

IN RE: PETITIONS FOR SPECIAL HEARING \*

**BEFORE THE** 

AND SPECIAL EXCEPTION (1605-1607 Bellona Ave.)

OFFICE OF

8<sup>th</sup> Election District

3rd Council District

ADMINISTRATIVE HEARINGS

Lutherville Volunteer Fire Company, Inc.

FOR BALTIMORE COUNTY

Legal Owner

Petitioner

Case No. 2016-0070-SPHX

#### OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Lutherville Volunteer Fire Company, Inc., legal owner ("Petitioner" or "LVFC"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an amendment to the plan previously approved in Case No. 2008-169-SPHXA. A Petition for Special Exception was filed pursuant to §1B01.1.C.23 to use the subject property for an extension of the existing LVFC to the property known as 1528 Norman Avenue, to provide additional parking and to further LVFC activities.

Appearing at the public hearing in support of the requests was Jamie Cahn, Vice President of the LVFC. Adam Rosenblatt, Esq. represented the Petitioner. Eric Rockel and Martin Reisinger, both of whom live in the neighborhood, attended the hearing to express concerns regarding the inadequacy of storm water management in the area. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

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#### **Special Hearing**

The petition for special hearing does not request substantive zoning relief. Rather, the Petitioner merely seeks to amend the site plan approved in a prior case (2008-0169-SPHXA), to reflect the relief granted herein; i.e., an expansion of the special exception area for the LVFC. As such, the petition will be granted.

#### **Special Exception**

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

In this case, David Martin (a registered landscape architect accepted as an expert) reviewed each of the standards set forth in the B.C.Z.R. § 502 and opined Petitioner satisfied same. In addition, Petitioner was previously granted a special exception for the operation of a volunteer fire company in a residential zone. In light of the above the petition for special exception will be granted.

The DOP ZAC comment suggested a 6 ft. privacy fence be constructed at the site. But counsel noted (and Mr. Rockel agreed) that none of the dwellings or businesses in the vicinity have such fencing, which would cause it to "stick out like a sore thumb." I agree, and believe that the proposed landscaping (shown on a conceptual landscape plan, Petitioner's Exhibit 4) will provide an adequate buffer.

ORDER RECEIVED FOR FILING

Date 13-15

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#### **Community Concerns**

As noted above, Messrs. Rockel and Reisinger both expressed concern with the inadequacy of storm water management in the historic Lutherville area. In fact, they noted that the situation was especially dire in the vicinity of the site, and recent photos were submitted (Community Ex. No. 1) showing flooding conditions. Mr. Rockel indicated that the County had begun to perform surveys and preliminary engineering for upgraded storm drains in this area, but that the project never came to fruition and is not (to his knowledge) in the County's capital budget.

As indicated at the hearing, the LVFC cannot be expected or required to remedy the drainage problems in connection with its zoning request. While developers of large residential and commercial projects are frequently required to dedicate land and/or construct capital improvements as a condition of approval, a local government would not be permitted to extract such commitments in a case like this. *See, e.g.,* Koontz v. St Johns River Water Mngmt. Dist., 133 S.Ct. 2586 (2013) (there must be some nexus or rough proportionality between the scope and impact of the project and the government exactions). Even so, the community's concerns are certainly valid, and it is ultimately Baltimore County's responsibility to provide storm drains that are adequate to meet the demands imposed by "ordinary and usual rainfalls." Eisenstein v. City of Annapolis, 177 Md. 222, 228 (1939).

THEREFORE, IT IS ORDERED this <u>13<sup>th</sup></u> day of November 2015, by this Administrative Law Judge, that the Petition for Special Hearing to approve an amendment to the plan previously approved in Case No. 2008-0169-SPHXA, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception pursuant to B.C.Z.R. § 1B01.1.C.23 to use herein described property for an extension of the existing Volunteer Fire Company to the property known as 1528 Norman Avenue to provide additional parking and to ORDER PECEIVED FOR FILING

Date	11-13-15		
Rv		*	

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further Volunteer Fire Company activities, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

- 1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
- 2. Petitioner shall provide landscaping at the site as determined in the sole discretion of the County's Landscape Architect.

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

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING	
Date	
By	4



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 13, 2015

Adam Rosenblatt, Esq. Venable, LLP 210 W. Pennsylvania Avenue, Suite 500 Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception

Case No. 2016-0070-SPHX

Property: 1605-1607 Bellona Avenue

Dear Mr. Rosenblatt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Eric Rockel, 1610 Riderwood Drive, Lutherville, MD 21093 Martin Reisinger, 207 Malanethon Avenue, Lutherville, MD 21093



### PETITION FOR ZONING HEARING(3)

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 1605-1607 Bellona Ave., 1528 Norman Ave.

which is presently zoned DR 5.5, DR 2

10 Digit Tax Account # 0819007901; 1800003621; 0813015000 Deed References: 9953/444, 05947/455,35887/268

Property Owner(s) Printed Name(s) Lutherville Volunteer Fire Company Inc.

