



KEVIN KAMENETZ
County Executive

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

May 30, 2013

Timothy M. Kotroco, Esquire
Whiteford, Taylor & Preston, LLP
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204

RE: Hearing Officer's Hearing (HOH) and Petitions for Special Hearing and Variance
HOH Case No. 02-710 and Zoning Case No. 2013-0220-SPHA
(Marriott-Kirk Property – 1st Material Amendment)

Dear Mr. Kotroco:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Meir Frank, 3836 Twin Lake Court, Baltimore, MD 21244
Alvin Johnson, 3637 Langrehr Road, Baltimore, MD 21244
Chris Crosby, 3636 Langrehr Road, Baltimore, MD 21244
Maria Williams, 3628 Marriott Lane, Baltimore, MD 21244
Robyn Joyner, 3630 Marriott Lane, Baltimore, MD 21244
Tom McNeil, 3630 Langrehr Road, Baltimore, MD 21244
James Walker, 3638 Langrehr Road, Baltimore, MD 21244
Henry Sanfilippo, 3634 Langrehr Road, Baltimore, MD 21244
Jeff and Shirley Supik, 3525 North Rolling Road, Windsor Mill, MD 21244
Annie Stein, 3642 Langrehr Road, Baltimore, MD 21244
Ebenezer Femi Olarewasu, 3607 Langrehr Road, Baltimore, MD 21244

**IN RE: DEVELOPMENT PLAN HEARING
AND PETITIONS FOR SPECIAL
HEARING & VARIANCE**

2nd Election District

4th Council District

**(MARRIOTT KIRK PROPERTY -
1st Material Amendment)**

8200 Kirk Farm Road

Church Marriott, LLC

Owner/Developer

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BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

**HOH Case No. 02-710 and
Zoning Case No. 2013-0220-SPHA**

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

This matter comes before the Office of Administrative Hearings for Baltimore County for a public hearing on a development proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code ("B.C.C."). The hearing also involves requests for special hearing and variance relief under the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (CMDP). Church Marriott, LLC, the developers of the subject property (hereinafter "the Developer"), submitted for approval a redlined Development Plan prepared by Richardson Engineering, LLC, known as "Marriott Kirk Property, First Material Amended Development Plan".

The Developer proposes 64 single-family attached town home dwelling units on 7.27 acres, more or less, of land zoned DR 10.5. The site is currently mostly open field with a single-family dwelling, barn and other out buildings on the site. The property is directly adjacent to Scotts Branch Elementary School.

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Date 5-30-13

By [Signature]

The site was rezoned to DR 10.5 from DR 5.5 in the 2012 Comprehensive Zoning Map Process (CZMP) (Issue #4-008). Prior to this rezoning, a Final Development Plan (FDP) had been approved for 26 single-family residential dwellings in accordance with the Baltimore County Development and Zoning regulations and the previous zoning of DR 5.5. Developer's Exhibit 12. A plat was also filed among the Baltimore County land records reflecting this configuration. Developer's Exhibit 1.

The property was posted with the Notice of Hearing Officer's Hearing (on April 15, 2013) and Zoning Notice (on April 26, 2013) for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. The undersigned conducted the hearing on Thursday, May 16, 2013, at 10:00 AM, Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

In addition to the Hearing Officer's Hearing (HOH), the Developer is requesting certain zoning relief and has filed a Special Hearing request pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to Amend the FDP of the Marriott-Kirk Property.

The Developer is also requesting Variance relief as follows:

- (1) From §1B01.2.C.1.c of the B.C.Z.R. and from §504.2 of the B.C.Z.R. and the Comprehensive Manual Development Plan (CMDP), Division II, Section A: Residential Standards Table VII, to permit a side building face to public street right-of-way setback of 15' in lieu of the required 25' setback,
- (2) From §1B01.2.C.1.c of the B.C.Z.R. and from §504.2 of the B.C.Z.R. and the CMDP, Division II, Section A: Residential Standards Table VII, to permit a building face to tract boundary setback of 22' in lieu of the required 30' setback,
- (3) From §1B01.2.C.1.c of the B.C.Z.R. and from §504.2 of the B.C.Z.R. and the CMDP, Division II, Section A: Residential Standards Table VII, to permit a side building face to side building face setback of 13' in lieu of the required 25' setback,

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By (signature)

- (4) From §1B01.1.B.1.e.(2) and (5) of the B.C.Z.R., to permit the construction of single family attached dwellings with a 30' setback from the tract boundary in lieu of the required 75' setback,
- (5) From §1B01.1.B.1.e.(2) and (5) of the B.C.Z.R., to permit an Residential Transition Area (RTA) buffer of 0' in lieu of the required 50' buffer,
- (6) From §1B01.1.B.1.e.(5) of the B.C.Z.R., to permit a maximum building height of 45' within the 100' transition area in lieu of the maximum 35',
- (7) From §301.1 of the B.C.Z.R., to permit a one story open porch to have a rear setback of 20' in lieu of the required 22.5',
- (8) From Modification of Standards to permit a side building face to side building face setback of 20' in lieu of the required 25' setback,
- (9) From Modification of Standards to permit the construction of more than 6 units in a row,
- (10) From a Waiver of Public Works Standards to eliminate the requirement to construct a sidewalk on the northwest side of Kirk Farm Road adjacent to the Scotts Branch Elementary School property, and
- (11) From a Waiver of Standards to permit 14 parking spaces to be provided without a landscaped island in lieu of 10 spaces.

Appearing at the requisite Hearing Officer's Hearing in support of the Development Plan on behalf of the Developer and property owner was Ronald Schaftel and David Altfeld, and Donald N. Mitten, P.E. with Richardson Engineering, LLC, the consulting firm that prepared the site plan. Timothy M. Kotroco, Esquire with Whiteford, Taylor & Preston, LLP, appeared and represented the Developer.

Several citizens from the area also attended the hearing, and their names are reflected on the sign-in sheets. The neighbors did not oppose the townhouse project, but strongly objected to the proposed connection of Marriott Lane through the site to Church Lane.

Numerous representatives of the various Baltimore County agencies, who reviewed the Development Plan, also attended the hearing, including the following individuals from the

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Department of Permits and Development Management: Darryl Putty (Project Manager), Dennis Kennedy, Development Plans Review, Bruce Gill, Real Estate Compliance, and Jeffrey Perlow (Office of Zoning Review). Also appearing on behalf of the County were David Lykens from the Department of Environmental Protection and Sustainability (DEPS), and Jenifer Nugent from the Department of Planning (DOP).

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

Pursuant to §§32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct of the Hearing Officer's Hearing, I am required first to identify any unresolved comments or issues as of the date of the hearing. At the hearing, each of the Baltimore County agency representatives identified above (with the exception of Ms. Nugent and Mr. Kennedy, whose comments will be addressed below) indicated that the redlined Development Plan (marked as Developer's Exhibit 2) addressed any and all comments submitted by their agency, and they each recommended approval of the plan.

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By [Signature]

CONNECTION OF MARRIOTT LANE

The majority of development proposals in Baltimore County are uncontroversial, or at least citizens can "learn to live" with the project under consideration. If a common theme exists in those cases where citizen opposition is vocal, it would undoubtedly be traffic. And that was certainly the case in this matter. Nearly a dozen concerned citizens attended this hearing, and most of them stayed throughout the four hours of testimony and discussion. Without exception, each expressed strong objection to the connection of Marriott Lane through this new community.

At present, Marriott Lane, which is accessed off of Liberty Road, terminates at the subject property. Witnesses described the quiet, almost bucolic existence they enjoy, a rarity in this day and age. Photos were submitted which depicted the rural feel of this area. Developer's Exhibit 6. Everyone expressed fear that if the road is connected through this community to Church Lane, it would become a "race track" with speeding vehicles traveling to and from Liberty Road.

Baltimore County policy discourages dead-end streets, and both Mr. Kennedy and Ms. Nugent indicated their departments supported the roadway connection. I understand the County policies and respect the input and expertise of Mr. Kennedy and Ms. Nugent, but I think in this case the concerns of the existing community members are paramount. It is easy to imagine how their lives would be forever altered by such a connection, and I think the County policies must yield in these circumstances. In addition, the Developer is proposing 64 "units" which pursuant to County policy does not require a second means of access.

CHURCH LANE IMPROVEMENTS

For many years, Baltimore County officials have expressed concern with conditions on Church Lane. In the previous iteration of this case (over six years ago), Stephen Weber of DPW noted that ownership of the roadway was unclear, and that the road surface itself was substandard.

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By EW

In this case, witness testimony and photographs (Developer's Exhibit 7) make clear that existing conditions are still unacceptable. The only point of debate concerns who bears the responsibility for the needed improvements, including a sidewalk along the north side of Church Lane.

In the March 27, 2007 Order approving the Development Plan for 26 single-family dwellings at this site, former Deputy Zoning Commissioner Murphy (recounting the testimony of Developer's engineer) stated that "sidewalks will be built on Church Lane," and he noted that a greenway project was planned on the opposite side of Church Lane along Scotts Level Branch. See Order, p. 7. That was over six years ago, and in the interim Baltimore County completed improvements including curb and sidewalk along the south side of Church Lane. The County now requests the Developer to construct roadway, sidewalk and curb/gutter improvements along the north side of Church Lane, and the Developer contends such an off-site improvement is unwarranted.

