

**IN RE: DEVELOPMENT PLAN HEARING & *
PETITION FOR SPECIAL HEARING**

2nd Election District *

4th Councilmanic District *

**(Carriage Hills Townhouses –
1st Material Amendment to the
3rd Refined Development Plan)** *

CT Carriage Hills Business Trust,
Owner/Developer *

BEFORE THE OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

**HOH Case No. 02-0649 and
Zoning Case 2014-0251-SPH**

* * * * *

**ADMINISTRATIVE LAW JUDGE'S
DEVELOPMENT PLAN OPINION & ORDER**

This matter comes before the Office of Administrative Hearings (OAH) 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 special hearing relief under the Baltimore County Zoning Regulations ("B.C.Z.R."). CT Carriage Hills Business Trust, the Owner/Developer of the subject property (hereinafter "the Developer"), submitted for approval a four-sheet redlined Development Plan ("Plan") prepared by Morris & Ritchie Associates, Inc., known as "Carriage Hills Townhouses Property, 1st Material Amendment to the 3rd Refined Development Plan."

At this time, the Developer proposes to construct 18 semi-detached dwellings with associated parking on 5.76 gross acres, more or less, of D.R. 3.5 and OR-2 zoned property. This would bring the total number of approved units on the site to 177. Details of the proposed development are more fully depicted on the redlined four-sheet Development Plan that was marked and accepted into evidence as Developer's Exhibit 1A – 1D.

ORDER RECEIVED FOR FILING

Date 7-10-14

By [Signature]

In addition to the Hearing Officer's Hearing (HOH), the Developer is requesting Special Hearing relief pursuant to § 500.7 of the B.C.Z.R. as follows:

- §§ 1B01.3 and 1B01.3.A.7.c of the Zoning Commissioner's Policy Manual (Z.C.P.M.) for an amendment to the previously approved Final Development Plan (FDP) of the subdivision "Carriage Hills Townhouses" (PAI No. 02-649), to add Phase III, i.e., add 18 additional units (9 duplexes), and
- For such other and further relief as deemed necessary by the Administrative Law Judge for Baltimore County.

The property was posted with the Notice of Hearing Officer's Hearing (on May 29, 2014) and Zoning Notice (on June 3, 2014) 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 June 26, 2014, at 10:00 AM, Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

This project was originally approved by Order dated November 11, 2003 (Developer's Exhibit 3), at which time 153 dwelling units were proposed. That number was increased to 159 in 2008. (Developer's Exhibit 4). The original development plan indicated the property at issue in this case (5.76 acres) was for future development. Known as Phase III of this project, the proposal is for 18 additional units (duplex homes), bringing the total number of approved units to

177.

In attendance at the Hearing Officer's Hearing (HOH) in support of the Plan on behalf of the Developer and property owner were Topher Smith, authorized representative, and Matthew A. Bishop, with Morris & Ritchie Associates, the consulting firm that prepared the site plan. Lawrence E. Schmidt, Esquire with Smith, Gildea & Schmidt, LLC, appeared and represented the Developer. Several citizens from the community (whose concerns will be discussed in

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Date 7-10-14

By [Signature]

greater detail below) attended the hearing and their names are reflected on the sign-in sheets in the file.

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the hearing, including the following individuals from the Department of Permits and Development Management: Darryl Putty, Project Manager, Dennis A. Kennedy and Jean M. Tansey (Development Plans Review [DPR]), Brad Knatz, Real Estate Compliance, and Bruno Rudaitis (Office of Zoning Review). Also appearing on behalf of the County were David Lykens from the Department of Environmental Protection and Sustainability (DEPS), and Lloyd Moxley 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. Continued review of the Plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

Pursuant to §§ 32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct of the Hearing Officer's Hearing, I am required first to identify any unresolved comments or issues as of the date of the hearing. At the hearing, each of the Baltimore County agency representatives (with the exception of Mr. Lykens from DEPS) identified above indicated that the redlined

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Date 7-10-14

By [Signature]

Development Plan (marked as Developer's Exhibit 1A – 1D) addressed any and all comments submitted by their agency, and they each recommended approval of the Plan. Mr. Lykens did not express any concerns with regard to the construction of the 18 units on 5.75 acres, per se. Rather, his objection was based on procedural conundrum that will be addressed in a separate section of this Order.

