

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(Peninsula Expressway) *
12th Election District
7th Councilmanic District *
Cove Point Apartments Ltd. Partnership,
Cove Point Apartments II Ltd. Partnership *
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0310-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Charles B. Marek, III on behalf of the Petitioners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a modified parking plan in accordance with B.C.Z.R. §409.12. The Variance petition seeks relief from B.C.Z.R. §§ 409.8.A.4 and 409.8.A.1 as follows: (1) to permit a setback of zero (0) ft. to a street line in lieu of the required 10'; and (2) to permit screening and landscaping of zero (0) ft. in lieu of the 10' required. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Todd Del Tufo and Fred Thompson. Charles B. Marek, III, Esquire represented the Petitioners. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of opposition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The only Substantive comment was submitted by the Department of Environmental Protection and Sustainability (DEPS), indicating that the property is located within an Intensely

ORDER RECEIVED FOR FILING

Date 8/28/13

By Sen

Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA) and must comply with CBCA regulations.

The subject property is 14.077 acres in size and is zoned BLR and OR2. The Petitioners operate a senior housing facility at this location, which opened several years ago. The Petitioners have recently experienced a parking shortage, and propose to construct twelve (12) additional spaces, for which zoning relief is required.

The relief required is sought under alternative theories (variance and B.C.Z.R. § 409.12), and in this case I believe the modified parking plan regulations are apropos. Those regulations allow for exceptions to the requirements of B.C.Z.R. §409 when a petitioner is able to show "undue hardship". I believe the Petitioners here have made such a showing.

The site is bordered by environmentally-sensitive areas, highways and an active railroad line. There is simply nowhere else on site to locate additional parking, and Mr. Thompson indicated there were no offsite opportunities for expansion either. The Tenant Advisory Board at Cove Point submitted a letter to HUD expressing the serious need for additional parking, to ensure that residents and guests "have a safe place to park." Exhibit 2. At present, residents and guests are parking illegally, which is creating a public safety issue. If the Petitioners were unable to construct these additional spaces, they (and the senior living residents) would experience an undue hardship.

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the testimony and evidence offered, I find that Petitioners' Special Hearing request should be granted.

ORDER RECEIVED FOR FILING

Date 8/28/13

By den

THEREFORE, IT IS ORDERED this 28th day of August 2013, by this Administrative Law Judge, that Petitioners' request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a modified parking plan in accordance with B.C.Z.R. §409.12, be and is hereby GRANTED. The modified parking plan will permit the construction of twelve (12) additional parking spaces at the site with: (1) drive aisles of 20', in lieu of the required 22', for two-way traffic and 90° angle spaces; (2) setback of 2' to a street line in lieu of the required 10'; and (3) screening and landscaping of zero (0) feet in lieu of the ten (10) feet required by the B.C.Z.R. and Landscape Manual.

IT IS FURTHER ORDERED that Petitioner's request for Variance pursuant to §§ 409.8.A.4 and 409.8.A.1 from B.C.Z.R. as follows: (1) to permit a setback of zero (0) ft. to a street line in lieu of the required 10'; and (2) to permit screening and landscaping of zero (0) ft. in lieu of the 10' required, be and is hereby DISMISSED WITHOUT PREJUDICE AS MOOT.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the ZAC comment submitted by the Department of Environmental Protection and Sustainability (DEPS), a copy of which is attached hereto.

ORDER RECEIVED FOR FILING

Date 8/28/13

By Pen

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/sln

ORDER RECEIVED FOR FILING

Date 8/28/13

By sen



KEVIN KAMENETZ
County Executive

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

August 28, 2013

Charles B. Marek, III, Esquire
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Case No.: 2013-0310- SPHA
Property: Peninsula Expressway

Dear Mr. Marek:

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", followed by a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



CBCA

FLOOD

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 7795 & 7801 Peninsula Expressway

which is presently zoned BLR & OR2

Deed Reference 20933/677 & 23933/182

10 Digit Tax Account # 2500000082 & 2500000083

Property Owner(s) Printed Name(s) Cove Point Apartments Limited Partnership & Cove Point Apartments II Limited Partnership

CASE NUMBER 2013-0310SPHA Filing Date 6/19/13 Estimated Posting Date 6/29/13 Reviewer G.H.

(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

See Attachment 1

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

3. ☒ a **Variance** from Section(s)

See Attachment 1

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

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 2

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 ZONING HEARING

7795 & 7801 Peninsula Expressway

Special Hearing:

1. To permit a modified parking plan in accordance with BCZR § 409.12;
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance:

1. In the alternative, to permit a setback of zero (0) feet to a street line in lieu of the required ten (10) feet pursuant to BCZR §409.8.A.4;
2. To permit screening and landscaping of zero (0) feet in lieu of the ten (10) feet required pursuant to BCZR §409.8.A.1.
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

ATTACHMENT 2 TO PETITION FOR ZONING HEARING

7795 & 7801 Peninsula Expressway

Cove Point Apartments Limited Partnership

312 N. Martin Luther King, Jr. Blvd.

Baltimore, MD 21201

(410) 230-2121

cgrayson@enterprishousingcorp.org

By: Cove Point Apartments, LLC, its general partner

By: Enterprise Housing Corporation, its sole member

By: _____

Name: Marsha Grayson

Title: Secretary-Treasurer

Cove Point Apartments II Limited Partnership

312 N. Martin Luther King, Jr. Blvd.

Baltimore, MD 21201

(410) 230-2121

cgrayson@enterprishousingcorp.org

By: Cove Point Apartments II, LLC, its general partner

By: Enterprise Housing Corporation, its sole member

By: _____

Name: Marsha Grayson

Title: Secretary-Treasurer

kjWellsInc

Land Surveying, Geomatics and Site Planning

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

June 14, 2013

Zoning Description
Land Unit 1
Cove Point Land Condominium
Baltimore County
Maryland
12th Election District
7th Councilmanic District

Being Land Unit 1 in the subdivision of Cove Point Land Condominium as recorded in Baltimore County Condominium Book 31 folio 103 containing 11.4833 acres. Located in the 12th Election District and 7th Councilmanic District.



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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 2013-0310 SPHA

Petitioner: Cove Point Apartments Limited Partnership, Cove Point Apartments II,

Address or Location: 7795 Peninsula Expressway Limited
Partnership

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. **099648**

Date: **6/19/13**

PAID RECEIPT

BUSINESS ACTUAL TIME 2
 6/20/2013 6/19/2013 14:50:47

REF MS02 WALKIN JENIE
 RECEIPT # 029334 6/19/2013
 Ref 5 528 BOND VERIFICATION
 CR NO. 099648

Receipt Tot \$770.00
 \$770.00 CK \$1.00 CK
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	800	0000		6150					770.00

Total: **770.00**

Rec From: **Smith, G. I. I. & Schmidt, LLC**
 For: **Variance & Special Hearing**
2013-0310-SPHA

CASHIER'S

CERTIFICATE OF POSTING

2013-0310-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Cove Point Apartments Ltd. Partnership,
& Cove Point Apartments II, Ltd. Partnership

August 22, 2013

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 100
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: _____

7795 & 7801 Peninsula Expressway (N/S corner of Merritt Blvd and Peninsula Exp.)

August 2, 2013

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,



(Signature of Sign Poster) August 2, 2013
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 1, 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 August 1, 2013



The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: # 2013-0310-SPHA

7795 & 7801 Peninsula Expressway
N/s corner of Peninsula Expressway and
Merritt Boulevard

12th Election District - 7th Councilmanic District

Legal Owner(s): Cove Point Apartments Ltd. Partnership,
& Cove Point Apartments II, Ltd. Partnership

Special Hearing: to permit a modified parking plan in accordance with BCZR Section 409.12 and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. **Variance:** in the alternative, to permit a setback of zero feet to a street line in lieu of the required 10 feet; to permit screening and landscaping of zero feet in lieu of the 10 feet required; and for such other and further relief as may be required by the ALJ of Baltimore County.