On this point, I believe Baltimore County has the better of the argument. The previous developer (in whose shoes the present Developer stands) agreed to construct such improvements, and it is reasonable to assume – especially since it was specifically mentioned in his Order – this was a material factor in Mr. Murphy's approval Order. Baltimore County has since completed improvements on the south side of the roadway, and had it not done so the Developer here would surely be responsible for such improvements along the same side of the street as the proposed development. Since it was relieved of this obligation, it seems equitable to require the Developer to construct similar improvements along the north side of Church Lane.

Baltimore County, like most jurisdictions throughout the country, is entitled to condition development approvals upon a developer's dedication of land or construction of public infrastructure improvements. See, e.g. B.C.C. §32-4-302. While these requirements strike many

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as a form of extortion, they have been upheld by state and federal courts. There are limits of course, but in this case I believe the requirement that Developer construct curb, gutter and sidewalk improvements along Church Lane bears a reasonable relationship to the anticipated impact upon public services expected to result from the construction of 62 town homes.

OPEN SPACE WAIVER

Mr. Gill testified that Baltimore County agreed to waive the open space requirement in this case, conditioned upon Developer's payment of a fee in lieu of the amount of \$439,680, as reflected on Baltimore County Exhibit 1. This fee was calculated based upon then-applicable fees. But on May 23, 2013 (one week following the hearing in this case), the County Council revised the schedule of Local Open Space Waiver fees pursuant to Resolution No. 43-13. That Resolution provides that the revised fees take effect immediately. As such, the waiver fee in this case will need to be recalculated using the updated fees set forth on page 2 of Resolution 43-13.

One other issue arose concerning the open space fee waiver. Specifically, Mr. Gill testified the previous developer (Marriott-Kirk LLC) paid to Baltimore County \$49,400 pursuant to the open space fee waiver referenced in former Deputy Zoning Commissioner Murphy's March 27, 2007 Order in that case. Mr. Schaftel testified that when he acquired this property from M&T Bank (following the previous Developer's default), the purchase included an assignment of all rights and prior development approvals, including the open space waiver fee referenced above. In these circumstances, I believe the Developer is entitled to a credit in that amount (\$49,400) against the waiver fee to be assessed in the present case. The fee collected by the County is designed as a "reasonably proportionate offset to the County to acquire alternate recreation land." See Resolution 43-13. Since the previous development never came to fruition, there was no need for additional recreational space for the new residents of the community. As such, the previously paid

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By [Signature]

fee (at least in theory) should still be available for this purpose, and the Developer is entitled to a credit for the prior payment.

DEVELOPER'S CASE

The Developer presented four witnesses in its case. First was Ronald Schaftel, a member of the development entity who has over 35 years experience in commercial and residential development projects. Mr. Schaftel testified that M&T Bank contacted him about this property after the previous developer defaulted. He stated that by purchasing the property the Bank assigned to the present development entity all rights to the project, including all prior approvals and plans, including the open space fee paid previously by the former developer in the amount of \$49,400.

Mr. Schaftel then described his efforts to have the zoning changed and his firm's outreach efforts. He indicated the townhouses would be approximately 2,400 square feet and would sell for between \$220,000 - \$250,000. The witness next indicated that his firm entered into two restrictive covenant agreements with the community association, which were admitted as Developer's Exhibits 3 and 4. Finally, Mr. Schaftel testified that he has always favored cul-de-sac communities (and he recognized that opinion was at odds with the Department of Planning), and that this is the first case he recalls where the County has insisted the Developer make off site improvements as a condition of project approval.

David Altfeld, the other principal in the development entity, was the next witness, and his testimony also focused upon the County's request for off-site improvements to Church Lane. Mr. Altfeld noted that Mr. Lykens had earlier said in response to a citizen question that his agency does not require or request off-site improvements, which is at odds with Mr. Kennedy's request for curb and sidewalk improvements to the north side of Church Lane.

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By DW

The next witness was Shirley Supik, President of the Liberty Road Community Council, Inc. Ms. Supik stated she has lived in the area for 35 years, and that she supports the Developer's project, which will bring homeowners to the area. With regard to the proposed connection of Marriott Lane through the community, Ms. Supik testified she was strongly opposed to the idea, feared for the safety of children in the area, and saw "no reason" for the connection as requested by DOP and the Department of Public Works (DPW).

The final witness was Donald Mitten, a licensed professional engineer who was accepted as an expert. His CV was marked and admitted as Developer's Exhibit 11, and outlines his background and experience. Mr. Mitten described the project in some detail and opined that the Developer satisfied all County requirements and development regulations. With regard to the Marriott Lane "connection" issue, Mr. Mitten opined that it was preferable for traffic from this community to be directed to Church Lane, rather than traveling through a connected Marriott Lane to Liberty Road, which he described as a dangerous and overcrowded thoroughfare. Mr. Mitten also noted that County regulations only require a second access point for a community when more than 100 units are proposed. See Bureau of Development Plans Review Policy Manual, p.22.

The Baltimore County Code clearly provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." B.C.C. §32-4-229. After due consideration of the testimony and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the development plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the redlined Development Plan.

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By lw

ZONING REQUESTS

SPECIAL HEARING

In addition to the Development Plan approval, the Developer sought special hearing relief pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to Amend the Final Development Plan (FDP) of the Marriott-Kirk Property, which was marked and admitted as Developer's Exhibit 12. That FDP, as noted earlier, was for 26 single-family dwellings, and the present case seeks to amend (a "material" amendment) that plan to reflect the current proposal for 64 townhouses on the same site. Having approved the Development Plan in this case, it follows logically that the previous FDP must be amended accordingly.

VARIANCES

Furthermore, the Developer sought variances under the B.C.Z.R. and CMDP for certain setbacks and standards. Each of the variance requests was described in detail earlier in this Opinion.

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

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

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

Developer has met this test. The property at issue is undoubtedly unique, especially since its dimensions and layout are reflected on a recorded plat, which imposed certain constraints on the Developer.

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Date 5-30-12

By aw

In addition, the Developer would suffer a practical difficulty if the variances were denied, in that it would need to re-engineer the Development Plan (and possibly construct fewer homes, which according to Mr. Schafel, would jeopardize the economic viability of the project) to comply with the setbacks. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County opposition and the support of the community.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, the Marriott Kirk Property, 1st Material Amendment to the Development Plan shall be granted consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 30th day of May, 2013, that the three (3) sheet redlined "**MARRIOTT KIRK PROPERTY - 1st Material Amendment**" Development Plan, marked and accepted into evidence as Developer's Exhibit 2, be and is hereby **APPROVED**.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to Amend the Final Development Plan (FDP) of the Marriott-Kirk Property, be and is hereby GRANTED.

IT IS ALSO FURTHER ORDERED that the Petition for Variance seeking relief as follows:

- (1) From §1B01.2.C.1.c of the B.C.Z.R. and from §504.2 of the B.C.Z.R. and the Comprehensive Manual Development Plan (CMDP), Division II, Section A: Residential Standards Table VII, to permit a side building face to public street right-of-way setback of 15' in lieu of the required 25' setback,

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By [Signature]

- (2) From §1B01.2.C.1.c of the B.C.Z.R. and from §504.2 of the B.C.Z.R. and the CMDP, Division II, Section A: Residential Standards Table VII, to permit a building face to tract boundary setback of 22' in lieu of the required 30' setback,
- (3) From §1B01.2.C.1.c of the B.C.Z.R. and from §504.2 of the B.C.Z.R. and the CMDP, Division II, Section A: Residential Standards Table VII, to permit a side building face to side building face setback of 13' in lieu of the required 25' setback,
- (4) From §1B01.1.B.1.e.(2) and (5) of the B.C.Z.R., to permit the construction of single family attached dwellings with a 30' setback from the tract boundary in lieu of the required 75' setback,
- (5) From §1B01.1.B.1.e.(2) and (5) of the B.C.Z.R., to permit an Residential Transition Area (RTA) buffer of 0' in lieu of the required 50' buffer,
- (6) From §1B01.1.B.1.e.(5) of the B.C.Z.R., to permit a maximum building height of 45' within the 100' transition area in lieu of the maximum 35',
- (7) From §301.1 of the B.C.Z.R., to permit a one story open porch to have a rear setback of 20' in lieu of the required 22.5',
- (8) To permit a side building face to side building face setback of 20' in lieu of the required 25' setback,
- (9) To permit the construction of more than 6 units in a row,
- (10) To approve a Waiver of Public Works Standards to eliminate the requirement to construct a sidewalk on the northwest side of Kirk Farm Road adjacent to the Scotts Branch Elementary School property, and
- (11) To approve a Waiver of Standards to permit 14 parking spaces to be provided without a landscaped island in lieu of 10 spaces,

be and are hereby GRANTED.