DEVELOPER'S CASE

The Developer presented two witnesses, the first of whom was Matthew A. Bishop, a landscape architect whose firm prepared the Development Plan. Mr. Bishop, who was accepted as an expert, explained the project by referring to the four-sheet Development Plan. Mr. Bishop clarified that the "front" of the 18 duplex homes would face Peace Chance Drive, and that the project complied with the B.C.Z.R. setback requirements. The witness testified that there will be a small visitor parking lot adjacent to Unit No. 160, to comply with the regulation requiring an additional 15% parking area for visitors in townhouse communities. Mr. Bishop described the layout and design of the proposed homes, which are depicted in detail in the revised Pattern Book. Developer's Exhibit 2. Mr. Bishop opined, in regard to the proposed amendment of the Development Plan, that the proposal was consistent with the original plan and the surrounding community, and he noted the original Development Plan identified this 5-acre parcel as an area for "future development." In conclusion, the witness opined the proposal meets all County Code and B.C.Z.R. requirements.

Topher Smith, Developer's representative, testified briefly concerning the desirability and demand for housing in this community. Specifically, he explained that sales were brisk, and that at present 127 units have been sold.

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By DJ

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

ZONING REQUEST

SPECIAL HEARING

In addition to the Development Plan approval, the Developer sought special hearing relief under the B.C.Z.R. This request was described in detail earlier in this Opinion.

"CHICKEN AND THE EGG"

As noted at the outset, this case presents a tangled procedural issue, which Developer's counsel referred to as a "chicken and the egg" scenario. The dwellings proposed, and the stormwater management facility for the project, would be situated on 5.76 acres, more or less, of land currently owned by the Catholic Church, which has for years operated a church and school on the adjoining property. The Developer has a contract to purchase that property, and such purchase is contingent upon receiving approval for the amended Development Plan.

But even assuming the Development Plan is approved, the Church cannot simply convey this land to the Developer; this would constitute an illegal subdivision in violation of B.C.C. § 32-4-108. Instead, the Church must seek approval from the County for the subdivision, which would likely be considered a minor subdivision exempt from the full development process under § 32-4-107. Since that has not yet occurred, DEPS has not had a chance to evaluate the parcel

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By [Signature]

owned by the Church (which totals 25 acres in the aggregate), of which 5.76 acres would be conveyed to the Developer. For this reason, Mr. Lykens stated he could not recommend plan approval, since his Department has not undertaken its review. Mr. Lykens has however evaluated the 5.76 acre parcel shown on the Plan, on which the 18 units would be constructed, and there do not appear to be any unresolved DEPS issues with respect to that portion of the Church's property.

In these circumstances, as noted by counsel, the Church and the Developer would obviously not undertake the subdivision and complete the sale of the 5.76 acre parcel until the amended Development Plan is approved. Though the Church cannot at this time convey the land, there is no prohibition on Developer, as the contract purchaser, seeking approval for a project situated on land it does not currently own. B.C.C. § 32-4-101(e) (definition of "applicant"). Thereafter, the Church can complete the subdivision of its property -- at which time it must satisfy all County agency requirements -- and convey the land to the Developer. Though the Development Plan will be approved, conditions will be imposed (consistent with Note Nos. 1 and 2 on sheet 4 of the Plan, Exhibit 1D) that will prevent Developer from obtaining grading and/or building permits until the subdivision of the Church property is complete.

COMMUNITY CONCERNS

Linda Forsyth, a nearby resident, expressed concern with the poor traffic conditions along Liberty Road, and she also laments the loss of green space in the area. She believes that "too many units" are being constructed in the community and that they provide no benefit to the area.

As to the first issue, I know (from personal experience) that traffic conditions on Liberty Road are challenging, especially at peak periods. But development approval can only be withheld when the County identifies a signalized intersection in the area as failing, which

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Date 11-10-14

By SW

equates to a grade of E or F. B.C.Z.R. § 4A02.4.D. In this case, the County's Basic Services Map reveals there are no failing intersections within the relevant area, and the State Highway Administration (SHA) confirmed by letter dated June 6, 2014 (Developer's Exhibit 9) that the Developer satisfied all state requirements and that the "SHA has no objection to plan approval."

With regard to the second issue concerning the number of housing units being developed in the area, this is a function of the property's zoning classification, which is determined by the County Council, not the undersigned. In addition, Developer's representative testified sales are brisk, and thus the community obviously considers the locale and dwelling units to be desirable.

Concerns were also raised by members of the Colonial Baptist Church, which is adjacent to the subject property. That church (which has been at its present location since about 1980) and the Developer have had a cooperative relationship through the years; some time ago, the Developer sold land to the Church for an expansion of its parking.

