

**IN RE: DEVELOPMENT PLAN HEARING
AND PETITION FOR VARIANCE**

4th Election District

4th Council District

(DOLFIELD TOWNHOUSES)

9014 and 9018 Dolfield Road

Dolfield Road, LLC

Owner/Developer

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR
* BALTIMORE COUNTY
* **HOH Case No. 04-0736 and**
* **Zoning Case No. 2014-0043-A**

* * * * *

AMENDED ORDER

By Order dated November 15, 2013, the undersigned approved a three-sheet Development Plan known as "Dolfield Townhouses" in the above captioned matter. The Developer was also granted variance relief in the same Order.

The undersigned received an email dated December 17, 2013, a copy of which is included in the case file, from Dennis Kennedy, Bureau of Development Plans Review (DPR). Mr. Kennedy requested that one of the conditions included in the Order (pertaining to Blue Ocean Way) be revised to comply with long-standing County Department of Public Works (DPW) standards. Upon reviewing my notes, I see that Mr. Kennedy articulated the same concerns at the hearing, and I simply overlooked this testimony when preparing the Final Order.

As noted in Mr. Kennedy's email, the roadway issue is a matter of public safety, and the County uniformly requires that "streets serving apartments must be private." As such, the Order will be revised accordingly.

WHEREFORE, IT IS ORDERED this 17th day of December, 2013, that the Order dated November 15, 2013 in the above captioned matter BE and is hereby AMENDED. On Page 10,

Condition No. 3 shall be stricken in its entirety, and replaced with the following:

ORDER RECEIVED FOR FILING

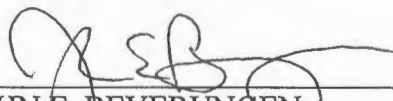
Date 12-17-13

By DW

3. The Developer shall provide at its own expense the necessary right-of-way to connect Campbell Avenue (a paper street) to Blue Ocean Way. The roadway, except for that portion located in front of the apartment building, shall be a public road constructed to Baltimore County standards."

IT IS FURTHER ORDERED that all other terms and conditions set forth in the November 15, 2013 Order shall continue in full force and effect.

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

ORDER RECEIVED FOR FILING

Date 12-17-13

By dlw

**IN RE: DEVELOPMENT PLAN HEARING
AND PETITION FOR VARIANCE**

4th Election District

4th Council District

(DOLFIELD TOWNHOUSES)

9014 and 9018 Dolfield Road

Dolfield Road, LLC

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BEFORE THE

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OFFICE OF

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ADMINISTRATIVE HEARINGS

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FOR

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BALTIMORE COUNTY

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HOH Case No. 04-0736 and

Zoning Case No. 2014-0043-A

* * * * *

**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 a request for variance relief under the Baltimore County Zoning Regulations (B.C.Z.R.) and Comprehensive Manual of Development Policies (CMDP). Dolfield Road, LLC, the developer of the subject property (hereinafter "the Developer"), submitted for approval a three-sheet redlined Development Plan prepared by Colbert, Matz, Rosenfelt, Inc., known as "Dolfield Townhouses Development Plan." Developer's Exhibit 1A-1C.

The Developer proposes 20 single-family attached townhouse apartment units and 16 multi-family apartments on 3.30 acres of land split-zoned DR 10.5 (2.66+/- acres) and DR 16 (0.77+/- acres). The site is currently developed with two (2) dilapidated single-family detached residences (*See Developer's Exhibits 8 and 9*) while the remainder of the site is mostly wooded.

ORDER RECEIVED FOR FILING

Date 11-15-13

By [Signature]

The property was posted with the Notice of Hearing Officer's Hearing (on September 22, 2013) and Zoning Notice (on September 27, 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 Friday, October 25, 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 the following zoning relief:

- (1) From §§1B01.2.C.1.c and 504.2 of the B.C.Z.R. and from 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 side building face setback of 20' in lieu of the required 25' setback,
- (2) From §301.1 of the B.C.Z.R. to permit a one story open porch to extend into a required yard not more than 50% of the minimum required depth of a required yard in lieu of the required maximum of 25%,
- (3) From §§1B02.2 and 504.2 of the B.C.Z.R. and the CMDP, Division II, Section A: Residential Standards Table VII, to permit a building with a height of 58' in lieu of the permitted 50',
- (4) From CMDP, Modification of Standards, Division II, Section A, Residential Standards, Page 29, to permit the more than 6 townhouse units in a row,
- (5) From CMDP, Modification of Standards, Division II, Section A, Residential Standards, Page 28, to permit the construction of townhouses with a width of 16' in lieu of the required 20',
- (6) From CMDP, Modification of Standards, Division II, Section A, Residential Standards, Page 28, to permit 5' rear yard access easement and variable width Storm Water Management Easement to cross through the required 500 square foot private yard area, and
- (7) For such other and further relief as the nature of this cause may require.

Appearing at the requisite Hearing Officer's Hearing in support of the Development Plan

on behalf of the Developer and property owner was Jonathan Ehrenfeld, and Richard (Dick) E.

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Date 11-15-13

By [Signature]

Matz, P.E., with Colbert, Matz & Rosenfelt, Inc., the consulting firm that prepared the site plan. Timothy M. Kotroco, Esquire and John B. Gontrum, Esquire, both with Whiteford, Taylor & Preston, LLP, appeared and represented the Developer.

Representatives from the apartment complexes adjoining this site attended the hearing, and their names are reflected on the sign-in sheets.

Numerous representatives of the various Baltimore County agencies, who reviewed the Development Plan, also attended the hearing, including the following individuals from the Department of Permits and Development Management: Darryl Putty (Project Manager), Dennis Kennedy, Development Plans Review, Brad Knatz, Real Estate Compliance, and Jason Seidelman (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.

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Date 11-15-13

By (signature)

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, whose comments will be addressed below) indicated that the redlined Development Plan (marked as Developer's Exhibit 1A-1C) addressed any and all comments submitted by their agency, and they each recommended approval of the plan.

Ms. Nugent, who submitted a five-page final report (County Exhibit 1), indicated that the DOP did not support the project. Among other reasons, Ms. Nugent believed the proposed 16' width of the townhouses, lack of usable yard areas, and requests for (self-imposed) variance relief required the plan to be denied.

DEVELOPER'S CASE

The Developer presented two witnesses in its case. First, Jonathan Ehrenfeld testified and discussed his background in community and residential development. He explained that the townhouses would in fact be rental apartments, and that this was a new type of project for his company; his firm ordinarily rehabilitates existing projects while this proposal obviously involves new construction.

The final witness was engineer Richard E. Matz, P.E. who was accepted as an expert. Mr. Matz explained the project by referring to the three-sheet Development Plan. The witness opined that the development proposal satisfied all Baltimore County rules and regulations. Mr. Matz also discussed each of the variance requests, and pointed out on the plan the location of each "in the field." He testified the parcel is irregularly shaped and is a remnant from various conveyances through the years, with only 100' of frontage on Dolfield Road. Mr. Matz opined

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Date 11-15-13

By DW

that B.C.Z.R. §307 was satisfied by Developer. He testified that the property is unique for the above stated reasons (in its comments, the DOP noted that the property was irregularly shaped), and the Developer would experience a practical difficulty if the regulations were strictly interpreted, since it would be unable to construct the proposed improvements.

This is a difficult case, since I must determine whether the benefits of the project (including the elimination of a blighted area) outweigh the DOP's goals -- as expressed in the CMDP. There is no community opposition to speak of, and the DOP was the only reviewing agency to express concern with the Plan. The Community Input Meeting (CIM) was attended by only three (3) citizens, and the only questions raised concerned whether subsidized housing was proposed and when the property would be cleaned up. The site is an eyesore, and a representative from one of the adjacent apartment complexes stated that the site has been vacant for approximately 20 years, and that the boarded up houses are frequented by drug users and criminals. As such, there is no doubt the proposed development would be a vast improvement over existing conditions, a point conceded by the representatives from the two (2) apartment complexes that surround the subject property.

The CMDP provides that townhouses must be at least 20' wide unless approved through the PUD process. Ms. Nugent indicated that the PUD process ensures a higher quality development and other community benefits. The DOP also expressed concern with setting precedent for 16' wide townhouses. I understand and appreciate both of these concerns, but believe that each can be addressed.

As for the quality of the development (materials used, etc.), I concur with Ms. Nugent's comments, and will require the Developer to construct the townhouse apartments with upgraded brick exteriors (on the front, and sides of end units) and high quality materials. In addition, I will

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Date 11-15-13

By ew

also require the Developer to construct on site (in an H.O.A. open space area) a "tot-lot" for use by residents of the development. This, I believe, will prevent the townhouse apartments (which are nearest to Dolfield Road) from looking like "cookie cutter" housing, and the residents will be provided with additional amenities. In this regard, many of the "upgrades" achieved in the PUD process will also be realized in this conventional development.

I also do not believe there is a danger of setting undesirable precedent. Technically speaking, nothing contained in a Development Plan approval Order is binding on or can be cited as precedent in future zoning/development cases. Another Administrative Law Judge is at liberty to disagree with or disregard the reasoning in this opinion.

But more importantly, the approval of the 16' wide townhouses in this case is premised upon two (2) significant factors: (1) they are in reality apartments; and (2) only twenty (20) townhouse apartments are proposed. While I cannot predict with certainty (given the many variables present in any development case), I do not believe I would approve a large-scale townhouse development (with 100+ units) proposing 16' wide townhouses for sale. The present case is quite unique; the site is small and has been an eyesore for many years, and is surrounded by large apartment complexes. The proposed traditional and townhouse apartments will be compatible with current development in the community.

I am also concerned about denying a development plan based solely on the 20' width requirement set forth in the CMDP. As an initial matter, this strikes me as a purely aesthetic concern; indeed, there was no testimony or reference in the DOP's final report that 16' wide townhouse apartments would pose safety or health concerns. Maryland case law recognizes that the width of a dwelling is an issue of aesthetics, Swoboda v. Wilder, 173 Md. App. 615, 638 (2007), and that aesthetic goals cannot be the only purpose of a regulation. City of Balto. v.

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By DW

Mano Swartz, 268 Md. 79, 86-87 (1973).