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

1. Developer's payment of the applicable fee (calculated under Resolution 43-13) for the waiver of the Local Open Space requirement. The Developer shall be entitled to a credit in the amount of \$49,400, reflecting the Local Open Space waiver fee paid by the prior developer, as shown on Baltimore County Exhibit 4.

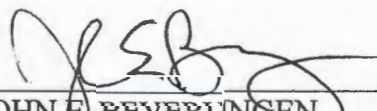
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By EW

2. Developer must construct at its sole cost and expense the roadway, curb, gutter and sidewalk improvements along the north side of Church Lane, as requested by the Department of Public Works. The Developer's obligation in this regard extends only to the construction of the improvements within existing Baltimore County right-of-way, and the Developer is not obliged to acquire and/or dedicate any land along Church Lane for roadway widening and/or construction of the referenced improvements.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

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Date 5-30-13

By dlw



PETITION FOR ZONING HEARING(S)

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

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

Address 3637 + 3640 Marriott Lane which is presently zoned DR *DM*

10.5

Deed References: Liber 31603, Folio 497

10 Digit Tax Account # 021135011 & 1700003927

Property Owner(s) Printed Name(s) Church Marriott, LLC

New Acct# 2500003307 thru 2500003332

2500003337

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

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

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

Amend the Final Development Plan of the Marriott-Kirk Property

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

3. X a **Variance** from Section(s) See attached chart

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).

Lessee:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

By
Attorney for Petitioner:

Timothy M. Kotroco, Esquire

Name - Type or Print

Signature

One W. Pennsylvania Ave., Suite 300, Towson, MD

Mailing Address

City

State

21204

410-832-2004

tkotroco@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Church Marriott, LLC

Name #1 Type or Print

Name #2 - Type or Print

By: Ronald Schaftel

Ronald Schaftel, Member

Signature #1

Signature # 2

1258 Henry Street, Baltimore, MD.

Mailing Address

City

State

21230

410-832-2004

Zip Code

Telephone #

Email Address

Representative to be contacted:

Timothy M. Kotroco, Esquire

Name - Type or Print

Signature

One W. Pennsylvania Ave., St. 300, Towson, Md.

Mailing Address

City

State

21204

410-832-2004

kotroco@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0220-SPHA

Filing Date 4/2/2013

Do Not Schedule Dates:

Reviewer JNP

REV. 10/4/11

430741

581.846 416 282-7940

Don Miller

443-901-128

DROP OFF-NO REVIEW

ANTICIPATED ZONING ACTIONS:

1. VARIANCE FROM SECTION 1B01.2.C.1.c OF THE BCZR REGULATIONS AND PURSUANT TO SECTION 504.2 OF THE BCZR AND THE CMDP, DIVISION II, SECTION A: RESIDENTIAL STANDARDS TABLE VII, TO PERMIT A SIDE BUILDING FACE TO PUBLIC STREET RIGHT-OF-WAY SETBACK OF 15' IN LIEU OF THE REQUIRED 25' SETBACK.
2. VARIANCE FROM SECTION 1B01.2.C.1.c OF THE BCZR REGULATIONS AND PURSUANT TO SECTION 504.2 OF THE BCZR AND THE CMDP, DIVISION II, SECTION A: RESIDENTIAL STANDARDS TABLE VII, TO PERMIT A BUILDING FACE TO TRACT BOUNDARY SETBACK OF 22' IN LIEU OF THE REQUIRED 30' SETBACK.
3. VARIANCE FROM SECTION 1B01.2.C.1.c OF THE BCZR REGULATIONS AND PURSUANT TO SECTION 504.2 OF THE BCZR AND THE CMDP, DIVISION II, SECTION A: RESIDENTIAL STANDARDS TABLE VII, TO PERMIT A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 13' IN LIEU OF THE REQUIRED 25' SETBACK.
4. VARIANCE FROM SECTION 1B01.1.B.1.e.(2) & (5) OF THE BCZR TO PERMIT THE CONSTRUCTION OF SINGLE FAMILY ATTACHED DWELLINGS WITH A 30 FEET SETBACK FROM THE TRACT BOUNDARY IN LIEU OF THE REQUIRED 75' SETBACK.
5. VARIANCE FROM SECTION 1B01.1.B.1.e.(2) & (5) OF THE BCZR TO PERMIT AN RTA BUFFER OF 0' IN LIEU OF THE REQUIRED 50' BUFFER.
6. VARIANCE FROM SECTION 1B01.1.B.1.e.(5) OF THE BCZR TO PERMIT A MAXIMUM BUILDING HEIGHT OF 45' WITHIN THE ONE HUNDRED FOOT TRANSITION AREA IN LIEU OF THE MAXIMUM 35'.
7. VARIANCE FROM SECTION 301.1 OF THE BCZR TO PERMIT A ONE STORY OPEN PORCH TO HAVE A REAR SETBACK OF 20' IN LIEU OF THE REQUIRED 22.5 FEET.
8. MODIFICATION OF STANDARDS TO PERMIT A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 20' IN LIEU OF THE REQUIRED 25' SETBACK.
9. MODIFICATION OF STANDARDS TO PERMIT THE CONTRUCTION OF MORE THAN 6 UNITS IN A ROW.
10. A WAIVER OF PUBLIC WORKS STANDARDS TO ELIMINATE THE REQUIRMENT TO CONSTRUCT A SIDEWALK ON THE NORTHWEST SIDE OF KIRK FARM ROAD ADJACENT TO THE SCOTTS BRANCH ELEMENTARY SCHOOL PROPERTY.
11. A WAIVER OF STANDARDS TO PERMIT 14 PARKING SPACES TO BE PROVIDED WITHOUT A LANDSCAPED ISLAND IN LIEU OF 10 SPACES.

LOT#	VARIANCE #							
	1	2	3	4	5	6	7	8
1	X			X	X	X		
2				X	X	X		
3				X	X	X		
4			X	X	X	X		
5			X	X	X	X		
6				X	X	X		
7				X	X	X		
8				X	X	X		
9		X		X	X	X		
10	X							
11								
12								
13			X					
14			X					
15						X		
16						X		
17	X					X		
18	X							
19								
20								
21			X					
22			X					
23								
24								
25								
26	X							
27		X						
28								
29								
30								
31			X					
32			X					
33								
34								
35								
36	X							
37	X	X		X	X	X	X	
38				X	X	X	X	
39				X	X	X	X	
40				X	X	X	X	
41				X	X	X	X	
42				X	X	X	X	
43				X	X	X	X	X
44				X	X	X	X	X
45				X	X	X	X	
46				X	X	X	X	
47				X	X	X	X	
48				X	X	X	X	
49				X	X	X	X	
50				X	X	X	X	X
51				X	X	X	X	X
52				X	X	X	X	
53				X	X	X	X	
54				X	X	X	X	
55				X	X	X	X	
56				X	X	X	X	
57				X	X	X	X	X
58				X	X	X	X	X
59				X	X	X		
60				X	X	X		
61				X	X	X		
62				X	X	X		
63				X	X	X		
64		X		X	X	X		

**ZONING DESCRIPTION FOR
MARRIOTT-KIRK PROPERTY
2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the **south** side right-of-way of **Church Lane** (60 feet) wide at a distance of **216** feet **west** of the nearest improved intersecting street **Langrehr Road** which is (50 feet) wide.

Thence the following courses and distances: (1) South 41 degrees 24 minutes 24 seconds West 470.43', (2) South 41 degrees 09 minutes 05 seconds West 207.37', (3) North 46 degrees 40 minutes 21 seconds West 54.85', (4) North 47 degrees 47 minutes 45 seconds West 107.13', (5) South 42 degrees 22 minutes 06 seconds West 138.78', (6) North 45 degrees 11 minutes 24 seconds West 264.00', (7) North 42 degrees 21 minutes 22 seconds East 412.67', (8) North 41 degrees 45 minutes 22 seconds East 227.94', (9) South 74 degrees 34 minutes 13 seconds East 278.96', (10) by a curve to the right with a radius of 348.00' and an arc length of 171.68' and a chord bearing of South 60 degrees 26 minutes 14 seconds East 169.95', (11) South 46 degrees 18 minutes 14 seconds 1.54' back to the point of beginning as recorded in deed Liber 31603, Folio 497, containing a net area of 6.72 acres. Located in the 2nd Election District and 4th Councilmanic District.



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 16581, Expiration Date: 8/01/13

2013-0220-SPHA (DROP OFF-NO REVIEW)

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2013-0220-SPHA

Petitioner: CHURCH MARRIOTT, LLC

Address or Location: 3637 & 3640 MARRIOTT LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: TIMOTHY M. KOTROCO, ESQ.