At present, Howard Tutman (Chairman of the Church Board of Trustees) expressed concern with the plans for ingress and egress, among other issues. He explained church members received a large set of plans (i.e., the four-sheet Development Plan) via Fed Ex on June 17, 2014, and that the complexity of the project was intimidating to both the Church pastor and parishioners. Though Mr. Tutman advised he is a professional land planner, he sought Developer's assistance in explaining the proposal to Church members, to allay their concerns. A condition will be included in the Order which follows concerning this issue.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 10th day of July, 2014, that the "CARRIAGE HILLS TOWNHOUSES - 1st MATERIAL AMENDMENT TO THE 3rd REFINED DEVELOPMENT PLAN", marked and accepted into evidence as Developer's Exhibit 1A - 1D, be and is hereby

ORDER RECEIVED FOR FILING

Date 7-10-14

By [Signature]

APPROVED, subject to the conditions noted below:

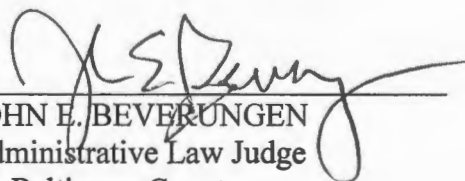
1. Developer shall pay to Baltimore County \$61,920 as a fee in lieu of providing the required open space land.
2. Developer shall use good faith efforts to meet with the Board and/or members of the Colonial Baptist Church to explain the nature of the improvements shown on the four-sheet plan, and to answer questions concerning same.
3. The development approval granted herein is contingent upon Developer obtaining from the Holy Family Roman Catholic Congregation, Inc. ("Catholic Church") the 5.76 acre property shown on the Development Plan.
4. Prior to the recordation of a Plat for Phase III of the Carriage Hills Project, or the issuance of any permits for grading and/or construction, the Developer and Catholic Church shall obtain from Baltimore County all requisite subdivision and development approvals to permit the conveyance to Developer of the 5.76 acre parcel (Phase III) shown on the Plan.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief pursuant to § 500.7 of the B.C.Z.R., as follows:

- §§ 1B01.3 and 1B01.3.A.7.c of the Zoning Commissioner's Policy Manual (Z.C.P.M.) for an amendment to the previously approved Final Development Plan (FDP) of the subdivision "Carriage Hills Townhouses" (PAI No. 02-649), to add Phase III, i.e., add 18 additional units (9 duplexes),

be, and is hereby GRANTED.

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 7-10-14

By [Signature]

KEVIN KAMENETZ
County Executive



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

July 10, 2014

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Development Plan & Petition for Special Hearing
HOH Case No. 02-0649 and Zoning Case No. 2014-0251-SPH
(Carriage Hills Townhouses Property)

Dear Mr. Schmidt:

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 Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Linda Forsyth, Office of Senator Delores Kelley, 11 Bladen St., Annapolis, MD 21401
Howard L. Tutman, Jr., 19 Morrow Court, Randallstown, MD 21133
Anthony E. Keelen, 8604 Lucerne Road, Randallstown, MD 21133



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 9533 Liberty Road which is presently zoned OR2 and DR 3.5
Deed References: 34907/002 10 Digit Tax Account # 0218472110
Property Owner(s) Printed Name(s) CT Carriage Hills Business Trust

(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
See attached.

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, 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)

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

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Esquire

Name- Type or Print

Signature

600 Washington Ave. Suite 200 Towson MD

Mailing Address

City

State

21204

410-821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Tophier Smith, Authorized Rep, of CT Carriage Hills Business Trust

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

4685 Millenium Drive,

Belcamp

MD

Mailing Address

City

State

21017

410-977-2779

tsmith@clarkturner.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Esquire

Name - Type or Print

Signature

600 Washington Ave., Suite 200 Towson

MD

Mailing Address

City

State

21204

410-321-210070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0251-SPH

Filing Date 5, 23, 14

Do Not Schedule Dates:

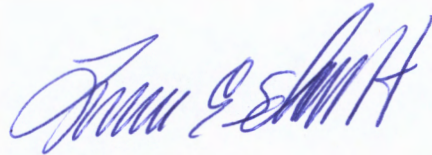
Reviewer [Signature]

ATTACHMENT TO PETITION FOR ZONING HEARING

Carriage Hills Townhouses

Special Hearing relief pursuant to:

1. BCZR Section 1B01.3 and Section 1B01.3.A.7.c of the Zoning Commissioner's Policy Manual (ZCPM) for an amendment to the previously approved Final Development Plan (FDP) of the subdivision "Carriage Hills Townhouses" (PAI #2-649), to add Phase III, ie: add 18 additional units (9 duplexes);
2. For such other and further relief as deemed necessary by the Administrative Law Judge for Baltimore County.

