to a size and scale much greater than otherwise possible.

Special Exception (conditional use) standards, generally and in combination with variances. Under these circumstances, a serious question may be presented whether the proposal is excessive; whether the major business/office expansion fits this site and location, or rather is disproportionate; and whether there is a situation which justifies the size and scale of the use on this split-zoned group of parcels in an RTA. The basic BCZR Section 502.1 special exception standard, applicable to business parking in a residential zone, requires proof that there is no particular adverse impact at the location, albeit with an initial presumption in favor of the use. Size and scale are relevant considerations. People's Counsel v. Mangione 85 Md. App. 738 (1991). Where a special exception, being a conditional use, is combined with variances, the favorable presumption may fall by the wayside. Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County 103 Md. App. 324, 335-41 (1995); Umerley v. People's Counsel 108 Md. App. 497, 509-11, cert. denied 342 Md. 584(1996). Although the adjacent church is agreeable to the shared parking, a threshold question is how the massive building fits at this key location in this section of the venerable Catonsville downtown area.

Impact on the Character of the Area. This standard may be crucial in the present case. Over and above the basic special exception standards, there must be an inquiry as to whether the proposed use fits in the area. It puts even more emphasis on the matter of fit and compatibility with the quality of the neighborhood. Consideration of size and scale becomes even more important.

Variance standards; Uniqueness Resulting in Practical Difficulty. Meanwhile, to justify a variance, BCZR Section 307.1 requires proof of a special circumstance or condition peculiar to the land or structure (uniqueness), which results in practical difficulty or undue hardship. Trinity Assembly of God v. People's Counsel 407 Md. 53, 790-85 (2008). The test is not abstract uniqueness by itself, i.e. that the property is shaped a certain odd way, for example. Rather, there must be real uniqueness which results in practical difficulty in using the property under the existing law. Quoting McLean v. Soley 270 Md. 208, 213-14 (1973), the Court identified the relevant criteria, paraphrased here, as whether the zoning law unreasonably prevents the property owner from using the property for a permitted purpose, whether the grant would do substantial justice to the property owner and other property owners in the area; and whether the spirit of the ordinance will be observed and the public safety and health secured.

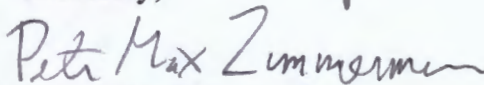
There is no doubt that all of the parcels assembled in this case have had reasonable uses for many years without the maximal choice of constructing a relatively massive office building at this location. It is hard, therefore, to perceive any genuine unique situation which results in any difficulty or hardship which would justify variances, especially variances to the maximum. The proposal here is a matter of choice, not necessity. It appears that a building of this size belongs on a larger parcel in an exclusively business zone, or perhaps one of the office zones.

Modified Parking Plan; Undue Hardship. It is also noteworthy that the request for a modified parking plan should not be viewed as an afterthought. The BCZR Section 409.12.B test is for undue hardship. This is an extremely high standard, as reflected in Green v. Bair 77 Md. App. 144, 151-52 (1988). Remarkably, this involved a proposal to expand a medical office building, and the necessity for variances to setback requirements from residential property. The variance standard there, in the City of Westminster, involved "undue hardship." The Court of Special Appeals translated the "undue hardship" standard to a denial of reasonable return or reasonable use of the property, along with a uniqueness standard. Though ostensibly stricter than the practical difficulty standard, there is much overlap. The Board of Appeals had granted the variances. The Circuit Court reversed. In affirming the reversal, the CSA held that, as a matter of law, the petitioner had not shown undue hardship, as there had been and could continue to be a reasonable use without the expansion.