Hearing: Thursday, August 22, 2013 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special 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.
8/010 Aug. 1 937382

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 1, 2013 Issue - Jeffersonian

Please forward billing to:

Debbie Gaskins
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2013-0310-SPHA

7795 & 7801 Peninsula Expressway

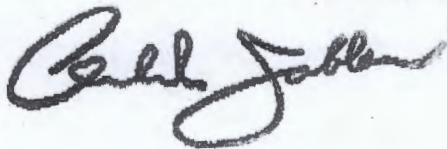
N/s corner of Peninsula Expressway and Merritt Boulevard

12th Election District – 7th Councilmanic District

Legal Owners: Cove Point Apartments Ltd. Partnership, & Cove Point Apartments II, Ltd. Partnership

Special Hearing to permit a modified parking plan in accordance with BCZR Section 409.12 and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance, in the alternative, to permit a setback of zero feet to a street line in lieu of the required 10 feet; to permit screening and landscaping of zero feet in lieu of the 10 feet required; and for such other and further relief as may be required by the ALJ of Baltimore County.

Hearing: Thursday, August 22, 2013 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204.



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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



KEVIN KAMENETZ
County Executive

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

July 8, 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: 2013-0310-SPHA

7795 & 7801 Peninsula Expressway

N/s corner of Peninsula Expressway and Merritt Boulevard

12th Election District – 7th Councilmanic District

Legal Owners: Cove Point Apartments Ltd. Partnership, & Cove Point Apartments II, Ltd. Partnership

Special Hearing to permit a modified parking plan in accordance with BCZR Section 409.12 and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance, in the alternative, to permit a setback of zero feet to a street line in lieu of the required 10 feet; to permit screening and landscaping of zero feet in lieu of the 10 feet required; and for such other and further relief as may be required by the ALJ of Baltimore County.

Hearing: Thursday, August 22, 2013 at 2:30 p.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, 600 Washington Ave., Ste. 200, Towson 21204
Marsha Grayson, 312 N. Martin Luther King Jr. Blvd., Baltimore 21201

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 2, 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: October 1, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0310-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on September 27, 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		
7795 & 7801 Peninsula Expressway; N/S	*	OF ADMINISTRATIVE
Corner of Peninsula Expressway & Merritt Blvd		
12 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Cove Point Apartments Ltd.;		
Cove Point Apartments II, Ltd Partnership	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2013-310-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 27 2013

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2013, a copy of the foregoing Entry of Appearance was mailed to Charles Marek, III, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8/22
8/30
CASE NO. 2013-

0310-SPHA

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>7/3/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>7/30/13</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6/25/13</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: <u>8/1/13</u>	
SIGN POSTING	Date: <u>8/2/13</u>	by <u>Black</u>
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: July 3, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For July 01, 2013
Item Nos. 2013- 0297, 0309, 0310, 0311 and 0312.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

AUG 13 2013



OFFICE OF ADMINISTRATIVE HEARINGS

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

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

DATE: July 30, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0310-SPHA
Address 7795 & 7801 Peninsula Expressway
(Cove Point Apartments Limited Partnership Property)

Zoning Advisory Committee Meeting of June 24, 2013.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. According to the applicant's plan, impervious surfaces will be increased by approximately 1,854 square feet for the construction of additional vehicle parking spaces. The project will be reviewed for application of the Critical Area 10% Rule. By meeting the IDA pollutant reduction requirements, allowing the additional impervious surface requested by the applicant will result in minimal impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

The subject property is not a waterfront property. There is a forested Critical Area Easement and a forested Forest Buffer Easement on the property, however, the proposed project is not located immediately adjacent to these easements. The current development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Bullneck Creek.

By Den

Date 8/28/13

ORDER RECEIVED FOR FILING

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to construct impervious surfaces for additional parking is subject to review for application of the Critical Area IDA requirements, therefore, is consistent with this goal. The parking spaces requested will be consistent with established land-use policies provided that the applicants meet any IDA requirements applicable to the proposal.

Reviewer: *Thomas Panzarella - Environmental Impact Review*

ORDER RECEIVED FOR FILING

Date 8/28/13

By Sen



KEVIN KAMENETZ
County Executive

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

August 14, 2013

Cove Point Apartments Ltd Partnership
Cove Point Apartments II Ltd Partnership
Marsha Grayson, Secretary-Treasurer
312 N. Martin Luther King Jr. Boulevard
Baltimore MD 21201

RE: Case Number: 2013-0310 SPHA, Address: 7795 & 7801 Peninsula Expressway

Dear Ms. Grayson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 19, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Charles B Marek, III, Esquire, 601 Washington Avenue, Suite 200, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 6/25/13

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

RE: Baltimore County

Item No. 2013-0310-SPHA
Special Hearing Variance
Cove Point Apartments Ltd.
Marsha Grayson, Sec-Treasurer
7795 & 7801 Peninsula
Expressway
MD157

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 6/23/13. A field inspection and internal review reveals that an entrance onto MD157 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2013-0310-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,

Steven D. Foster, Chief
Access Management Division

SDF/raz

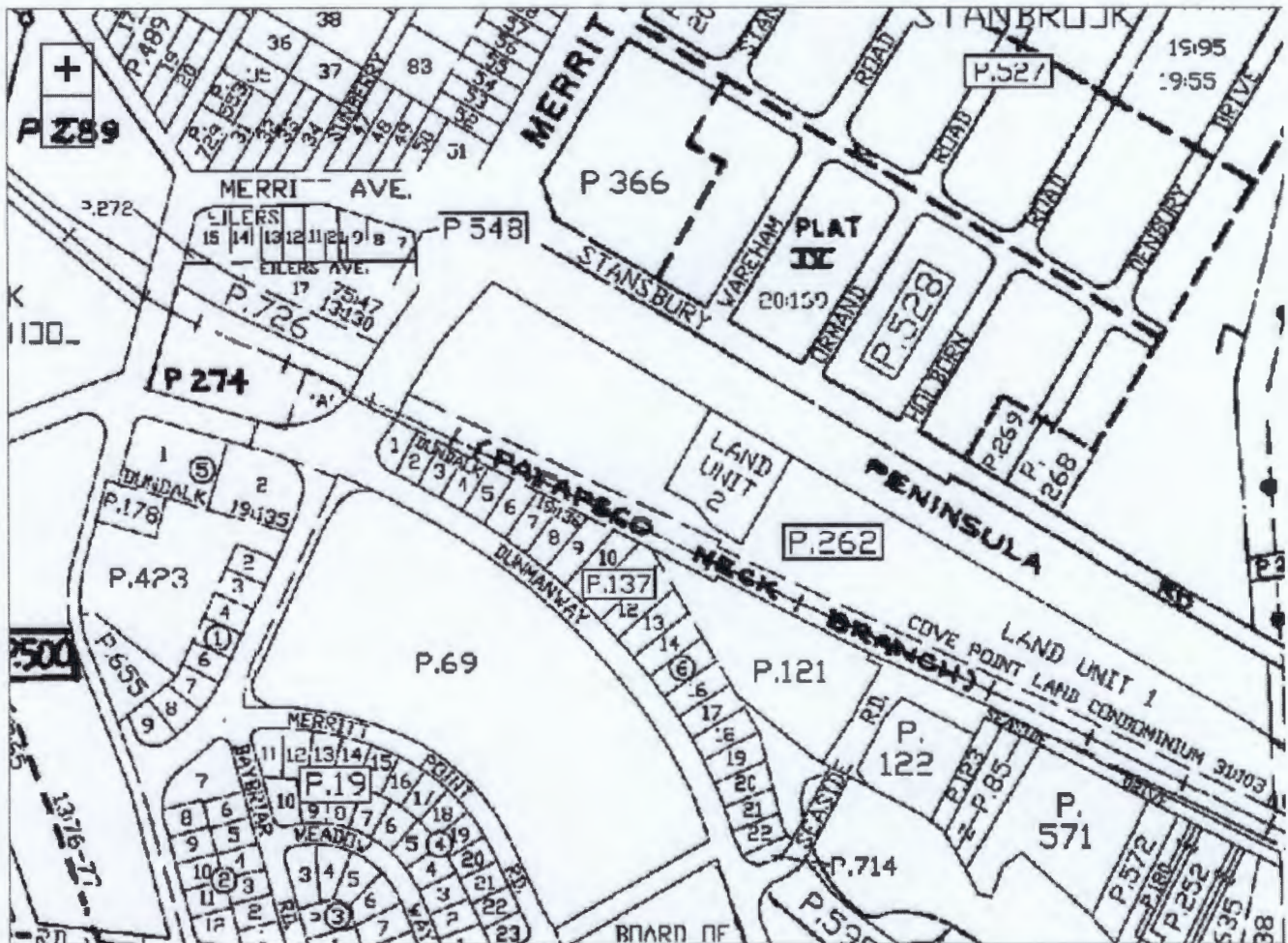
Real Property Data Search (w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 12 Account Number - 2500000083	
Owner Information		
Owner Name:	COVE POINT APARTMENTS II LIMITED PARTNERSHIP C/O ENTERPRISE HOMES	Use: APARTMENTS Principal Residence: NO
Mailing Address:	312 MARTIN LUTHER KING JR BALTIMORE MD 21201-1211	Deed Reference: 1) /23933/ 00182 2)
Location & Structure Information		
Premises Address:	7795 PENINSULA EXPWY 0-0000	Legal Description: LND UNIT 2 1.2000 AC PENINSULA EXPWY SWS COVE POINT LAND CONDO
Map: 0103	Grid: 0017	Parcel: 0262
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2013
Plat No:	Plat Ref: 0031/ 0103	
Special Tax Areas:	Town:	Ad Valorem:
	Tax Class:	NONE
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
2007	53712	1.2000 AC
County Use	11	
Stories	Basement	Type
		APARTMENT
Exterior	Full/Half Bath	Garage
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2013
Land:	480,000	480,000
Improvements	555,200	572,100
Total:	1,035,200	1,052,100
Phase-in Assessments		
		As of
		07/01/2012
Land:		
Improvements		
Total:		
Phase-in Assessments		
		As of
		07/01/2013
Land:		
Improvements		
Total:		
Phase-in Assessments		
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		07/01/2012
Land:		
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		07/01/2013
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Phase-in Assessments		
		As of
</		

