

IN RE: DEVELOPMENT PLAN HEARING &
PETITION FOR VARIANCE
(10037, 10039, 10101 & 10105
Harford Road)
11th Election District
5th Council District
(THE TOWNES AT GUNPOWDER
FALLS)
Bateman & Loundas LLC, *Owner*
TAGF, LLC, *Applicant*
Developer

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
HOH Case No. 11-1033 &
Zoning Case No. 2015-0291-A

* * * * *
**ADMINISTRATIVE LAW JUDGE'S COMBINED
DEVELOPMENT PLAN AND ZONING 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 Article 32, Title 4, of the Baltimore County Code ("B.C.C."). Emerson L. Dorsey, Esquire, with Tydings & Rosenberg, on behalf of Bateman & Loundas, LLC, *Owner* of the subject property, and TAGF, LLC, *Applicant*, (hereinafter "the Developer"), submitted for approval a two-sheet redlined Development Plan ("Plan") prepared by DS Thaler & Associates, Inc., known as "The Townes At Gunpowder Falls."

The Developer proposes 28 garage townhouses on 5.5 acres of land zoned BL-AS (1.76 acres), BL (1.07 acres), DR 5.5 (2.5 acres), DR 16 (0.01 acres), DR 2 (0.01 acres) and RC 7 (0.03 acres). The site is currently developed with a paved parking lot in the commercially-zoned portion of the property (site of the former Bill Bateman's Restaurant) with wooded areas to east and north portions of the property.

The Developer also has filed a Petition for Variance pursuant to the Baltimore County Zoning Regulations (B.C.Z.R) seeking:

ORDER RECEIVED FOR FILING

Date

9/15/15

By

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- A. From § 1B01.2.C.1.C of the B.C.Z.R. and the Comprehensive Manual of Development Policies (C.M.D.P.), for future Lots 5,6,22 and 23 to permit a minimum side building face to side building face setback of 20 feet in lieu of 25 feet,
- B. From § 1B01.2.C.1.C of the B.C.Z.R. and the C.M.D.P., for future Lot 28 to permit a minimum side building face to the tract boundary line of 17 feet in lieu of 30 feet,
- C. From § 301.1.A of the B.C.Z.R., for future Lots 1 through and including 28, to permit rear yard setback for potential decks to be 18 feet in lieu of the required 22.5 feet,

Details of the proposed development are more fully depicted on the redlined two-sheet Development Plan that was marked and accepted into evidence as Developer's Exhibit 1A & 1B. The property was posted on August 6, 2015 with the Notice of Hearing Officer's Hearing and Zoning Notice, in compliance with the regulations. The undersigned conducted the hearing on September 3, 2015, at 10:00 AM, Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

In attendance at the Hearing Officer's Hearing (HOH) in support of the Plan was David Thaler, Stacey McArthur and Brian Childress, with DS Thaler & Associates, Inc., the consulting firm that prepared the site plan. Emerson L. Dorsey, Esquire, appeared and represented the Developer.

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, Approvals and Inspections (PAI): Darryl Putty, Project Manager, Dennis A. Kennedy and Jean M. Tansey (Development Plans Review [DPR]), and Jason Seidelman (Office of Zoning Review). Also appearing on behalf of the County were Jeff Livingston from the Department of Environmental Protection and Sustainability (DEPS), and Jenifer Nugent from the Department of Planning (DOP).

Ruth Baisden, President of the Greater Parkville Community Council (GPCC) attended the hearing and opposed certain aspects of the project. In addition, ORDER RECEIVED FOR FILING

Winds Home Owners Association (HOA), represented by Jack Sturgill, Esquire, attended to express concerns about the project. These issues will be discussed below.

Under the County Code, 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 indicated that the redlined Development Plan addressed any comments submitted by their agency, and they each recommended approval of the Plan. Ms. Nugent presented a school analysis (Baltimore County Exhibit 2) demonstrating that none of the area schools are over capacity. In addition, she noted the DOP approved a pattern book for the project (Baltimore County Exhibit 3) and concurred with the compatibility report submitted by Developer (Baltimore County Exhibit 4). Ms. Tansey noted that a schematic landscape plan was approved on September 1, 2015, and she also stated Developer was granted a waiver of Local Open Space (LOS) requirements upon a payment of \$106,120 (fee-in-lieu), as detailed on Baltimore County Exhibit 1. Ms. Baisden objected to the waiver, and that issue will be discussed in greater detail below.

