

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(6619 Baltimore National Pike)		
1 st Election District	*	OFFICE OF
1 st Councilmanic District		
Lyncare, LLC, <i>Legal Owner</i>	*	ADMINISTRATIVE HEARINGS
Sweetwater Pool & Spa, <i>Lessee</i>		
Petitioners	*	FOR BALTIMORE COUNTY
	*	Case No. 2014-0155-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Leslie M. Pittler, Esq., on behalf of Lyncare, LLC, legal owner and Sweetwater Pool & Spa, Lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), seeking a Waiver to the Department of Public Works Design Manual Plate DF-1 to approve a setback from the 100 year Flood Plain limit of less than 20 ft. for a commercial building and a retaining wall.

Appearing at the public hearing in support of the requests was Carole Divelbliss Blanchard, Craig Martin, Robert Hanna, David Leary and Richard E. Matz with Colbert Matz and Rosenfelt, Inc., the consultant who prepared the site plan. Leslie M. Pittler, Esq. appeared and represented the Petitioners. There were no Protestants in attendance at the hearing. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were received from State Highway Administration (SHA) dated January 24, 2014, Department of Planning (DOP) dated January 31, 2014 and the Department of Public Works (DPW) dated February 28, 2014. The SHA noted Petitioners would need to obtain an entrance permit from that agency, while the DOP requested Petitioners submit for its approval building elevations and a landscape plan. DPW indicated it

ORDER RECEIVED FOR FILING

Date 3-10-14

By kw

had reviewed plans prepared by Petitioners' engineer, and stated it "takes no exception to the approval of the waiver."

The subject property is 1.18± acres in size and is zoned BR and DR 5.5. The Petitioners have for many years operated a pool and spa repair business on the premises. The current building is operationally deficient, and Petitioners propose to construct a new 6,588 sq. ft. one-story commercial building. As shown on the site plan (Petitioners' Exhibit 1), a small portion of the building and retaining wall (highlighted in blue) would intrude upon the 20 ft. floodplain setback requirement found in DPW regulations (Petitioners' Exhibit 4).

Petitioners' engineer Richard Matz (who was accepted as an expert) explained the site plan, and opined that the relief would in no way be injurious to the health, safety and welfare of the surrounding community. The DPW also reviewed the waiver request and noted that the plan reveals there will be "no impacts to upstream or downstream properties." The Petitioners have also submitted, and the Department of Environmental Protection and Sustainability (DEPS) has approved a preliminary forest conservation and forest buffer protection plan prepared by Human & Rohde, Inc. Petitioners' Exhibit 5.

Pursuant to the advertisement, posting of the property, and the public hearing, I find that the Petition for Special Hearing should be granted, subject to the conditions noted below.

THEREFORE, IT IS ORDERED this 10th day of March 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) seeking a Waiver to the Department of Public Works Design Manual Plate DF-1 to approve a setback from the 100 year Flood Plain limit of less than 20 ft. for a commercial building and a retaining wall, be and is hereby GRANTED.

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Date 3-10-14

By bw

The relief granted herein shall be subject to the following:

1. 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.
2. Petitioners must comply with the ZAC comment of DOP, a copy of which is attached hereto and made a part hereof.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 3-10-14

By RLW

KEVIN KAMENETZ
County Executive



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

March 10, 2014

Leslie M. Pittler, Esquire
25 Wandsworth Bridge Way
Lutherville, Maryland 21093

RE: Petition for Special Hearing
Property: 6619 Baltimore National Pike
Case No.: 2014-0155-SPH

Dear Mr. Pittler:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal flourish extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

FLOOD

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 6619 Baltimore National Pike which is presently zoned BR FDR S, S
Deed References: 14478/002 10 Digit Tax Account # 0114650310
Property Owner(s) Printed Name(s) Lyncare 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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
a Waiver to the Department of Public Works Design Manual Plate DF-1 to approve a setback from the 100 Year Flood Plain limit of less than 20 feet for a commercial building and a retaining wall.
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.
(Indicate below your hardship or practical difficulty or indicate below "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 the terms 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 the above is true and correct, and which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Sweetwater Pool & Spa
Name- Type or Print Carole Ann Pittler
Signature [Signature]
6619 Baltimore National Pike Baltimore Maryland
Mailing Address City carole@ State
21228 / 410-363-9919 / sweetwaterpoolandspa.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Leslie M. Pittler
Name- Type or Print [Signature]
Signature [Signature]
25 Wadsworth Bridge Road Lutherville Maryland
Mailing Address City State
21093 / 443-831-9204 / leslaw2@verizon.net
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Lyncare LLC
Name #1 - Type or Print [Signature] Name #2 - Type or Print
Signature #1 [Signature] Signature #2
PO Box 904 Owings Mills Maryland
Mailing Address City carole State
21117 / 410-363-9919 / @sweetwaterpoolandspa.com
Zip Code Telephone # Email Address

Representative to be contacted:

Kenneth J. Colbert
Name - Type or Print [Signature]
Signature [Signature]
2835 Smith Ave., Suite G Baltimore, Maryland
Mailing Address City State
21209 / 410-653-3838 / kcolbert@concreteers.com
Zip Code Telephone # Email Address

CASE NUMBER 2014-0155-SPH
ORDER RECEIVED FOR FILING

Filing Date 1/15/14

Do Not Schedule Dates: _____

Reviewer AT

REV. 10/4/11

Date 3-10-14

By [Signature]

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 6619 BALTIMORE NATIONAL PIKE

Beginning at point on the southern side of Baltimore National Pike (U. S. Route 40), 150 feet wide, at a point 1,140 feet, more or less, westerly from the centerline of Nuwood Road thence the following courses and distances:

S 18° 12' 51" W, 216.88 ft.,

N 86° 38' 09" W, 200.20 ft.,

N 18° 12' 51" E, 318.80 ft.,

By a curve to the left with $R = 7,714.44$ ft. and $L = 200.03$ ft.
to the Point of Beginning

As recorded in Deed Liber 14478, folio 002 and containing 51,744 sq. ft. or 1.188 acres, more or less. Also known as 6619 Baltimore National Pike and located in the 1st Election District, and 1st Councilmanic District.