Basic Services Maps, Transportation -- "F" Level Intersection at Frederick Road and Bloomsbury/Ingleside Avenues. It is noteworthy that the signalized intersection at Frederick Road and Bloomsbury/Ingleside Avenues has been and is still rated an "F" for level of service, the most congested rating on the recognized national and county scale. See BCZR Section 4A02 generally, and particularly Section 4A02.4.D. This intersection is about 2 blocks away from the subject property. The proposed increase in the intensity of use here would appear to be anomalous with respect to the declared level of traffic congestion in the area. It seems likely that many, perhaps most, visitors will arrive from the direction of the beltway and come through that intersection. In any event, attention should be paid to the traffic issues.

We trust that this discussion will prove helpful in reviewing this case.

Sincerely,



Peter Max Zimmerman

People's Counsel for Baltimore County

cc: Charles Marek, III, Esquire, attorney for Petitioners, via first class mail and e-mail
Carl Richards, Zoning Supervisor



KEVIN KAMENETZ
County Executive

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

April 11, 2013

Joanne L. Booth
2529 Washington Boulevard
Baltimore MD 21230

RE: Case Number: 2013-0200 SPHA, Address: 910 Frederick Road

Dear Ms. Booth:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 27, 2013. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Charles B Marek III, 600 Washington Avenue, Towson MD 21204
Stephen Maddock, 3421 Benson Avenue, Baltimore, MD 21227

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3-5-13

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

RE: Baltimore County
Item No. 2013-0200-SPHA
Special Hearing Variance
Joanne L. Booth,
910 Frederick Rd.
MD 21144

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 3-4-13. A field inspection and internal review reveals that an entrance onto MD144 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2013-0200-SPHA.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

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

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

CASE NAME Solstice
CASE NUMBER 2013-200
DATE APRIL 15, 2013

[illegible]

CASE NAME 910 Frederick Rd.
CASE NUMBER 2013-200
DATE 4-15-2013

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

4-15-13
10AM

2013-0200-SPHA

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 01 Account Number - 0111000070

Owner Information

Owner Name: BOOTH THOMAS E Use: COMMERCIAL
Mailing Address: 2529 WASHINGTON BLVD Principal Residence: NO
BALTIMORE MD 21230-1406 Deed Reference: 1)/10495/ 00238
2)

Location & Structure Information

Premises Address Legal Description
910 FREDERICK RD LT NS FREDERICK RD
0-0000 910 FREDERICK RD NS
210 E OF MELVIN AVE

<u>Map</u>	<u>Grid</u>	<u>Parcel</u>	<u>Sub District</u>	<u>Subdivision</u>	<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>Assessment Area</u>	<u>Plat No:</u>
0101	0007	1800		0000				3	
									<u>Plat Ref:</u>

Special Tax Areas Town NONE
Ad Valorem
Tax Class

<u>Primary Structure Built</u>	<u>Enclosed Area</u>	<u>Property Land Area</u>	<u>County Use</u>
1995	11764	23,868 SF	06

Stories Basement Type Exterior
OFFICE BUILDING

Value Information

	<u>Base Value</u>	<u>Value</u>	<u>Phase-in Assessments</u>	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
<u>Land</u>	469,300	469,300		
<u>Improvements:</u>	695,300	581,300		
<u>Total:</u>	1,164,600	1,050,600	1,050,600	1,050,600
<u>Preferential Land:</u>	0			0

Transfer Information

<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
KAHN FRED L	04/28/1994	\$400,000
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>
ARMS LENGTH IMPROVED	/10495/ 00238	
<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