The Developer presented one witness in its development and zoning cases, Brian Childress, P.E. Mr. Childress, who was accepted as an expert, explained in detail the project and made reference to an aerial photo of the vicinity (Developer's Exhibit 2) and a rendered site plan (Developer's Exhibit 3). Mr. Childress explained the property is comprised of five parcels totaling approximately 5 ½ acres. Developer proposes 28 garage townhouses as shown on the plan. Mr. Childress also described the efforts undertaken by Developer to preserve existing green space and provide a buffer for the townhouse community to the east. Mr. Childress opined Developer satisfied all Baltimore County rules and regulations.

With respect to the zoning case, Mr. Childress opined the property was unique due to its irregular shape and the presence of enhanced environmental features (such as two stormwater management devices on a relatively small site). He testified Developer would experience a practical

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difficulty if the regulations were strictly interpreted, since it would be unable to construct the community as planned. I believe variance relief can be granted without a detrimental impact upon the health, safety and welfare of the community. The Petitioner has satisfied the requirements for variance relief set forth in Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008), and the petition will be granted.

Mr. Gischel testified that his community has both old and young residents, and that noise from the proposed construction was an important issue. He requested that construction not begin before 8:00 a.m. Baltimore County has a domestic noise ordinance, but not any noise regulations governing commercial or construction activity. The State of Maryland may, but my understanding is that the enforcement of those rules has been lax or nonexistent. In any event, the restriction proposed by Mr. Gischel seems reasonable, and a condition to that effect will be included in the Order below.

Mr. Gischel also indicated his community would prefer to not have a sidewalk (as shown on the plan) along Harford Road adjacent to the open space parcel owned by North Winds. The DOP in its Concept Plan comments dated January 13, 2015 requested Developer to include the sidewalk pursuant to the County's "Complete Streets" Policy. As such, I will defer to the DOP's expertise, and will not gainsay this recommendation.

Ms. Baisden objected primarily to the waiver of LOS, and noted that this area of the County is deficient in open space and recreational amenities. While that may be the case, I do not believe that the ALJ is authorized to consider the propriety of a LOS waiver or the adequacy of the fee-in-lieu. This issue arose recently in the 101 York dormitory PUD project (PAI Case No. 09-0843). In that case, the Greater Towson Council of Community Associations (GTCCA) filed with the Board of Appeals an "interlocutory" appeal -- prior to the conclusion of the development case -- of the local open space waiver.

ORDER RECEIVED FOR FILING

Date

9/15/15

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Both state and county law provide that the board of appeals shall hear appeals concerning the grant or denial of (among other things) "executive, administrative and adjudicatory orders." Baltimore County Charter § 602(d); Maryland Code, Local Government Article, § 10-305. In a long line of cases, the courts have considered these provisions and held that if the grant of an approval or exemption by the government constitutes an "operative event" it is then incumbent upon a challenger to note an appeal within the 30-day period provided by County law. See, e.g., Beth Tfiloh v. Glyndon Comm. Ass'n., 152 Md. App. 97, 110 (2003). The LOS waiver in this case was granted on July 2, 2015, and no appeal was filed with respect to that issue. As such, I believe the OAH is without "jurisdiction" to consider the issue of whether or not the local open space waiver was properly granted.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 15th day of September, 2015, that the "**THE TOWNES AT GUNPOWDER FALLS**" redlined Development Plan, marked and accepted into evidence as Developer's Exhibit 1A & 1B, be and is hereby **APPROVED**.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- A. From § 1B01.2.C.1.c of the B.C.Z.R., for future Lots 5, 6, 22 and 23 to permit a minimum side building face to side building face setback of 20 feet in lieu of 25 feet,
- B. From § 1B01.2.C.1.c of the B.C.Z.R. and the C.M.D.P., for future Lot 28 to permit a minimum side building face to the tract boundary line of 17 feet in lieu of 30 feet,
- C. From § 301.1.A of the B.C.Z.R., for future Lots 1 through and including 28, to permit a minimum rear yard setback of 18 feet for potential decks in lieu of the required 22.5 feet, subject to the drainage and utility easement for Lots 16, 17 and 22,

be and is hereby **GRANTED**.