Address: WHITE FORD, TAYLOR & PRESTON

1 W. PENNSYLVANIA AVE, SUITE 300

TOWSON, MD 21204

Telephone Number: 410-832-2004

DROP OFF - NO REVIEW

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

No. **96275**

Date: **4/2/2012**

PAID RECEIPT

BUSINESS RETURN
 4/03/2013 4/02/2013 11:04:30
 1502 WALKER JETA JET
 RECEIPT # 620054 4/02/2013
 5 530 BIRING MENTATION
 096275
 Recpt Tot 1130.00
 \$750.00 3.00 CA
 Baltimore County, Maryland

Rev Sub
 Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				950.00

Total: **950.00**

Rec From: **Whiteford, Taylor & Preston**

For: **Special Hearing & Voir Dire**
2013-0220-SPHA (CHURCH MARRIOTT, LLC)
3631 & 3690 MARRIOTT LANE

DROP OFF - NO REVIEW

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2013-0220-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Church Marriott, LLC

May 16, 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: _____

3637 & 3640 Marriott Lane - 3 signs posted on Marriott Ln and 3 sign posted on Church lane

April 26, 2013

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,



April 26, 2013

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

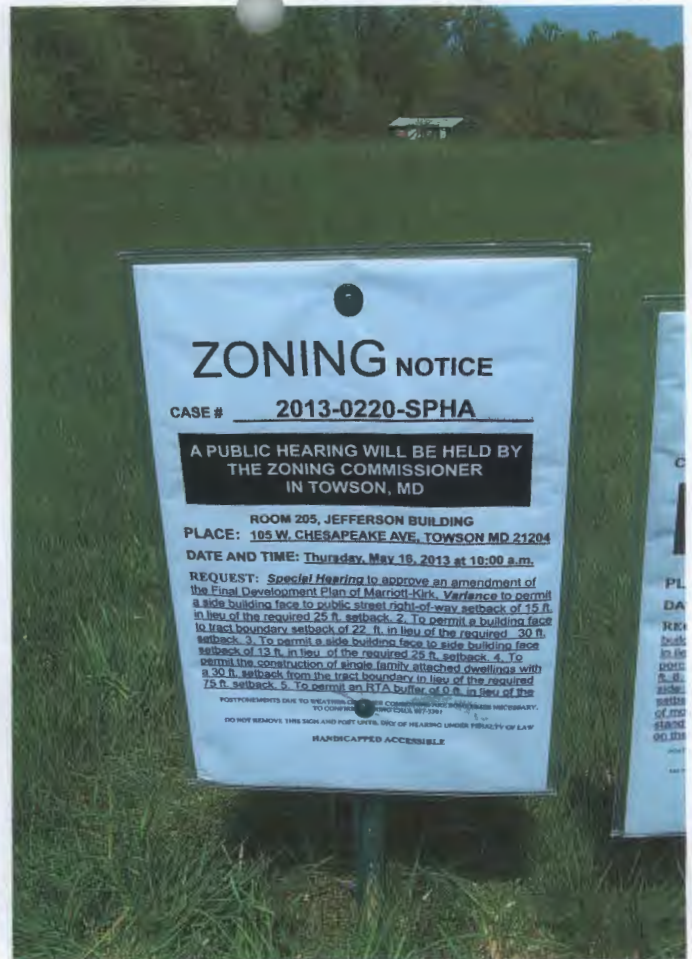
(Address)

Dundalk, Maryland 21222

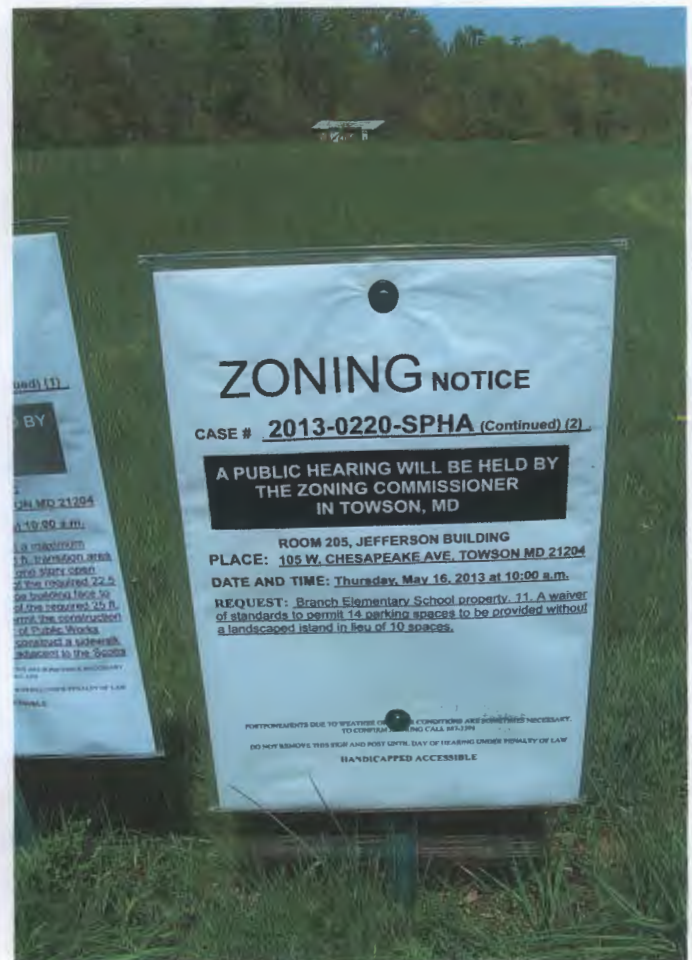
(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



MAR 10 11 2H





THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

April 25, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on April 25, 2013

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

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

Case: #2013-0220-SPHA

3637 & 3640 Marriott Lane

S/s Church Lane, 216 ft. W/of Langrehr Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Church Marriott, LLC

Special Hearing: to approve an amendment of the Final Development Plan of Marriott-Kirk. **Variance:** to permit a side building face to public street right-of-way setback of 15 ft. in lieu of the required 25 ft. setback. 2. To permit a building face to tract boundary setback of 22 ft. in lieu of the required 30 ft. setback. 3. To permit a side building face to side building face setback of 13 ft. in lieu of the required 25 ft. setback. 4. To permit the construction of single family attached dwellings with a 30 ft. setback from the tract boundary in lieu of the required 75 ft. setback. 5. To permit an RTA buffer of 0 ft. in lieu of the required 50 ft. buffer. 6. To permit a maximum building height of 45 ft. within the one hundred ft. transition area in lieu of the maximum 35 ft. 7. To permit a one story open porch to have a rear setback of 20 ft. in lieu of the required 22.5 ft. 8. Modification of standards to permit a side building face to side building face setback of 20 ft. in lieu of the required 25 ft. setback. 9. Modification of standards to permit the construction of more than 6 units in a row. 10. A waiver of Public Works standards to eliminate the requirement to construct a sidewalk on the northwest side of Kirk Farm Road adjacent to the Scotts Branch Elementary School property. 11. A waiver of standards to permit 14 parking spaces to be provided without a landscaped island in lieu of 10 spaces.

Hearing: Thursday, May 16, 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.
4/491 April 25 918863



KEVIN KAMENETZ
April 17, 2013
County Executive

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

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: 2013-0220-SPHA

3637 & 3640 Marriott Lane
S/s Church Lane, 216 ft. W/of Langrehr Road
2nd Election District – 4th Councilmanic District
Legal Owners: Church Marriott, LLC

Special Hearing to approve an amendment of the Final Development Plan of Marriott-Kirk. Variance to permit a side building face to public street right-of-way setback of 15 ft. in lieu of the required 25 ft. setback. 2. To permit a building face to tract boundary setback of 22 ft. in lieu of the required 30 ft. setback. 3. To permit a side building face to side building face setback of 13 ft. in lieu of the required 25 ft. setback. 4. To permit the construction of single family attached dwellings with a 30 ft. setback from the tract boundary in lieu of the required 75 ft. setback. 5. To permit an RTA buffer of 0 ft. in lieu of the required 50 ft. buffer. 6. To permit a maximum building height of 45 ft. within the one hundred ft. transition area in lieu of the maximum 35 ft. 7. To permit a one story open porch to have a rear setback of 20 ft. in lieu of the required 22.5 ft. 8. Modification of standards to permit a side building face to side building face setback of 20 ft. in lieu of the required 25 ft. setback. 9. Modification of standards to permit the construction of more than 6 units in a row. 10. A waiver of Public Works standards to eliminate the requirement to construct a sidewalk on the northwest side of Kirk Farm Road adjacent to the Scotts Branch Elementary School property. 11. A waiver of standards to permit 14 parking spaces to be provided without a landscaped island in lieu of 10 spaces.