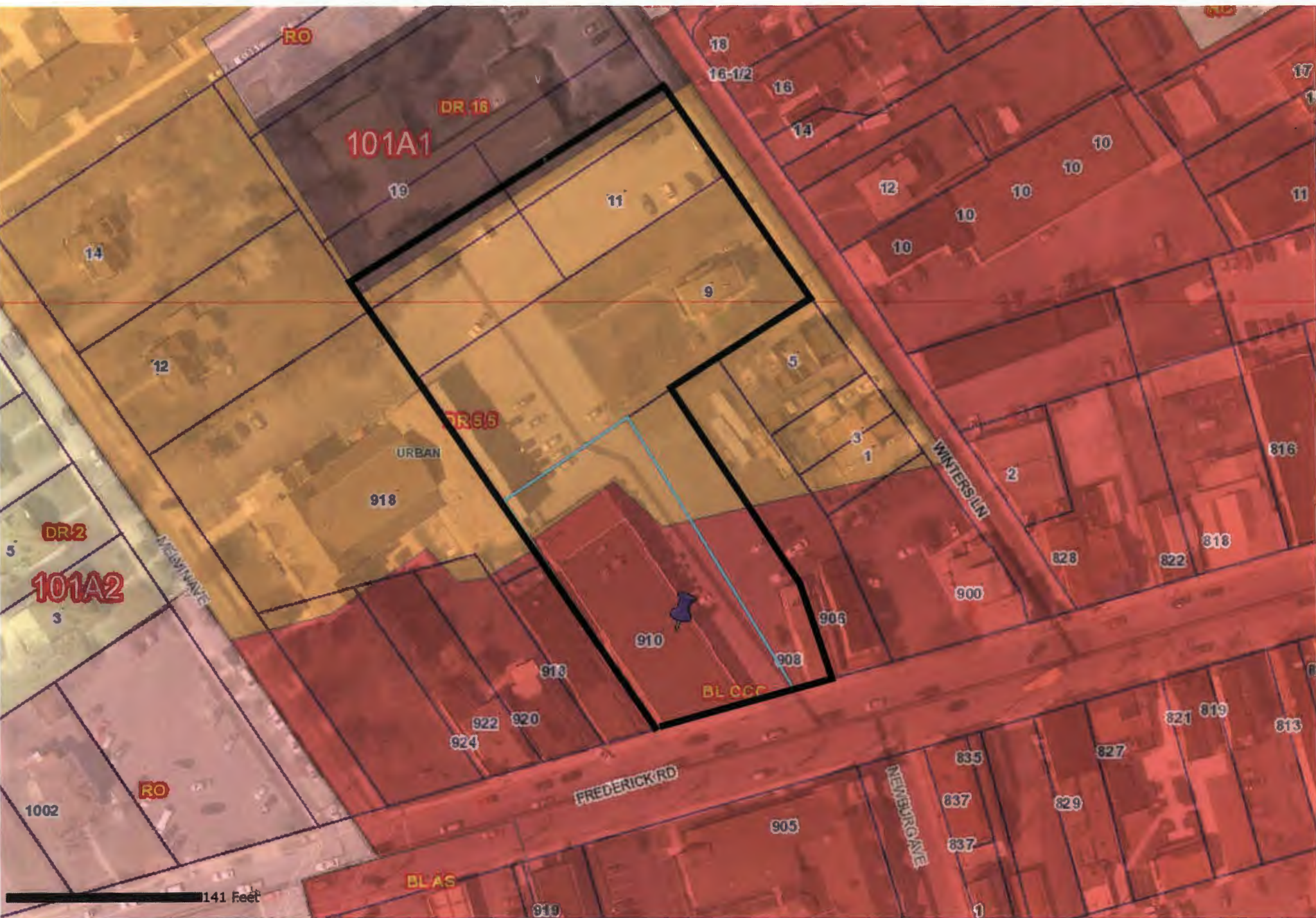
<u>Partial Exempt Assessments</u>	<u>Class</u>	07/01/2012	07/01/2013
<u>County</u>	000	0.00	
<u>State</u>	000	0.00	
<u>Municipal</u>	000	0.00	0.00

Tax Exempt: Special Tax Recapture:
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

2013-0200-SPHA



Land Development Map

Created By
Baltimore County
My Neighborhood



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© ADC, THE MAP PEOPLE,
BY PERMISSION PLAN 21006237
MAP NO. 4817 GRID C7