ORDER RECEIVED FOR FILING

Date

9/15/15

By

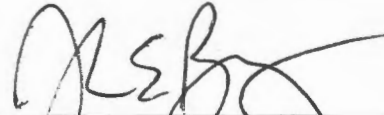
sen

The relief granted herein shall be expressly subject to the following condition:

1. There shall be no construction activity of any kind prior to 8:00 a.m. at the subject property.

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/sln

ORDER RECEIVED FOR FILING

Date 9/15/15

By Den



KEVIN KAMENETZ
County Executive

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

September 15, 2015

Emerson E. Dorsey, Jr., Esq.
100 E. Pratt Street
26th Floor
Baltimore, Maryland 21202

RE: Development Plan Hearing and Petition for Variance –
The Townes at Gunpowder Falls
10037, 10039, 10101 & 10105 Harford Road
HOH Case No. 11-1033 and Zoning Case No. 2015-0291-A

Dear Mr. Dorsey:

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", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Darryl D. Putty, Project Manager, Department of Permits, Approvals, and Inspections,
Development Processing
Ruth Baisden, 7706 Oak Avenue, Baltimore, Maryland 21234
Jack R. Sturgill, 606 Baltimore Avenue, Towson, Maryland 21204
Glen Grischel, 3012 North Branch Lane, Baltimore, Maryland 21234



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 10037, 10039, 10101 & 10105 Harford Rd. which is presently zoned BL, BL AS and **
Deed References: 14240/295, 14240/303*** 10 Digit Tax Account # 1116 015875****
Property Owner(s) Printed Name(s) Bateman & Loundas, LLC

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a **Variance** from Section(s)

See attached sheet

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)

See attached sheet

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:

TAGF, LLC

By: **Shawn A. Pyle, Manager**

Name- Type or Print

By:

Signature

260 Hopewell Road, Churchville, MD

Mailing Address City State

21028 / 410-879-8055 / Shawn@dixiecon-

Zip Code Telephone # Email Address
struction.com

Attorney for Petitioner:

Emerson L. Dorsey, Jr.

Name- Type or Print

Signature

100 E. Pratt St., 26th Fl., Baltimore, MD

Mailing Address City State

21202 / 410-752-9723 / edorsey@tydingslaw.

Zip Code Telephone # Email Address **com**

Legal Owners (Petitioners):

BATEMAN & LOUNDAS, LLC

By: **Mark Loundas, Authorized Member**

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

13126 Long Green Pike, Hydes, MD

Mailing Address City State

21082 / 410 252-8181 / mjlg2earthlink.net

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2015-0291-A Filing Date 6/16/15 Do Not Schedule Dates: _____

*and **ES Harford Road 390 feet North of Northwind Road**

****DR 5.5**

Reviewer JS

REV. 10/4/11

*** **14080/124, 14240/124, 14240/311 and 14080/124**

**** **1102048025, 1113025110, 1102048050, and 1119010900**

PETITION FOR ZONING HEARING(S)

ATTACHMENT

10037, 10039, 10101 AND 10105 HARFORD ROAD, AND ES HARFORD ROAD 390
FEET NORTH OF NORTHWIND ROAD

3. X a Variance from Section(s) (a) 1B01.2.C.1.c for future Lots 5, 6, 22 and 23 to permit a minimum side building face to side building face setback of 20 feet in lieu of 25 feet; (b) 1B01.2.C.1.c for future Lot 28 to permit to permit a minimum side building face to the tract boundary line of 17 feet in lieu of 30 feet; and; (c) ~~301.1.A for future Lots 1 through and including 28, to permit up to a 12 foot deep open porch (deck) to extend into the rear yard, which will be greater than 25% of the maximum required depth.~~

(c) 301.1.A for future lots 1 through and including 28, to permit rear yard setback for potential decks to be 18 feet in lieu of the required 22.5 feet.