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. 9752 EXPIRATION DATE: 2-28-14



J:\2013\2013136\SPECIAL HEARING\2013136 ZoningDes011414.doc

2014-0155-SPH

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2014-0155-SPH
Petitioner: SWEETWATER POOL AND SPA
Address or Location: 6619 BALTIMORE NATIONAL PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: SWEETWATER POOL AND SPA
Address: ~~66~~ P.O. Box 904
OWINGS MILLS, MD 21117

Telephone Number: 410-363-9919

Revised 2/20/98 - SCJ

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

No. **108133**
 Date: **1/15/14**

PAID RECEIPT
 DATE: 1/15/2014 11:10:45
 BY: WALKER SHIL SH
 RECEIPT # 613871 1/15/2014
 5 528 ZONING VERIFICATION
 108133
 Recpt Tot \$500.00
 \$500.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$500

Total: **\$500**

Rec From: **KENNETH COLBERT**
 For: **6619 BALTIMORE NAT'L PIKE**
2014-0155-SPH

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/16/2014

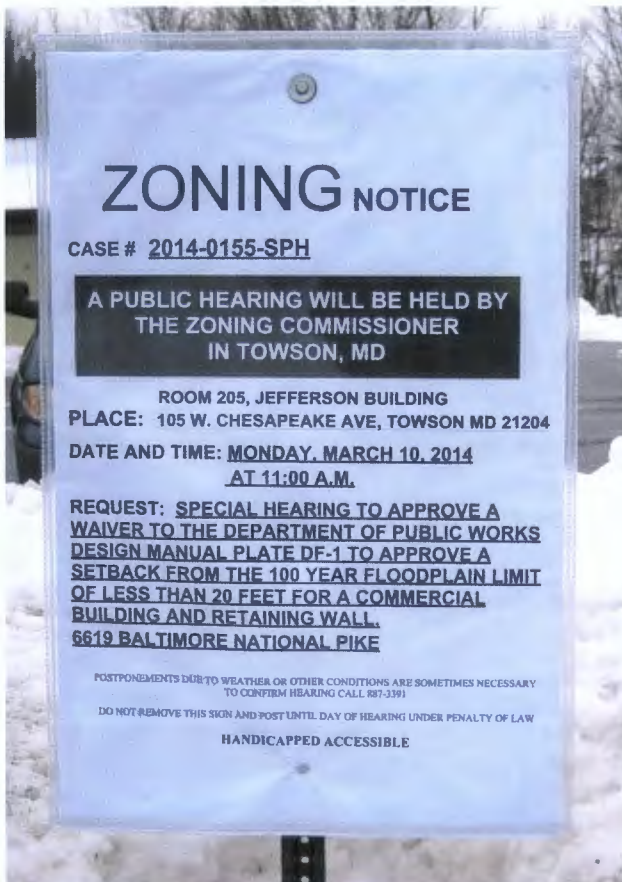
Case Number: 2014-0155-SPH

Petitioner / Developer: LESLIE PITTLER, ESQ.~SWEETWATER POOL & SPA~LYNCARE, LLC~COLBERT, MATZ & ROSENFELT, INC.

Date of Hearing (Closing): MARCH 10, 2014

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:
6619 BALTIMORE NATIONAL PIKE

The sign(s) were posted on: FEBRUARY 15, 2014



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

February 20, 2014

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 February 18, 2014

☐ 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: #2014-0155-SPH

6619 Baltimore National Pike

S/S Baltimore National Pike, 1140 ft. w/of centerline of Nuwood Road

1st Election District - 1st Councilmanic District

Legal Owners: Lyncare, LLC

Contract Purchaser: Sweetwater Pool & spa

Special Hearing to approve a waiver to the Department of Public Works Design Manual Plate DF-1 to approve a setback from the 100 Year Floodplain limit of less than 20 feet for a commercial building and a retaining wall

Hearing: Monday, March 10, 2014 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 2/778 February 18 969205



KEVIN KAMENETZ
County Executive

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

February 11, 2014

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6619 Baltimore National Pike

S/s Baltimore National Pike, 1140 ft. w/of centerline of Nuwood Road

1st Election District – 1st Councilmanic District

Legal Owners: Lyncare, LLC

Contract Purchaser: Sweetwater Pool & Spa

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Hearing: Monday, March 10, 2014 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Leslie Pittler, 25 Wadsworth Bridge Road, Lutherville 21093
Sweetwater Pool & Spa, 6619 Baltimore National Pike, Baltimore 21228
Lyncare, LLC, P.O. Box 904, Owings Mills 21117
Kenneth Colbert, 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 TUESDAY, FEBRUARY 18, 2014**
- (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, February 18, 2014 Issue - Jeffersonian

Please forward billing to:
Sweetwater Pool & Spa
P.O. Box 904
Owings Mills, MD 21117

410-363-9919

NOTICE OF ZONING HEARING

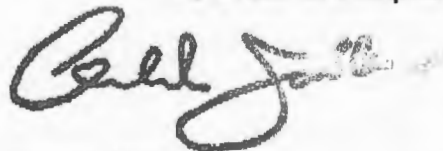
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6619 Baltimore National Pike
S/s Baltimore National Pike, 1140 ft. w/of centerline of Nuwood Road
1st Election District – 1st Councilmanic District
Legal Owners: Lyncare, LLC
Contract Purchaser: Sweetwater Pool & Spa