VARIANCE

1. TO PERMIT AN EXISTING RTA BUFFER OF 0 FEET IN LIEU OF THE REQUIRED 50 FEET PURSUANT TO BCCR §§ 1801.1.B.1.E(2) AND (5).
2. TO PERMIT EXISTING RTA SETBACKS OF 7 FEET FOR AN EXISTING PARKING LOT, 8 FEET FOR AN EXISTING ACCESSORY STRUCTURE IN LIEU OF THE REQUIRED 75 FEET PURSUANT TO BCCR §§ 1801.1.B.1.E(2) AND (5).
3. TO PERMIT AN EXISTING SETBACK FOR A PARKING LOT FROM A RIGHT OF WAY OF 3 FEET IN LIEU OF THE REQUIRED 10 FEET PURSUANT TO BCCR § 409.8.A.
4. TO PERMIT AN AMENITY OPEN SPACE RATIO OF 0.16 IN LIEU OF THE REQUIRED 0.2 PURSUANT TO BCCR § 238A-4.
5. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

SPECIAL HEARING

1. TO APPROVE COMMERCIAL PARKING IN A RESIDENTIAL ZONE PURSUANT TO BCZR § 409.8.B.
2. TO APPROVE A SHARED PARKING ADJUSTMENT BETWEEN A CHURCH AND AN OFFICE PURSUANT TO BCZR § 409.6.A.3.
3. TO APPROVE MODIFICATIONS TO THE LANDSCAPE DESIGN AND SCREENING REQUIREMENTS PURSUANT TO BCZR § 409.8.A.1.
4. TO APPROVE A MODIFIED PARKING PLAN PURSUANT TO BCZR § 409.12.B.
5. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

1.	PREMISES ADDRESS:	910 FEDERICK ROAD (PARCEL 1800)	910 FEDERICK ROAD (PARCEL 1018)
2.	PREMISES TAX MAP/GRID/PARCEL:	101/7/1800 & 1018	
3.	ADDITIONAL PARKING AREA TAX MAP/GRID/PARCEL:	101/7/912, 1814, & 426	
4.	ZONING:	BL-CCC DR 5.5 DR 16 (PARCEL 426 ONLY)	
5.	PREMISES AREA: PARCEL 1800 PARCEL 1018	33,868 SF OR 0.777 AC. TOTAL 24,051 SF OR 0.552 AC 9,817 SF OR 0.225 AC	
6.	ADDITIONAL PARKING AREA: PARCEL 912 PARCEL 1814 PARCEL 426	45,570 SF OR 1.046 AC. 18,942 SF OR 0.435 AC 13,310 SF OR 0.306 AC 13,318 SF OR 0.306 AC	
7.	TOTAL AREA:	79,438 SF OR 1.823 AC.	
8.	DEED REFERENCES: PARCEL 1800 PARCEL 1018 PARCEL 912 PARCEL 1814 PARCEL 426	L.10495 F.238 L.11638 F.465 L.18077 F.185 L.5081 F.142 N/A	
9.	ELECTION DISTRICT: COUNCILMANIC DISTRICT:	1 1	
10.	EXISTING PREMISES USE:	OFFICE BUILDING & PARKING LOT	
11.	EXISTING ADDITIONAL PARKING AREA USE:	CHURCH RECTORY & PARKING LOT	
12.	TOPOGRAPHY IS FROM FIELD RUN TOPOGRAPHY BY MORRIS & RITCHE ASSOCIATE INC. (AUGUST 2012)		
13.	BOUNDARY INFORMATION FOR PARCELS 1018, 1800 AND 912 IS GENERATED FROM A FIELD SURVEY COMPLETED IN AUGUST 2012 BY MORRIS & RITCHE ASSOCIATES, INC. THE BOUNDARY INFORMATION FOR PARCELS 1814 AND 426 IS BASED ON PROPERTY DEEDS.		
14.	PROPOSED USE:	3 STORY MEDICAL OFFICE BUILDING & PARKING LOT	
15.	PROPOSED BUILDING AREA: BASEMENT: FIRST LEVEL: SECOND LEVEL: THIRD LEVEL:	31,508 SF 2,749 SF 10,477 SF 9,779 SF 8,509 SF	
16.	FLOOR AREA RATIO (F.A.R.): IN THE BL-CCC ZONE:	PERMITTED: 4.0	PROPOSED: 1.31(a)
	(a) THE PROPOSED BUILDING IS LOCATED ON PARCEL 1800 ONLY.		
17.	AMENITY OPEN SPACE RATIO:	MIN. PERMITTED: 0.2 (6,302 SF)	PROPOSED: 0.16 (5,100 SF)(b)
	(b) SINCE WE ARE PROPOSING TO REUSE THE EXISTING PARKING LOT THERE IS INSUFFICIENT SPACE ON(S) PARCELS 1800 & 1018) TO PROVIDE THE REQUIRED AMENITY OPEN SPACE.		
18.	BUILDING SETBACKS (PARCEL 1800 ONLY): FRONT: SIDE: REAR:	REQUIRED: 3.64(c) 0' 0'	PROPOSED: 5.09' 0' 43.64'
	(c) PER SEC. 303.2 THE FRONT YARD SETBACK IN THE BL ZONE SHALL BE THE AVERAGE OF THE FRONT YARD DEPTHS OF THE ADJACENT PROPERTIES. THE FRONT YARD SETBACK OF ADJACENT PARCEL 237 IS 2.50' AND OF ADJACENT PARCEL 1018 IS 4.78' FOR AN AVERAGE OF 3.64'.		