In addition, although Maryland courts do not appear to have addressed the issue, courts in other states have held that if a county wants to regulate characteristics such as the width of homes, it must regulate the width of all homes. Wright County v. Kennedy, 415 N.W. 2d 728, 731 (Minn. 1987); Howard Township v. Waldo, 425 N.W. 2d 180 (Mich. 1988). Based on my review of the B.C.Z.R. and the CMDP, it appears that only the width of townhomes (and not other dwelling types) is regulated.

The DOP also expressed concern that the site was overcrowded, and to large measure I concur. But Mr. Ehrenfeld testified that for the development to be economically viable, it must be built as proposed with 20 townhouse apartments and 16 "traditional" apartment units. He stated that "it is tight as it is."

Of course, whether or not a Developer maximizes its profits is not part of the calculus employed to review and decide development cases. But at some point, economic realities do intrude. In this scenario, the property has been blighted for 20+ years, and has not attracted private investment or prior development proposals. The Developer has proposed a project that may not be ideal, but it will offer tangible community benefits, and conditions will be imposed to improve the quality and appearance of the development. In the words of a familiar sentiment: one should not allow the perfect to be the enemy of the good. If this project were denied or subject to draconian conditions that would deter the Developer from undertaking the project, the status quo would continue (perhaps for another twenty [20] years, or more), which is not in the best interest of the community.

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

ORDER RECEIVED FOR FILING

Date 11-15-13

By RW

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 County agencies (with the exception of the DOP) 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. After carefully considering the comments and objections from the DOP, I will impose certain conditions designed to ensure that the project complies to the greatest extent possible with the goals of the CMDP.

ZONING REQUESTS

VARIANCES

In addition to the Development Plan approval, 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 Maryland law, 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).

The Developer has met this test. The subject property is irregularly shaped, and has barely 100’ of frontage onto Dolfield Road. In addition, the Developer must contend with long-existing site conditions. As such, the property is unique.

In addition, the Developer would suffer a practical difficulty if the regulations were strictly interpreted and the variances were denied, in that it would be unable to construct the proposed improvements. Finally, I find that the variances can be granted in harmony with the

Date 11-15-13

By DW

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.

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 Dolfield Townhouses Development Plan shall be granted consistent with the comments contained herein and the conditions noted below.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 15th day of November, 2013, that the three (3) sheet redlined "DOLFIELD TOWNHOUSES" Development Plan, marked and accepted into evidence as Developer's Exhibit 1A-1C, be and is hereby **APPROVED**.

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

- (1) From §§1B01.2.C.1.c and 504.2 of the B.C.Z.R. and from 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 side building face setback of 20' in lieu of the required 25' setback,
- (2) From §301.1 of the B.C.Z.R. to permit a one story open porch to extend into a required yard not more than 50% of the minimum required depth of a required yard in lieu of the required maximum of 25%,
- (3) From §§1B02.2 and 504.2 of the B.C.Z.R. and the CMDP, Division II, Section A: Residential Standards Table VII, to permit a building with a height of 58' in lieu of the permitted 50',
- (4) From CMDP, Modification of Standards, Division II, Section A, Residential Standards, Page 29, to permit the more than 6 townhouse units in a row,
- (5) From CMDP, Modification of Standards, Division II, Section A, Residential Standards, Page 28, to permit the construction of townhouses with a width of 16' in lieu of the required 20', and

ORDER RECEIVED FOR FILING

Date 11-15-13

By OW 9

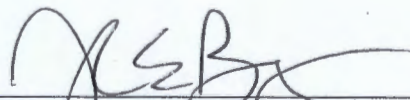
- (6) From CMDP, Modification of Standards, Division II, Section A, Residential Standards, Page 28, to permit 5' rear yard access easement and variable width Storm Water Management Easement to cross through the required 500 square foot private yard area,

be and is hereby GRANTED.

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

1. Developer shall construct at its own expense a 10' high fence between the subject property and the adjoining apartment complex known as the "Painters Mill Apartments."
2. The Developer shall construct at its own expense a "tot lot" or playground in the northern portion of the site marked as "H.O.A. Area." The amenity shall be of sufficient size to accommodate the residents of the development approved herein, and is subject to the approval of the Baltimore County Landscape Architect and/or DOP.
3. The Developer shall provide at its own expense the necessary right-of-way to connect Campbell Avenue (a paper street) to Blue Ocean Way, the entire length of which shall be a public road constructed to Baltimore County standards. The Developer shall not be responsible for any costs associated with the design and/or construction of Campbell Avenue.
4. The twenty (20) townhouse units shall be for rental only, and shall be designed with brick exteriors on the front of the units (as well as on the sides of the end units). The pattern book shall be amended to reflect these design elements and is subject to the approval of the DOP.

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
ORDER RECEIVED FOR FILING

Date 11-15-13

By DLW

KEVIN KAMENETZ
County Executive



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

December 17, 2013

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

RE: **AMENDED ORDER**
Hearing Officer's Hearing (HOH) and Petition for Variance
HOH Case No. 04-0736 and Zoning Case No. 2014-0043-A
(Dolfield Townhomes)

Dear Counsel:

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 long horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Rick Chadsey, 10 Parks Avenue, Hunt Valley, MD 21030
Sid Emmer, 1010 St. Georges Road, Baltimore, MD 21210

KEVIN KAMENETZ
County Executive



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

November 21, 2013

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

Rick Chadsey, PE, President
Chadsey Development Services, LLC
1129 Gypsy Lane West
Towson, Maryland 21286

RE: Hearing Officer's Hearing (HOH) and Petition for Variance
HOH Case No. 04-0736 and Zoning Case No. 2014-0043-A
(Dolfield Townhomes)

Dear Messrs. Kotroco and Chadsey:

Though informal in nature, please accept this correspondence as an amendment/clarification of the Order in the above matter issued on November 15, 2013.

Having received and reviewed the correspondence submitted by both parties, I recall the issue being discussed at the hearing and will therefore add an additional condition to the Development Plan approval Order, as follows:

5. Developer shall at its own expense provide landscaping as necessary along the 10' high fence discussed above, as detailed in the November 18, 2013 letter sent by Mr. Chadsey, a copy of which is attached hereto and shall be considered incorporated into the final Order dated November 15, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



KEVIN KAMENETZ
County Executive

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

November 15, 2013

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

RE: Hearing Officer's Hearing (HOH) and Petition for Variance
HOH Case No. 04-0736 and Zoning Case No. 2014-0043-A
(Dolfield Townhomes)

Dear Counsel:

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 the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Rick Chadsey, 10 Parks Avenue, Hunt Valley, MD 21030
Sid Emmer, 1010 St. Georges Road, Baltimore, MD 21210



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 9014 & 9018 Dolfield Road which is presently zoned D.R.10.5&D.R.16
 Deed References: L. 25201 / F. 00640 10 Digit Tax Account # 0418010150 & 0418010151
 Property Owner(s) Printed Name(s) Dolfield Road LLC

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
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)
1B01.2.C.1.c, 301.1, 1B02.2, & Modifications to CMDP Standards (SEE ATTACHED)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

By Whiteford Taylor & Preston - Timothy Kotroco
 Name- Type or Print _____
 Signature Timothy Kotroco

1 W. Pennsylvania Ave. Ste 300 Towson Maryland
 Mailing Address _____ City _____ State _____
21204 / 410-832-2004 / tkotroco@wtplaw.com
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Dolfield Road LLC
Jonathan Ehrenfeld /
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
[Signature] / _____
 Signature #1 _____ Signature #2 _____
200 Westgate Cir. Annapolis Maryland
 Mailing Address _____ City _____ State _____
21401 / 443-278-9302 / blueoceanrealty.net
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Colbert Matz Rosenfelt, Inc. - Richard E. Matz
 Name - Type or Print _____
[Signature]
 Signature _____
2835 Smith Ave. Ste G Baltimore Maryland
 Mailing Address _____ City _____ State _____
21209 / 410-653-3838 / dmatz@cmrengineers.com
 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2014-0043-A Filing Date 8/21/13 Do Not Schedule Dates: _____ Reviewer [Signature]

DOLFIELD TOWNHOUSE
ZONING VARIANCE PETITION
August 20, 2013

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 side building face setback of 20' in lieu of the required 25' setback.

2. Variance from Section 301.1 of the BCZR to permit a one story open porch to extend into a required yard not more than 50% of the minimum required depth of a required yard in lieu of the required maximum of 25%.

3. Variance from Section 1B02.2 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 with a height of 58 feet in lieu of the permitted 50 feet.

4. Variance/Modification of Standards. Per the CMDP, Division 2, Section A, Residential Standards, Page 29. To permit the more than 6 townhouse units in a row.

5. Variance/Modification of Standards. Per the CMDP, Division 2, Section A, Residential Standards, Page 28. To permit the construction of townhouses with a width of 16 feet. *in lieu of 20'*

6. Variance/Modification of standards. Per the CMDP, Division 2, Section A, Residential Standards, Page 28. To permit 5' Rear Yard Access Easement and variable width Storm Water Management Easement to cross through the required 500 square foot private yard area.

7. For such other and further relief as the nature of this cause may require.

Item #0043

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



Zoning Description
For
9014 and 9018 Dolfield Road

August 20, 2013

Beginning at the Northwest corner of Campbell Avenue (50' wide) and Dolfield Road (variable width), thence running with and binding on Dolfield Road

1. South 68 degrees 25 minutes 05 seconds West, 67.96 feet, thence leaving Dolfield road and running on the land of the herein petitioner the 5 following courses and distances, viz.
2. North 65 degrees 49 minutes 36 seconds West 132.00 feet,
3. North 33 degrees 15 minutes 49 seconds West 426.30 feet,
4. North 7 degrees 32 minutes 14 seconds West 474.05 feet,
to the West side of Campbell Road, thence running with and binding on the West side of Campbell Road, the following two courses and distances viz;
5. South 34 degrees 19 minutes 04 seconds East 592.02 feet, and
6. South 21 degrees 42 minutes 00 seconds East 394.46 feet to the place of beginning.

Containing 3.309 Ac. of land more or less. or 144,140 sq.ft. more or less.

Being known as 9014 and 9018 Dolfield Road and located in the 4th Election District, 4th Councilmanic District.