A handwritten signature in blue ink, appearing to read "James G. Smith", is written over the second list item.

Item #0251

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the southwest corner of Pikeswood Drive and Liberty Road. **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

An arc with a radius of 29' and length of 4.13' to a point; South 30 degrees 07 minutes 15 seconds West, 194.19' to a point; An arc with a radius of 253' and length of 184.43' to a point; South 11 degrees 38 minutes 54 seconds East, 79.85' to a point; An arc with a radius of 209' and length of 155.03' to a point; South 30 degrees 51 minutes 06 seconds West, 344.22' to a point; North 55 degrees 57 minutes 36 seconds West, 526.43' to a point; North 77 degrees 05 minutes 36 seconds East, 41.22' to a point; North 19 degrees 40 minutes 34 seconds West, 46.27' to a point; South 67 degrees 42 minutes 06 seconds West, 69.09'; North 55 degrees 57 minutes 36 seconds West, 100.73' to a point; South 36 degrees 08 minutes 36 seconds West, 570.41' to a point; South 12 degrees 28 minutes 38 seconds West, 196.63' to a point; North 62 degrees 39 minutes 14 seconds West, 141.61' to a point; North 72 degrees 20 minutes 46 seconds East, 173.77' to a point; North 61 degrees 45 minutes 12 seconds West, 141.79' to a point; North 89 degrees 18 minutes 39 seconds West, 144.83' to a point; North 36 degrees 2 minutes 27 seconds West, 82.55' to a point; North 18 degrees 3 minutes 2 seconds East, 205.21' to a point; North 2 degrees 40 minutes 4 seconds West, 125.67' to a point; North 27 degrees 21 minutes 11 seconds East, 723.86' to a point; South 89 degrees 46 minutes 45 seconds East, 4.24' to a point; North 29 degrees 14 minutes 30 seconds West, 288.42' to a point; South 61 degrees 28 minutes 16 seconds East, 42.22' to a point; South 62 degrees 42 minutes 45 seconds East, 62.17' to a point; South 64 degrees 3 minutes 10 seconds East, 57.73' to a point; North 32 degrees 23 minutes 44 seconds East, 1.5' to a point; South 59 degrees 32 minutes 01 seconds East, 5.95' to a point; South 89 degrees 33 minutes 16 seconds East, 124.02' to a point; South 30 degrees 07 minutes 05 seconds West, 7.2' to a point; North 14 degrees 59 minutes 53 seconds West, 29.11' to a point; South 21 degrees 22 minutes 06 seconds West, 215.62' to a point; South 59 degrees 52 minutes 54 seconds East, 74.99' to a point; North 21 degrees 22 minutes 06 seconds East, 202.45' to a point; South 59 degrees 52 minutes 44 seconds West, 101.43' to a point; South 57 degrees 38 minutes 27 seconds East, 230.18' to a point; South 59 degrees 52 minutes 56 seconds East, 195.02' to a point and place of beginning.

Containing an area of 1,144,204 square feet or 26.26 acres of land, more or less and being located in the Second Election District of Baltimore County Maryland.

4th Councilmanic District

Item #0251



1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748

Abingdon, MD
(410) 515-9000

Laurel, MD
(410) 792-9792

Towson, MD
(410) 821-1690

Georgetown, DE
(302) 855-5734

Wilmington, DE
(302) 326-2200

York, PA
(717) 751-6073

**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: 2014-0251-SPH

Petitioner: CT Carriage Hills Business Trust

Address or Location: 9533 Liberty Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T. Vettori, Esquire

Address: Smith, Gildea & Schmidt, LLC

600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

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

No. **112207**

Date: **5/22/14**

PAID RECEIPT

BUSINESS ACTUAL TIME
5/22/2014 5/22/2014 11:26:06

REF NS01 WALKIN LEAS LJR
RECEIPT # 511603 5/22/2014

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				5500

5 528 ZONING VERIFICATION
CR # 112207

Recpt Tot \$500.00
\$500.00 CK \$00 CA
Baltimore County, Maryland

Total: **5500**

Rec From:

For:

zoning hearing case # 2014-0251-SPH

**CASHIER'S
VALIDATION**

DISTRIBUTION

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



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

June 5, 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 June 5, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

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

Case: #2014-0251-SPH

9533 Liberty Road

SW/s Liberty Road, Approximately 700 ft. NW of Pikeswood Drive

2nd Election District - 4th Councilmanic District

Legal Owner(s): CT Carriage Hills Business Trust, Topher Smith, Authorized Rep.