19. BUILDING HEIGHT (Q): ALLOWED: PROVIDED:
BASELINE HEIGHT (AFTER FEDERICK ROAD): 69.73' 70.00'
MAX. HEIGHT: 40' AT SIDE YARD 40'
- (d) THE BASIC HEIGHT ALLOWED IS THE BASE LINE ELEVATION, 494.5', PLUS 71', THE DISTANCE FROM OPPOSITE R/Y TO BUILD LINE, MINUS THE CLOSEST GROUND ELEVATION, 495.77', THE MAXIMUM HEIGHT AT THE SIDE YARD, 0', SHALL BE 40' ABOVE THE AVERAGE GRADE ALONG THAT BUILDING SIDE, 494.54'.
- REQUIRED PARKING:
MEDICAL OFFICE USE (4.5 SP/1,000 SF) 135 PARKING SPACES (e/f)
135 SPACES (e)
EX. CHURCH USE (250 SEATS @ 1 SP/4 SEATS): 63 SPACES
(e) PER ZONING CODE SECTION 409.8, 143 PARKING SPACES ARE REQUIRED BUT, PER SECTION 409.8.3, A 5% REDUCTION IN THE TOTAL NUMBER OF REQUIRED PARKING SPACES IS ALLOWED IF A TRANSIT STOP ON A MASS TRANSIT ADMINISTRATION (MTA) ROUTE IS LOCATED WITHIN 1,000'. THERE IS AN EXISTING MTA BUS STATION, B993, AT THE CORNER OF FEDERICK ROAD AND WINTERS LANE, APPROXIMATELY 170' FROM THE PROPOSED OFFICE BUILDING ENTRANCE.
(f) BASED ON SHARED PARKING CALCULATION REQUIREMENTS, THE GREATEST PARKING DEMAND FOR THIS PROJECT IS 135 SPACES.
20. PROVIDED PARKING: 96 SHARED SPACES (PARCELS 912, 1814 & 426)
39 UNSHARED SPACES (ON PARCELS 1800 & 1018)
135 TOTAL SPACES (128 STANDARD SPACES
8.5' X 18', 4 COMPACT SPACES 7.5' X 18',
5 HANDICAPPED SPACES (8' X 18' OR 8' X 25'))
21. THIS SITE SHALL BE SERVICED BY PUBLIC WATER AND SEWER. THE EXISTING WATER AND SEWER SERVICE CONNECTIONS SHALL BE UTILIZED FOR THE PROPOSED BUILDING.
22. THE EXISTING PARKING LOT SHALL BE RE-STRIPPED AS SHOWN. IT SHALL BE MILLED & OVERLAIN AS APPROPRIATE.
23. STORMWATER MANAGEMENT SHALL BE PROVIDED FOR THE PROPOSED INCREASE IN IMPERVIOUS SURFACE. A WAIVER SHALL BE REQUESTED FOR 50% OF THE REDEVELOPMENT AREA, CURRENTLY IMPERVIOUS WHICH SHALL REMAIN IMPERVIOUS.
24. ALL PROPOSED PERIMETER PARKING SPACES, NOT ADJACENT TO CURBING, WILL HAVE WHEEL STOPS.
25. THE EXISTING AND PROPOSED PARKING LOT SHALL BE ASPHALT.
26. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS. THERE ARE NO EXISTING OR PROPOSED POLE MOUNTED LIGHTS ON THE SUBJECT SITE.
27. SPECIAL USE REQUIREMENTS – BUSINESS/INDUSTRIAL PARKING IN A RESIDENTIAL ZONE – SECTION 409.8.B.2
 - A. THE LAND USED FOR THE PROPOSED PARKING LOT IS LOCATED DIRECTLY ADJACENT TO THE PROPERTY CONTAINING THE BUSINESS USE.
 - B. ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING FACILITY.
 - C. NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.
 - D. LIGHTING PROVIDED ON SITE SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY, AS REQUIRED. FOR LIGHTING PROVIDED IN THE RESIDENTIAL TRANSITION AREA, POLE HEIGHTS SHALL NOT EXCEED THE MAXIMUM ALLOWABLE HEIGHT OF 16' AND FOOTCANDLES SHALL NOT EXCEED 0.2 AT THE TRACT BOUNDARY.
 - E. THE PARKING ARRANGEMENT AND VEHICULAR ACCESS SHALL BE MAINTAINED AS SHOWN ON THIS PLAN.
 - F. METHOD AND AREA OF OPERATION, PROVISIONS FOR MAINTENANCE AND PERMITTED HOURS OF USE SHALL BE AS DICTATED BY THE RESIDENTIALLY ZONED PROPERTY OWNER/SHARED PARKING USER.
 - G. ANY ADDITIONAL CONDITIONS NOT LISTED ABOVE WHICH, IN THE JUDGEMENT OF THE ZONING COMMISSIONER, ARE NECESSARY TO ENSURE THAT THE PARKING FACILITY WILL NOT BE DETRIMENTAL TO THE ADJACENT PROPERTIES SHALL BE LISTED ON THIS PLAN.
29. THE PROPERTY AT 9 WINTERS LANE HAS AS PREVIOUS PERMIT, B771948 (C-). PER THE BEST AVAILABLE RECORDS, NONE OF THE OTHER PROPERTIES HAVE ANY PERMITS OR ZONING CHANGES WITHIN THE BALTIMORE COUNTY RECORDS.
30. PER THE 2012 BASIC SERVICES MAPS, ENACTED UNDER BILL 20-12, EFFECTIVE 05/21/2012, THE SUBJECT SITE IS NOT LOCATED WITHIN A SEWER DEFICIENT AREA OR AN AREA OF CONCERN, IS NOT LOCATED IN A WATER DEFICIENT AREA, AND IS LOCATED IN A BLUE FACILITY ZONE – LEVEL OF SERVICE D.
31. RIGHT-OF-WAY WIDENING IS NOT REQUIRED ALONG WINTERS LANE OR FEDERICK ROAD.