Brian Dietz

Item #0043

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: 2014-0043-A

Petitioner: DOLFIELD ROAD LLC

Address or Location: 9014 & 9018 DOLFIELD ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN EHRENFELD - BLUE OCEAN

Address: 200 WESTGATE CIRCLE
ANNAPOLIS, MD 21401

Telephone Number: 443-278-9302

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 09/28/2013

Case Number: 2014-0043-A

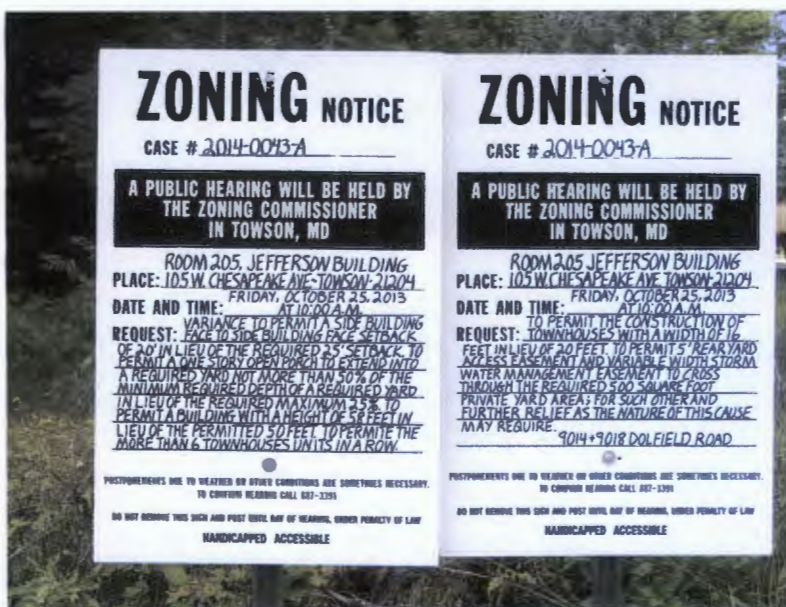
Petitioner / Developer: TIM KOTROCO, ESQ.~

JOHNATHAN EHRENFELD~RICHARD MATZ

Date of Hearing (Closing): OCTOBER 25, 2013

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
9014 & 9018 DOLFIELD ROAD

The sign(s) were posted on: SEPTEMBER 27, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

October 3, 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 October 3, 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: #2014-0043-A

9014 & 9018 Dolfield Road

NW/s Dolfield Road, 25 ft. w/of centerline
of Campbell Road

4th Election District - 4th Councilmanic District

Legal Owner(s): Dolfield Road, LLC

Variance: to permit a side building face to side building face setback of 20' in lieu of the required 25' setback. To permit a one story open porch to extend into a required yard not more than 50% of the minimum required depth of a required yard in lieu of maximum of 25%. To permit a building with a height of 58 feet in lieu of the permitted 50 feet. To permit the more than 6 townhouse units in a row. To permit the construction of townhouses with a width of 16 feet in lieu of 20 feet. To permit 5' Rear Yard Access Easement and variable width Storm Water Management Easement to cross through the required 500 square foot private yard area; for such other and further relief as the nature of this cause may require.

Hearing: Friday, October 25, 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.

10/023 Oct. 3

950331



KEVIN KAMENETZ
County Executive

September 18, 2013

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: 2014-0043-A

9014 & 9018 Dolfield Road

NW/s Dolfield Road, 25 ft. w/of centerline of Campbell Road

4th Election District – 4th Councilmanic District

Legal Owners: Dolfield Road, LLC

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Hearing: Tuesday, November 5, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Tim Kotroco, 1 W. Pennsylvania Ave., Ste. 300, Towson 21204
Jonathan Ehrenfeld, 200 Westgate Cir., Annapolis 21401
Richard Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 16, 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
Tuesday, October 15, 2013 Issue - Jeffersonian

Please forward billing to:

Jon Ehrenfeld
Blue Ocean
200 Westgate Circle
Annapolis, MD 21401

443-278-9302

NOTICE OF ZONING HEARING

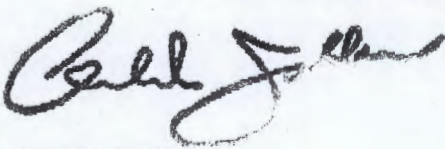
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CASE NUMBER: 2014-0043-A

9014 & 9018 Dolfield Road
NW/s Dolfield Road, 25 ft. w/of centerline of Campbell Road
4th Election District – 4th Councilmanic District
Legal Owners: Dolfield Road, LLC

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Hearing: Tuesday, November 5, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
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KEVIN KAMENETZ
County Executive

September 23, 2013

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

CORRECTED 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: 2014-0043-A

9014 & 9018 Dolfield Road

NW/s Dolfield Road, 25 ft. w/of centerline of Campbell Road

4th Election District – 4th Councilmanic District

Legal Owners: Dolfield Road, LLC

Variance to permit a side building face to side building face setback of 20' in lieu of the required 25' setback. To permit a one story open porch to extend into a required yard not more than 50% of the minimum required depth of a required yard in lieu of the required maximum of 25%. To permit a building with a height of 58 feet in lieu of the permitted 50 feet. To permit the more than 6 townhouses units in a row. To permit the construction of townhouses with a width of 16 feet in lieu of 20 feet. To permit 5' Rear Yard Access Easement and variable width Storm Water Management Easement to cross through the required 500 square foot private yard area; for such other and further relief as the nature of this cause may require.

Hearing: Friday, October 25, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Tim Kotroco, 1 W. Pennsylvania Ave., Ste. 300, Towson 21204
Jonathan Ehrenfeld, 200 Westgate Cir., Annapolis 21401
Richard Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 5, 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, October 3, 2013 Issue - Jeffersonian

check check
Please forward billing to:

Jon Ehrenfeld
Blue Ocean
200 Westgate Circle
Annapolis, MD 21401

443-278-9302

CORRECTED NOTICE OF ZONING HEARING

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Hearing: Friday, October 25, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

late changed
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.

MEMORANDUM

DATE: January 27, 2014
TO: Division of Development Processing, PAI
FROM: Office of Administrative Hearings
RE: HOH Case No. 04-0736 -Dolfield Townhouses **AND**
Zoning Case No. 2014-0043-A

The appeal period for the above-referenced case expired on January 16, 2014. There being no appeal filed, the HOH file is ready for return to the Development Processing Division of PAI and the Zoning file is ready for return to the Office of Zoning Review.

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
9014 & 9018 Dolefield Road; NW/S Dolefield	*	
Road, 25' W c/line Campbell Road	*	OF ADMINSTRATIVE
4 th Election & 4 th Councilmanic Districts	*	
Legal Owner(s): Dolefield, LLC	*	HEARINGS FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-043-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

AUG 29 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 29th day of August, 2013, a copy of the foregoing Entry of Appearance was mailed to Richard Matz, P.E., Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Timothy Kotroco, Esquire, One W Pennsylvania Avenue, Suite 300, Towson, Maryland 21204 , Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DOLFIELD TOWNHOUSE
ZONING VARIANCE PETITION
August 20, 2013

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 side building face setback of 20' in lieu of the required 25' setback.

2. Variance from Section 301.1 of the BCZR to permit a one story open porch to extend into a required yard not more than 50% of the minimum required depth of a required yard in lieu of the required maximum of 25%.

3. Variance from Section 1B02.2 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 with a height of 58 feet in lieu of the permitted 50 feet.

4. Variance/Modification of Standards. Per the CMDP, Division 2, Section A, Residential Standards, Page 29. To permit the more than 6 townhouse units in a row.

5. Variance/Modification of Standards. Per the CMDP, Division 2, Section A, Residential Standards, Page 28. To permit the construction of townhouses with a width of 16 feet. ~~11' 1" to 17' 6"~~

6. Variance/Modification of standards. Per the CMDP, Division 2, Section A, Residential Standards, Page 28. To permit 5' Rear Yard Access Easement and variable width Storm Water Management Easement to cross through the required 500 square foot private yard area.

For such other and further relief as the nature of this cause may require.



KEVIN KAMENETZ
County Executive

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

October 18, 2013

Dolefield Road LLC
Jonathan Ehrenfeld
200 Westgate Circle
Annapolis MD 21401

RE: Case Number: 2014-0043, Address: 9014 & 9018 Dolefield Road

Dear Mr. Ehrenfeld:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 21, 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 faint, circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Timothy M. Kotroco, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204
Richard Matz, Colbert Matz & Rosenfelt Inc., 2835 Smith Avenue, Suite G, Baltimore MD 21209

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



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

Date: 8-28-13

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

RE: Baltimore County
Item No 2014-0043-A
Variance
Dolefield, LLC,
Jonathan Ehrenfeld
9014 & 9018 Dolefield Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0043-A.

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

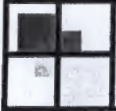
Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov



Chadsey Development Services, LLC

MB 10-25-13

Dolfield Townhouses

November 18, 2013

Chadsey Development Services, LLC
1129 Gypsy Lane West
Towson, Maryland 21286

Phone: (410) 628-1500
Fax: (410) 666-0095
Cell: (410) 236-0068
Email chadsey.cds@verizon.net

Mr. John E. Beverungen, Administrative Law Judge
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

NOV 20 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Re: HOH Case No. 04-0736

Dear Mr. Beverungen,

At the above-captioned hearing, I represented Mr. Carl Julio and Mr. Ed Julio as well as the Painters Mill Apartments. I received a copy of your order and find one issue that was left off of the Development Plan approval and conditions.

Not only did the developer agree to the 10-foot high fence, but he also agreed to work with me to provide landscaping on the Painters Mill Apartments side of the fence where trees will die due to the cutting of the roots under the crowns of the trees along the common property line. The landscaping would be limited to the area from the storm water management facility at Dolfield Road to the LOD at the northern end of the site near Millpaint Lane.

You had actually suggested that it be a part of the landscape plan approval and I said that the developer and I (or another representative of the Painters Mill Apartments) could work this out in the field prior to the close-out of the project. The trees will not immediately die, but should show signs of being lost prior to the completion of the construction phase of the project. I would only need landscaping where the trees are dead or dying. There is no need to waste the developers money to plant trees where a mature trees are surviving. You should be able to locate this conversation and the developer's agreement in the recorded testimony.

I respectfully request that you amend the order to include working with the Painters Mill Apartments and/or myself to provide the above-described landscaping.

Sincerely,

Rick Chadsey, PE
President

John Beverungen - Re: Dolfeld Townhouses, Blue Ocean Way, Public Road Issue

From: Dennis Kennedy
To: Beverungen, John
Date: 12/17/2013 10:03 AM
Subject: Re: Dolfeld Townhouses, Blue Ocean Way, Public Road Issue
CC: 'jscherr@kg-law.com'; Brown, Carol; Desai, Vishnubhai; Ehrenfeld, '...