Hearing: Thursday, May 16, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Timothy Kotroco, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Ronald Schaftel, 1258 Henry Avenue, Baltimore 21230

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 25, 2013 Issue - Jeffersonian

Please forward billing to:
Timothy Kotroco
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue
Towson, MD 21204

410-832-2004

NOTICE OF ZONING HEARING

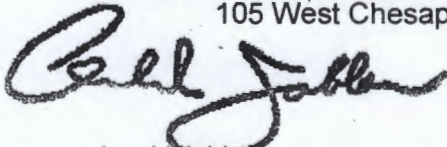
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0220-SPHA

3637 & 3640 Marriott Lane
S/s Church Lane, 216 ft. W/of Langrehr Road
2nd Election District – 4th Councilmanic District
Legal Owners: Church Marriott, LLC

Special Hearing to approve an amendment of the Final Development Plan of Marriott-Kirk. Variance to permit a side building face to public street right-of-way setback of 15 ft. in lieu of the required 25 ft. setback. 2. To permit a building face to tract boundary setback of 22 ft. in lieu of the required 30 ft. setback. 3. To permit a side building face to side building face setback of 13 ft. in lieu of the required 25 ft. setback. 4. To permit the construction of single family attached dwellings with a 30 ft. setback from the tract boundary in lieu of the required 75 ft. setback. 5. To permit an RTA buffer of 0 ft. in lieu of the required 50 ft. buffer. 6. To permit a maximum building height of 45 ft. within the one hundred ft. transition area in lieu of the maximum 35 ft. 7. To permit a one story open porch to have a rear setback of 20 ft. in lieu of the required 22.5 ft. 8. Modification of standards to permit a side building face to side building face setback of 20 ft. in lieu of the required 25 ft. setback. 9. Modification of standards to permit the construction of more than 6 units in a row. 10. A waiver of Public Works standards to eliminate the requirement to construct a sidewalk on the northwest side of Kirk Farm Road adjacent to the Scotts Branch Elementary School property. 11. A waiver of standards to permit 14 parking spaces to be provided without a landscaped island in lieu of 10 spaces.

Hearing: Thursday, May 16, 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 ACCOMODATIONS, PLEASE CONTACT THE OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: July 2, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0220-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 1, 2013. 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		
3637-3640 Marriott Lane; S/S Church Lane,	*	OF ADMINISTRATIVE
216' W of Langrehr Road		
2 nd Election & 4 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Church Marriott LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2013-220-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

APR 10 2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 2013, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 1 Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013- 0220-
SPHA

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>A-9</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>A-8</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>4-25-13</u>	
SIGN POSTING	Date: <u>4-26-13</u> by <u>Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

ANTICIPATED ZONING ACTIONS:

1. VARIANCE FROM SECTION 1B01.2.C.1.c OF THE BCZR REGULATIONS AND PURSUANT TO SECTION 504.2 OF THE BCZR AND THE CMDP, DIVISION II, SECTION A: RESIDENTIAL STANDARDS TABLE VII, TO PERMIT A SIDE BUILDING FACE TO PUBLIC STREET RIGHT-OF-WAY SETBACK OF 15' IN LIEU OF THE REQUIRED 25' SETBACK.
2. VARIANCE FROM SECTION 1B01.2.C.1.c OF THE BCZR REGULATIONS AND PURSUANT TO SECTION 504.2 OF THE BCZR AND THE CMDP, DIVISION II, SECTION A: RESIDENTIAL STANDARDS TABLE VII, TO PERMIT A BUILDING FACE TO TRACT BOUNDARY SETBACK OF 22' IN LIEU OF THE REQUIRED 30' SETBACK.
3. VARIANCE FROM SECTION 1B01.2.C.1.c OF THE BCZR REGULATIONS AND PURSUANT TO SECTION 504.2 OF THE BCZR AND THE CMDP, DIVISION II, SECTION A: RESIDENTIAL STANDARDS TABLE VII, TO PERMIT A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 13' IN LIEU OF THE REQUIRED 25' SETBACK.
4. VARIANCE FROM SECTION 1B01.1.B.1.e.(2) & (5) OF THE BCZR TO PERMIT THE CONSTRUCTION OF SINGLE FAMILY ATTACHED DWELLINGS WITH A 30 FEET SETBACK FROM THE TRACT BOUNDARY IN LIEU OF THE REQUIRED 75' SETBACK.
5. VARIANCE FROM SECTION 1B01.1.B.1.e.(2) & (5) OF THE BCZR TO PERMIT AN RTA BUFFER OF 0' IN LIEU OF THE REQUIRED 50' BUFFER.
6. VARIANCE FROM SECTION 1B01.1.B.1.e.(5) OF THE BCZR TO PERMIT A MAXIMUM BUILDING HEIGHT OF 45' WITHIN THE ONE HUNDRED FOOT TRANSITION AREA IN LIEU OF THE MAXIMUM 35'.
7. VARIANCE FROM SECTION 301.1 OF THE BCZR TO PERMIT A ONE STORY OPEN PORCH TO EXTEND INTO A REAR YARD NOT MORE THAN 34% OF THE MINIMUM REQUIRED DEPTH OF A REAR YARD IN LIEU OF THE REQUIRED MAXIMUM OF 25%.
8. MODIFICATION OF STANDARDS TO PERMIT A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 20' IN LIEU OF THE REQUIRED 25' SETBACK.
9. MODIFICATION OF STANDARDS TO PERMIT THE CONSTRUCTION OF MORE THAN 6 UNITS IN A ROW.
10. A WAIVER OF PUBLIC WORKS STANDARDS TO ELIMINATE THE REQUIREMENT TO CONSTRUCT A SIDEWALK ON THE NORTHWEST SIDE OF KIRK FARM ROAD ADJACENT TO THE SCOTTS BRANCH ELEMENTARY SCHOOL PROPERTY.
11. A WAIVER OF STANDARDS TO PERMIT 14 PARKING SPACES TO BE PROVIDED WITHOUT A LANDSCAPED ISLAND IN LIEU OF 10 SPACES.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 15, 2013
Item No. 2013-0220

DATE: April 9, 2013

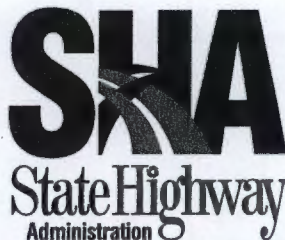
The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Submit revised landscape plan.

The waiver of sidewalk request will be addressed at the hearing officer hearing as a development issue.

DAK:CEN
cc: file
ZAC-ITEM NO 13-0220-04152013.doc

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4-8-13

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

RE: Baltimore County
Item No 2013-0220-SPHA
Special Hearing Variance
Church Marriott, LLC
3637-3640 Marriott Lane.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2013-0220-SPHA

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

Sincerely,

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

Steven D. Foster, Chief
Access Management Division

SDF/raz



KEVIN KAMENETZ
County Executive

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

May 7, 2013

Church Marriott LLC
Ronald Schaftel, Member
1258 Henry Street
Baltimore MD 21230

RE: Case Number: 2013-0220 SPHA, Address: 3637 & 3640 Marriott Lane

Dear Mr. Schaftel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 2, 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, reading "W. Carl Richards, Jr.", is written over a circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Timothy M. Kotroco, Esquire, One W Pennsylvania Avenue, Suite 300, Towson MD 21204

Debra Wiley - Re: Marriott Kirk HOH

From: Darryl Putty
To: Wiley, Debra
Date: 5/14/2013 11:35 AM
Subject: Re: Marriott Kirk HOH
Attachments: Putty, Darryl.vcf

Hi Debra,

Here is the info for the upcoming hearing:

Name:.....**Marriott Kirk Property - PAI #02-710**
 Date:.....Thursday, May 16, 2013 at 10:00 am
 Owner/Dev:.....Church Marriott, LLC
 Location:.....8200 Kirk Farm Road
 Proposal:.....64 Townhouses
 Engineer:.....Richardson Engineering, LLC
 Attorney:.....Timothy Kotroco

Issues: This is a **material amendment** to an existing approved plan. The original plan was approved for 26 lots. The new plan proposes 64 town homes.

Darryl Putty
 Darryl D. Putty
 Project Manager
 Development Management
 111 W.Chesapeake Avenue, Rm. 123
 Towson, Maryland 21204
 Ph. 410-887-3335, Fax: 410-887-2877
 E-mail: dputty@baltimorecountymd.gov

>>> Debra Wiley 5/14/2013 10:16 AM >>>
 Hi Darryl,

Did you say you were going to send me a summary on this? I need it to start preparing the draft of the Order.

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

John Beverungen - PAI # 02-710 Marriott-Kirk Property

From: John Beverungen
To: tkotroco@wtplaw.com
Date: 05/24/13 2:25 PM
Subject: PAI # 02-710 Marriott-Kirk Property
CC: Debra Wiley

Mr. Kotroco,

In reviewing the file and exhibits in the above case, I discovered that I do not have Developer's Exhibit #2, which is the redlined, 3 sheet development plan for this project. If memory serves, the engineer (Mr. Mitten) was going to make some additional changes and revisions as discussed at the hearing, and you were then going to forward to this Office.

If I am mistaken, could you please drop off with Ms. Wiley another copy of the redlined, 3 sheet DP, which was admitted as Developer's No. 2.

Thanks,

John Beverungen

John Beverungen - The Marriott Kirk Project

From: Shirley Supik at the Emmart Pierpont Safe House <epsafehousesupik@verizon.net>
To: <jbeverungen@baltimorecountymd.gov>
Date: 05/23/13 5:44 PM
Subject: The Marriott Kirk Project

Good Evening, Your Honor,

I have not yet been contacted by the Planning Office and my position remains the same for the benefit of the community and the project that Marriott Road remain a dead end to vehicular traffic.

The bollards should remain in place as they will allow pedestrian and bicycle traffic to continue for everyone in safety and free of vehicular harm.

Thank you very much for allowing me to contribute.

Have a nice Memorial Day.