Baltimore County

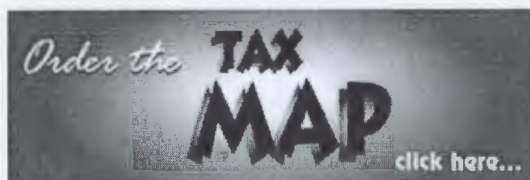
New Search (<http://sdat.resiusa.org/RealProperty>)District: **12** Account Number: **2500000083**

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

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

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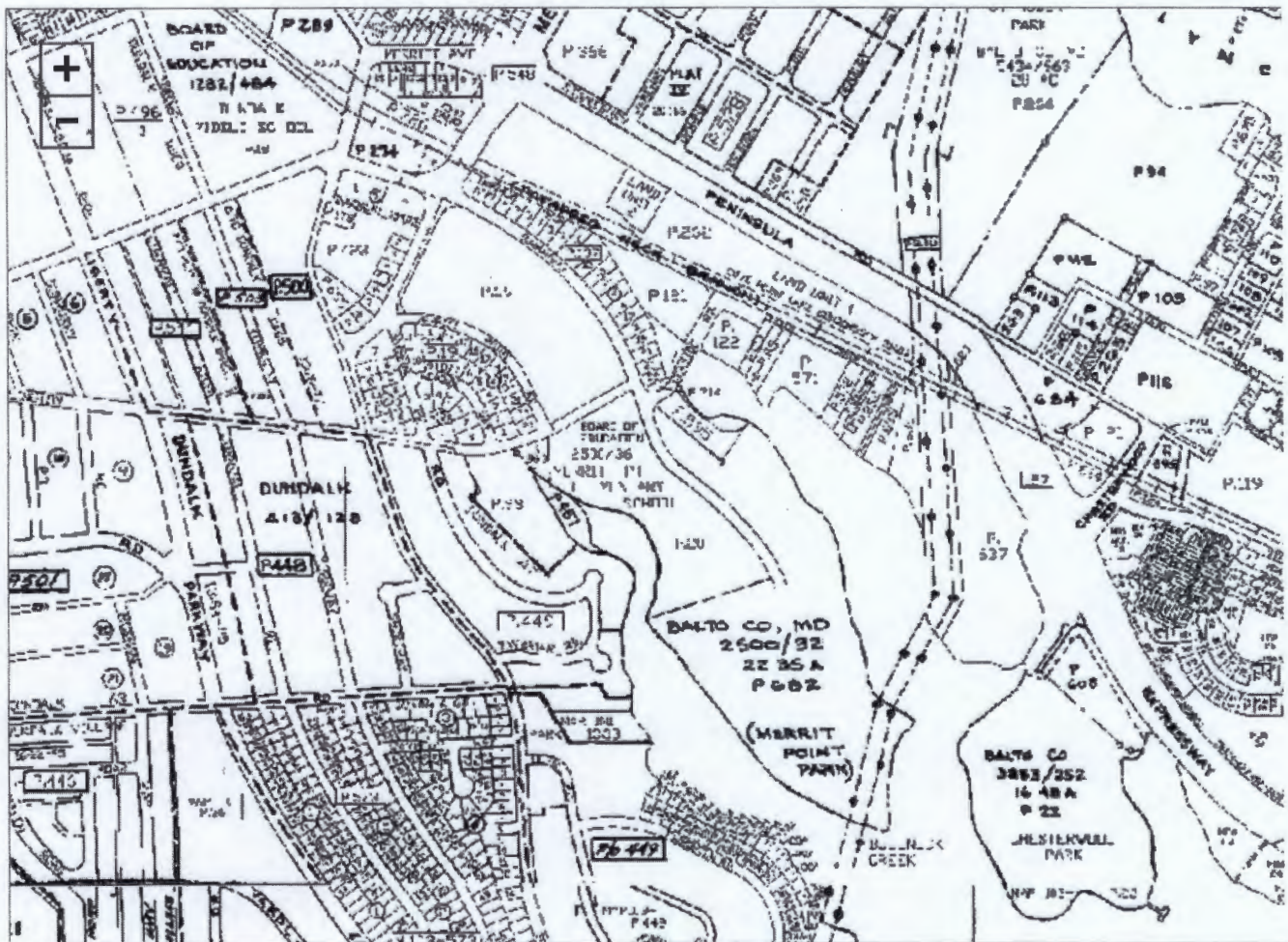
Real Property Data Search (w1)

Search Help

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 12 Account Number - 2500000082	
Owner Information		
Owner Name:	COVE POINT APARTMENTS LIMITED PARTNERSHIP C/O ENTERPRISE HOMES 312 MARTIN LUTHER KING JR BALTIMORE MD 21201-1211	Use: APARTMENTS Principal Residence: NO Deed Reference: 1) 2)
Mailing Address:		
Location & Structure Information		
Premises Address:	7801 PENINSULA EXPWY 0-0000	Legal Description: LND UNIT 1 11.4833AC 7801 PENINSULA EXPWY SWS COVE POINT LAND CONDO
Map: 0103	Grid: 0017	Parcel: 0262
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2013
Plat No:	Plat Ref: 0031/ 0103	County Use: NONE
Special Tax Areas:	Town:	Ad Valorem:
	Tax Class:	
Primary Structure Built 2005	Above Grade Enclosed Area 94290	Finished Basement Area
Property Land Area 11.4800 AC	County Use 11	
Stories	Basement	Type
Exterior	Full/Half Bath	Garage
Last Major Renovation	APARTMENT	
Value Information		
	Base Value	Value
		Phase-in Assessments
		As of
		As of
Land:	1,148,000	01/01/2013
Improvements	2,366,400	07/01/2012
Total:	3,514,400	07/01/2013
Preferential Land:	0	
Transfer Information		
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2012
County:	806	07/01/2013
State:	806	3,514,400.00
Municipal:	806	0.00
Tax Exempt:		0.00/0.00
Exempt Class:	Special Tax Recapture:	
	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **12** Account Number: **2500000082**

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(<http://lmsweb05.mdp.state.md.us/website/mosp/>)

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→

CASE NAME Peninsula Expwy.
CASE NUMBER 2013-310 SPH
DATE 8/22/2013

[illegible]

Case No.: 2013 - 310 - SPHA

Exhibit Sheet

Petitioner/Developer

DP 10-1-13

Protestant

Sen
8-28-13

No. 1	Site plan (2 sheet)	
No. 2	Letter to HUD	
No. 3	My Neighborhood Map	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Cove Point Apartments



October 15, 2012

U.S. Department of Housing and Urban Development
10 S. Howard Street
Baltimore, Maryland 21201
ATTN: Donna Binder

Re: Proposed Addition of Parking Spaces at Cove Point Apartments

Dear Ms. Binder:

The Cove Point Apartments Tenant Advisory Board (along with all other tenants) was given notice on October 12, 2012 of the owners desire to acquire a small parcel of property to enable the construction of twelve (12) additional parking spaces.