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPR	RIATE SELECTION AND PRINT OR T	THE THE PETITION REQUEST)
The undersigned legal owner(s) of the property situate in and plan attached hereto and made	Baltimore County and which is de a part hereof, hereby petition	described in the description for:
<ol> <li>X_ a Special Hearing under Section 500.7 of the Zonin or not the Zoning Commissioner should approve an amend</li> </ol>	ng Regulations of Baltimore Co Iment to the plan previously appro	unty, to determine whether ved in Case No. 08-169-SPHXA.
	(D. III) O	havein described property for
2. X a Special Exception under the Zoning Regulations extension of the existing Volunteer Fire Company to the property to further Volunteer Fire Company activities.	known as 1528 Norman Avenue t	o provide additional parking and
3. a Variance from Section(s)		
of the zoning regulations of Baltimore County, to the z (Indicate below your hardship or practical difficulty of you need additional space, you may add an attachmen	r indicate below "TO BE PRI	ty, for the following reasons: ESENTED AT HEARING". If
Property is to be posted and advertised as prescribed by the zoning regular, or we, agree to pay expenses of above petition(s), advertising, posting, eand restrictions of Baltimore County adopted pursuant to the zoning law for Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under which is the subject of this / these Petition(s).  Contract Purchaser/Lessee:	tc. and further agree to and are to be to Baltimore County.  der the penalties of perjury, that I / We  Legal Owners (Petitioners	are the legal owner(s) of the property
ORFILIT	SEE ATTACHED  Name #1 – Type or Print	/Name #2 – Type or Print
Name- Type or Print	Name #1 = Type of Time	I tame ne rype or rim
Name- Type or Print Signature Mailing Address City State	Signature #1	Signature # 2
	Mailing Address	City State
Date	Zip Code Telephone #	/ Email Address
Zip Code Telephone# Email Address	(170) Majoras (1800) (170)	
Attorney for Petitioner:	Representative to be cont	acted:
Adam Rosenblatt	Adam Rosenblatt	
Name- Type or Print	Name - Type or Print	
Signature	Signature	Towson MD
210 W. Penn. Ave, Ste 500 Towson MD  Mailing Address City State	210 W. Penn. Ave, Ste 500 Mailing Address	Towson MD City State
Mailing Address City State 21204 , (410) 494-6271 , amrosenblatt@venable.co		, amrosenblatt@venable.
Zip Code Telephone # Email Address	Zip Code Telephone #	Email Address
Lip Code Telephone # Email Address		

CASE NUMBER 2016 -0070-SPHX Filling Date 9 16 15 Do Not Schedule Dates:

#### SIGNATURE ATTACHMENT TO PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION

#### **Legal Owners (Petitioners):**

Lutherville Volunteer Fire Company Inc.

Jamie Cahn, Vice President

c/o Lutherville Volunteer Fire Company Inc.

1607 Bellona Avenue

Lutherville-Timonium, MD 21093





## **PHILLIPS**

#### DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING 222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

September 14, 2015

# ZONING DESCRIPTION for

1528 Norman Avenue Lutherville, MD 21093

Beginning for the description of a .254 acre tract identified as Parcel 593 on Tax Map 60, (Lots 90 - 95 of the Lutherville Heights plat recorded at W.P.C. No. 7 Part I-68) at a point at the centerline intersections of Bellona Avenue and Norman Avenue thence S10° 05' 53" W, 29.00 feet more or less to a point of beginning at the northern most corner of the subject property thence the following courses:

- 1) S23° 46′ 60″E, 69.30′ thence
- 2) S66° 13′ 00"W, 158.04' thence
- 3) by a curve having a radius of 995.00', length of 71.23' and a chord bearing of N16° 11' 00"E, length 71.22' thence
- 4) N63° 14' 33"E, 37.61' thence
- 5) by a curve having a radius of 470.00', length of 48.48' and a chord bearing of N66° 11' 51"E, length 48.97' thence
- 6) N69° 09' 08"E, 63.55' back to the point of beginning

Containing 11,065.51 Square Feet or .254 acres of land more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.