Dear Mr. Beverungen:

In your order for the subject case, one of the conditions that you made was for Blue Ocean Way to be a public street allowing for a future connection to Campbell Road, now a paper street. While it is not written in the standards, our policy has always been that streets serving apartments must be private. We don't want any precedents to be set with this job.

More importantly, if Campbell Road were ever built and connected to Dorgate Road to the north, Blue Ocean Way would become a cut-through and probably would place more than 800 average daily trips on the townhouse portion of Blue Ocean Way, creating a dangerous situation for the townhouse residents as they try to leave their perpendicular parking spaces. The 800 limit is written in our policy manual and we adhere to it religiously. Making the portion of Blue Ocean Way that is away from the townhouses (in front of the apartment building) be private allows for it to be gated if Campbell Road is connected to Dorgate Road. In other words, Blue Ocean Way should not be considered a substitute for Campbell Road.

I know that this is not what Mr. Emmer and Mr. Scherr want, but making Blue Ocean Way public would violate our policies and make for a dangerous situation for the future residents of the townhouses.

Based on the foregoing, I ask that you modify the language of your order to allow for the portion of Blue Ocean Way in front of the apartments to be private.

Dennis Kennedy, Supervisor
 Bureau of Development Plan Review

Dear Mr. Kennedy:

I am following up on our meeting from the other day where we spoke about the connection of Blue Ocean Way to Campbell Ave. At the meeting, you advised Dick Matz that Blue Ocean Way cannot be a public road in front of the proposed apartment building. We are fine with your request, except that when we checked Judge Beverungen's decision, the language he used in his order states:

"The Developer shall provide at its own expense the necessary right of way to connect Campbell Avenue (a paper street) to Blue Ocean Way, the entire length of which shall be a public road constructed to Baltimore County Standards".

We agreed at the meeting that I would bring this issue to the attention of the Judge. I did meet with Judge Beverungen and brought to his attention this issue and the language contained in his Order. The Judge is willing to modify his language to resolve your concern, but asked that such a request come directly from you, Dennis Kennedy.

I ask that you be kind enough to forward an email directly to the Judge making this request. I believe appropriate language, as we discussed at our meeting, would be something along these lines:

"The Developer shall provide at its own expense the necessary right of way to connect Campbell Avenue

(a paper street) to Blue Ocean Way, the entire length of which, except for that area of roadway that is located in front of the apartment building, shall be a public road constructed to Baltimore County Standards".

Thank you for your cooperation. If you have any questions, please feel free to contact me.

Very truly yours,

Tim K.

Timothy M. Kotroco
Partner

Whiteford
Taylor|Preston

Whiteford Taylor & Preston LLP

Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204

t: 410-832-2004 | f: 410 339-4050

tkotroco@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

Circular 230 Disclosure:

To ensure compliance with requirements imposed by Treasury and the IRS, we inform you that any federal tax advice contained in this communication (including attachments) is not intended or written to be used and cannot be used for the purpose of (i) avoiding tax penalties that may be imposed under the Internal Revenue Code, or (ii) promoting, marketing, or recommending to another person any transaction or matter addressed herein.

Debra Wiley - RE: Correspondence Rec'd re: Dolfield Townhouses - HOH Case No. 04-0736

From: "Kotroco, Timothy" <TKotroco@wtplaw.com>
To: 'Debra Wiley' <dwiley@baltimorecountymd.gov>, "Gontrum, John" <JGontrum@...>
Date: 11/20/2013 4:47 PM
Subject: RE: Correspondence Rec'd re: Dolfield Townhouses - HOH Case No. 04-0736
CC: 'Dick Matz' <dmatz@cmrengineers.com>, 'Jonathan Ehrenfeld' <jonathan@blu...>

Dear Judge Beverungen:

Mr. Chadsey's letter was sent to my client as well as Mr. Matz. We all agree with the contents of his letter and support amending your order accordingly. Thank you. If you have any questions, please do not hesitate to call.

Tim K.

Timothy M. Kotroco
Partner

Whiteford
Taylor|Preston

Whiteford Taylor & Preston LLP

Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204

t: 410-832-2004 | f: 410 339-4050

tkotroco@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Wednesday, November 20, 2013 2:08 PM
To: Gontrum, John; Kotroco, Timothy
Subject: Correspondence Rec'd re: Dolfield Townhouses - HOH Case No. 04-0736

Gentlemen,

Please find attached correspondence received from Rick Chadsey, President of Chadsey Development Services, LLC in reference to the above project.

Thanks.

Debra Wiley - Correspondence Rec'd re: Dolfield Townhouses - HOH Case No. 04-0736

From: Debra Wiley
To: JGontrum@wtplaw.com; tkotroco@wtplaw.com
Date: 11/20/2013 2:07 PM
Subject: Correspondence Rec'd re: Dolfield Townhouses - HOH Case No. 04-0736
Attachments: 20131120135322554.pdf

Gentlemen,

Please find attached correspondence received from Rick Chadsey, President of Chadsey Development Services, LLC in reference to the above project.

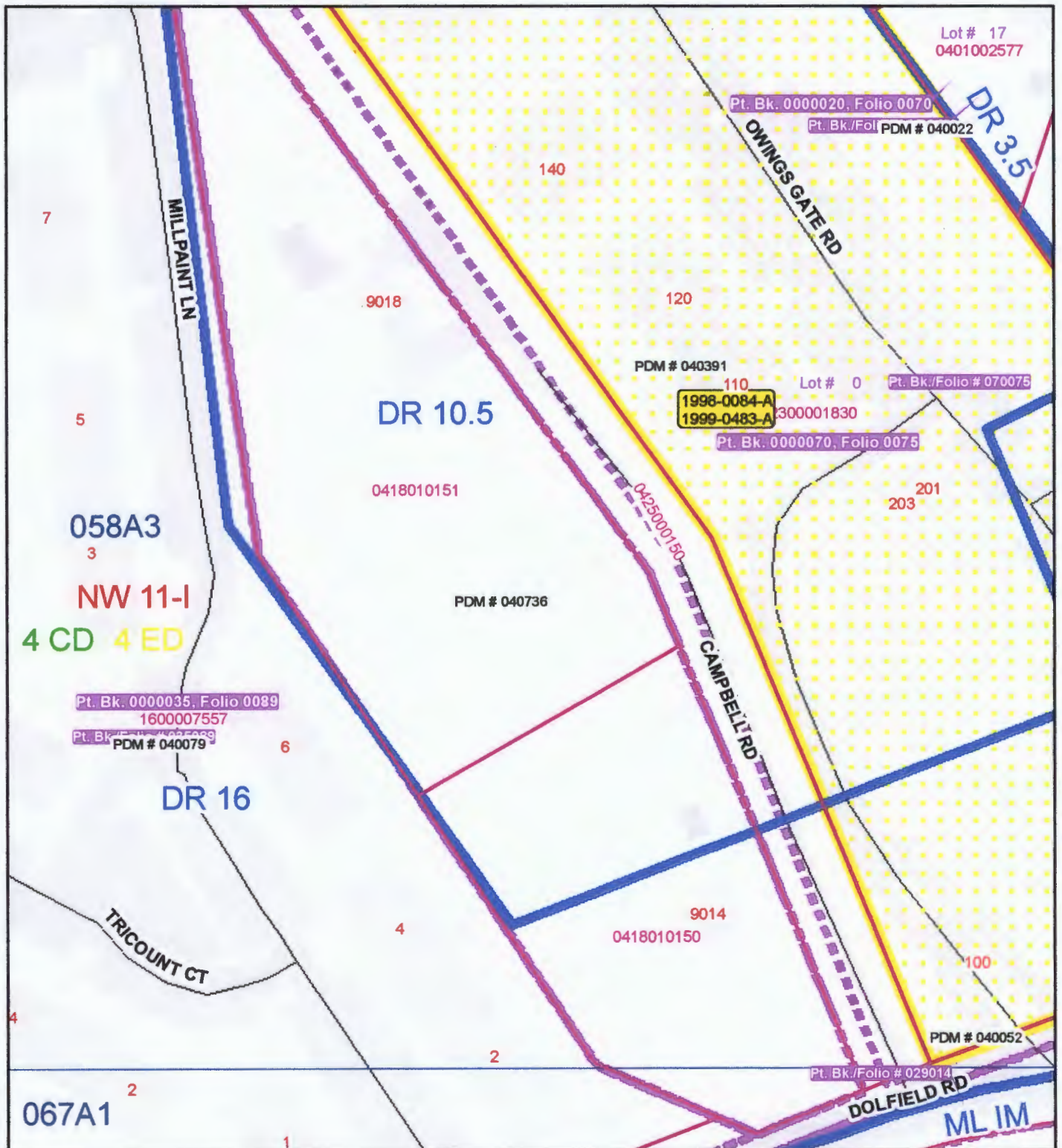
Thanks.

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

>>> <officeofhearings@baltimorecountymd.gov> 11/20/2013 1:53 PM >>>
This E-mail was sent from "zoneprt1" (Aficio MP 2852).