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

March 20, 2015

ZONING DESCRIPTION

THE TOWNES AT GUNPOWDER FALLS

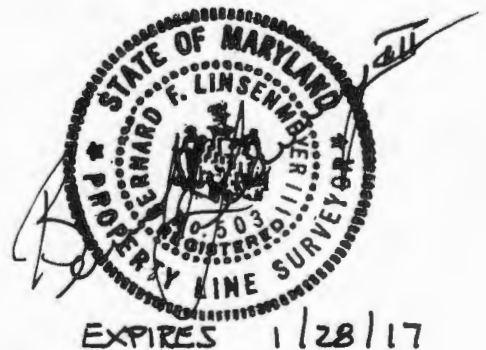
Beginning for the same on the southerly side of Harford Road, Maryland Route 147, at a point northeasterly approximately 175 feet distant from the center of North Wind Road, thence running the following courses and distances,

1. South 60°41'37" East 265.94 feet, more or less, to a point; thence,
2. North 35°09'14" East 267.89 feet, more or less, to a point; thence,
3. South 54°37'46" East 193.27 feet, more or less, to a point; thence,
4. North 29°18'41" East 400.92 feet, more or less, to a point; thence,
5. North 70°40'54" West 334.13 feet, more or less, to a point; thence,
6. North 73°40'54" West 103.17 feet, more or less, to a point; thence,
7. South 54°49'07" West 106.91 feet, more or less, to a point on the southerly side of said Harford Road, thence binding on said Road,
8. South 30°30'15" West 83.45 feet, more or less, to a point; thence,
9. South 59°29'45" East 5.00 feet, more or less, to a point; thence,
10. South 30°30'15" West 10.00 feet, more or less, to a point; thence,
11. North 59°29'45" West 5.00 feet, more or less, to a point; thence,
12. South 30°30'15" West 137.91 feet, more or less, to a point; thence,
13. South 59°29'45" East 3.00 feet, more or less, to a point; thence,
14. South 30°30'15" West 10.00 feet, more of less, to a point; thence,
15. North 59°29'45" West 3.00 feet, more or less, to a point; thence,
16. South 30°30'15" West 131.55 feet, more or less, to a point; thence,
17. South 53°27'08" East 5.03 feet, more or less, to a point; thence,

18. South 30°30'15" West 5.72 feet, more or less, to a point; thence,
19. North 59°29'45" West 5.00 feet, more or less, to a point; thence,
20. South 30°30'15" West 90.31 feet, more or less, to the point of beginning.

Containing 5.38 acres of land, more or less.

Located in the Fifth Councilmanic District and Eleventh Election District of
Baltimore County, Maryland.



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

No. **127146**

Date: **6/16/15**

PAID RECEIPT

SUBMITTER: **6/17/2015** ACTUAL: **6/16/2015 11:02:43** TIME: **2**

BY: **WALTON, JENA JEE**

RECEIPT # **029753** 6/16/2015

Dept: **5 528 ZONING VERIFICATION**

Net: **127146**

Receipt Tot: **1500.00**

1500.00 CK **1:00** CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
00	506	1000		6150				1500.00

Total: **1500.00**

Rec From: **BATEMAN + LOUNDAIS, LLC**

For: **205-0291-A**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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

No. **125391**

Date: **7/1/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DNN

7/02/2015 7/01/2015 11:19:01

REC 125391 WALKIN LHAS LJR

RECEIPT # 589257 7/01/2015 OFFLINE

5 528 CODING VERIFICATION

125391

Receipt Tot \$700.00

\$700.00 CR \$1.00 CA

Baltimore County, Maryland

Rev Sub
 Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		650				\$ 700.00

Total: **\$ 700.00**

Rec From: **BATEMAN + COUNSAS LLC**

For: **2015-0291-1**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2015-0291-A
Property Address: 10037, 10039, 10101 and 10105 Harford Road and ES Harford Road
Property Description: Harford Road North of Northwind Road

Legal Owners (Petitioners): Bateman & Loundas, LLC
Contract Purchaser/Lessee: TAGF, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Emerson L. Dorsey, Jr.
Company/Firm (if applicable): Tydings & Rosenberg, LLP
Address: 100 East Pratt Street, 26th Floor
Baltimore, Maryland 21202

Telephone Number: 410-752-9700

Revised 5/20/2014



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3487841

Sold To:

Tydings & Rosenberg LLP - CU00310119
100 E Pratt St Fl 26
Baltimore, MD 21202

Bill To:

Tydings & Rosenberg LLP - CU00310119
100 E Pratt St Fl 26
Baltimore, MD 21202

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Aug 13, 2015

The Baltimore Sun Media Group

By S. Wilkins

Legal Advertising

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: # 2015-0291-A
10037, 10039, 10101 & 10105 Harford Road
SE/s Harford Road, 186 ft. NE of Northwind Road
11th Election District - 5th Councilmanic District
Legal Owner(s) Bateman & Loundas, LLC
Contract Purchaser/Lessee: TAGF, LLC

Variance: for future Lots 5, 6, 22 and 23 to permit a minimum side building face to side building face setback of 20 ft. in lieu of 25 ft., for future Lot 28 to permit a minimum side building face to tract boundary line of 17 ft. in lieu of 30 ft.; for future Lots 1 through and including 28, to permit rear yard setback for potential decks to be 18 ft. in lieu of the required 22.5 ft.

Hearing: Thursday, September 3, 2015 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.

8/105 Aug. 13 3487841

CERTIFICATE OF POSTING

2015-0291-A

RE: Case No.: _____

Petitioner/Developer: _____
Bateman & Loundas, LLC
TAGF, LLC

Date of Hearing/Closing: **September 3, 2015**

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

10037,10039, 10101 & 10105 Harford Road

August 6, 2015

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



Sincerely,

 _____
(Signature of Sign Poster) **August 6, 2015**
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 13, 2015 Issue - Jeffersonian

Please forward billing to:

Emerson Dorsey
Tydings & Rosenberg, LLP
100 East Pratt Street, 26th Floor
Baltimore, MD 21202

410-752-9700

CORRECTED NOTICE OF ZONING HEARING

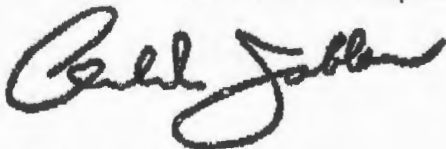
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Hearing: Thursday, September 3, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 13, 2015 Issue - Jeffersonian

Please forward billing to:

Emerson Dorsey
Tydings & Rosenberg, LLP
100 East Pratt Street, 26th Floor
Baltimore, MD 21202

410-752-9700

NOTICE OF ZONING HEARING

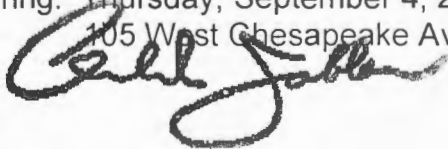
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0291-A

10037, 10039, 10101 & 10105 Harford Road
SE/s Harford Road, 186 ft. NE of Northwind Road
11th Election District – 5th Councilmanic District
Legal Owners: Bateman & Loundas, LLC
Contract Purchaser/Lessee: TAGF, LLC

Variance for future Lots 5, 6, 22 and 23 to permit a minimum side building face to side building face setback of 20 ft. in lieu of 25 ft., for future Lot 28 to permit a minimum side building face to tract boundary line of 17 ft. in lieu of 30 ft.; for future Lots 1 through and including 28, to permit rear yard setback for potential decks to be 18 ft. in lieu of the required 22.5 ft.

Hearing: Thursday, September 4, 2015 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.



KEVIN KAMENETZ
County Executive

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

July 16, 2015

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: 2015-0291-A

10037, 10039, 10101 & 10105 Harford Road
SE/s Harford Road, 186 ft. NE of Northwind Road
11th Election District – 5th Councilmanic District
Legal Owners: Bateman & Loundas, LLC
Contract Purchaser/Lessee: TAGF, LLC

Variance for future Lots 5, 6, 22 and 23 to permit a minimum side building face to side building face setback of 20 ft. in lieu of 25 ft., for future Lot 28 to permit a minimum side building face to tract boundary line of 17 ft. in lieu of 30 ft.; for future Lots 1 through and including 28, to permit rear yard setback for potential decks to be 18 ft. in lieu of the required 22.5 ft.

Hearing: Thursday, September 3, 2015 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: Emerson Dorsey, Jr., 100 E. Pratt Street, 26th Floor, Baltimore 21202
Shawn Pyle, TAGF, LLC, 260 Hopewell Road, Churchville 21028
Mark Loundas, 13126 Long Freen Pike, Hydes 21082

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 15, 2015**
- (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.