# MARTIN



### **PHILLIPS**

#### DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING 222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

#### **September 14, 2015**

# Description to Accompany Zoning Petition for

1605-1607 Bellona Avenue Lutherville, MD 21093 Baltimore County, Maryland Election District No. 8

Beginning for the same at a point located in the center of Bellona Avenue, said point distant North 55° 22' East 174 feet +/- from the intersection of the centerlines of Bellona Avenue and Morris Avenue thence binding on the center of Bellona Avenue the two following courses viz:

- 1) North 63° 09' 13" East 128.88 feet, to a point, thence
- 2) North 63° 19' 07" East 150.64 feet, to a point, thence leaving the center of Bellona Avenue and running thence
- 3) by a curve to the right having a radius of 995.40 feet for an arc length of 317.09 feet, to a point, thence
- 4) North 88° 26' 27" East 15.00 feet, to a point, thence
- 5) by a curve to the right having a radius of 1010.40 feet for an arc length of 332.75 feet, to a point, thence
- 6) South 17° 24' 52" West 82.51 feet, to a point, thence
- 7) South 85° 41' 45" West 50.00 feet, to a point
- 8) North 72° 35' 08" West 45.56 feet, to a point, thence leaving said Silver Spring Road and running thence
- 9) South 17° 24' 52" West 168.33 feet, to a point on the north side of Seminary Avenue, State Route 131 thence binding along the north side of Seminary Avenue

- 10) South 85° 41' 45" West 19.36 feet, to a point, thence leaving the north side of Seminary Avenue and running the following courses viz;
- 11) North 17° 24' 52" West 276.50 feet, to a point, thence
- 12) by a curve to the left having a radius of 900.40 feet for an arc length of 296.34 feet, to a point, thence
- 13) North 30° 10' 21" West 6.29 feet, to a point, thence
- 14) North 72° 46' 47" West 145.79 feet, to a point, thence
- 15) North 26° 50' 47" West 155.33 feet, to the place of beginning

Containing 110,424.6 Square Feet or 2.535 acres of land, more or less.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.



# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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. <u>For those petitions which require a public hearing</u>, 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: 2016-0010-SP	HX
Petitioner: Lutheville Vol Fire Co.	
Address or Location: 1605 Bellong Ave	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Asm Keensun	
Address: 210 c. Penn Ave Ste 500	
Towar MD 21209	
Telephone Number: (110) 494-621	



501 N. Calvert St., P.O. Box 1377 Baitimore, Maryland 21278-0001 tel: 41.0/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3669361

#### Sold To:

VENABLE LLP - CU00174151 210 W Pennsylvania Ave Ste 500 TOWSON,MD 21204-5304

#### Bill To:

VENABLE LLP - CU00174151 210 W Pennsylvania Ave Ste 500 TOWSON,MD 21204-5304

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

#### Oct 20, 2015

NOTICE OF ZONING HERRING

The Administrative Law Lidge 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: \$ 2016-0070-SPHX
1605-1607 Bellona Avenue
Wis Norman Avenue; 25 fe. ston cemerline of Bellona
Avenue,
8th Election District; 3rd Councilmanic District.
Legal Owner(s) Lutherville Volunteer Fire Company, Inc.
Special Hearing; to determine whether or not the
Administrative Law Ludge should approve an amendment to the plan previously approved in Case No! 08-165-SPHXA
Special Exception; to use the property described for extrasion of the existing Volunteer Fire Company to the property known as 1528 Norman Avenue to provide additional parking to further Volunteer Fire Company to the property known as 1528 Norman Avenue to provide additional parking to further Volunteer Fire Company to the property Scribes for Section 105. Versic Chesapeake Avenue; Towson 21204

ZRNOED JABLON, DIRECTOR OF PERMITS. APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handleapped Accessible, for special accommodations Please Contact, the Administrative Hearings Office at (A10) 887-3868.

(2) For information concerning the File and/on Hearing Contact the Zoning Review Office at (410) 887-3371.

IT-10/699 Oct. 20.

The Baltimore Sun Media Group

By

Legal Advertising

# **CERTIFICATE OF POSTING**

		RE: Case No.:	2016-0070-SPHX
		Petitioner/Developer:	1 40 mm m 1 40 mm m 1
		Lutherville Volunteer F	ire Company, Inc.
		Date of Hearing/Closing:	November 9, 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 posted conspicuously on the property loca 1605-1607 Bellona Ave and 1528 No.	ited at:		
The sign(s) were posted on	O	ctober 20, 2015	The season profits
The sign(s) were posted on	(M	Ionth, Day, Year)	
	Since	rely,	
		MA	October 20, 2015
ZONING NOTICE		(Signature of Sign Poster)	(Date)
CASE#		SSG Robert Bl	ack
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD		(Print Name	)
ROOM 205, JEFFERSON BUILDING PLACE: 105 W. CHESAPEAKE AVE. TOWSON MD 21204 DATE AND TIME: Monday, November 9, 2015 at 10.00 a.m. REQUEST: Special Heating to determine whether on not the		1508 Leslie Ro	oad
Administrative Law Judge should approve an amentiment to the beginning to the beginning to the control of the c		(Address)	-
Yolumer, Fire Company, activities,  And described from the second		Dundalk, Marylan	d 21222
		(City, State, Zip	Code)
		(410) 282-794	10
		(Telephone Num	her)



KEVIN KAMENETZ
County Executive

September 30, 2015

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

#### **NOTICE OF ZONING HEARING**

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

CASE NUMBER: 2016-0070-SPHX

1605-1607 Bellona Avenue

W/s Norman Avenue, 29 ft. s/of centerline of Bellona Avenue

8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Lutherville Volunteer Fire Company, Inc.