Special Hearing: for an amendment to the previously approved Final Development Plan (FDP) of the subdivision "Carriage Hills Townhouses" (PA#2-649), to add Phase III, ie: add 18 additional units (9 duplexes); for such other and further relief as deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, June 26, 2014 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.

6/114 June 5

982334



KEVIN KAMENETZ
County Executive

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

May 30, 2014

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: 2014-0251-SPH

9533 Liberty Road

SW/s Liberty Road, approximately 700 ft. NW of Pikeswood Drive

2nd Election District – 4th Councilmanic District

Legal Owners: CT Carriage Hills Business Trust, Topher Smith, Authorized Rep.

Special Hearing for an amendment to the previously approved Final Development Plan (FDP) of the subdivision "Carriage Hills Townhouses" (PAI#2-649), to add Phase III, ie: add 18 additional units (9 duplexes); for such other and further relief as deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, June 26, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Topher Smith, 4685 Millenium Drive, Belcamp 21017

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 6, 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
Thursday, June 5, 2014 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2014-0251-SPH

9533 Liberty Road

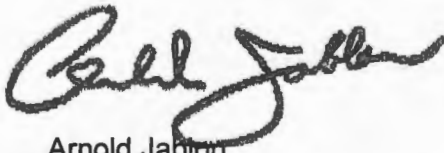
SW/s Liberty Road, approximately 700 ft. NW of Pikeswood Drive

2nd Election District – 4th Councilmanic District

Legal Owners: CT Carriage Hills Business Trust, Topher Smith, Authorized Rep.

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Hearing: Thursday, June 26, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE 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.

M E M O R A N D U M

DATE: August 13, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0251-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on August 11, 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
9533 Liberty Road; SW/S Liberty Road,	*	OF ADMINSTRATIVE
approx. 700' NW of Pikeswood Drive	*	HEARINGS FOR
2 nd Election & 4 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): CT Carriage Hills Business	*	
Trust by Topher Smith, Authorized Representative	*	
Petitioner(s)	*	2014-251-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.

RECEIVED

JUN 04 2014

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 4th day of June, 2014, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>6-3</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6-9</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. <u>2013-0053-SPHA, 2009-0011-A</u>)	
PRIOR ZONING	(Case No. <u>2008-0252-SPHA + 2004-0026-A</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>6-5-14</u>	
SIGN POSTING	Date: _____ by _____	
<u>Sp. to Alycia 6-23 - Need sign posting - ok to mail but</u>		
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	<u>need original</u>
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	<u>Rec'd email but zoning case fine is incorrect.</u>
Comments, if any: _____		

<u>Reflects 1 PM - not 10 AM</u>		

David Duvall - Carriage Hills (Zoning Case 2014-251-SPH)

From: Lawrence Schmidt <lschmidt@sgs-law.com>
To: "wrichards@baltimorecountymd.gov" <wrichards@baltimorecountymd.gov>
Date: 5/27/2014 3:02 PM
Subject: Carriage Hills (Zoning Case 2014-251-SPH)
CC: "rduvall@baltimorecountymd.gov" <rduvall@baltimorecountymd.gov>, Jason Ve...
Attachments: Combine Hearing Request.PDF

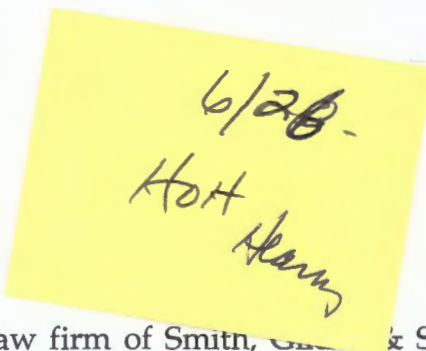
Dave: to follow up our conversation, we recently filed the above zoning case to amend the previously approved FDP for the residential subdivision of Carriage Hills. The nature of the SPH/amendment is to add Phase III of the development. That is 18 additional units (nine duplexes).

Because this is an addition in density, we have also filed a development plan (Case II-0649). The HOH for the development plan is scheduled for June 26, 2014. A copy of our letter of today's date asking that those cases be consolidated and heard on the same date is attached. We therefore request that both cases (the zoning case and HOH for the development plan) be heard on that date.