As we understand we have the right to inspect all materials related to these parking lot revisions and to comment on the proposed revisions, we wanted to express to you our strong approval for these revisions. Parking has been a concern at Cove Point Apartments for some time. These additional spaces will greatly improve the level of parking at the community for all residents and ensure our guests have a safe place to park while visiting.

We wish to thank Cove Point Apartments for hearing our concerns and moving towards a resolution on this issue.

Thank you.

Sincerely,

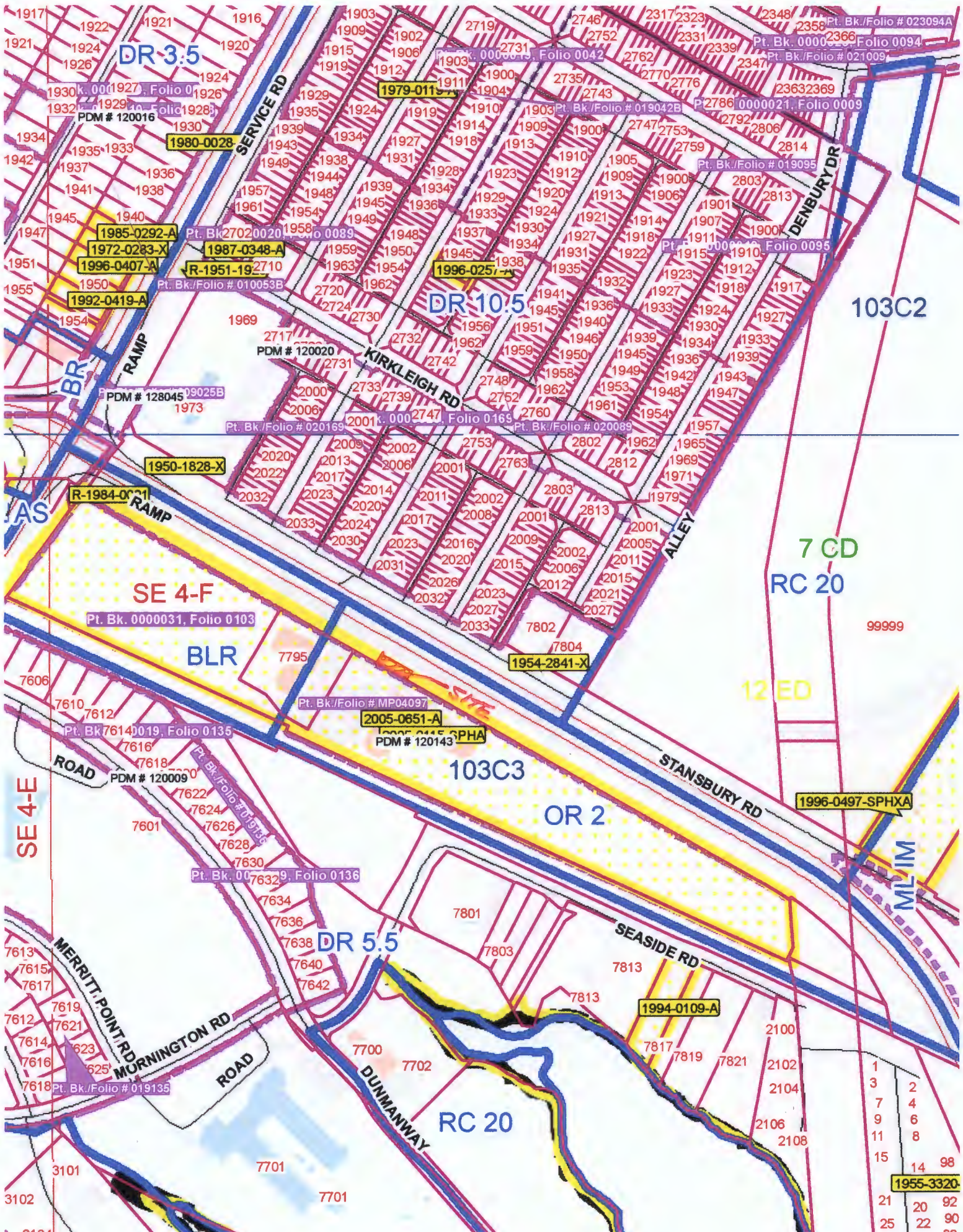
<u>Charlotte Gilenwater</u>	<u>CHARLOTTE GILENATER</u>	<u>317</u>
Signature	Printed Name:	Apt. Number

<u>Walter Fetty</u>	<u>WALTER FETTY</u>	<u>326</u>
Signature	Printed Name:	Apt. Number

<u>Otto Becker</u>	<u>OTTO BECKER</u>	<u>224</u>
Signature	Printed Name:	Apt. Number

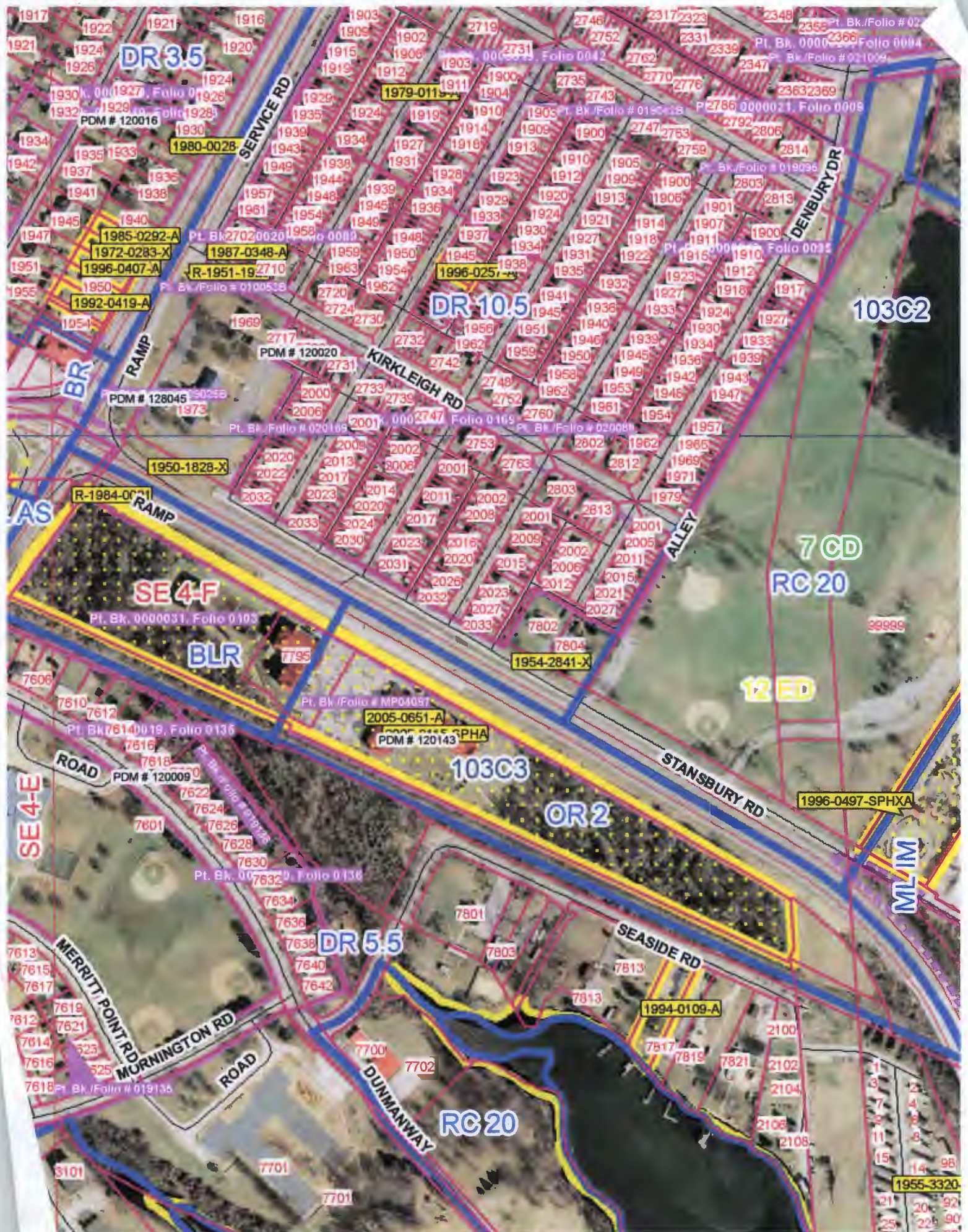
<u>Ruth Chetelat</u>	<u>RUTH CHETELAT</u>	<u>226</u>
Signature	Printed Name:	Apt. Number

<u>Jean Butler</u>	<u>JEAN BUTLER</u>	<u>105</u>
Signature	Printed Name:	Apt. Number



1	2
3	4
7	6
9	8
11	
15	14 98
21	20 92
25	22 90
	∞

2013-0310 SPHA



16 THERE ARE NO IDENTIFIED AREAS OF CRITICAL CONCERN.

17 A PHASE I ENVIRONMENTAL ASSESSMENT OF THE SITE WAS RECENTLY
PERFORMED BY PMT & ASSOCIATES. THERE ARE NO KNOWN HAZARDOUS
MATERIALS ON THE SITE.