**Special Hearing** to determine whether or not the Administrative Law Judge should approve an amendment to the plan previously approved in Case No. 08-169-SPHXA. **Special Exception** to use the property described for extension of the existing Volunteer Fire Company to the property known as 1528 Norman Avenue to provide additional parking to further Volunteer Fire Company activities.

Hearing: Monday, November 9, 2015 at 10:00 a.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Adam Rosenblatt, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204 Jamie Cahn, 1607 Bellona Avenue, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 20, 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 20, 2015 Issue - Jeffersonian

Please forward billing to:

Adam Rosenblatt Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

410-494-6271

#### 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: 2016-0070-SPHX

1605-1607 Bellona Avenue

W/s Norman Avenue, 29 ft. s/of centerline of Bellona Avenue

8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Lutherville Volunteer Fire Company, Inc.

**Special Hearing** to determine whether or not the Administrative Law Judge should approve an amendment to the plan previously approved in Case No. 08-169-SPHXA. **Special Exception** to use the property described for extension of the existing Volunteer Fire Company to the property known as 1528 Norman Avenue to provide additional parking to further Volunteer Fire Company activities.

Hearing: Monday, November 9, 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.





### CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
9/24	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
10/7	DEPS (if not received, date e-mail sent)	MC
	FIRE DEPARTMENT	
10/32	PLANNING (if not received, date e-mail sent)	
9/21	STATE HIGHWAY ADMINISTRATION	no obj
	TRAFFIC ENGINEERING	
4	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No	
PRIOR ZONING	(Case No	
NEWSPAPER ADV	12122115	SOL BLOOV
SIGN POSTING	Date: 10 40 15	by <u>339</u> BIOCK
	EL APPEARANCE Yes No D	
PEOPLE S COUNS	EL COMINIENT LETTER TES LA NO LA	
Comments, if any:		

RE: PETITION FOR SPECIAL HEARING

SPECIAL EXCEPTION & VARIANCE

1605-1607 Bellona Avenue; SE/S Bellona

Avenue, 174' N of Morris Avenue

8<sup>th</sup> Election & 3<sup>rd</sup> Election Districts

Legal Owner(s): Lutherville Volunteer Fire Co, Inc

Petitioner(s)

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

**BALTIMORE COUNTY** 

2016-070-SPHX

#### ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel 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 documentation filed in the case.

RECEIVED

SEP 29 2015

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Camle S Demotio

CAROLE S. DEMILIO

Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of September, 2015, a copy of the foregoing Entry of Appearance was mailed to Adam Rosenblatt, Esquire, 210 West Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

ARNOLD JABLON

Deputy Administrative Officer

Director Department of Permits,

Approvals & Inspections

November 5, 2015

Lutherville Volunteer Fire Company Inc Jamie Cahn, VP 1607 Bellona Avenue Luth-Timonium MD 21093

RE: Case Number: 2016-0070 SPHX, Address: 1605-1607 Bellona Avenue, 1528 Norman Avenue

Dear Mr. Cahn:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Adam Rosenblatt, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204



Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor

Pete K. Rahn, Secretary Gregory C. Johnson, P.E., Administrator

Date: 9/21/15

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

RE: Baltimore County

Item No. 2016-0070-5PHY

Special Heaving Special Exception Entherwille Volunteer Fire Company, Jamie Cahn, V.D. 1605-1607 Bellona Avenue-

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2016-0070-5PHV

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

David W. Peake

Metropolitan District Engineer - District 4

Baltimore & Harford Counties

DWP/RAZ

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: October 22, 2015

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

1605 – 1607 Bellona Avenue, 1528 Norman Avenue

**INFORMATION:** 

RECEIVED

**Item Number:** 

16-070

OCT 27 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner:

Lutherville Volunteer Fire Company, Inc.

Zoning: DR 5.5, DR 2

Requested Action:

Special Hearing, Special Exception

#### SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for a Special Hearing to determine whether the Administrative Law Judge should approve an amendment to the previously approved site plan in zoning case No. 08-169-SPHXA and the Petition for a Special Exception to use the property for the extension of the existing VFD to provide additional parking and to further VFD activities.