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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: April 11, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0155-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on April 9, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
6619 Baltimore National Pike; S/S Baltimore
National Pike, 1,140' W of c/line of Nuwood Rd* OF ADMINISTRATIVE
1st Election & 1st Councilmanic Districts
Legal Owner(s): Lyncare, LLC * HEARINGS FOR
Contract Purchaser(s): Sweetwater Pool & Spa * BALTIMORE COUNTY
Petitioner(s) *
* 2014-155-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

JAN 24 2014

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 2014, a copy of the foregoing Entry of Appearance was mailed to Kenneth Colbert, P.E., Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Leslie Pittler, Esquire, 25 Wadsworth Bridge Road, Lutherville, MD 2109, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
1/27/14	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
1/31/14	PLANNING (if not received, date e-mail sent _____)	C
1/24/14	STATE HIGHWAY ADMINISTRATION	C
2/28/14	TRAFFIC ENGINEERING Dept. of Public Works	C
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. R-1950-1629, 85-243-A, R-1951-2052)	
NEWSPAPER ADVERTISEMENT	Date: 2/18/14	
SIGN POSTING	Date: 2/15/14 by O'Keefe	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

March 6, 2014

Lyncare LLC
P O Box 904
Owings Mills MD 21117

RE: Case Number: 2014-0155 SPH, Address: 6619 Baltimore National Pike

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 15, 2014. 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
Sweetwater Pool & Spa, 6619 Baltimore National Pike, Baltimore MD 21228
Leslie M. Pittler, 25 Wadsworth Bridge Road, Lutherville MD 21093
Kenneth Colbert, 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: 1/24/14

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

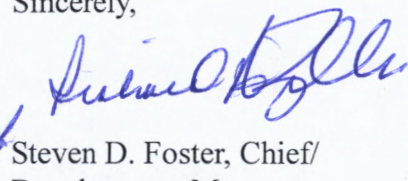
RE: Baltimore County
Item No. 2014-0155-SPH.
Special Hearing
Lyncare, LLC
6619 Baltimore National Pike
US 40

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 1/22/14. A field inspection and internal review reveals that an entrance onto US 40 consistent with current State Highway Administration guidelines is required. As a condition of approval for Special Hearing, Case Number 2014-0155-SPH the applicant must contact the State Highway Administration to obtain an entrance permit.

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 E-mail him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,


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

SDF/raz

\cc: Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. David Peake, District Engineer, SHA

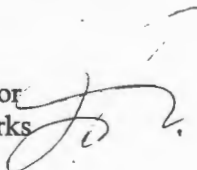
My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

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

ATTN: Kristen Matthews
MS 1105

FROM: Edward C. Adams, Director
Department of Public Works 

DATE: February 28, 2014

SUBJECT: Case No: 2014-0155-SPH
6619 Baltimore National Pike, Baltimore, Maryland 21228

Special Hearing to determine whether or not the Administrative Law Judge should approve a waiver to the Department of Public Works Design Manual Plate DF-1 to approve a setback from the 100-year flood plain limit of less than 20 feet for a commercial building and retaining wall.

The Special Hearing involves a proposed building, proposed grading in the form of fill, proposed paving, and a proposed retaining wall within 20 feet of the 100-year riverine floodplain. A report entitled "100-Year Floodplain Study Sweetwater Pools" performed by Colbert, Matz, Rosenfelt Inc. dated November 6, 2013 and revised December 9, 2013 has been "Accepted for Filing" by the Baltimore County Department of Permits, Approvals and Inspections, Development Plans Review on December 19, 2013. The report was signed, sealed and certified by a Maryland Professional Engineer shows there are no impacts to upstream or downstream properties.

The plans and documents submitted were reviewed and the Department of Public Works takes no exception to the approval of the waiver.

ECA/TWC/s

CC: Dennis Kennedy, Chief, Development Plans Review and Building Plan Review
Peter M. Zimmerman, People's Council
Kenneth J. Colbert, Colbert Matz Rosenfelt, Inc.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 27, 2014
Item No. 2014-0155

DATE: January 27, 2013

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

The Director of Public Works will comment on this.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0155-01272014.doc

2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 31, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6619 Baltimore National Pike

RECEIVED

INFORMATION:

FEB 06 2014

Item Number: 14-155

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Lyncare, LLC

Zoning: BR and DR 5.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special hearing for a waiver of the Department of Public Works Design Manual Plate DF-1 to approve a setback from the 100 Year Flood Plain limits of less than 20 feet for a commercial building and a retaining wall. The Department of Planning does not oppose the petitioner's request and defers to any comments made by the Department of Environmental Protection and Sustainability with regard to the subject petition. The Department of Planning requests the following:

1. Provide architectural elevations of the proposed building that show exterior finish materials and colors for review and approval.
2. Provide a detailed landscape plan for review by the Department of Planning in addition to review and approval by Jean Tansey, Baltimore County Landscape Architect.

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

Prepared By:

Division Chief:
AVA/LL:cjm

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Register
Account Identifier:	District - 01 Account Number - 0114650310	
Owner Information		
Owner Name:	LYNCARE LLC	Use: COMMERCIAL
Mailing Address:	PO BOX 904 OWINGS MILLS MD 21117-0700	Principal Residence: NO Deed Reference: 1) /14478/ 0000 2)
Location & Structure Information		
Premises Address:	6619 BALTO NATL PIKE 0-0000	Legal Description: 1.19 AC SWS 6619 BALTO P 4330 W ROLL
Map: 0094	Grid: 0022	Parcel: 0149
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Special Tax Areas:	Town: NONE	Ad Valorem:
Primary Structure Built 1956	Above Grade Enclosed Area 1000	Finished Basement Area
Stories	Basement	Property Land Area 1.1900 AC
Type RETAIL STORE	Exterior	Full/Half Bath
Garage	Last Major Renov	
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	418,200	418,200
Improvements	102,600	105,200
Total:	520,800	523,400
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2013
		As of
		07/01/
		522,533
		523,400
Transfer Information		
Seller: NORMAN ALFRED	Date: 05/19/2000	Price: \$325,000
Type: ARMS LENGTH IMPROVED	Deed1: /14478/ 00002	Deed2:
Seller: NORMAN ALFRED	Date: 11/28/1988	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08035/ 00465	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	07/01/2014
Exempt Class:	NONE	0.00 0.00
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty/>)District: **01** Account Number: **0114650310**

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/>)

☒ Loading... Please Wait. Loading... Please Wait.