	EX.	R/W LINE
	EX.	PROPERTY LINE
	EX.	ADJ. PROPERTY LINE
	EX.	10' CONTOUR
	EX.	2' CONTOUR
- - - - -	EX.	BUILDING EASEMENT
- - - - -	EX.	PAVEMENT
- - - - -	EX.	CURB
- - - - -	EX.	WALKWAY
SD SD	EX.	STORM DRAIN
W W	EX.	WATER LINE
SAN W	EX.	SANITARY LINE
OH OH	EX.	OVERHEAD LINE
E E	EX.	UNDERGROUND ELECTRIC LINE
GATY	EX.	CABLE TV LINE
T T	EX.	TELEPHONE LINE
UNK UNK	EX.	UNKNOWN UTILITY
* * * * *	EX.	FENCE LINE
	EX.	RETAINING WALL
Z Z Z Z Z	EX.	ZONING LINE
	EX.	SIGN
U U	FX.	UTILITY POLE
	PROP.	R/W LINE
	PROP.	BUILDING
	PROP.	CURB
X X	PROP.	METAL FENCE
OHE OHE	PROP.	OVERHEAD ELECTRIC LINE
E E	PROP.	ELECTRIC LINE
	PROP.	1' CONTOUR
	PROP.	2' CONTOUR
	PROP.	10' CONTOUR
(Pattern)	PROP.	AMENITY OPEN SPACE