Respectfully,
Shirley Supik, President
Liberty Road Community Council

PLEASE PRINT CLEARLY

CASE NAME Marriott-Kirk Prop.
CASE NUMBER 02-0710
DATE 5-16-13

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
DON MYITTEN	RICHARDSON ENGINEERING STE 500, 30 E PADONIA RD TIMONUM MD 21093		don@richardsonengineering.net
Tim Kotroco	One W. Penn Ave Torusn MD 21204 Suite 300		TKotroco@WTPlan.com
DAVID ALTFELD	1258 HENRY ST. BALTO. MD. 21230		DALTFELD@SOUTHERN LANDCOMPANY.COM
RONALD O. SCHAFFEL	1258 HENRY ST. BALTO. MD. 21230		R.SCHAFFEL@SOUTHERN LANDCOMPANY.COM
STEPHEN ROTH	1258 HENRY ST. BALTO. MD. 21230		SROTH@SOUTHERNLAND COMPANY.COM
Meik Frank	3836 Twin Lake Ct 21244		MeikFrank@erols.com
Alvin Johnson	3637 Langrehr Rd 21244		
Chris Crosby	3636 Langrehr Rd		CCrosby1114@yahoo.com
Maria Williams	3628 Marriott Lane 21244		UncleMose@gmail.com
Robyn Joyner	3630 Marriott Ln.		robynjoyner@msn.com
Tom. McNeil	3630 Langrehr Rd 21244		+masc1713@yahoo.com
JAMES WALKER	3634 LANGREHR RD 21244		
HENRY SANFILIPPO	3634 LANGREHR RD 21244		HANKIES@COMCAST.NET

CASE NAME MARRIOTT-KIRK PROPERTY
CASE NUMBER 02-0710
DATE 5/16/2013

E - MAIL.

CCrosby1114@yahoo.

ops@chousecsupik@
verizon.net

HANKER & COMCAST.NET

unclemose@gmail.com

CASE NAME MARRIOTT-KIRK PROP.
CASE NUMBER 02-0710
DATE 5/16/2013

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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

Account Identifier:

District - 02 Account Number - 2500003332

Owner Information

Owner Name: CHURCH-MARRIOTT LLC **Use:** RESIDENTIAL
Mailing Address: 233 E REDWOOD ST **Principal Residence:** NO
BALTIMORE MD 21202- **Deed Reference:** 1) /31603/ 00497
2)

Location & Structure Information

Premises Address
3657 MARRIOTT LN
BALTIMORE 21244-0000

Legal Description
0.1853 AC
3657 MARRIOTT LN SS
MARRIOTT-KIRK PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0077	0017	1482		0000			26	1	Plat Ref: 0078/ 0286

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

Primary Structure Built **Enclosed Area** **Property Land Area** **County Use**
8,071 SF 04

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	79,200	59,900		
Improvements:	0	0		
Total:	79,200	59,900	79,200	59,900
Preferential Land:	0			0

Transfer Information

Seller: CHESAPEAKE HOLDINGS CHURCH LANE LLC	Date: 01/13/2012	Price: \$200,000
Type: ARMS LENGTH MULTIPLE	Deed1: /31603/ 00497	Deed2:
Seller:	Date: 12/08/2011	Price: \$525,000
Type: ARMS LENGTH MULTIPLE	Deed1: /31477/ 00348	Deed2:
Seller:	Date: 12/30/1899	Price: \$0
Type:	Deed1: /26391/ 00001	Deed2:

Exemption Information

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

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

Homestead Application Information

Homestead Application Status: No Application

Maryland Department of Assessments and Taxation
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BALTIMORE COUNTY

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Account Identifier: District - 02 Account Number - 2500003337

Owner Information

Owner Name: CHURCH-MARRIOTT LLC **Use:** RESIDENTIAL
Mailing Address: 233 E REDWOOD ST **Principal Residence:** NO
BALTIMORE MD 21202- **Deed Reference:** 1) /31602/ 00497
2)

Location & Structure Information

Premises Address **Legal Description**
8219 KIRK FARM RD 0.1706 AC
BALTIMORE 21244-0000 8219 KIRK FARM RD SS
MARRIOTT-KIRK PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0077	0017	1482		0000			11	1	Plat Ref: 0078/0286

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		7,431 SF	04

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	79,100	59,800		
Improvements:	0	0		
Total:	79,100	59,800	79,100	59,800
Preferential Land:	0			0

Transfer Information

Seller: CHESAPEAKE HOLDINGS CHURCH LANE LLC	Date: 01/13/2012	Price: \$200,000
Type: ARMS LENGTH MULTIPLE	Deed1: /31602/ 00497	Deed2:
Seller:	Date: 12/08/2011	Price: \$525,000
Type: ARMS LENGTH MULTIPLE	Deed1: /31477/ 00348	Deed2:
Seller:	Date: 12/30/1899	Price: \$0
Type:	Deed1: /26391/ 00001	Deed2:

Exemption Information

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

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

Homestead Application Information

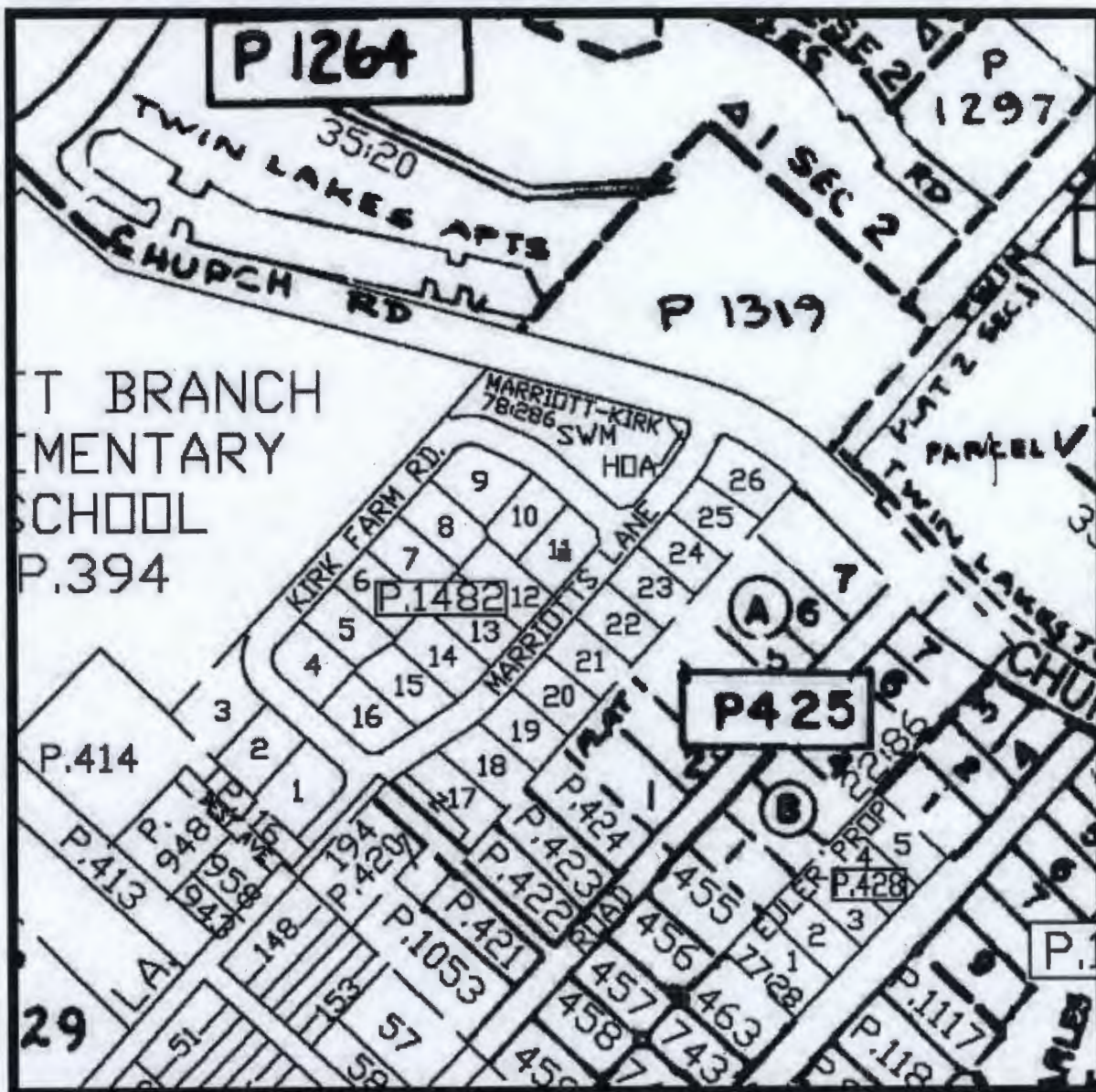
Homestead Application Status: No Application



**Maryland Department of Assessments and
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District - 02 Account Number - 2500003337



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[Registration](#)

Account Identifier: District - 02 Account Number - 2500003333

Owner Information

Owner Name: CHURCH-MARRIOTT LLC **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 233 E REDWOOD ST
BALTIMORE MD 21202- **Deed Reference:** 1) /31603/ 00497
2)