→

CASE NAME Lynscape, LLC
CASE NUMBER 2014-0155-SPH
DATE March 10, 2014

[illegible]

Case No.: 2014 - 0155 - SPH (6619 Balto. Nat'l
Pike)

JB
3/10

11 Am

Exhibit Sheet

Petitioner/Developer

Respondent

DW 4-11-14

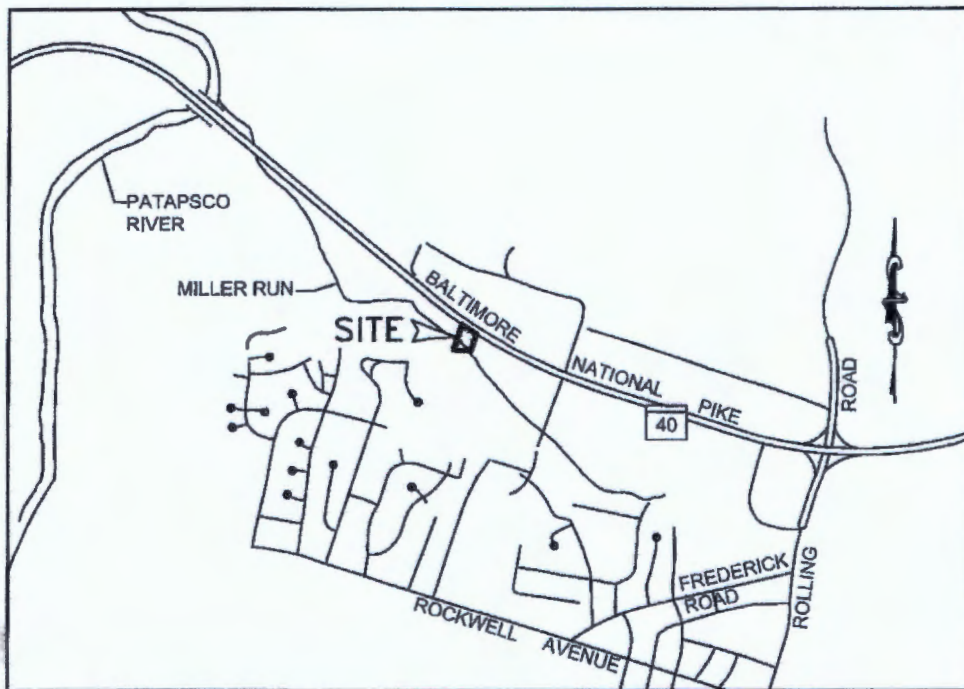
DW 3-10-14

No. 1	Site plan	
No. 2	Vicinity maps	
No. 3	DPW Design Manual p. 1-1	
No. 4	DPW Plate DF-1 Storm Drainage Design	
No. 5	Prelim. Forest Buffer plan	
No. 6	Letter Jan. 23, 2014 from Vincent Gardina	
No. 7	Letter Jan. 23, 2014 from John Russo	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

MAPS

PETITIONER'S

EXHIBIT NO. 2



VICINITY MAP
SCALE: 1"=2000'





SCALE 1" = 2000'

LOCATION MAP

SWEETWATER POOLS



SWEETWATER POOLS

AERIAL MAP

SCALE 1" = 100'

GENERAL INSTRUCTIONS

References to this **Manual**, **sections** of this **Manual** or to other publications are highlighted and italicized.

I. GENERAL INFORMATION

These Design Standards are written in accordance with the requirements of Section 32-4-404 of the Baltimore County Code. They are intended to be compatible with all applicable regulations of the Federal Government, COMAR, and the regulations and guidelines of the Natural Resources Conservation Service, the Maryland Departments of Environment and Transportation, The Maryland State Highway Administration, the Baltimore County Department of Permits and Development Management and the Baltimore County Department of Environmental Protection and Resource Management.