18 THE DEVELOPMENT MEETS THE PERFORMANCE STANDARDS SET FORTH IN BCZR
SECTION 229.3

19 A BUILDING PERMIT HAS BEEN ISSUED FOR BOTH BUILDINGS. BUILDING 1
PERMIT NUMBER WAS B569550 AND BUILDING 2 PERMIT NUMBER WAS B621729

20 PARKING REQUIRED: $2/3 \times 148 = 99$ SPACES

21 EXISTING PARKING = 102 SPACES (INCLUDES 7 HANDICAP SPACES)

22 SETBACK REQUIREMENTS, MULTIFAMILY BUILDINGS:

	<u>MINIMUM REQUIRED</u>	<u>PROVIDED</u>
BUILDING FACE TO BUILDING FACE (FRONT OR REAR)	60'	230'±
BUILDING FACE TO PUBLIC RIGHT-OF-WAY	25'	36'
SIDE BUILDING FACE TO SIDE BUILDING FACE:		
1' OF SETBACK PER 1 FOOT OF HEIGHT OF SOFFIT	NOT LESS THAN 20'	N.A.
LINE OF TALLEST BUILDING		
BUILDING FACE TO TRACT BOUNDARY:		
FRONT OR REAR BUILDING FACE	40' MIN.	36"/70'
SIDE BUILDING FACE	30' MIN.	>30'
ADDITIONAL SETBACKS:		
SETBACKS FOR BUILDINGS LOCATED ADJACENT TO ARTERIAL ROADWAYS SHALL BE INCREASED BY AN ADDITIONAL 20'	60'	36"
BUILDING FACE TO EDGE OF PAVING OF A PRIVATE STREET	35'	N.A.
BUILDING HEIGHT	60' MAX.	50'

* VARIANCE APPROVED (05-615-A, SEE COPY THIS SHEET)

23 F.A.R. 0.33 PERMITTED (0.24 PROPOSED IN BLR ZONE)

24 ADT $3.5 \times 148 = 518$ TRIPS PER DAY

25 A PORTION OF THE SITE IS WITHIN THE TIDAL FLOOD PLAIN (EL. 7.7)
THERE WILL BE NO DISRUPTION WITHIN THIS AREA.

26 THERE ARE WETLANDS IN THE STREAM CHANNEL ON THE WEST SIDE OF
THE SITE. THERE WILL BE NO WORK WITHIN THE WETLAND AREA.

27 THE SITE IS SUBJECT TO A RIVERINE FLOODPLAIN AND ASSOCIATED
BUFFERS. A WAIVER TO PERMIT THE EXISTING CONSTRUCTION WAS
APPROVED, THE NEW PARKING SPACES ARE NOT WITHIN THE BUFFERS
AND NO NEW WAIVER IS REQUIRED.

28 THE MAJORITY OF THE SITE IS WITHIN THE CRITICAL AREA OF THE
CHESAPEAKE BAY. THE CRITICAL AREA DESIGNATION FOR THE SITE IS
IDA (INTENSELY DEVELOPED AREA)

ZONING HISTORY
ZONING CASE NO. 05-115-SPHA

THEREFORE, IT IS ORDERED, this 5th day of October, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Section 3112.0 of the Building Code; and Sections 32-4-414, 32-4-107.(a)(2), 32-8-301 BCC, to permit a structure and parking in a riverine floodplain, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petitioners' request for variance from Section 206.4A and 1B01.2C1c of the B.C.Z.R., to permit a building face to tract boundary of 40 ft. in lieu of the required 60 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments submitted by DEPRM dated September 21, 2004 a copy of which is attached hereto and made a part hereof;
3. Compliance with the ZAC comments submitted by the Office of Planning dated September 13, 2004, a copy of which is attached hereto and made a part hereof; and
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

A B(8) LIMITED EXEMPTION WAS GRANTED FOR THIS PROJECT BY THE ZONING BOARD ON (MARCH 15, 2004 (DRC #031504N). DEVELOPMENT PLAN FOR THE PROJECT WAS APPROVED ON 11/16/04)

A FIRST REFINEMENT TO THE DEVELOPMENT PLAN WAS APPROVED FOR PROJECT ON 3-27-06

A REQUEST WAS SUBMITTED TO THE DRC TO PERMIT THE PROPOSED PARKING SPACES, THE REQUEST WAS TABLED UNTIL REQUIRED ZONING CASE, AND PROJECT RELEASE ARE COMPLETED