Scan Date: 11.20.2013 13:53:22 (-0500)
Queries to: officeofhearings@baltimorecountymd.gov

9014 & 9018 Dolfield Road



Publication Date: 8/21/2013



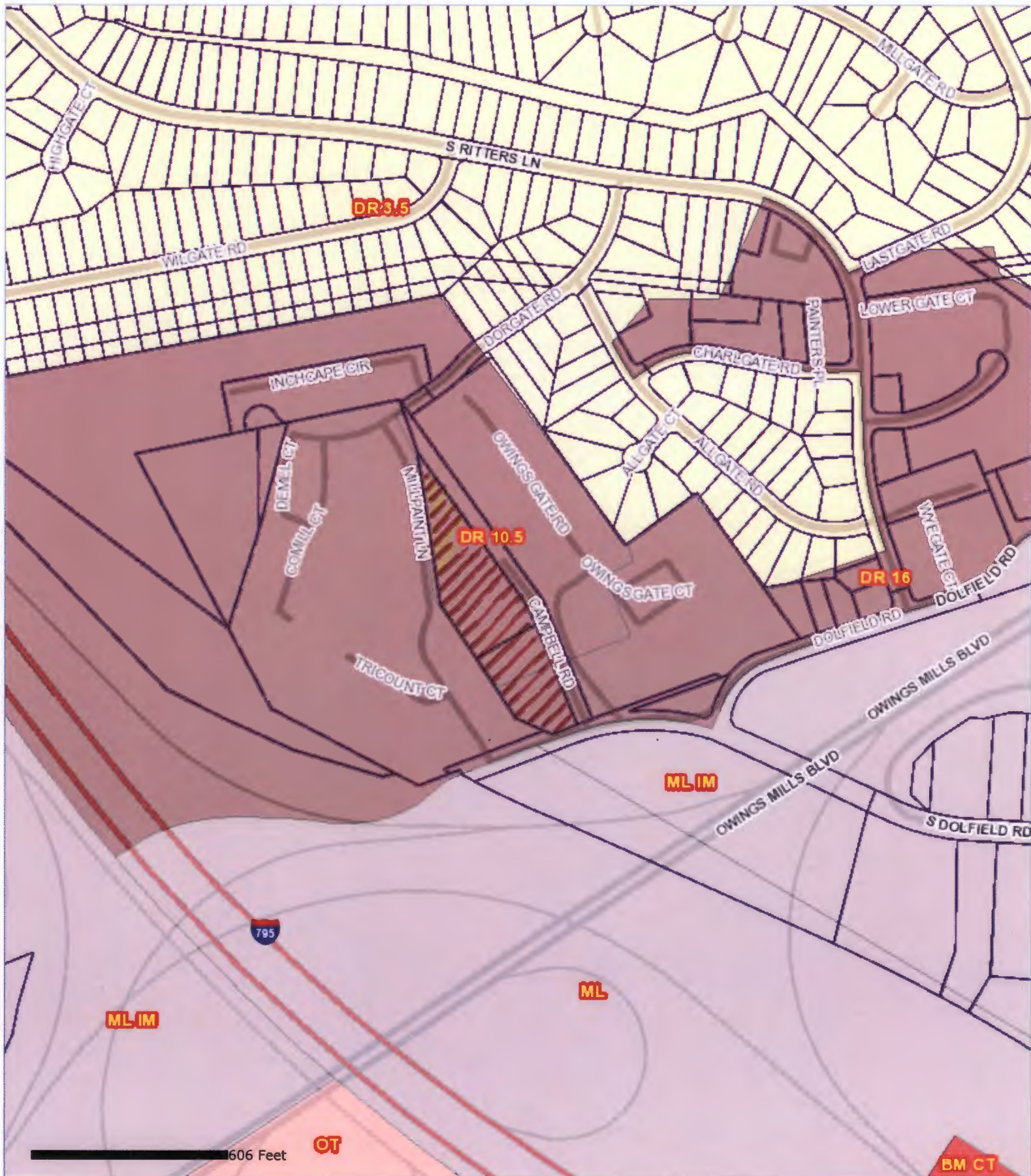
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item #0043



My Neighborhood Map

Iter #0043

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 8/21/2013

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 04, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For September 02, 2013
Item Nos. 2014- 0039, 0041, 0043, 0044, 0045 and 0046.

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

DAK:CEN
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC09022013 - NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

OFFICE OF ADMINISTRATIVE HEARINGS

Inter-Office Correspondence

SEP 13 2013



RECEIVED

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: September 13, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0043-A
Address 9014 & 9018 Dolfield Road
(Dolfield, LLC Property)

Zoning Advisory Committee Meeting of August 26, 2013.

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

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

Additional Comments:

1. A special variance to the Forest Conservaiton Law is required to impact any of the 11 specimen trees onsite.

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

PA1 04-0736

Case No.: 2014-0043-A

Exhibit Sheet

Petitioner/Developer		Protestant	COUNTY
No. 1	1A-1C 1A-1C 3 sheet redlined Dev. Plan	11-15-13	DPC Comments DOP
No. 2	Blue Ocean- listing of properties owned	Original Exhibits are located in HOA folder D. Wiley	School Analysis
No. 3	Blue Ocean- listing of commercial properties		
No. 4	Balto Bus. Journal article 4-11-2013		
No. 5	BBJ Article 9-13-2013		
No. 6	Internet Article - A conversation w/ J. Ehrenfeld		
No. 7	materials + photos regarding Setford Townhomes		
No. 8	photos - existing conditions		
No. 9	photos of site		
No. 10	photo of paved pathway		
No. 11	photos - Gates of Dwings Mills Apts.		
No. 12	photos - Painters Mills Apts.		
13	aerial exhibit - vicinity		
14	Plat - Dwings Mills Heights		

CASE NAME DOUGLAS TOWNSHOUSES
CASE NUMBER 04-0734
DATE 10/25/2013

Case No. 2014-0043-A

[illegible]

CASE NAME DOLFIELD TOWNHOUSES
CASE NUMBER 04-0736
DATE 10/25/2013

[illegible]

CASE NAME Dorfield Townhouses
CASE NUMBER 04-0736
DATE 10/25/2013

[illegible]

CASE NO. 2014- 0043-A

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9/4/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>9/13/13</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>8/28/13</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>10/3/13</u>	
SIGN POSTING	Date: <u>9/27/13</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____