Thanks and let me know if you have any questions.

Larry

Lawrence E. Schmidt
 SMITH, GILDEA & SCHMIDT, LLC
 600 Washington Avenue, Suite 200
 Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
 lschmidt@sgs-law.com



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KEVIN KAMENETZ
County Executive

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

June 19, 2014

Topher Smith
4685 Millenium Drive
Belcamp MD 21017

RE: Case Number: 2014-0251.SPH, Address: 9533 Liberty Road

Dear Mr. Smith:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 22, 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
Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



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

Date: 6/9/14

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

RE: Baltimore County
Item No. 2014-0251-SPH
Special Hearing
Tophar Smith, Rep of
CT Carriage Hills Business Trust
9533 Liberty Road
MD26

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 6/9/14. A field inspection and internal review reveals that an entrance onto MD26 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing. Case Number 2014-0251-SPH.

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

Sincerely,

Steven D. Foster, Chief/
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

SMITH, GILDEA & SCHMIDT LLC

JTS/KL
8

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

CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO
LAUREN M. DODRILL
NATALIE MAYO
ELYANA TARLOW

of counsel:

DAVID T. LAMPTON

*LICENSED IN MO, IL, AR ONLY

May 27, 2014

RECEIVED

MAY 27 2014

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

Via Hand Delivery

Arnold Jablon, Director
Department of Permits, Approvals and Inspections
111 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

**Re: Clark Turner – Carriage Hills (PAI No. 02-0649)
Zoning Case No. 2014-0251-SPH**

Dear Mr. Jablon:

Pursuant to Baltimore County Code ("BCC") § 32-4-230, Clark Turner, the applicant/petitioner for certain zoning and development approvals regarding the above referenced project, hereby requests that the public hearing on a petition for a special hearing under Subtitle 2 of Title 3 of the BCC be combined with the Hearing Officer's Hearing ("HOH") on the Development Plan and heard together by the Administrative Law Judge.

The HOH is currently scheduled for June 26, 2014 at 9:00 a.m. To facilitate this combined hearing, it is necessary for the zoning case to be combined with the currently scheduled HOH in time for the notice of the zoning case to be conspicuously posted on the property for a period of at least 20 days, published in at least one newspaper of general circulation at least 20 days before the hearing and posted on the County's internet website.

Should you have any questions regarding this matter, please contact me. With kind regards, I am

Very truly yours,



Jason T. Vettori

JTV:sf

CC: Jan Cook, Project Manager (PAI)
Carl Richards, Chief of Zoning Review (PAI)
Kristen Lewis, Zoning Review (PAI)
Topher Smith, Clark Turner
Matt Bishop, Morris and Ritchie Associates, Inc.
David K. Gildea, Esquire

SMITH, GILDEA & SCHMIDT^{LLC}

*To: Krista
doable?
via*

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

CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO
LAUREN M. DODRILL
NATALIE MAYO
ELYANA TARLOW
of counsel:
DAVID T. LAMPTON

*LICENSED IN MD, IL, AR ONLY

May 27, 2014

Via Hand Delivery

Arnold Jablon, Director
Department of Permits, Approvals and Inspections
111 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

**Re: Clark Turner – Carriage Hills (PAI No. 02-0649)
Zoning Case No. 2014-0251-SPH**

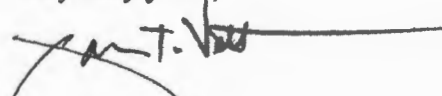
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Jason T. Vettori

JTV:sf

CC: Jan Cook, Project Manager (PAI)
Carl Richards, Chief of Zoning Review (PAI)
Kristen Lewis, Zoning Review (PAI)
Topher Smith, Clark Turner
Matt Bishop, Morris and Ritchie Associates, Inc.
David K. Gildea, Esquire

From: Lawrence Schmidt <lschmidt@sgs-law.com>
To: "crichards@baltimorecountymd.gov" <crichards@baltimorecountymd.gov>
Date: 5/27/2014 3:05 PM
Subject: FW: Carriage Hills (Zoning Case 2014-251-SPH)
Attachments: Combine Hearing Request.PDF

Carl: see below. I sent the first copy to your wrong email address.
Larry

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
lschmidt@sgs-law.com

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From: Lawrence Schmidt
Sent: Tuesday, May 27, 2014 3:02 PM
To: 'wrichards@baltimorecountymd.gov' ~~X~~
Cc: 'rduvall@baltimorecountymd.gov'; Jason Vettori; Alyssa Fiore; mbishop@mragta.com
Subject: Carriage Hills (Zoning Case 2014-251-SPH)

Dave: to follow up our conversation, we recently filed the above zoning case to amend the previously approved FDP for the residential subdivision of Carriage Hills. The nature of the SPH/amendment is to add Phase III of the development. That is 18 additional units (nine duplexes).