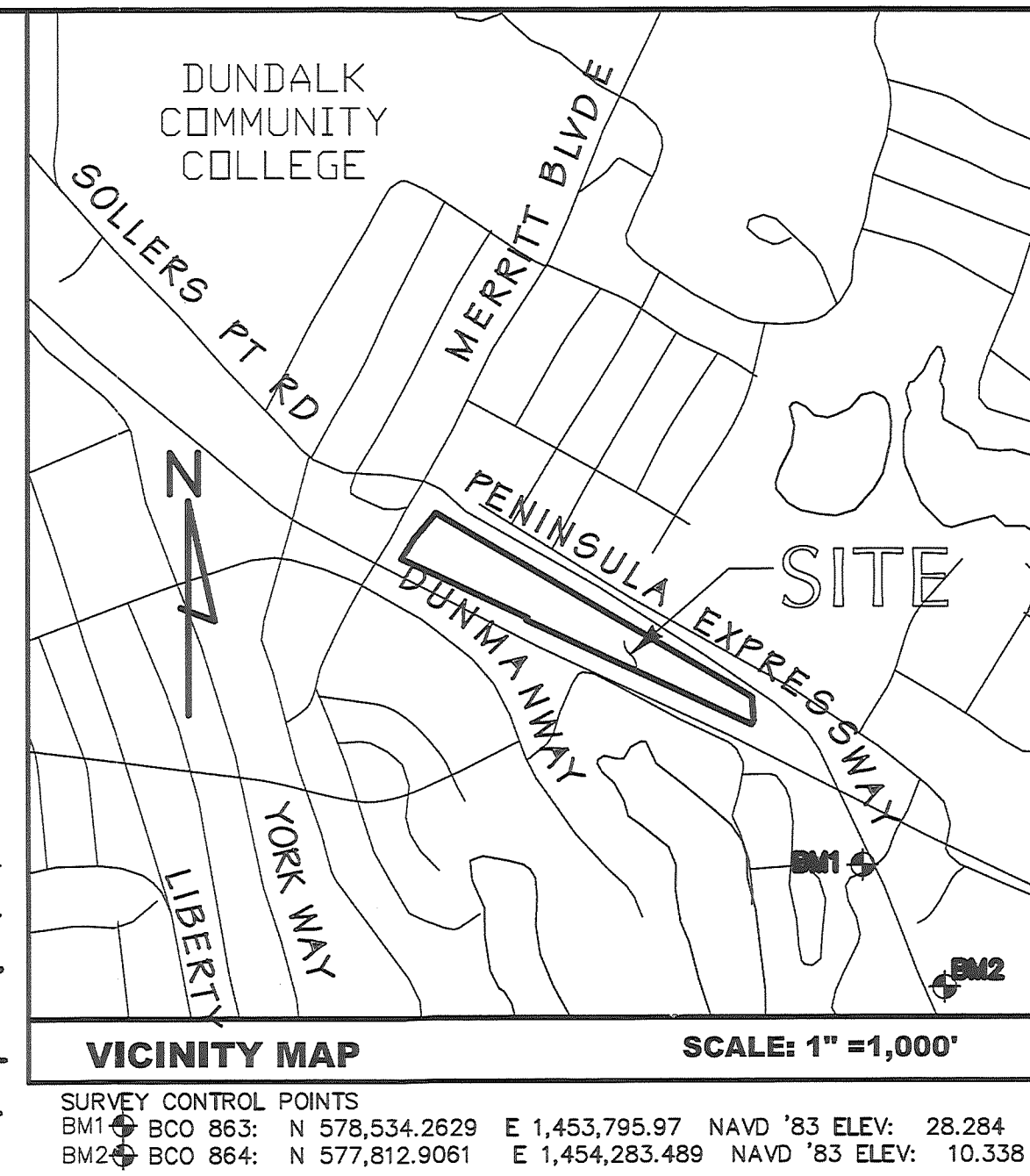
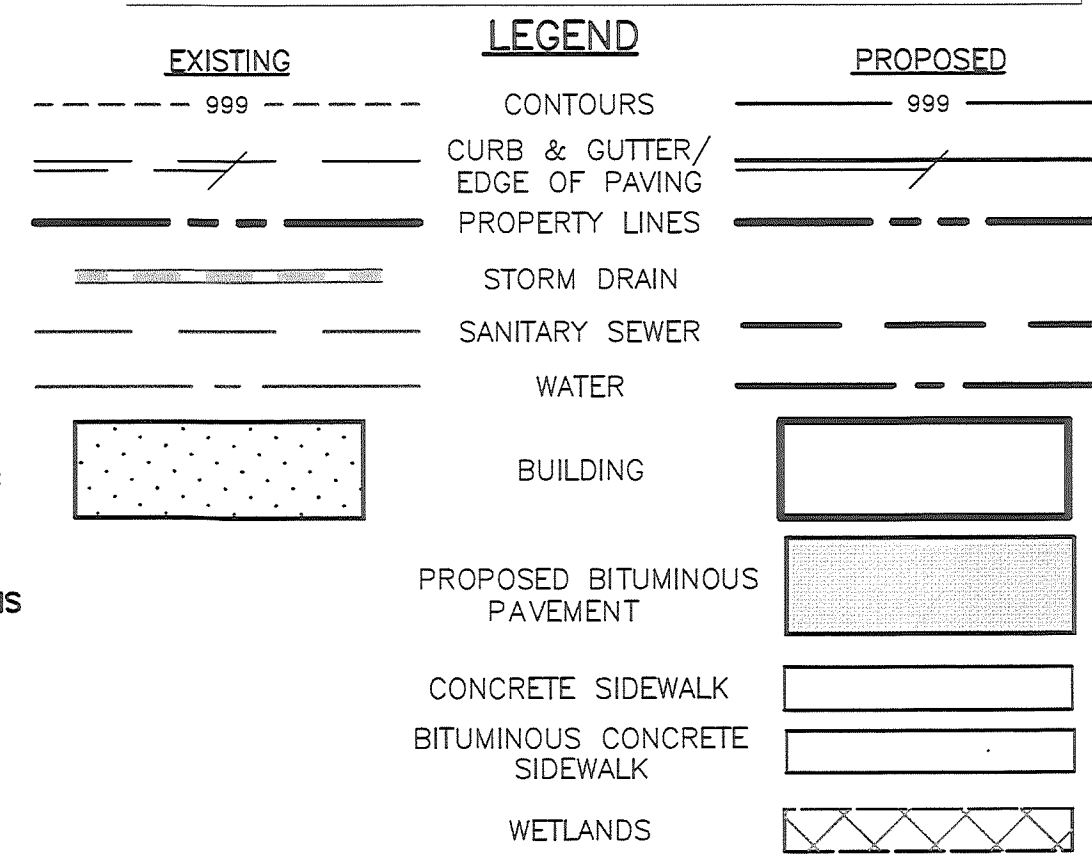
ZONING CASE NO. 05-651-A

THEREFORE, IT IS ORDERED, this 9 day of August, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Sections 206.4A and 1B01.2C.1.e of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a building to tract boundary of 300 ft. in lieu of the required 60 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments made by the Office of Planning dated June 21, 2005, a copy of which is attached hereto and made a part hereof;
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

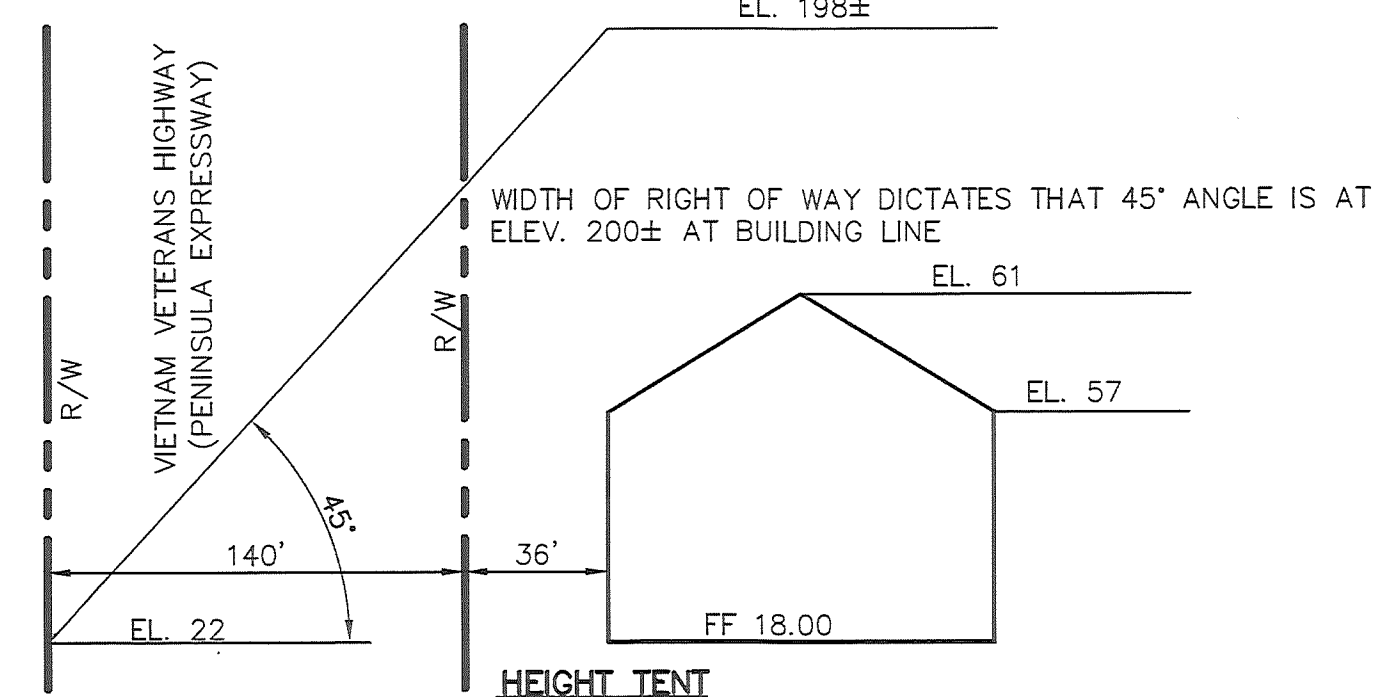
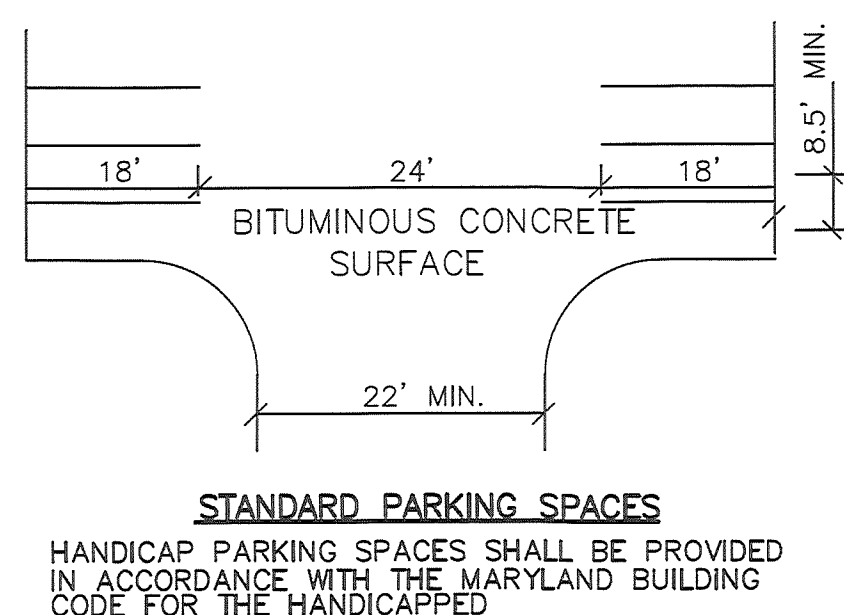
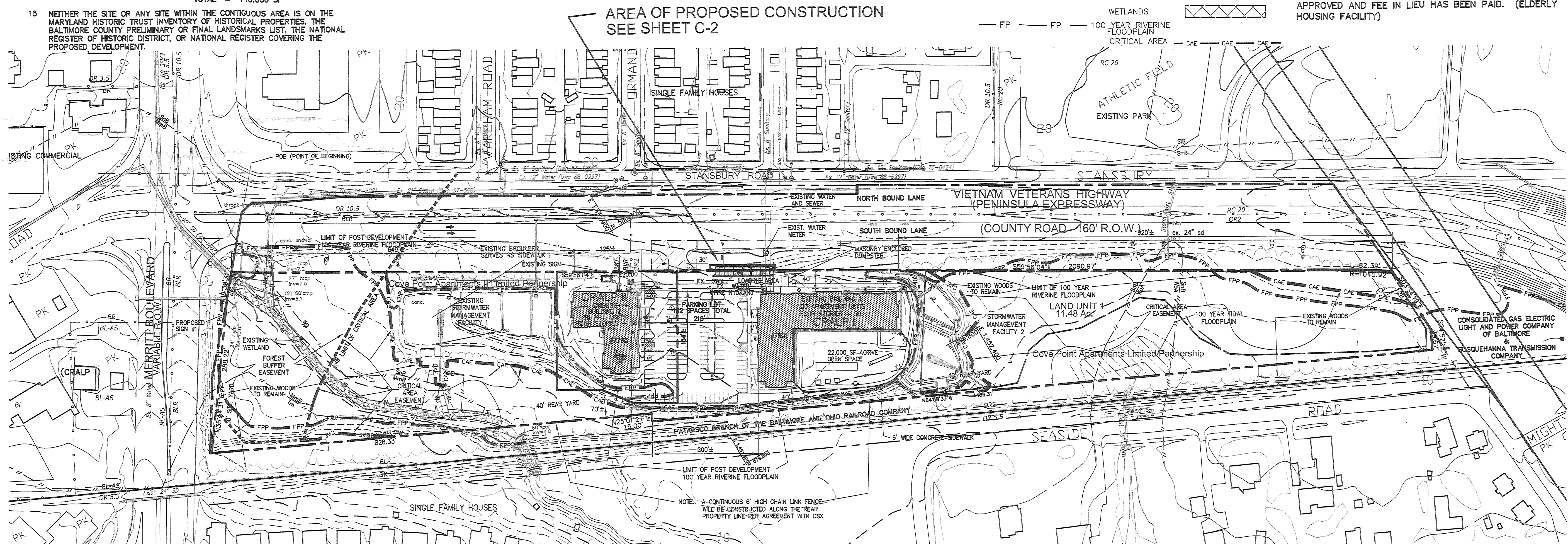
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