Location & Structure Information

Premises Address **Legal Description**
KIRK FARM RD 0.6342 AC SWMR
BALTIMORE 21244-0000 KIRK FARM RD NS
MARRIOTT-KIRK PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0077	0017	1482		0000				1	Plat Ref: 0078/ 0286

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		0.6300 AC	04

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	600	600		
Improvements:	0	0		
Total:	600	600	600	600
Preferential Land:	0			0

Transfer Information

Seller: CHESAPEAKE HOLDINGS CHURCH LANE LLC	Date: 01/13/2012	Price: \$200,000
Type: ARMS LENGTH MULTIPLE	Deed1: /31603/ 00497	Deed2:
Seller: MARRIOTT KIRK LLC	Date: 12/08/2011	Price: \$525,000
Type: ARMS LENGTH MULTIPLE	Deed1: /31477/ 00348	Deed2:
Seller:	Date: 12/30/1899	Price: \$0
Type:	Deed1: /26391/ 00001	Deed2:

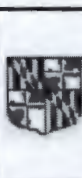
Exemption Information

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

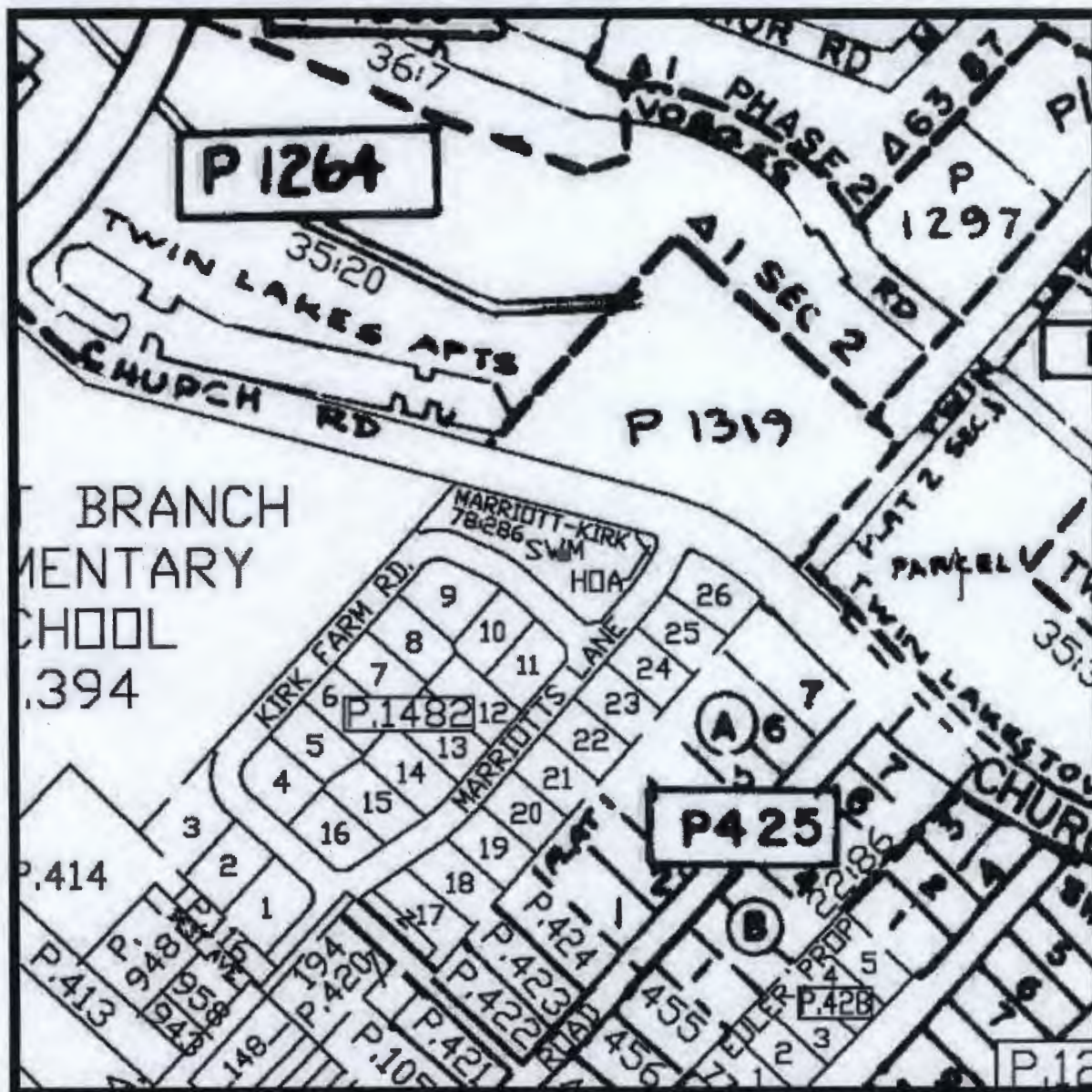
Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

	Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search	Go Back View Map New Search
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District - 02 Account Number - 2500003333



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Account Identifier: District - 02 Account Number - 2500003307

Owner Information

Owner Name: CHURCH-MARRIOTT LLC **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 233 E REDWOOD ST **Deed Reference:** 1)/31603/ 00497
BALTIMORE MD 21202- 2)

Location & Structure Information

Premises Address **Legal Description**
8202 KIRK FARM RD 0.1987 AC
BALTIMORE 21244-0000 8202 KIRK FARM RD SS
MARRIOTT-KIRK PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0077	0017	1482		0000			1	1	Plat Ref: 0078/ 0286

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

Primary Structure Built **Enclosed Area** **Property Land Area** **County Use**
8,655 SF 04

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	79,400	60,100		
Improvements:	0	0		
Total:	79,400	60,100	79,400	60,100
Preferential Land:	0			0

Transfer Information

Seller: CHESAPEAKE HOLDINGS CHURCH LANE LLC	Date: 01/13/2012	Price: \$200,000
Type: ARMS LENGTH MULTIPLE	Deed1: /31603/ 00497	Deed2:
Seller:	Date: 12/08/2011	Price: \$525,000
Type: ARMS LENGTH MULTIPLE	Deed1: /31477/ 00348	Deed2:
Seller:	Date: 12/30/1899	Price: \$0
Type:	Deed1: /26391/ 00001	Deed2:

Exemption Information

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

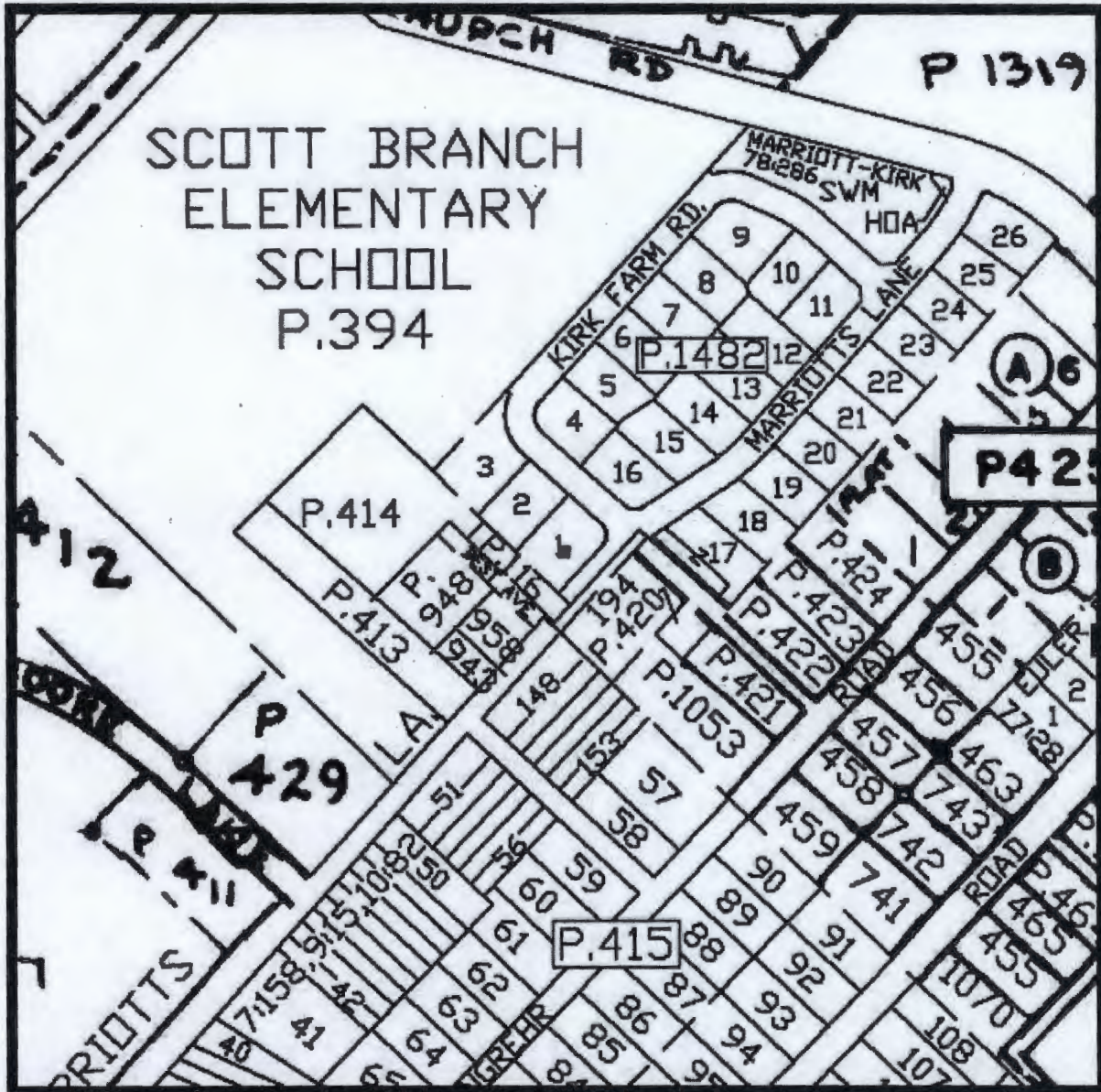
Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

	Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search	Go Back View Map New Search
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District - 02 Account Number - 2500003307



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Case No.:

#02-710

2013 - 220 SPHA

Exhibit Sheet

Original Exhibits

Contained in

Holt file.