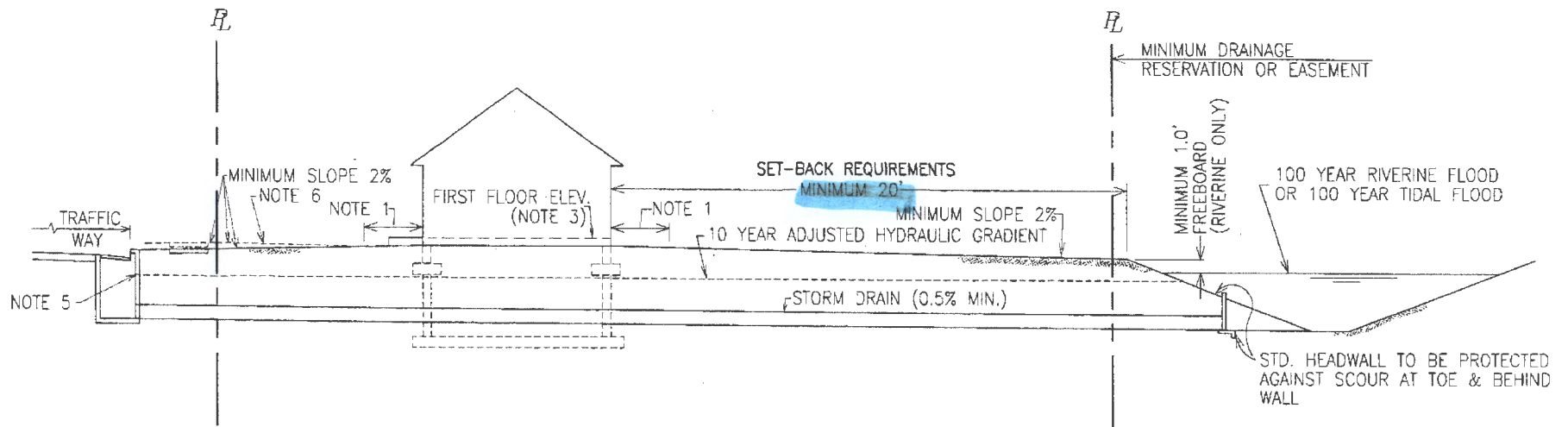
This **Baltimore County Design Manual ("Manual")** is intended to guide the design of public works projects within the County. Its suitability for other purposes is unintentional and the County assumes no liability for use of the enclosed material for purposes other than its intended purpose. The objective of this **Design Manual** is to provide a sound, workable guide for the standardization of all designs prepared for public (and private, as applicable) construction projects in Baltimore County. In using this document, the Design Professional shall not be relieved of the responsibility of applying his own knowledge and professional judgement toward the designs.

Waivers or Variances: Waivers or variances of these design guidelines may be approved, by the Director of Public Works or his designee, on the basis of a justification / analysis which will include but not be limited to life-cycle costs, maintenance requirements, context sensitive considerations or other local considerations.

The Director of Public Works shall resolve any questions regarding the contents of this **Manual** upon written request to the following address:

Director of Public Works
Baltimore County Department of Public Works
111 West Chesapeake Avenue, Room 307
Towson, Md 21204

The Design Professional should also contact the Bureau of Engineering and Construction before proceeding with design when problems are encountered that are not addressed by this **Manual** or by the **Standard Specifications and Details for Construction**. When this situation exists, the Design Professional will be expected to provide supporting specifications and computations for non-standard designs using established methods as presented within standard reference books listed in the References portion of the applicable section of this **Manual**.



NOTES

NEW STRUCTURES OR ADDITIONS ADJACENT TO FLOODPLAIN

1. DESIRED SLOPE OF GROUND FOR 10' ADJACENT TO BUILDING IS 5% (ALL SIDES OF BUILDING).
2. THE 20' MINIMUM BUILDING SETBACK SHALL APPLY TO THE FRONT, REAR AND SIDES OF ALL RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL STRUCTURES.
3. FIRST FLOOR ELEVATION TO BE 2 FEET ABOVE MAXIMUM FLOOD LEVEL OF 100-YEAR STORM (RIVERINE OR TIDAL).
4. BASEMENT CONSTRUCTION BELOW THE MAXIMUM FLOOD SHALL BE IN ACCORDANCE WITH ALL REQUIREMENTS OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
5. STORM DRAIN SHALL BE SIZED SO THAT 10 YEAR ADJUSTED HYDRAULIC GRADIENT IS 1'-6" MINIMUM BELOW THE ESTABLISHED GRADE (TOP OF CURB).
6. WHEN GROUND SLOPES TOWARD BUILDING, FLOW SHALL BE DIRECTED AROUND SIDES OF BUILDING USING ADEQUATELY SIZED SWALES OR DRAINS.
7. SEE SET-BACK REQUIREMENTS ABOVE. SET-BACK IS MEASURED FROM 100-YEAR FLOODPLAIN PLUS ONE-FOOT VERTICAL FREEBOARD.

PETITIONER'S

EXHIBIT NO. 4



DEPARTMENT OF PUBLIC WORKS
STORM DRAINAGE DESIGN

TYPICAL SECTION THROUGH LOT SHOWING MINIMUM DRAINAGE REQUIREMENTS

ISSUED: _____
REVISED: FEBRUARY, 1985
REVISED: MARCH, 2005

PLATE

DF-1



KIVIN KAMENLIZ
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability

January 23, 2014

Mr. Devin Leary
Human & Rohde, Inc.
512 Virginia Avenue
Towson, MD 21286

Re: Sweetwater Pools at 6619 Baltimore National Pike
Forest Buffer Variance
Tracking #01-13-1735

Dear Mr. Leary:

A request for a variance from the Baltimore County Code Article 3 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on December 13, 2013 with additional information provided January 16, 2014 for the above referenced property. This request proposes 10,014 square feet of impact to potential Forest Buffer Easement to facilitate redevelopment of an existing commercial site. These impacts include reducing the required Forest Buffer Easement by 4,125 square feet for a new building, allowing the continued use of 1,264 square feet of mowed lawn, grading 480 square feet for a SWM outfall, and grading 3,645 square feet around the proposed building. In addition, this variance request proposes to reduce from 25 feet to 15, the required setback from the principal commercial structure to the reduced Forest Buffer Easement. No wetlands, streams or 100-year floodplain would be directly impacted by the proposed commercial development. Furthermore, other than only 220 square feet of forest proposed to be cleared for the SWM outfall, no other forest would be disturbed. Proposed mitigation for the water quality impacts includes reforesting 5,000 square feet within the forest buffer onsite and planting native shrubs within the proposed drainage easement for the SWM outfall. In addition, permanent protective signs and monuments are proposed along the Forest Buffer Easement limit.

This Department has reviewed your request and has determined that a practical difficulty exists for redeveloping this property in strict compliance with the law due to the configuration and topography of the site as well as the fact that it was developed prior to the current forest buffer regulations. We further acknowledge that the potential for impacts to water quality would be minimized by performing the mitigative measures described above.