A.	STREET FRONTAGE	REQUIRED 3 PU (1 PU/40 LF X 99.69 LF)
B.	PARKING LOT ADJ. TO R/W	10' SETBACK 4 PU (1 PU/15 LF X 51.5 LF)
C.	PARKING LOT ADJ. TO INSTITUTIONAL	15' PARKING LOT SETBACK 9 PU (1 PU/15 LF X 130 LF)
D.	PARKING LOT ADJ. TO RESIDENTIAL	15' SETBACK (WHEN RITA DOES NOT APPLY)
E.	INTERIOR GREEN SPACE:	7% (3,212 SF) 12 PU (1 PU/12 SPACES X 139 SPACES)
F.	RESIDENTIAL TRANSITION AREA	22 PU (1 PU/400 SF X 8,711 SF OF RITA BUFFER)

PROVIDED
2.7 PU* (3 ORNAMENTAL TREES & 6 SHRUBS)

23.19' (FREDERICK ROAD), 3.26* (WINTERS LANE)
3.2u PU (4 SHRUBS ALONG FREDERIC RD. & 12 SHRUBS ALONG WINTERS LANE)

6' PARKING LOT SETBACK*
NONE - OVER 3' OF GRADE CHANGE FROM FFE OF EX. BLDG. TO PARKING LOT

3.6' SETBACK* (PARCEL 558)

7% (3,258 SF)
12 PU (12 SHADE TREES)

NONE*

*REQUIRES A MODIFICATION TO LANDSCAPE MANUAL STANDARDS

THOMAS BOOTH
2529 WASHINGTON BOULEVARD
BALTIMORE, MD 21230

CINMAR, LLC
908 FREDERICK ROAD
BALTIMORE, MD 21228

DEVELOPER/APPLICANT

SOLSTICE DEVELOPMENT, LLC
1215 FORT AVENUE
BALTIMORE, MD 21230
ATTN: ALEX KOPICKI
410-900-4448
AKOPICKI@SOLSTICE-PARTNERS

14280 PARK CENTER DRIVE
LAUREL, MD 20707
(410) 792-9792 / (301) 776-1690
FAX: (410) 792-7395
MRAGTA.COM
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SITE PLAN

1ST ELECTION DISTRICT ~ 1ST COUNCILMANIC DISTRICT ~ ZONING MAP 101A1 & 101A2 TAX MAP 101 ~ PARCELS 1800 & 1018 ~ L10495 F238 & L11638 F. 465 CATONSVILLE, BALTIMORE COUNTY, MARYLAND		
DATE	REVISIONS	JOB NO.: 17569
		SCALE: 1" = 30'
		DATE: 02/26/2013
		DRAWN BY: CMG
		DESIGN BY: CMG
		REVIEW BY: SD0
		SHEET: 1 OF 1

N.T.S.

2013-0200-SPHA