39 Feet



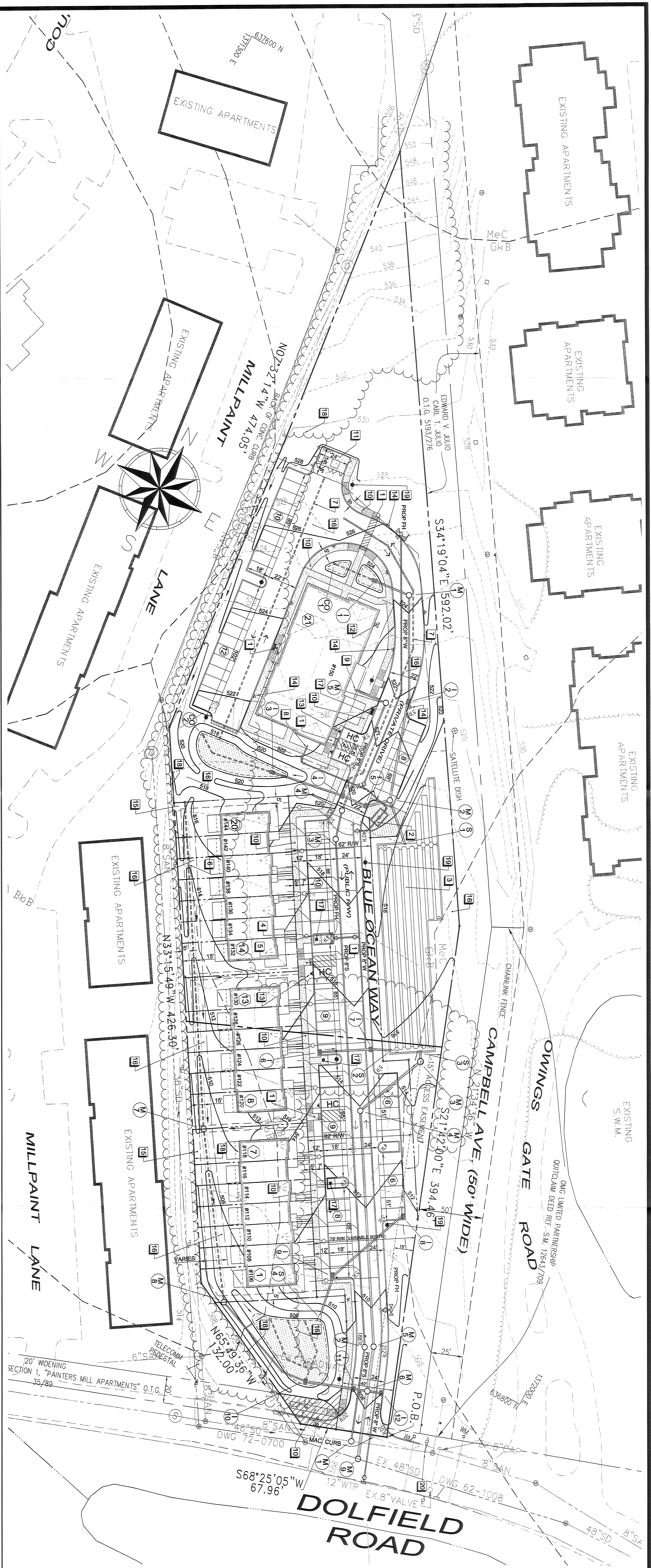
My Neighborhood Map

Created By
Baltimore County
My Neighborhood

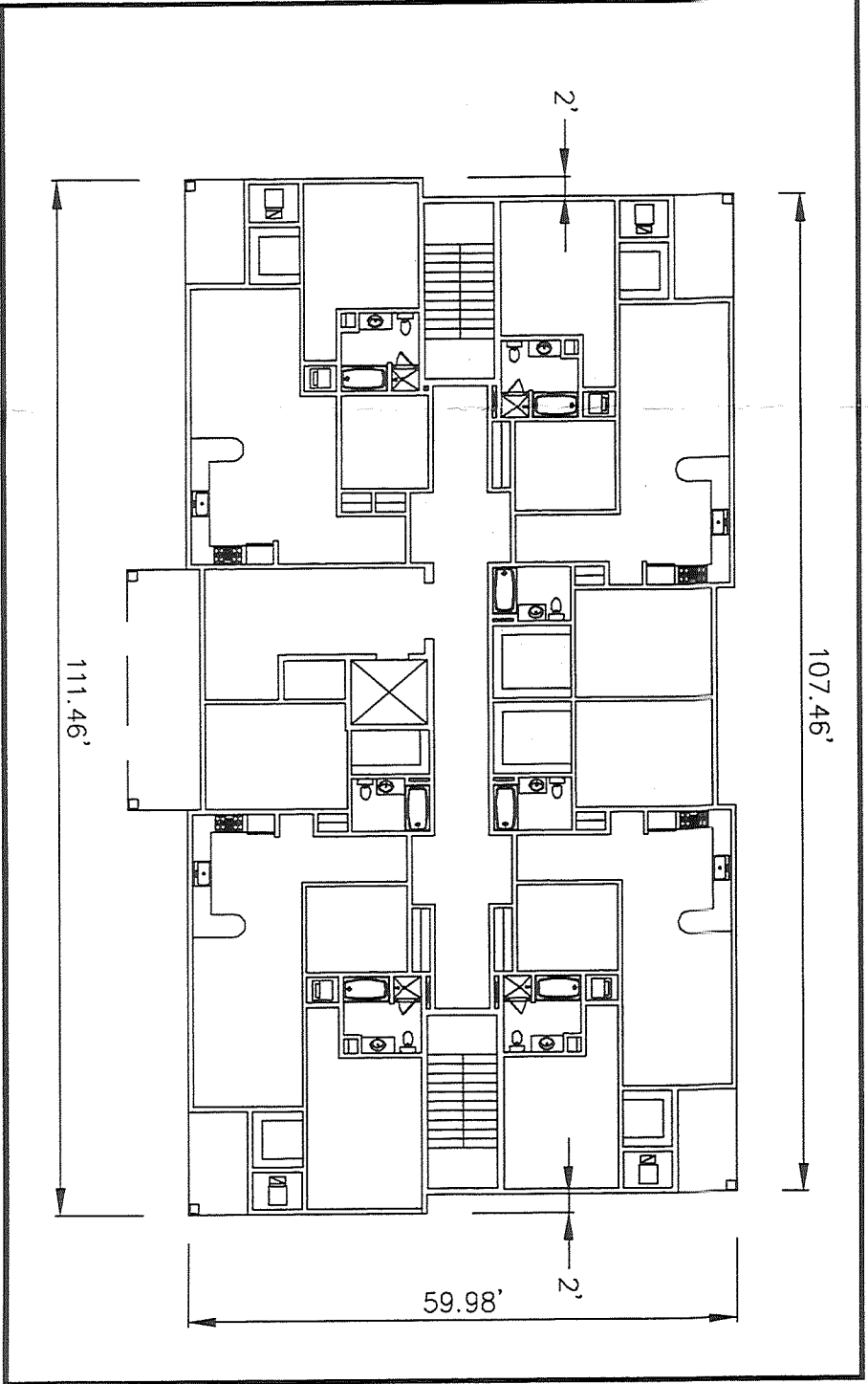


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Printed 4/15/2013

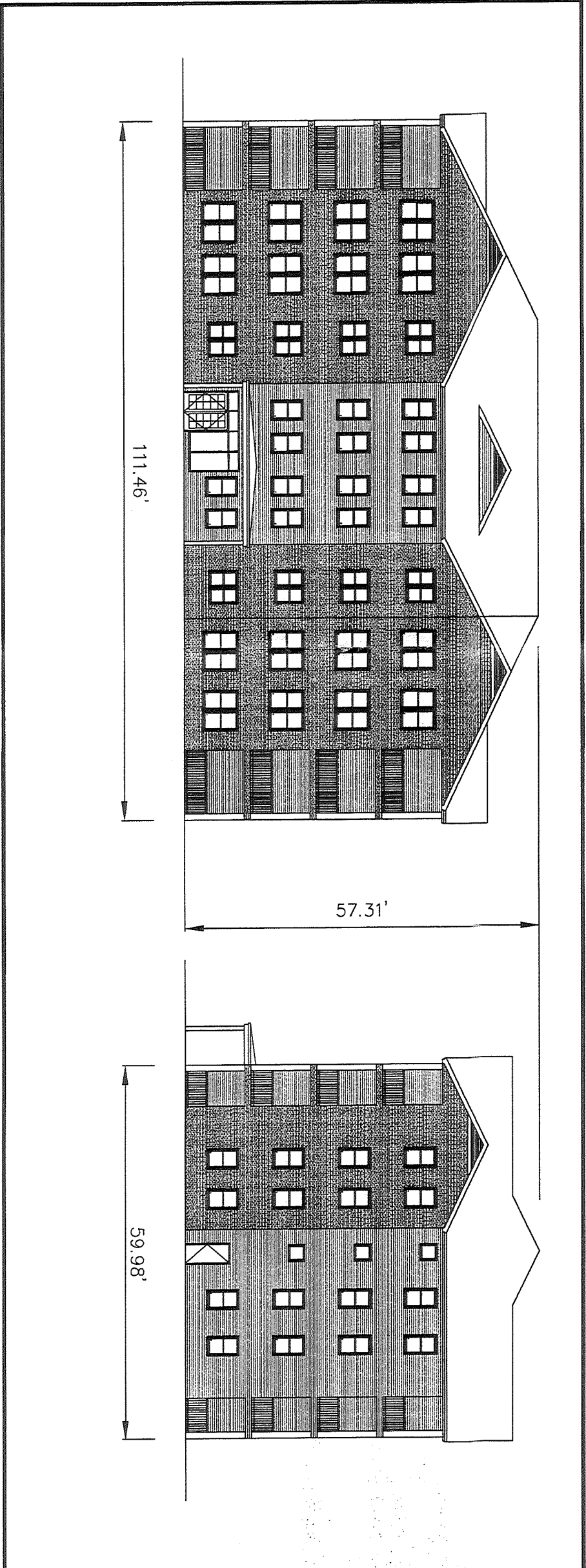


- KEY NOTES:
1. PROPOSED HANDICAP RAMP TO ACCESS AISLE WITH DETECTABLE WARNING SURFACE.
 2. PROPOSED 8\"/>
 3. PROPOSED 48\"/>
 4. PROPOSED 1\"/>
 5. PROPOSED 4\"/>
 6. PROPOSED WATER QUALITY SWALE WITH 4\"/>
 7. POLYPOUS PAVEMENT WATER QUALITY WITH 4\"/>
 8. PROPOSED 4\"/>
 9. PROPOSED 6\"/>
 10. PROPOSED 5\"/>
 11. PROPOSED DUMPSTER ENCLOSURE ON CONCRETE PAD.
 12. PROPOSED FIRE DEPARTMENT CONNECTION.
 13. PROP. HANDICAP PARKING SIGNS, VAN SIGN, ACCESS AISLE SIGN (TYPICAL OF 4).
 14. PROPOSED SIGN NO PARKING IN FIRE LANE (TYPICAL OF 4).
 15. PROPOSED 5\"/>
 16. PROPOSED STORM WATER MANAGEMENT ACCESS EASEMENT.
 17. PROPOSED GROUP MAIL BOX.
 18. PROPOSED TREE LINE.
 19. PROPOSED STREET LIGHT (TYPICAL OF 8).
 20. EXISTING STREET LIGHT PENDANT ON POLE.