Petitioner/Developer

Protestants

COUNTY

No. 1	"Old" plan for SFDs		Open space waiver letter
No. 2	Dev. Plan (3 sheet)		Resol. 43-13
No. 3	Restrictive Covenant Agt April 12, 2012 2-24-12		LOS waiver fee calculation
No. 4	Restrictive Covenant Amended 4-12-12		Balto. Co. invoice
No. 5	CZMP		School impact analysis
No. 6	Color Photos Dead End		Pattern Book
No. 7	Color Photos		
No. 8	Color Photos Liberty + Marriott Rd.		
No. 9	Letter from Mose Williams (undated)		
No. 10	Vicinity Map		
No. 11	Mitten CV		
No. 12	Final DP DP from SFD Project		

No. 13) Plat to Accompany Variance + SPH

Case No.: #02-710 2013-220 SPHA

Exhibit Sheet

	Petitioner/Developer	Protestants	COUNTY
No. 1	"Old" plan for SFDs		Open space waiver letter
No. 2	Dev. Plan (3 sheet)		Resol. 43-13
No. 3	Restrictive Covenant Agt April 12, 2012 2-24-12		LOS waiver fee calculation
No. 4	Restrictive Covenant Amended 4-12-12		Balto. Co. invoice
No. 5	OZMP		School impact analysis
No. 6	Color Photos Dead End		
No. 7	Color Photos		
No. 8	Color Photos Liberty + Marriott Rd.		
No. 9	Letter from Mose Williams (undated)		
No. 10	Vicinity Map		
No. 11	Mitten CV		
No. 12	Final DP DP from SFD Project		

3701

Pt. Bk. 0000063, Folio 0087

8246

0207472742

2 CD

Pt. Bk. 0000035, Folio 0020

1600010141

Pt. Bk./Folio # 035020

8244

PDM # 020165

077C2

8242

DR 16

8240

1700000839

CHURCH LN

1600000490

4 CD

NW 6-G

2 ED

PDM # 020710

DR 10.5

Pt. Bk. 0000078, Folio 0286

Lot # 9
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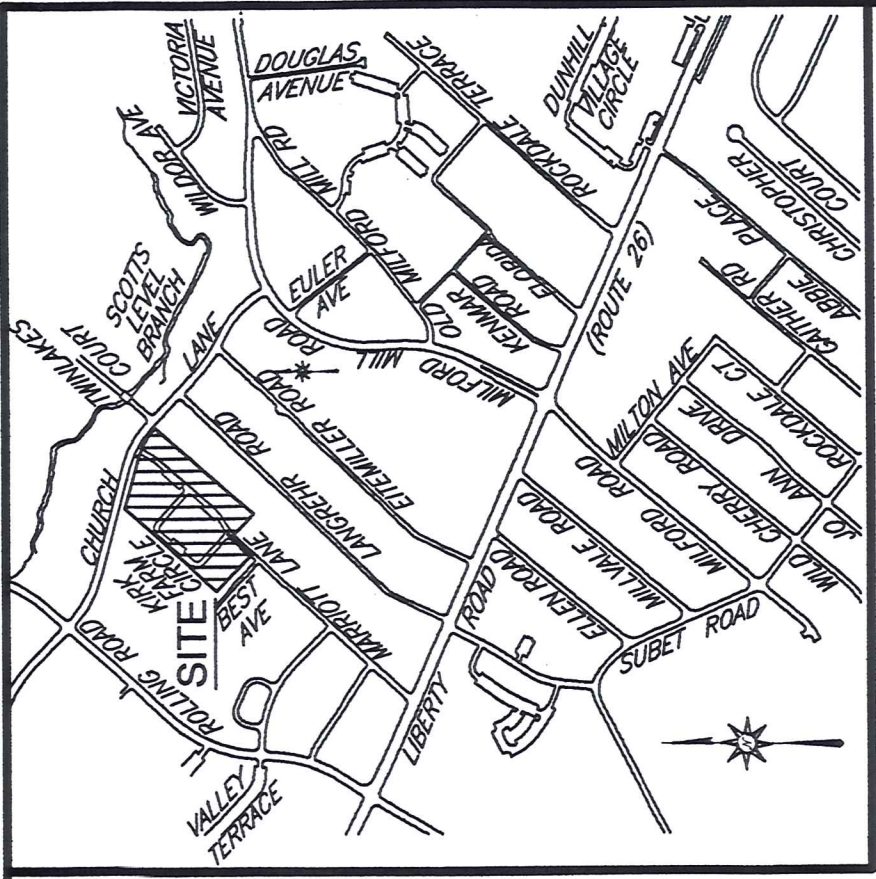
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[illegible]

SUITABLE OUTFALL STATEMENT

RICHARDSON ENGINEERING, LLC HAS EVALUATED THE PROPOSED STORMWATER MANAGEMENT OUTFALLS FOR THIS SITE AND FINDS THEM TO BE SUITABLE FOR THE DESIGN FLOWS. OUR EVALUATIONS INCLUDED A FIELD INSPECTION AND PHOTO DOCUMENTATION OF THE AREA. THE OUTFALL IS DESCRIBED IN MORE DETAIL BELOW:

[illegible]

WITH THE PROVISION DESCRIBED ABOVE AND AS A RESULT OF OUR PRELIMINARY SWM HYDROLOGY COMPUTATIONS, WE CONCLUDE THAT THE PROPOSED OUTFALLS OF THE FACILITIES CONSTITUTES A VERIFIED SUITABLE OUTFALL AS REQUIRED BY SECTION 32-4-224(A)(10) OF THE BALTIMORE COUNTY CODE (2004 EDITION). BASED ON CRITERIA ESTABLISHED BY BALTIMORE COUNTY DPW AND DEPRM.

Donald N. Mitten
DONALD N. MITTEN, (MD REG. NO. 18581)

TYPE OF CONVEYANCE	NO	TOTAL AREA* (AC.±)
HIGHWAY RIGHT-OF-WAY	1	1.742
STORMWATER MANAGEMENT EASEMENT	2	0.108
STORMWATER MANAGEMENT RESERVATION	1	0.687
DRAINAGE AND UTILITY EASEMENT	4	0.840
STORM WATER MANAGEMENT ACCESS EASEMENT	2	0.113
SIGHTLINE EASEMENT	1	0.022

***NOTE: DURING THE PROCESSING OF THE DEVELOPMENT PLAN THE TOTAL AREAS SHOWN ON THIS TABLE MAY BE APPROXIMATE.**

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NUMBER 16581,
EXPIRATION DATE: 08-01-2015

DESIGN AND DRAWINGS ARE BASED ON MARYLAND COORDINATE SYSTEM (MCS).
HORIZONTAL - NAD 83/(2007), VERTICAL - NAVD 88.

**FINAL DEVELOPMENT PLAN
APPROVED**

DIRECTOR OF PLANNING *Jeffrey K. Brown* **DIRECTOR OF PDM** *Jeffrey K. Brown*

PDM # 02-710

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

FIRST AMENDED FINAL DEVELOPMENT PLAN
DEVELOPMENT PLAN
MARRIOTT KIRK
PROPERTY

2ND ELECTION DISTRICT
BALTIMORE COUNTY,
MARYLAND

REVISIONS	DRAWN BY:	DNM	DESIGNED BY:	DNM	SCALE: 1" = 50'
	DATE:	10/11/13	JOB NO.:	11017	
					SHEET NO.:
					2 OF 2



THIS FINAL DEVELOPMENT PLAN COMPLIES WITH ALL COUNTY COMMENTS AND IS IN AGREEMENT WITH THE DEVELOPMENT PLAN APPROVED ON 07/12/13 AND ALL OTHER APPROVED PLANS AND/OR ZONING ORDERS (CASE # 2013-0220-SPHA) AND DEVELOPMENT HEARING ORDER (#02-710 DATED 05/30/13)