The subject site is subject to <u>The Community Conservation Plan for Lutherville</u> adopted by Baltimore County in February, 1996. The residential properties to the north are within the Lutherville Historic District.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following recommendations:

The Department recommends that the instant proposal is within the spirit and intent of the Residential Transition Area findings made on the part of the Baltimore County Zoning Commissioner and contained in his Order in zoning case No. 94-226-XA. The Department offers specific planning measures to be included as conditions in the Order, if granted, to enhance the effectiveness of the RTA as provided and to respond successfully to the goals of the aforementioned community plan.

- Construct a 6 foot privacy fence adjacent to the property line for 1526 Norman Avenue.
- Install a fast growing hedge along Bellona to provide a vegetative screen in a minimal
  amount of time. Increase the size of the planting area and plant large evergreen shrub in
  the northwest corner along Bellona and Norman so as to screen the parking lot from view
  when heading south on Bellona into the Lutherville Historic District. Locations and

species shall be subject to the approval of the Baltimore County Landscape Architect.

For further information concerning the matters stated herein, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief: Kally Gallabuth

AVA/KS

C: Jeanette Tansey, RLA, PAI Wallace S. Lippincott

RECEIVED

#### **Inter-Office Correspondence**

OCT 07 2015



**OFFICE OF ADMINISTRATIVE HEARINGS** 

TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

10-7-2015

SUBJECT:

DEPS Comment for Zoning Item

# 2016-0070-SPHX

Address

1605-1607 Bellona Avenue

(Lutherville Volunteer Fire Company Property)

Zoning Advisory Committee Meeting of September 21, 2015.

\_\_X \_\_\_ The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 24, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 28, 2015 Item No. 2016-0070

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

Lutherville is a designated historic community. Parking should comply with required setbacks from roads and residences. However, if less than required setbacks are approved, planting and screening shall be provided as approved by County Landscape Architect.

DAK:CEN cc:file

ZAC-ITEM NO 15-0070-09282015.doc

#### INTER-OFFICE CORRESPONDENCE



TO:

Arnold Jablon

DATE: October 22, 2015

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

1605 – 1607 Bellona Avenue, 1528 Norman Avenue

INFORMATION:

Item Number:

16-070

Petitioner:

Lutherville Volunteer Fire Company, Inc.

Zoning:

DR 5.5, DR 2

Requested Action:

Special Hearing, Special Exception

#### SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for a Special Hearing to determine whether the Administrative Law Judge should approve an amendment to the previously approved site plan in zoning case No. 08-169-SPHXA and the Petition for a Special Exception to use the property for the extension of the existing VFD to provide additional parking and to further VFD activities.

The subject site is subject to <u>The Community Conservation Plan for Lutherville</u> adopted by Baltimore County in February, 1996. The residential properties to the north are within the Lutherville Historic District.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following recommendations:

The Department recommends that the instant proposal is within the spirit and intent of the Residential Transition Area findings made on the part of the Baltimore County Zoning Commissioner and contained in his Order in zoning case No. 94-226-XA. The Department offers specific planning measures to be included as conditions in the Order, if granted, to enhance the effectiveness of the RTA as provided and to respond successfully to the goals of the aforementioned community plan.

- Construct a 6 foot privacy fence adjacent to the property line for 1526 Norman Avenue.
- Install a fast growing hedge along Bellona to provide a vegetative screen in a minimal amount of time. Increase the size of the planting area and plant large evergreen shrub in the northwest corner along Bellona and Norman so as to screen the parking lot from view when heading south on Bellona into the Lutherville Historic District. Locations and

species shall be subject to the approval of the Baltimore County Landscape Architect.

For further information concerning the matters stated herein, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief: Kally Gerlahuon

AVA/KS

C: Jeanette Tansey, RLA, PAI

Wallace S. Lippincott

#### **Inter-Office Correspondence**



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

10-7-2015

SUBJECT:

DEPS Comment for Zoning Item

# 2016-0070-SPHX

Address

1605-1607 Bellona Avenue

(Lutherville Volunteer Fire Company Property)

Zoning Advisory Committee Meeting of September 21, 2015.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