PETITIONER'S

EXHIBIT NO. 6

Mr. Devin Leary
Sweetwater Pools
Forest Buffer Variance
January 23, 2014
Page 2

Therefore, we will grant the variance request in accordance with Section 33-3-112 (c) (2) of the Code with the following conditions:

1. The aforementioned Forest Buffer Easement shall be recorded in Baltimore County Land Records along with its Declaration of Protective Covenants prior to June 30, 2014.
2. Surveyed limits of the Forest Buffer Easement shall be permanently posted in the locations shown on the approved FBPP with "Forest Buffer Do-Not Disturb" signs and permanent at-grade monuments (rebar) to facilitate identification of the easement limits. The signs and monuments shall be installed by April 30, 2014.
3. A Forest Buffer Protection Plan (FBP) for the forest buffer planting must be approved by this Department prior to grading plan approval or issuance of any permits, whichever comes first. The FBP must include planting native deciduous trees and shrubs in the FBE as well as the installation of the signage and monuments required in condition 2 above.
4. A FBP performance security shall be posted in the amount equal to one hundred ten (110) percent of the estimated cost of implementing the FBP via the Environmental Agreement procedure. The estimated cost shall be approved by DEPS. In no instance shall the amount of the performance security be less than twenty five (25) cents per square foot of required planting area. This security shall be posted prior to minor subdivision approval.
5. The FBP shall be implemented by April 30, 2014. Immediately upon completion of the planting, the party responsible for posting the FBP security shall notify this office in writing for an initial inspection.
6. The following note must appear on all plans and plats submitted for this project:

"A variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains on January 23, 2014. This variance reduced the Forest Buffer Easement by 4,625 square feet and reduced the building setback from 25 to 15 feet from the Forest Buffer Easement. Conditions were placed on the variance to reduce water quality impacts including onsite forest buffer planting and permanent posting of protective signage and at-grade monuments."

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Mr. Devin Leary
Sweetwater Pools
Forest Buffer Variance
January 23, 2014
Page 3

Please have the property owner sign the statement below and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of this project.

If you have any questions regarding this variance, please call Mr. John Russo at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/jgr

c: Ms. Carole Divebliss

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner

Date

Printed Name



KEVIN KAMENETZ
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability

January 23, 2014

Mr. Devin Leary
Human & Rohde, Inc.
512 Virginia Avenue
Towson, Md. 21286

Re: Sweetwater Pools
6619 Baltimore National Pike
Forest Conservation Plan
Forest Buffer Protection Plan

Dear Mr. Leary:

Environmental Impact Review (EIR) received your Forest Conservation Worksheet (FCW), Forest Conservation Plan (FCP), and Forest Buffer Protection Plan (FBPP) for the above referenced site on December 13, 2013 and January 16, 2014. Your FCW, FCP, and FBPP are approved with the following changes to be made before the FCP/FBPP mylar and three copies are submitted for processing:

1. Depending on approval of your variance request add the variance approval note to the FCP/FBPP.
2. Add one more protective sign behind the proposed building so the interval between signs does not exceed 100 feet.
3. Revise the FBPP to show 12 additional shrubs to be planted where the trees are proposed to be cleared along the SWM outfall.
4. Add leader lines to clearly indicate the limits of the 0.2 ac. Forest Buffer and Forest Conservation Easement and also the limits of the 0.01 ac. Forest Buffer Easement and D & U Easement and add a revision date to the plan.

If you have any questions regarding this correspondence, please call me at (410) 887-3980.

Sincerely,

A handwritten signature in cursive script that reads "John G. Russo".

John G. Russo
Environmental Impact Review

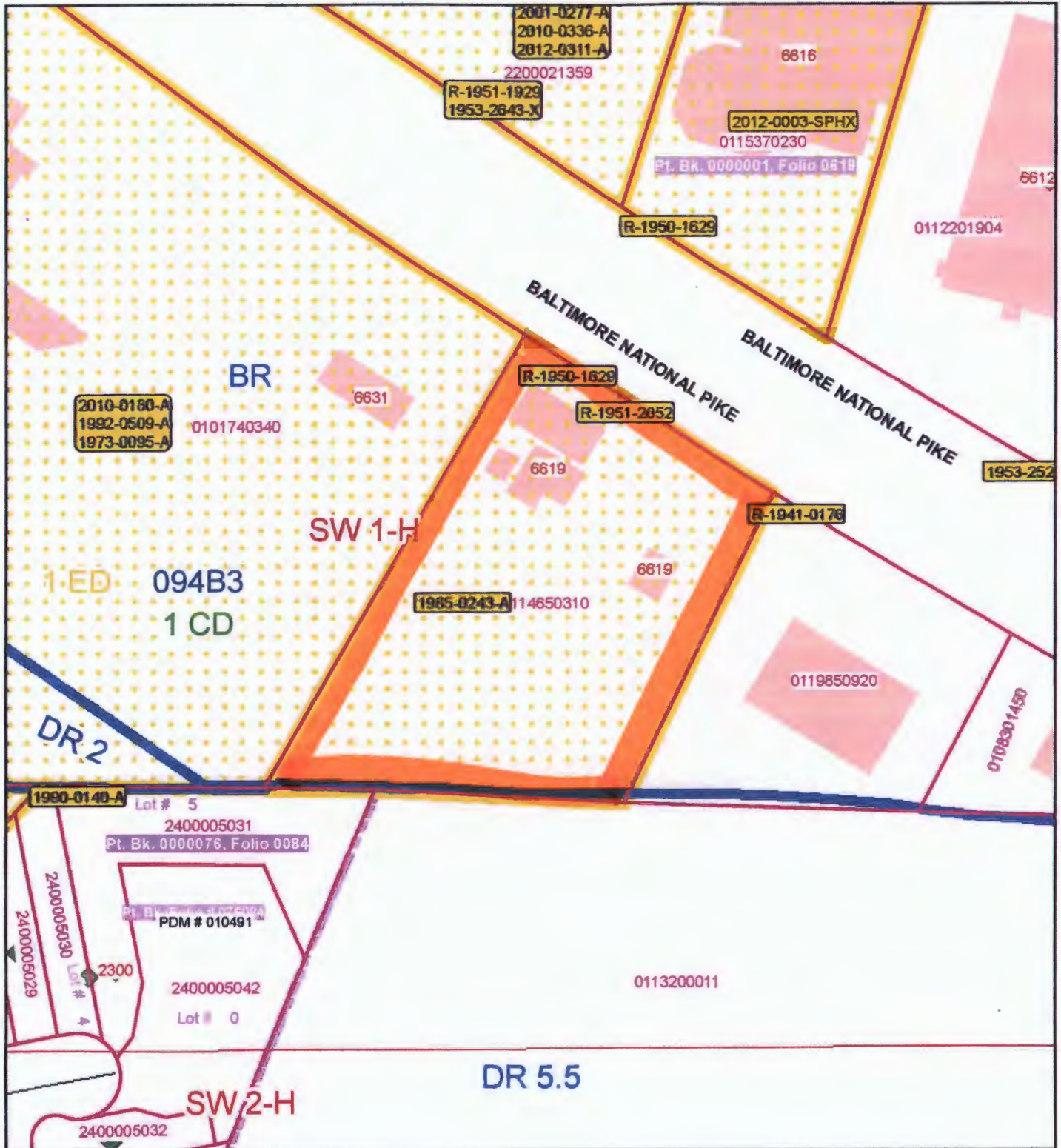
c. Colbert Matz Rosenfelt, Inc.