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Thanks and let me know if you have any questions.

Larry

Lawrence E. Schmidt
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lschmidt@sgs-law.com<mailto:lschmidt@sgs-law.com>

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Debra Wiley - Re: Carriage Hills - Zoning Case No. 2014-0251-SPH

From: Debra Wiley
To: Fiore, Alyssa
Date: 6/23/2014 12:51 PM
Subject: Re: Carriage Hills - Zoning Case No. 2014-0251-SPH
CC: Lewis, Kristen

Alyssa,

Unfortunately, the sign posting for the zoning case is incorrect. The sign reflects 1 PM and it should reflect 10 AM.

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

>>> Debra Wiley 6/23/2014 12:47 PM >>>
Alyssa,

As discussed, we have the original posting for the HOH but will need the original for the zoning case.

Thanks; it is appreciated.

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

>>> Alyssa Fiore <afiore@sgs-law.com> 6/23/2014 12:40 PM >>>

Debbie -

In accordance with our conversation, please see attached the certificates of posting.

Alyssa M. Fiore

Paralegal

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue

Suite 200

Towson, MD 21204

(410) 821-0070

(410) 821-0071 - fax

afiore@sgs-law.com

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 06/04/2014

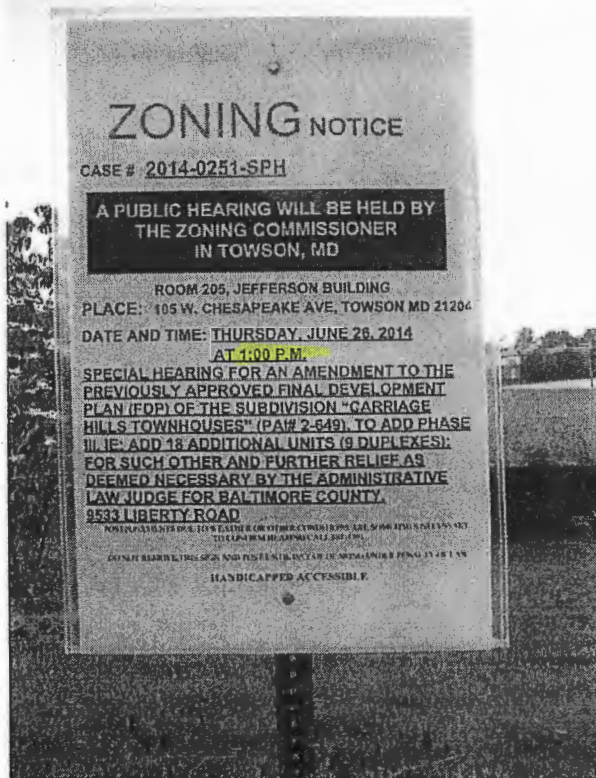
Case Number: 2014-0261-SPH

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~ CARRIAGE
HILLS BUSINESS TRUST

Date of Hearing (Closing): JUNE 26, 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:
9533 LIBERTY ROAD

The sign(s) were posted on: JUNE 3, 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)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 6, 2014
Item No. 2014-0251, 0254, 0255, and 0257

DATE: June 3, 2014

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\ZAC06092014 -.doc

CASE NAME PAI - G49
CASE NUMBER CARRIAGE HILLS
DATE 6/26/14
and
2014-0251-SPH

2014-0251-SPH

[illegible]

CASE NAME CARRIAGE HILLS TOWNHOUSES ^{1ST} AND
CASE NUMBER 02-0649 and
DATE 6/26/14

2014-0251-SPH

E - MAIL

[illegible]