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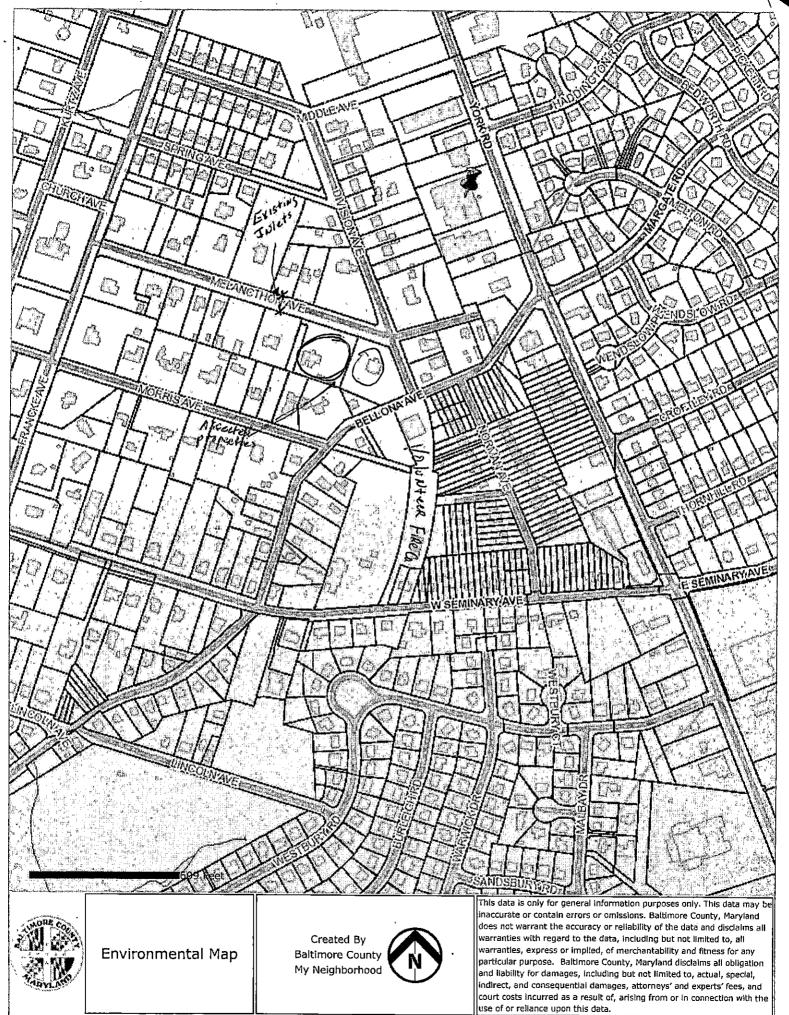
# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
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Jame Cahn	1609 Bellona Ave. LVFC	Lutherille, MD 21093	jemcam@comcast.net
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CASE NAME	Béllowa Avenus
CASE NUMBER	2016-0070 SPHX
DATE Now 9	

# CITIZEN'S SIGN - IN SHEET

NAME ADDRESS		ADDRESS CITY, STATE, ZIP	
ERIC Rockel	1610 RIDERWOOD DR.	Lutherylle Md 21093	e Rocke/@ earthlink , we
Martin Reisinger		Lotherville Md 21093 Lotlerville MD 21093	mararrainc. com
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Printed 10/15/2015

Proto No 7





### PHILLIPS

#### DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE. DEVELOPMENT CONSULTING, ZONING 222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

# CURRICULUM VITAE DAVID L. MARTIN, L.A.

Martin & Phillips Design Associates, Inc., Principal Director of Land Planning / Landscape Architecture Professional Registration: Landscape Architect Maryland - No. 776 Pennsylvania - No. 573-E

#### **Education:**

The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971

#### **Professional Affiliations:**

American Society of Landscape Architects, Member Urban Land Institute, Member

#### Boards:

Baltimore County, Design Review Panel

Professional practice includes 44 years of land planning, landscape architecture, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has been practicing in the Greater Baltimore Metropolitan region since 1987 and has been qualified as an expert in land planning, site planning, and zoning cases in Anne Arundel County, Baltimore County, Howard County, Harford County, Cecil County, Bel Air, Aberdeen, Havre de Grace, Perryville, Port Deposit and Federal District Court of Baltimore.

Prior to his relocation to Maryland, Mr. Martin practiced landscape architecture and land planning in Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

As President of Martin & Phillips Design Associates, Inc. Mr. Martin supervises community planning, site development, subdivision development plans, and master planning efforts, He also offers zoning testimony and interpretation on land planning issues before zoning commissioners, boards of appeals, planning commissions, and elected bodies. Mr. Martin facilitates community input meetings, and presents Development Plans in Baltimore County and oversees the preparation of special exception and variance plan requests. He also directs the design of parks, amenity features, lighting plans and landscape plans associated with residential, commercial and institutional projects.

Significant projects include Developments of Regional Impact (DRI) in the State of Florida including; Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Representative local projects include: Hollywoods, Monmouth Meadows, Greenbriar, Bainbridge Development, Forge Landing, Owings Mills Commerce Center, The Avenue at Whitemarsh, Cedar Lane Farms P.U.D., Westwicke, Beaverbrook, Biddison Property, Bridle Ridge, Green Spring Station, Home Depot of Owings Mills, Bel Air and Timonium, Ashland Market Place, Powell Property, and Baker Property, Highlands Corporate Park, Preston Gateway North Industrial Park, Catholic Charities Senior Housing at the Village Crossroads, Brandywine PUD and the Chapel Springs Senior Housing PUD.