JGR/sweetwaterWDVSAFSD12.19.13

PETITIONER'S

EXHIBIT NO. 7

6619 Baltimore National Pike



Publication Date: 1/10/2014



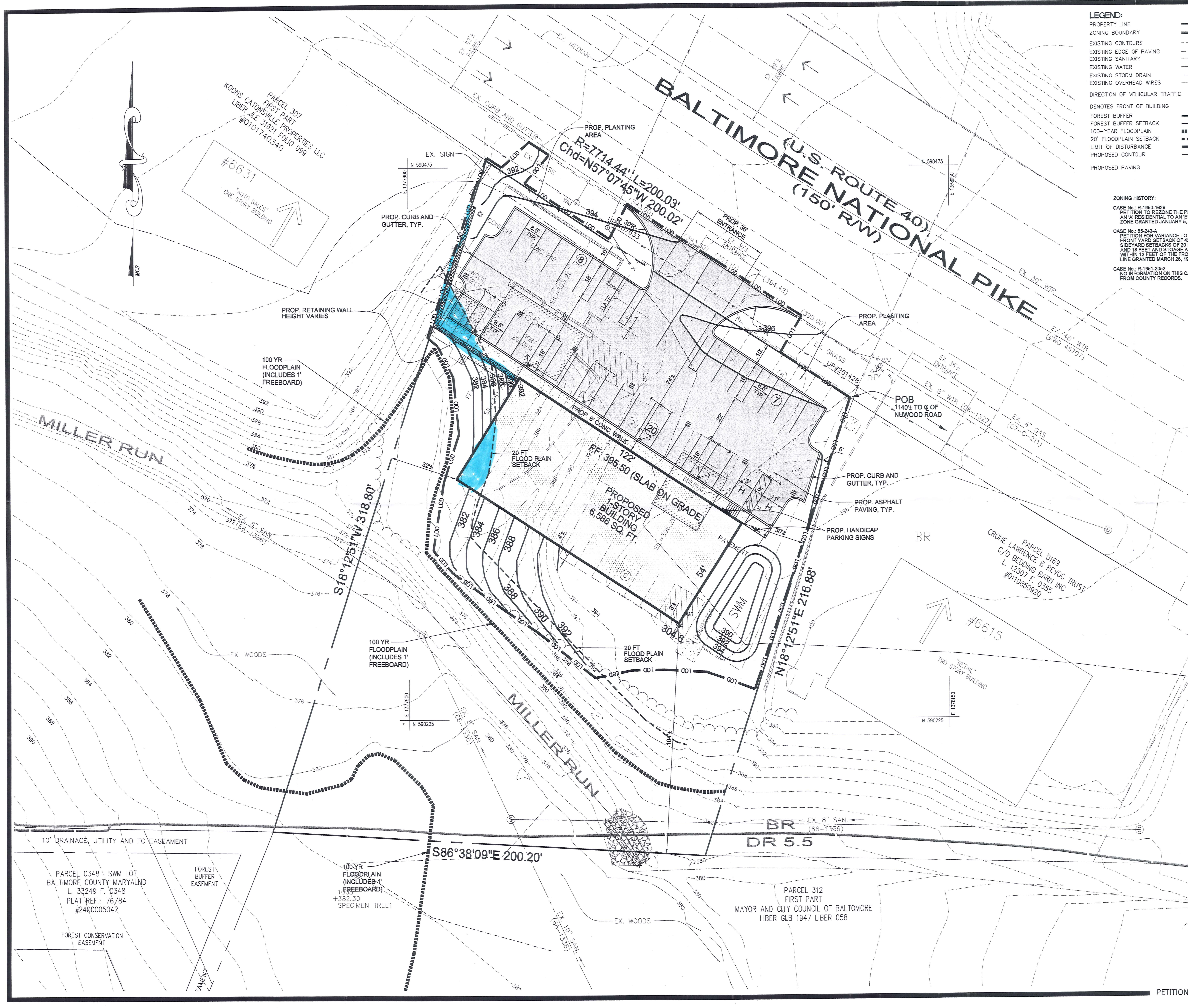
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