KEVIN KAMENETZ
County Executive

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

July 14, 2015

NOTICE OF ZONING HEARING

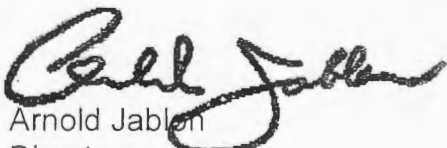
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Hearing: Thursday, September 4, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Emerson Dorsey, Jr., 100 E. Pratt Street, 26th Floor, Baltimore 21202
Shawn Pyle, TAGF, LLC, 260 Hopewell Road, Churchville 21028
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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 10037, 10039, 10101 & 10105 Harford Rd. which is presently zoned BL, BL AS and **
Deed References: 14240/295, 14240/303*** 10 Digit Tax Account # 1 1 1 6 0 1 5 8 7 5 ****
Property Owner(s) Printed Name(s) Bateman & Loundas, 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)

See attached sheet

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See attached sheet

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:

TAGF, LLC

By: **Shawn A. Pyle, Manager**

Name- Type or Print

By: M

Signature

260 Hopewell Road, Churchville, MD

Mailing Address City State

21028, 410-879-8055, Shawn@dixiecon-

Zip Code Telephone # Email Address
struction.com

Attorney for Petitioner:

Emerson L. Dorsey Jr.

Name- Type or Print

Signature

100 E. Pratt St., 26th Fl., Baltimore, MD

Mailing Address City State

21202, 410-752-9723, edorsey@tydingslaw.

Zip Code Telephone # Email Address **COM**

Legal Owners (Petitioners):

BATEMAN & LOUNDAS, LLC

By: **Mark Loundas, Authorized Member**

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

13126 Long Freen Pike, Hydes, MD

Mailing Address City State

21082, 410 252-8181, mtl9@earthlink.net

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER **2015-0291-A**

Filing Date **6/16/15**

Do Not Schedule Dates: _____

Reviewer **JS**

***and 88 Harford Road 390 feet North of Northwind Road**

****DR 5.5**

REV. 10/4/11

***** 14080/124, 14240/124, 14240/311 and 14080/124**

****** 1102048025, 1113025110, 1102048050, and 1119010900**

PETITION FOR ZONING HEARING(S)

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**10037, 10039, 10101 AND 10105 HARFORD ROAD, AND ES HARFORD ROAD 390
FEET NORTH OF NORTHWIND ROAD**

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TO BE PRESENTED AT HEARING

VARIANCE REQUESTS:

Townes @
Gunsunder Falls

BUILDING SETBACKS:

- (V-1) IBO1.2.C.1.c FOR FUTURE LOTS 5, 6, 22 AND 23 TO PERMIT A MINIMUM SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 20 FEET IN LIEU OF 25 FEET.
- (V-2) IBO1.2.C.1.c FOR FUTURE LOT 28 TO PERMIT A MINIMUM SIDE BUILDING FACE TO THE TRACT BOUNDARY LINE OF 17 FEET IN LIEU OF 30 FEET.

DECKS:

- (V-3) 301.1.A FOR FUTURE LOTS 1 THROUGH AND INCLUDING 28, TO PERMIT ~~UP TO A 12 FOOT DEEP OPEN PORCH (DECK) TO EXTEND INTO THE REAR YARD, WHICH WILL BE GREATER THAN 25% OF THE MAXIMUM REQUIRED DEPTH.~~

A MINIMUM SETBACK OF 18 FEET
FOR AN OPEN PORCH (DECK) IN
LIEU OF THE REQUIRED 22.5 FEET
(BASED ON 25% OF THE MINIMUM REAR BUILDING
SETBACK).

Townes @
Gasparder Falls

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DECKS:

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TAGF, LLC

By: **Shawn A. Pyle, Manager**

Name- Type or Print

By:

Signature

260 Hopewell Road, Churchville, MD

Mailing Address City State

21028 / 410-879-8055 / Shawn@dixiecon-

Zip Code Telephone # Email Address
struction.com

Attorney for Petitioner:

Emerson L. Dorsey, Jr.