Mr. Martin has prepared numerous comprehensive-zoning petitions in Baltimore County in every CZMP cycle since 1992 and has a thorough understanding of the principles of Euclidean zoning and their application throughout the Baltimore Metro region. He also served on an ad-hoc committee that authored the Service Employment (SE) Zone of Baltimore County and the Public Affairs Committee for NAIOP. He has extensive experience dealing with all of the Baltimore Regional Area County's development regulations.

TELEPHONE: 410.321.8444, TOLL FREE: 866.395,8595 FAX: 410.321.1175





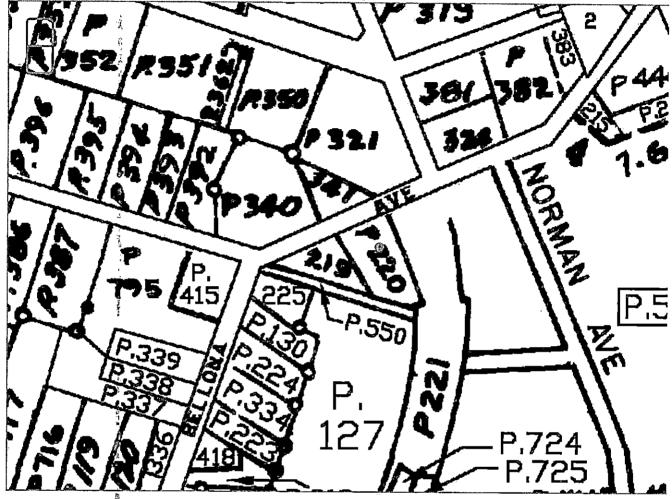
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					tructure inforr	*					
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#### **Baltimore County**

New Search (http://sdat.dat.maryland.gov/RealProperty)

District: 08 Account Number: 0819007901

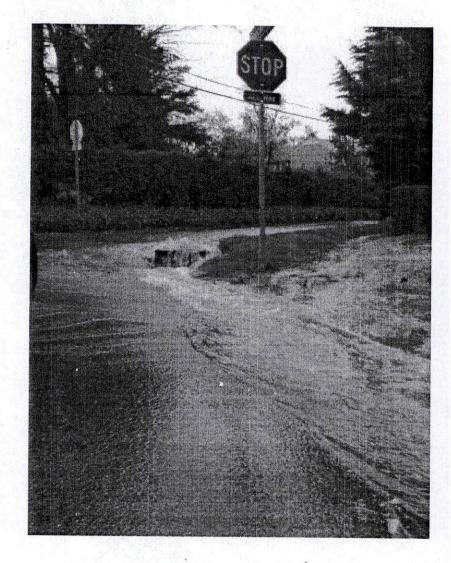


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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).

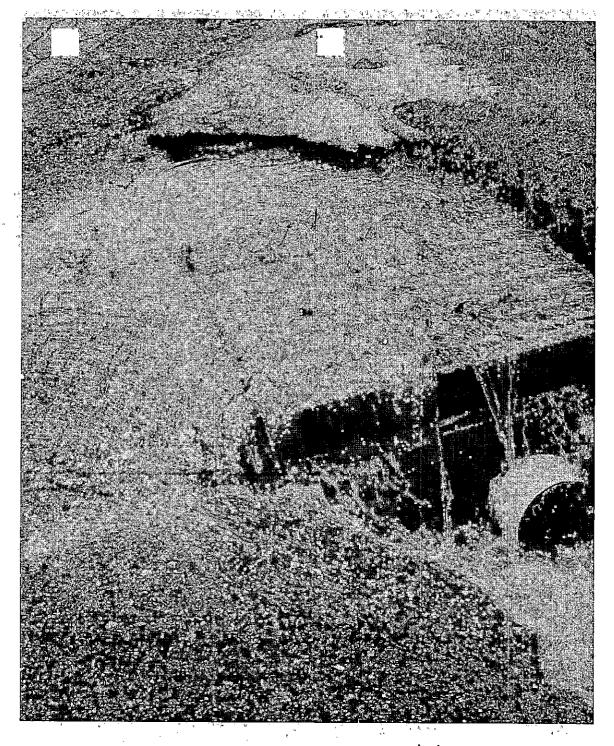
Property maps provided courtesy of the Maryland Department of Planning.

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).