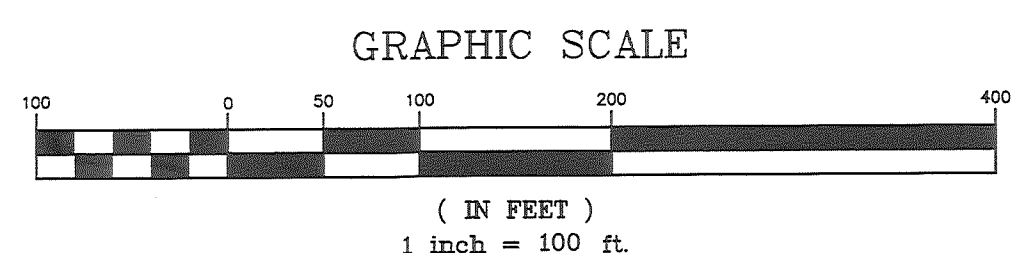


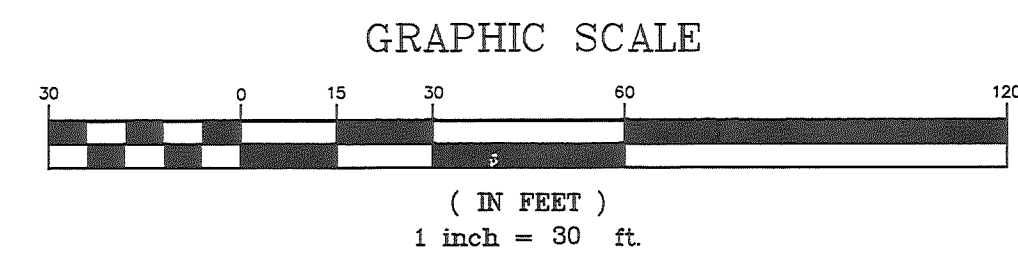
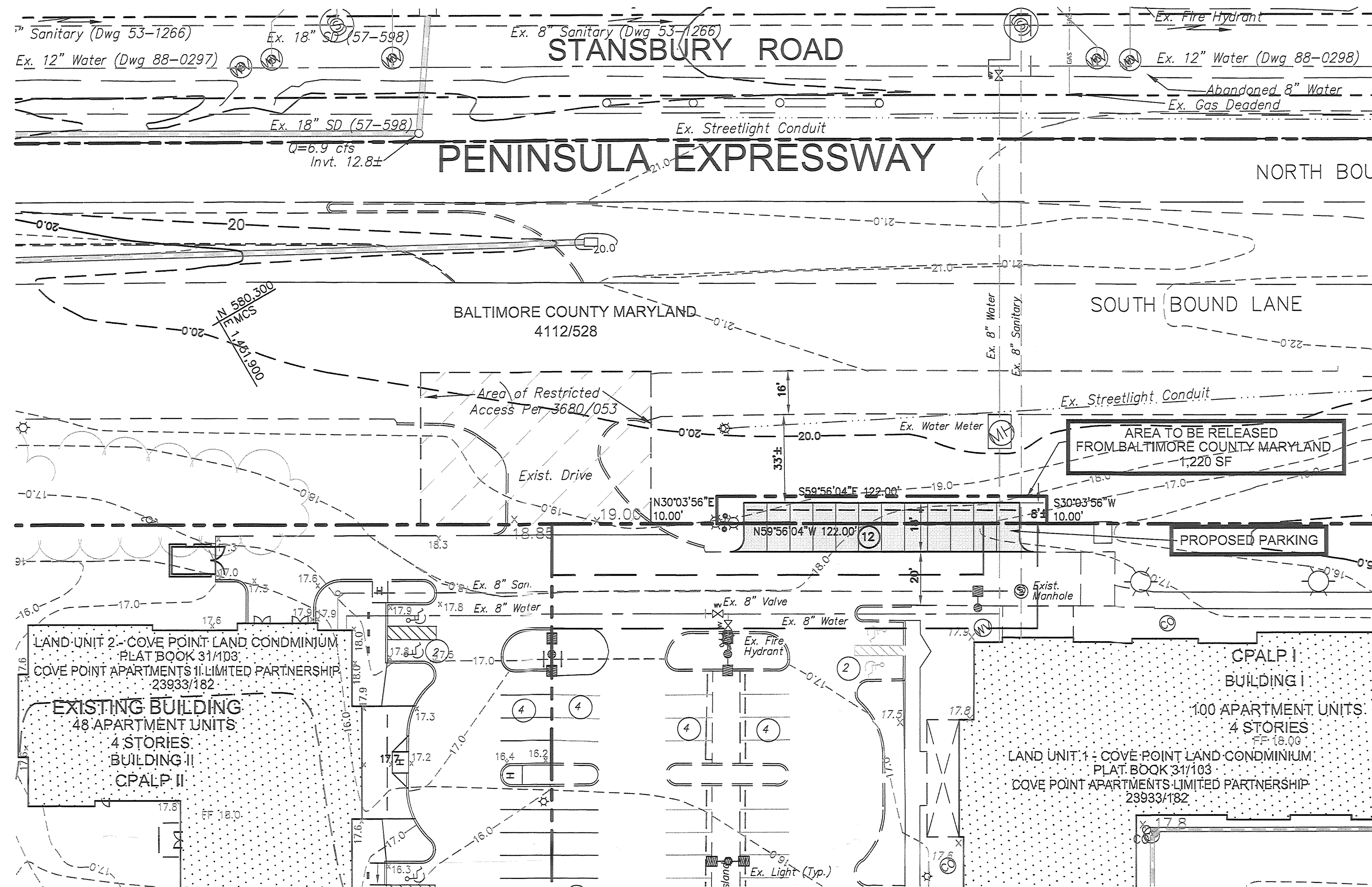
OPEN SPACE:
REQUIRED: ACTIVE 650 SF * 148 UNITS = 96,200 SF
PASSIVE 350 SF * 148 UNITS = 51,800 SF
TOTAL = 148,000 SF
ACTIVE OPEN SPACE PROVIDED = 22,000 SF