2014-0155-SPH



LEGEND:
PROPERTY LINE
ZONING BOUNDARY
EXISTING CONTOURS
EXISTING EDGE OF PAVING
EXISTING SANITARY
EXISTING WATER
EXISTING STORM DRAIN
EXISTING OVERHEAD WIRES
DIRECTION OF VEHICULAR TRAFFIC
DENOTES FRONT OF BUILDING
FOREST BUFFER
FOREST BUFFER SETBACK
100-YEAR FLOODPLAIN
20' FLOODPLAIN SETBACK
LIMIT OF DISTURBANCE
PROPOSED CONTOUR
PROPOSED PAVING

ZONING HISTORY:
CASE No. R-1950-1929
PETITION TO REZONE THE PROPERTY FROM
AN "A" RESIDENTIAL TO AN "E" COMMERCIAL
ZONE GRANTED JANUARY 5, 1950.
CASE No. 65-243-A
PETITION FOR VARIANCE TO PERMIT A
FRONT YARD SETBACK OF 42 FEET,
SIDEYARD SETBACKS OF 20 FEET, 25 FEET
AND 18 FEET AND STORAGE AND DISPLAY
WITHIN 12 FEET OF THE FRONT PROPERTY
LINE GRANTED MARCH 25, 1985.
CASE No. R-1951-2362
NO INFORMATION ON THIS CASE AVAILABLE
FROM COUNTY RECORDS.

- GENERAL NOTES**
- OWNER:
CAROLE DIBELISS
PO BOX 654
OWINGS MILLS, MD 21117-0700
PHONE: 410-363-8919
CAROLE@SWEETWATERPOOLS.COM
 - APPLICANT:
SWEETWATER POOL AND SPA
8619 BALTIMORE NATIONAL PIKE
PHONE: 410-363-8919
CAROLE@SWEETWATERPOOLS.COM
 - SITE DATA:
TAX MAP: 0094
GRID: 0022
PARCEL: 0149
DEED REF: LIBER SM 14478 FOLIO 0002
ZONING: BR & DR 5.5 (MAP 094-B5)
ELECTION DISTRICT: 1ST
COUNCILMANIC DISTRICT: 1ST
TAX ACCT. NO.: 511465010
 - TOTAL SITE AREA: 51,744 SQ. FT. OR 1.1886 ACRES
 - USE:
EXISTING: RETAIL POOL SALES
PROPOSED: SAME
 - ZONING BUILDING SETBACKS

	REQUIRED	PROPOSED
FRONT	50'	74' / 32'
SIDE	30'	30'
REAR	30'	104'

 - THE LOT SHOWN HEREON LIES WITHIN ZONE "X" AREAS DETERMINED TO BE
OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN AS DETERMINED BY FLOOD
INSURANCE RATE MAP FOR BALTIMORE COUNTY, MAP NO. 24001 00370F, (MAP
REVISED SEPT. 2008).
 - ALL EXISTING INFORMATION AND ALL PROPERTY LINE INFORMATION SHOWN
HEREON WITHIN THE LIMIT OF FIELD RUN TOPO IS TAKEN FROM A FIELD RUN
SURVEY PREPARED BY COLBERT MATZ ROSENFELT, INC. WITH THE LATEST
REVISION DATE OF 12/13. ALL EXISTING INFORMATION SHOWN OUTSIDE THE
LIMIT OF FIELD RUN TOPO IS A COMPILED OF BALTIMORE COUNTY GIS,
PUBLIC RECORD INFORMATION, AND SURVEYS AND PLANS BY OTHERS AND
DOES NOT REPRESENT A FIELD RUN SURVEY.
 - THE SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - THE SUBJECT SITE IS SERVED WITH PUBLIC WATER AND SEWER.
 - FLOOR AREA RATIO:
MAXIMUM PERMITTED: 2.0 OR 10,349 SQ. FT.
PROPOSED: (6588 / 51,744) = 0.12
 - PARKING TABULATION:
REQUIRED: 3 PER 1000 SQ. FT. OF GFA (6588/1000) = 32.84 OR 33 SPACES
NO BICYCLE SPACES REQUIRED
PROPOSED: 33 SPACES (INCL. 2 HDOP)
 - PREVIOUS COMMERCIAL PERMITS: NONE OF RECORD WITH THE PERMIT
 - CONTACT PERSON:
ENGINEER: KENNETH J. COLBERT, P.E.
COLBERT MATZ ROSENFELT, INC.
2835 SMITH AVENUE, SUITE G
BALTIMORE, MD 21209
(410) 653-3838

Control Note:
Bearings and Coordinates shown hereon are based on The Maryland Coordinate System
NAD 83/91 Datum as referenced from Traverse control stations:

Station	Northing	Easting	Elevation
Balt. County GIS - 156	590919.87	1377365.65	373.99'
Balt. County GIS - 156 AZ	590320.88	1378208.41	399.81'

PLAN TO ACCOMPANY ZONING PETITION
SWEETWATER POOLS
6619 BALTIMORE NATIONAL PIKE

TAX MAP: 0094 GRID: 0022 PARCEL: 0149
BALTIMORE COUNTY, MARYLAND
GRAPHIC SCALE

20 0 20 40 80
(IN FEET)
1 inch = 20 ft.

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

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

License No.	Expiration Date
9752	02-28-14

SCALE:	DATE:
1"=20'	01/14/2014

JOB NO.:	DESIGNED:
2013-136	-

DRAWN:	CHECKED:
AKC	CMR

FILE:	DRAWING NUMBER:
2013136 ENG BASE.dwg	

REVISIONS:	BY	SHEET	OF

PETITIONER'S
EXHIBIT NO. 1
2014-0155-SPH