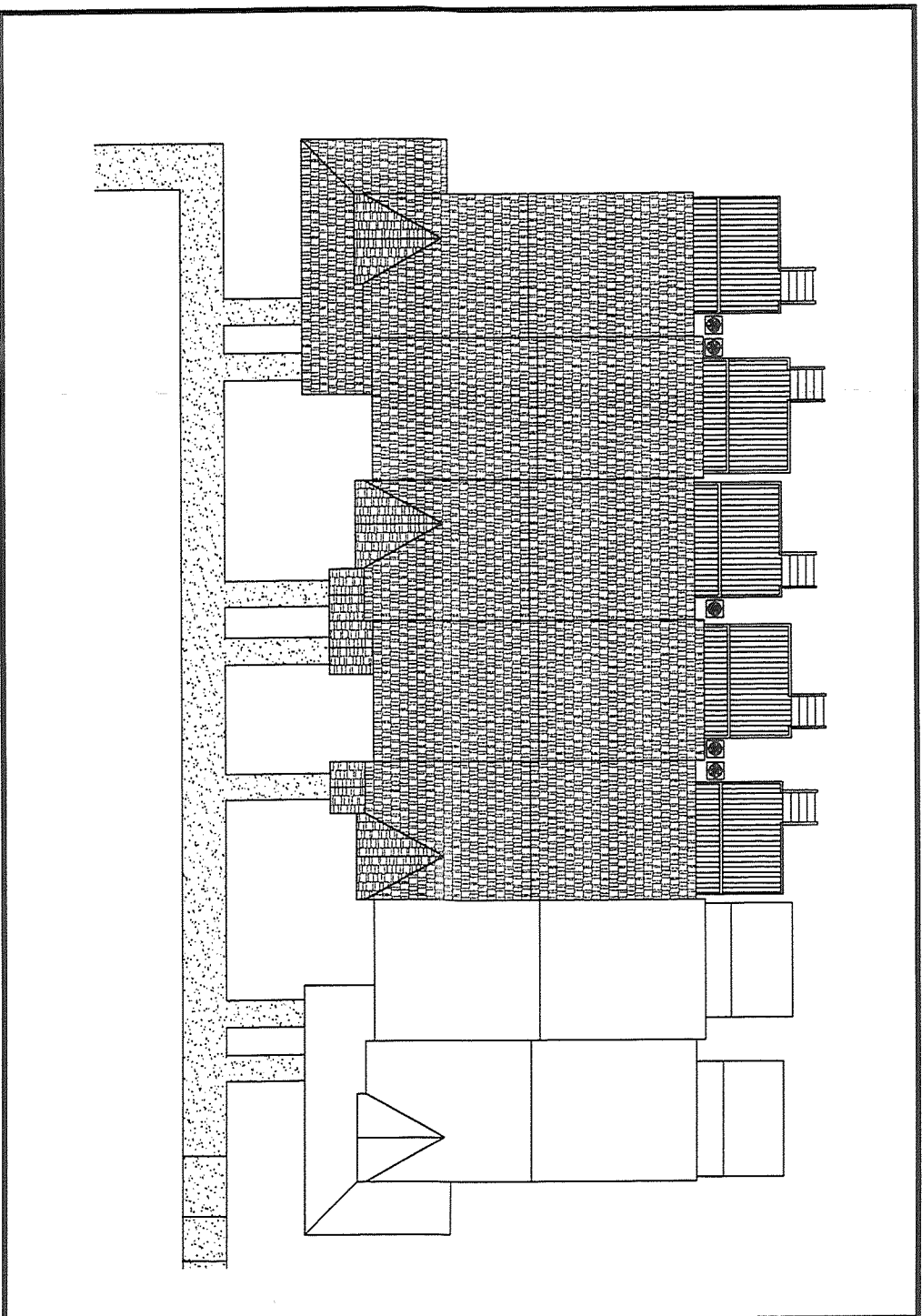
TYPICAL APARTMENT BUILDING FLOOR PLAN

SCALE: 1\"/>



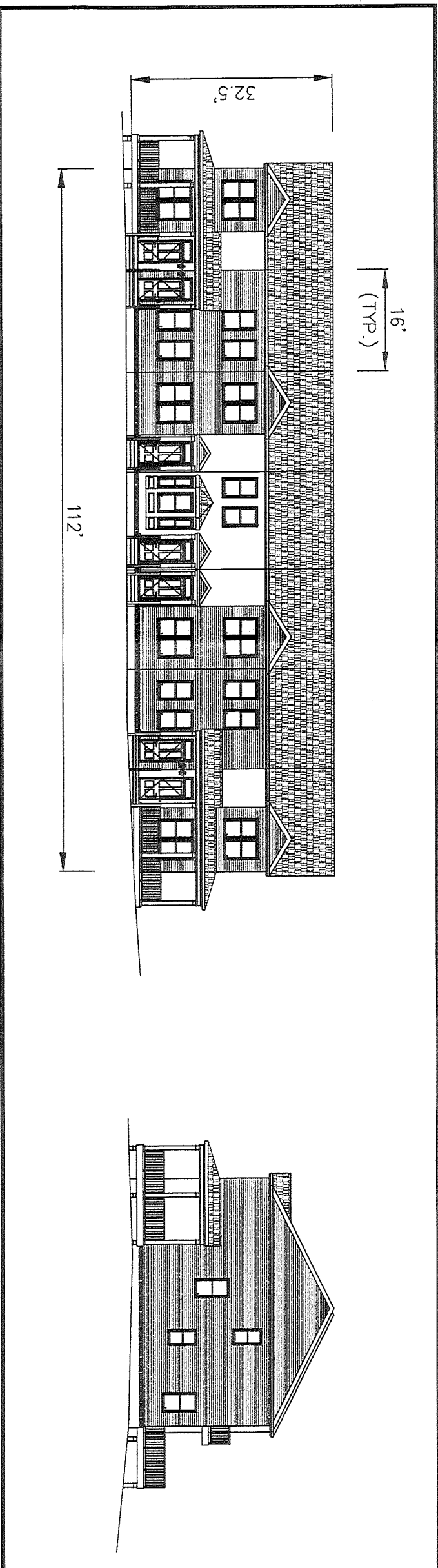
APARTMENT BUILDING ELEVATIONS

SCALE: 1\"/>



TYPICAL TOWNHOUSE LOT LAYOUT

SCALE: 1\"/>



TOWNHOUSE BUILDING ELEVATIONS

SCALE: 1\"/>

DESIGN AND DRAWING BASED ON MCS

PAI #04-0736

DEVELOPMENT PLAN
ENLARGEMENT

PLAN TO ACCOMPANY ZONING PETITION

DOLFIELD TOWNHOUSES

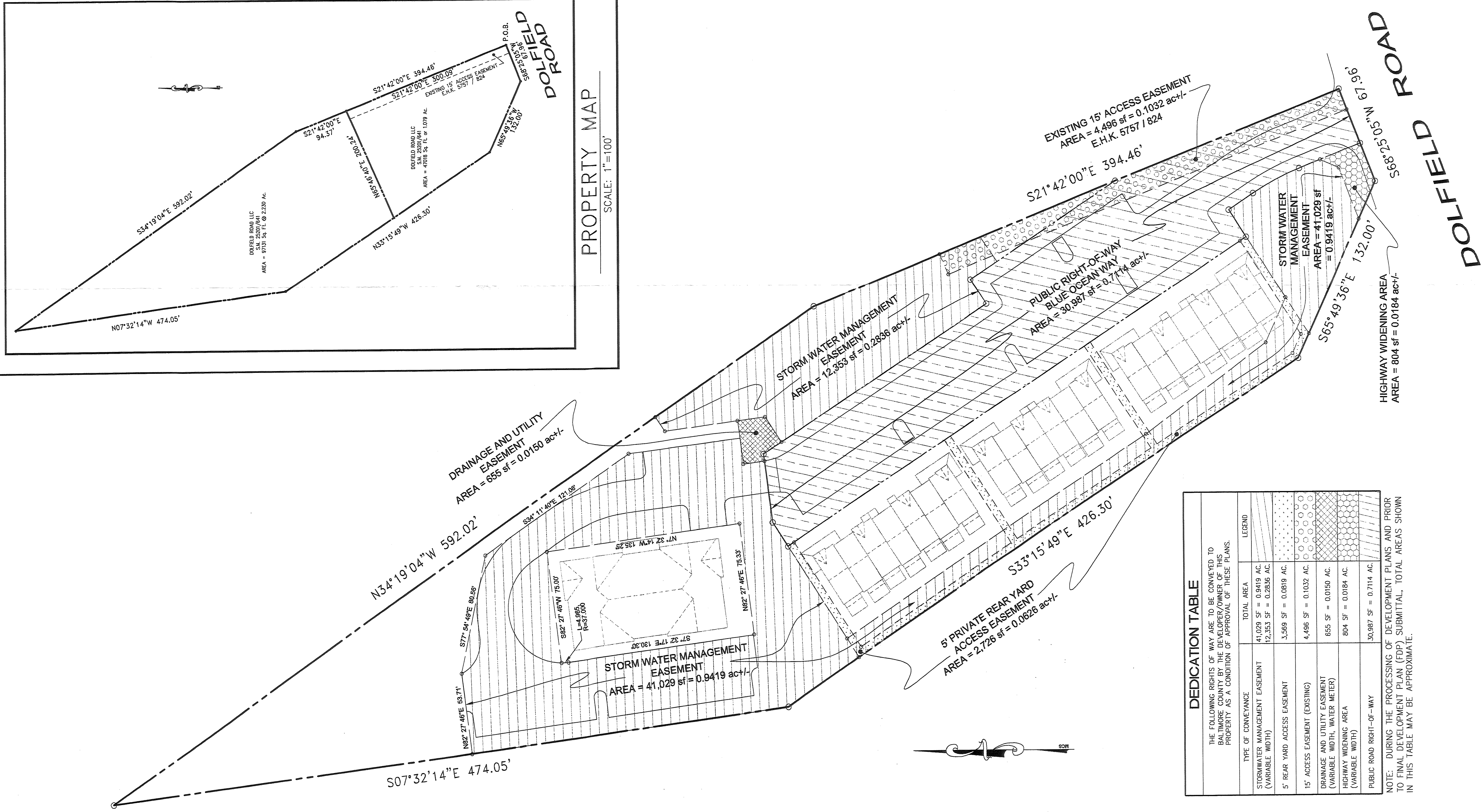
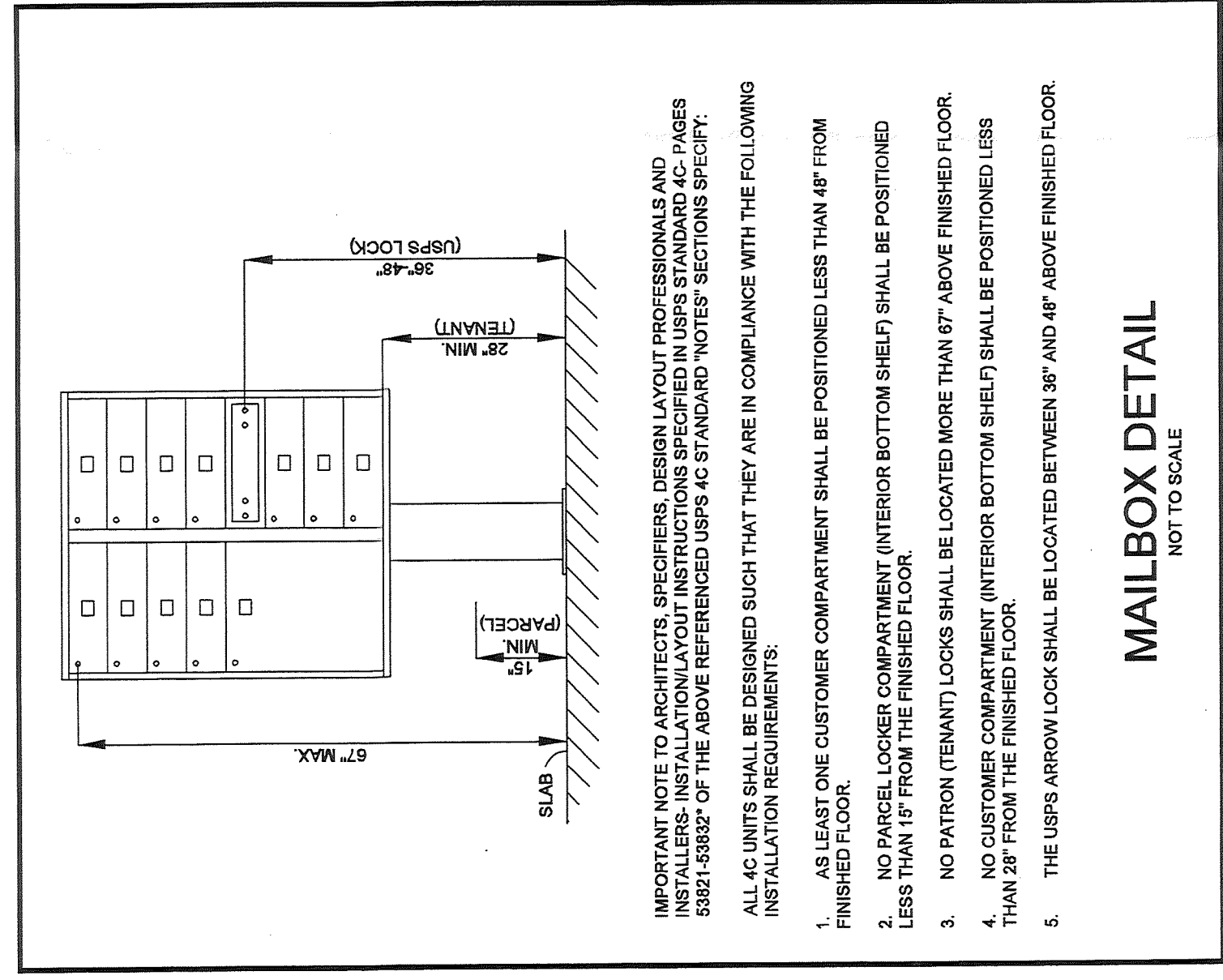
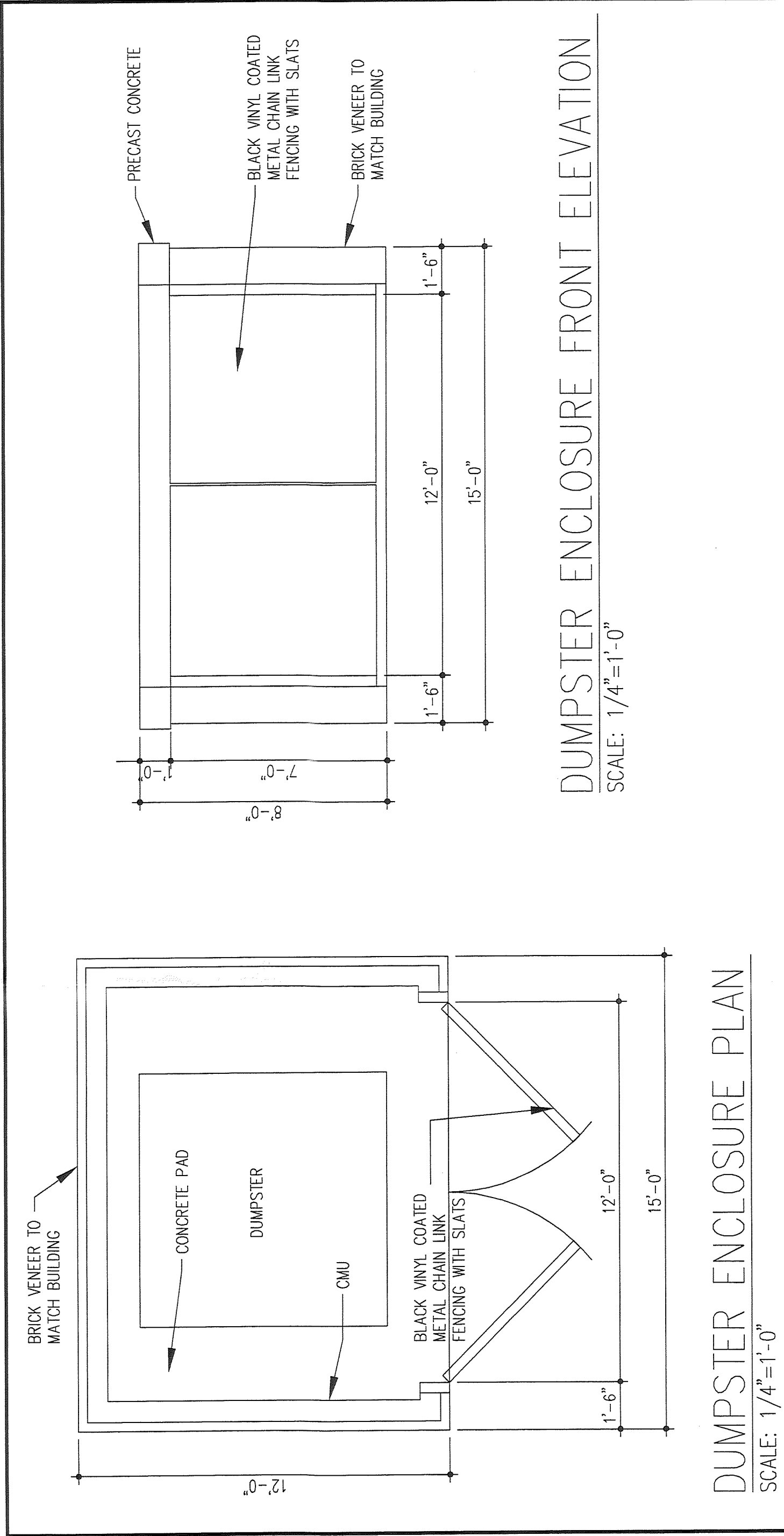
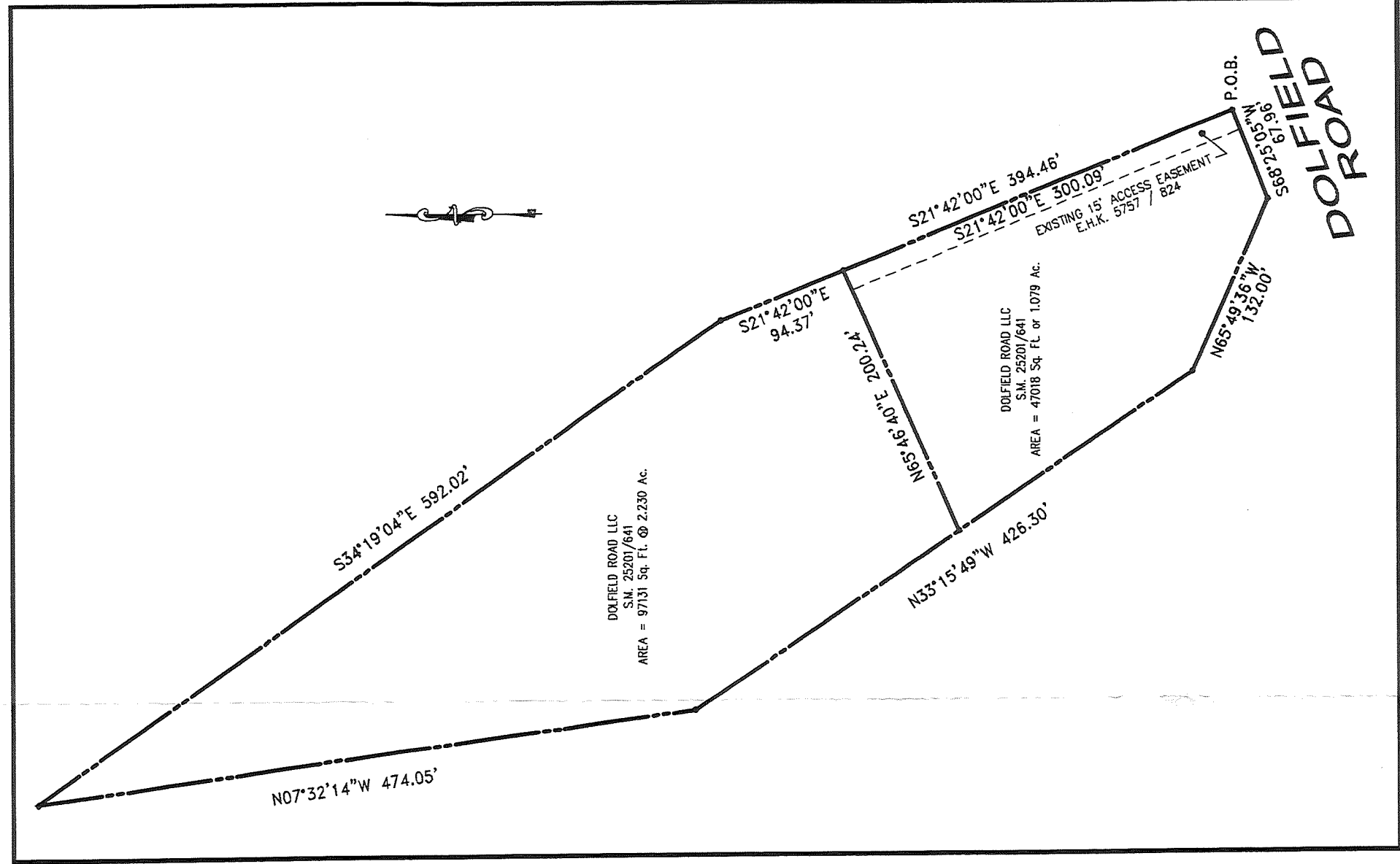
9014 & 9018 DOLFIELD ROAD
4TH ELECTION DISTRICT 4TH CONGRESSIONAL DISTRICT
TAX ACCOUNT # 0418010150 & 0418010151
TAX MAP-0058 GRID-0020 PARCELS 797 & 534
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE: 1 inch = 50 ft.