A WAIVER FOR 74,200 SF OF THE REQUIRED ACTIVE OPEN SPACE AND 51,800 SF OF THE PASSIVE OPEN SPACE WAS APPROVED AND FEE IN LIEU HAS BEEN PAID. (ELDERLY HOUSING FACILITY)



PROPOSED WORK: 12 NEW PARKING SPACES. (1,220 SF OF BALTIMORE COUNTY ROW IS TO BE RELEASED TO COVE POINT APARTMENTS IN ORDER TO PERMIT PARKING SPACE CONSTRUCTION)





COORDINATE SYSTEM IS USE IS BASED ON
THE MARYLAND COORDINATE SYSTEM (MCS)
& NORTH AMERICAN VERTICAL DATUM OF 1988
(NAVD88)

THE PROPOSED GRADING SHOWN ON THIS PLAN MEETS THE REQUIREMENTS SET FORTH BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT AND COMPLIES WITH TITLE 14, ARTICLE VI OF THE BALTIMORE COUNTY CODE. HOWEVER, DUE TO BUILDING TYPES AND LAYOUT, SOME FIELD ADJUSTMENTS MAY BE REQUIRED. ALL CHANGES MUST COMPLY WITH THE ABOVE MENTIONED REQUIREMENTS.

ALL SWALES HAVE BEEN DESIGN BY THE ENGINEER TO CONVEY RUNOFF ACCORDING BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS.

STANDARD NONDISTURBANCE NOTE:

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND CRITICAL AREA EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

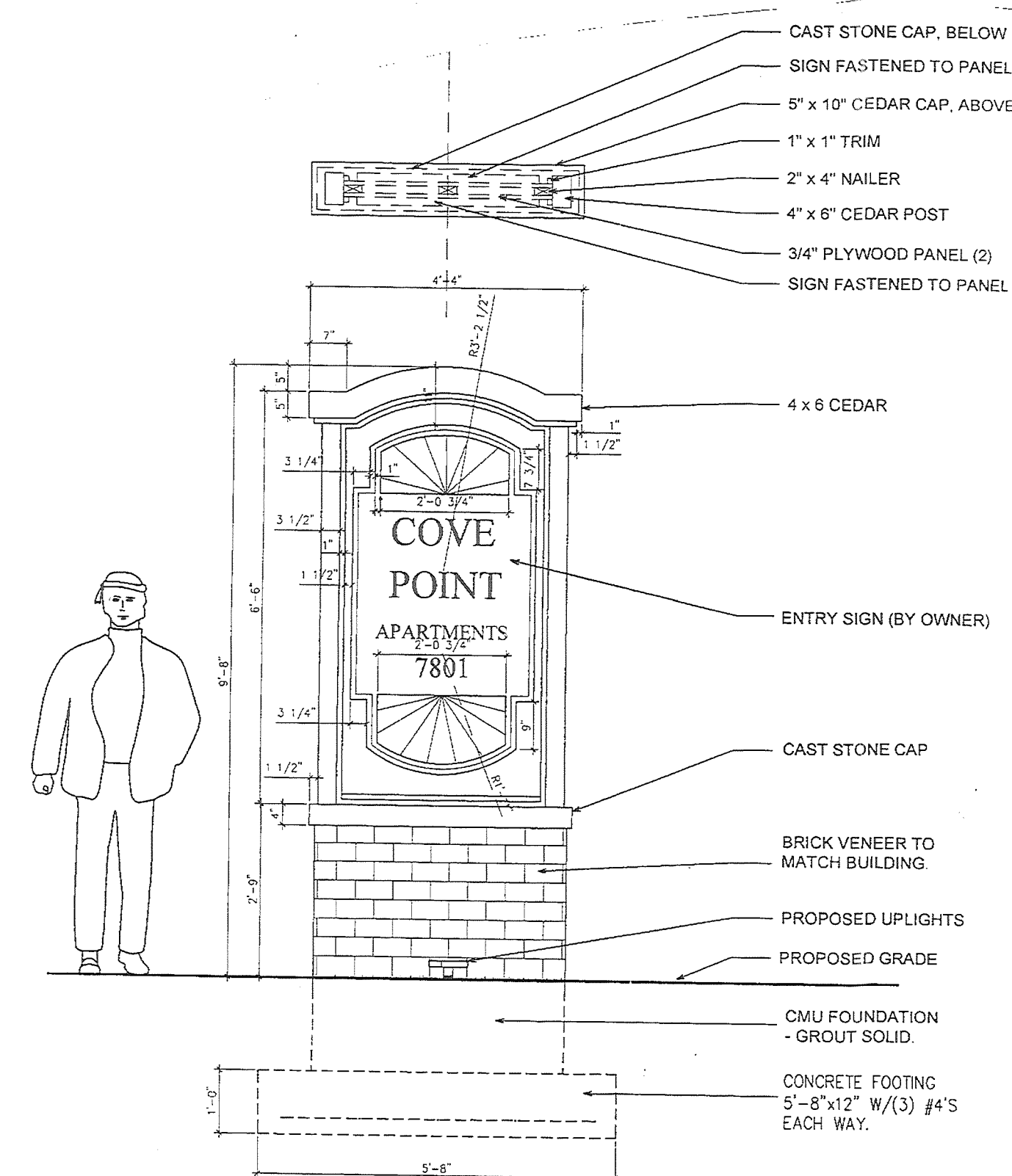
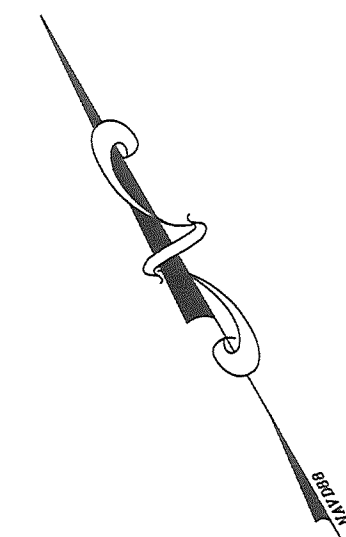
PROTECTIVE COVENANTS NOTE:

ANY FOREST BUFFER EASEMENT AND CRITICAL AREA EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

CRITICAL AREA ADMINISTRATIVE VARIANCE NOTE:

A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM CERTAIN REQUIREMENTS OF THE CRITICAL AREA REGULATIONS. THE CRITICAL AREA EASEMENT SHOWN HEREON IS REFLECTIVE OF THE FACT THAT THIS VARIANCE WAS GRANTED. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS.

EXISTING	LEGEND	PROPOSED
--- 999 ---	CONTOURS	--- 999 ---
---	CURB & GUTTER/ EDGE OF PAVING	---
---	PROPERTY LINES	---
---	STORM DRAIN	---
---	SANITARY SEWER	---
---	WATER	---
[Pattern]	BUILDING	[Pattern]
	PROPOSED BITUMINOUS PAVEMENT	[Pattern]
	CONCRETE SIDEWALK	[Pattern]
	BITUMINOUS CONCRETE SIDEWALK	[Pattern]



EXISTING SIGN DETAIL

NOT TO SCALE

REVISIONS	NO.	DATE	COMMENTS

G.T. GOWER THOMPSON INC.
CIVIL ENGINEERING - SITE PLANNING
P.O. BOX 19099
Baltimore, Maryland 21284
Phone 410-532-0104
Fax 410-532-0104
Email GOWERTHOMP@aol.com

PROFESSIONAL CERTIFICATE
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. 7948
Expiration Date: 7/11/2013

PROJECT TITLE
COVE POINT APARTMENTS
7795 & 7801 PENNSULA EXPRESSWAY
BALTIMORE CITY, MARYLAND 21222

SHEET TITLE
**SITE PLAN TO ACCOMPANY ZONING HEARING
DETAILED SITE PLAN**

PROJECT NO.: 1

DATE: 6/17/13

DRAWING NO.
C-2

SHEET OF



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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EX. 3