JB 6-20
10 AM

Case No.: 02-0649 Carriage Hills Townhouses

AND 2014-0251-SPH

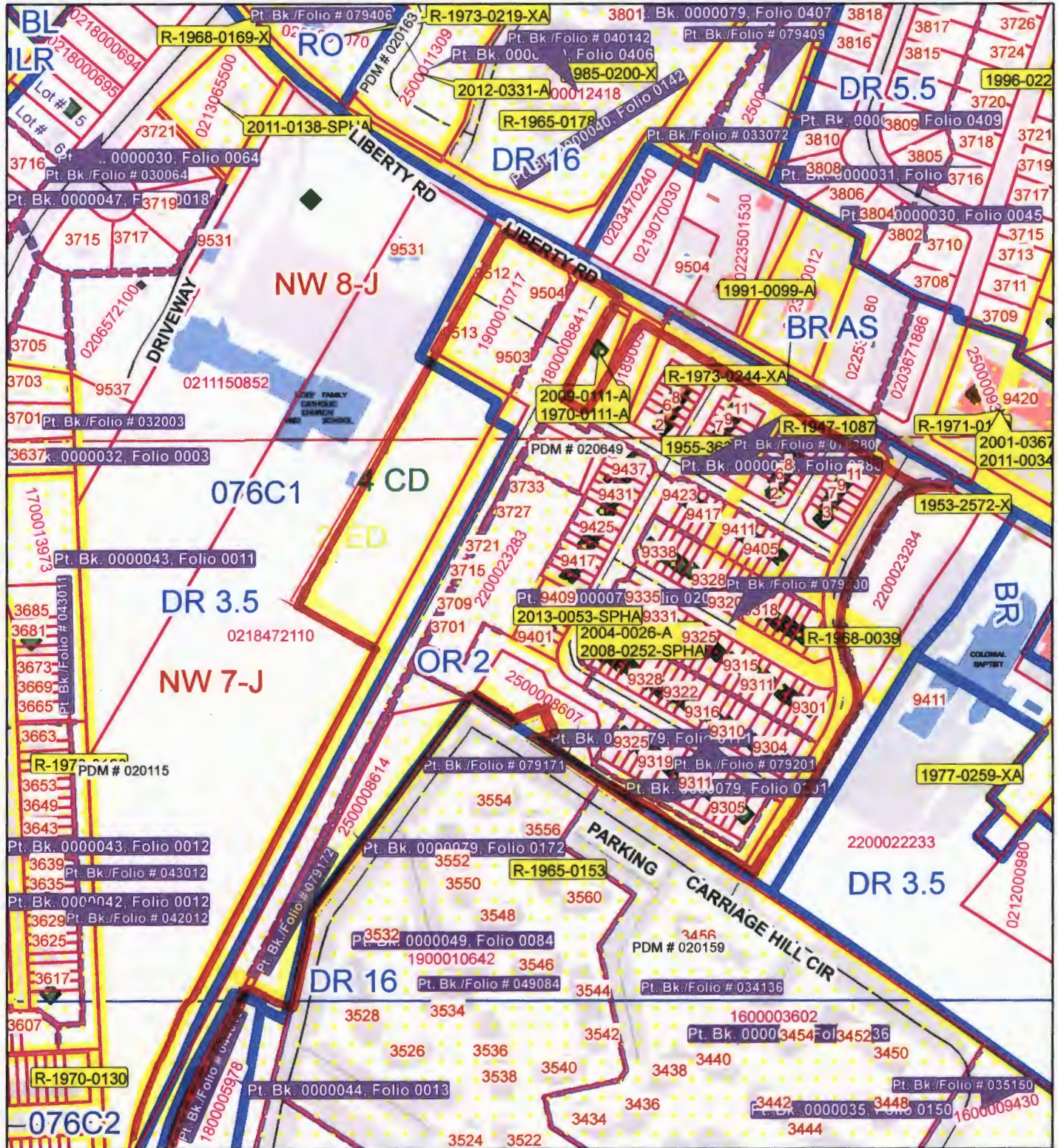
Exhibit Sheet

Petitioner/Developer

COUNTY
Respondent

No. 1	Dev. Plan 4 sheet 1A-1D	Open Space Waiver June 2, 2014
No. 2	Pattern Book	School Analysis 4/23/2014
No. 3	Order in # 04-026-A	
No. 4	Order in # 08-252-SPHA	Original Exhibits are contained in HOK Case No. 02-0649 Carriage Hills Townhouses Prop.
No. 5	5A - Order # 2009-111-A 5B - Order # 2009-111-A Feb/consider	
No. 6	Docs. re: road opening dated August 26, 2008	
No. 7	3rd Refined Dev. Plan Carriage Hills	
No. 8	Easement Agreement	
No. 9	Bishop CV	
No. 10	SHA letter dated June 6, 2014	
No. 11	Carriage Hills FDP for Zoning Case ("Zoning Plan")	
No. 12		

Carriage Hills Townhouses, Liberty Road



Publication Date: 5/22/2014



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



0 75 150 300 450 600 Feet

1 inch = 300 feet