Name- Type or Print

Signature

100 E. Pratt St., 26th Fl., Baltimore, MD

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Name #1 - Type or Print

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Signature #1

Signature #2

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21082 / 410 252-8181, MTL9@earthlink.net

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Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER **2015-0291-A**

Filing Date **6/16/15**

Do Not Schedule Dates:

Reviewer **JS**

***and 88 Harford Road 390 feet North of Northwind Road**

****DR 5.5**

REV. 10/4/11

***** 14080/124, 14240/124, 14240/311 and 14080/124**

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TO BE PRESENTED AT HEARING

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 20, 2015
Item No. 2015-0291

DATE: July 16, 2015

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

We have no problem granting Variance numbers 1 and 2. Variance number 3 should be modified to exclude lots 16, 17 and 22 because granting the variance on these lots could result in decks encroaching on access and drainage and utility easements.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0291-07202015.doc

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
10037 Harford Road; SE/S Harford Road, *
186' NE of c/line of Northwind Road * OF ADMINSTRATIVE
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Bateman & Loundas LLC * HEARINGS FOR
Contract Purchaser(s): TAGF LLC * BALTIMORE COUNTY
Petitioner(s) *
* 2015-291-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

JUL 14 2015

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 14th day of July, 2015, a copy of the foregoing Entry of Appearance was mailed to Emerson Dorsey, Esquire, 100 E. Pratt Street, 26th Floor, Baltimore, Maryland 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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By: **Shawn A. Pyle, Manager**

Name- Type or Print

By:

Signature

260 Hopewell Road, Churchville, MD

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21028 410-879-8055 Shawn@dixiecon-

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Attorney for Petitioner:

Emerson L. Dorsey, Jr.

Name- Type or Print

Signature

100 E. Pratt St., 26th Fl., Baltimore, MD

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21202 410-752-9723 edorsey@tydingslaw.

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BATEMAN & LOUNDAS, LLC

By: **Mark Loundas, Authorized Member**

Name #1 - Type or Print

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21082 410 212-8181 MTL90earthlink.net

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Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER

2015-0291-A

Filing Date

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Do Not Schedule Dates:

Reviewer

JS

***and 88 Harford Road 390 feet North of Northwind Road**

****DR 5.5**

REV. 10/4/11

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TO BE PRESENTED AT HEARING

MEMORANDUM

DATE: October 19, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0291-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 15, 2015. 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

2015-0291-A

Case No.:

HOH # 11-1033

Originals are
located in
HOH
files
folder

Exhibit Sheet

9-15-15
DEN

Petitioner/Developer

DW
10-19-15

BALTO. COUNTY
Protestants

No. 1	IA > Plan IB	Open Space Waiver
No. 2	Aerial photo w/ outline of site	School Analysis
No. 3	Rendered site plan	Pattern Book
No. 4		Traler correspondence re: compatibility w/ map
No. 5		SHA letter 8-24-15
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME THE TOWNES AT GUNPOWDER FARM
CASE NUMBER 11-10334-2015-0291-A
DATE SEPT. 3, 2015

Ruth Baisden Pres. Greater Parkville	7106 Oak Ave, Rm 110 Com-Conl	21234	ruthbaisden@yahoo.com please send copy of order.
JACK R. STURGILL 4th NORTHWINDS	606 BALTIMORE AVE.	TOWSON MD. 21204	JACK@JACKSLAW.COM
GLEN CRISCHL PRES NORTH WINDS H.O.A.	3012 NORTH BRACK LN	CLUB HILL	



KEVIN KAMENETZ
County Executive

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

August 27, 2015

Bateman & Loundas LLC
Mark Loundas
13126 Long Green Pike
Hydes MD 21082

RE: Case Number: 2015-0291 A, Address: 10037, 10039, 10101, 10105 Harford Road

Dear Mr. Loundas:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 16, 2015. 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: jaw

Enclosures

c: People's Counsel
TAGF LLC, Shawn A Pyle, Manager, 260 Hopewell Road, Churchville MD 21028
Emerson L Dorsey, Jr., Esquire, 100 E Pratt Street, 26th Floor, Baltimore MD 21202

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Douglas H. Simmons, Acting Administrator

Date: 7/9/15

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

RE: Baltimore County
Item No. 2015-0291-A
Variance
Baxerman's Loundes LLC.
Mark Loundes, Authorized Member
10037 Harford Road.
MD147
'The Townes at Gunpowder Falls'

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 7/9/15. A field inspection and internal review reveals that an entrance onto MD147 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2015-0291A 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 410-229-2398 or 1-866-998-0367 (in Maryland only) extension 2398, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Peake".

David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