Covert Matz Rosenfelt, Inc.
Engineers & Surveyors & Planners
2853 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3638
Facsimile: (410) 653-7953

Professional Certification
I, the undersigned, being a duly licensed Professional Engineer under the laws of the State of Maryland, do hereby certify that this is a true and correct copy of the original as submitted to me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.
License No. 13803 Expiration Date 11/02/14

DATE: 02/27/13
DESIGNED: MAC/RSB
CHECKED: MAC/RSB
DRAWING NUMBER: DEV-2
BY: SHEET 2 OF 3



DEDICATION TABLE		
THE FOLLOWING RIGHTS OF WAY ARE TO BE COVERED TO THE PROPERTY AS A CONDITION OF APPROVAL OF THESE PLANS.		
TYPE OF CONVEYANCE	TOTAL AREA	LEGEND
STORM WATER MANAGEMENT EASEMENT	41,029 SF = 0.9419 AC.	
5' REAR YARD ACCESS EASEMENT	12,353 SF = 0.2836 AC.	
15' ACCESS EASEMENT (EXISTING)	3,506 SF = 0.0819 AC.	
DRAINAGE AND UTILITY EASEMENT (VARIABLE WIDTH, WATER METER)	4,496 SF = 0.1032 AC.	
HIGHWAY WIDENING AREA (VARIABLE WIDTH)	855 SF = 0.0194 AC.	
PUBLIC ROAD RIGHT-OF-WAY	30,897 SF = 0.7114 AC.	

NOTE: DURING THE PROCESSING OF DEVELOPMENT PLANS AND PRIOR TO FINAL DEVELOPMENT PLAN (FDP) SUBMITTAL, TOTAL AREAS SHOWN IN THIS TABLE MAY BE APPROXIMATE.

PAI #04-0736

DEVELOPMENT PLAN AND DETAILS

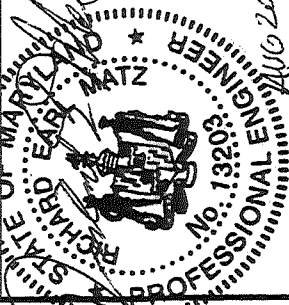
PLAN TO ACCOMPANY ZONING PETITION

DOLFIELD TOWNHOUSES

9014 & 9018 DOLFIELD ROAD
4TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT
TAX ACCOUNT # 0418010150 & 0418010151
TAX MAP 0058 GRID 0020 PARCELS 797 & 534
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE: 1 inch = 50 ft.

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Facsimile: (410) 653-7953

Professional Engineer Seal: 

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SCALE: 1"=50'
DATE: 03/27/23
JOB NO.: 2022-258
DESIGNED: AKC/SS/ABH
DRAWN: AKC/ABH
CHECKED: AKC/ABH
FILE: 202258 DEV PLAN.dwg

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NO. DATE REVISIONS BY SHEET 3 OF 3

NUMBER: DEV-3