Intersection of Division and Melanethon Avenues

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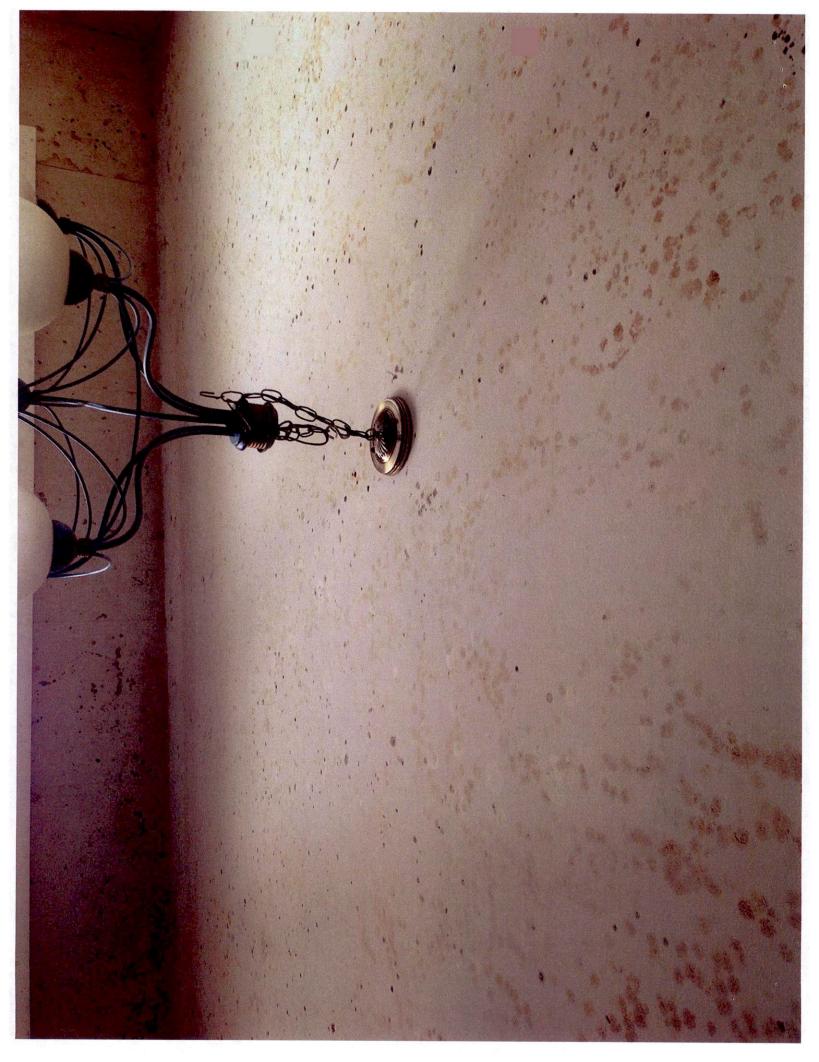


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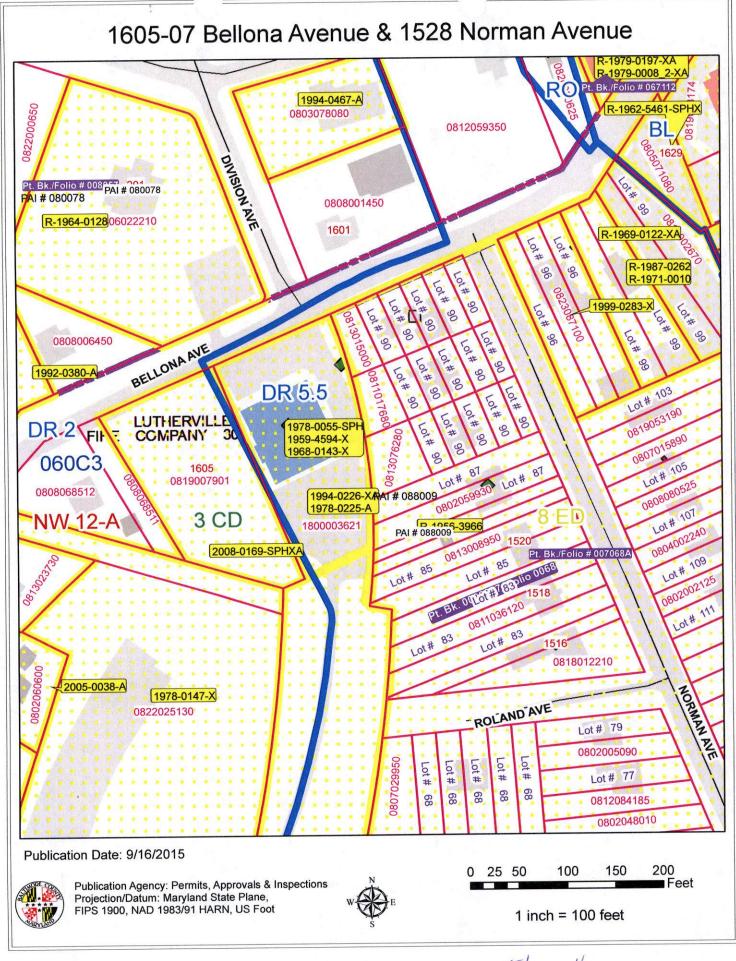
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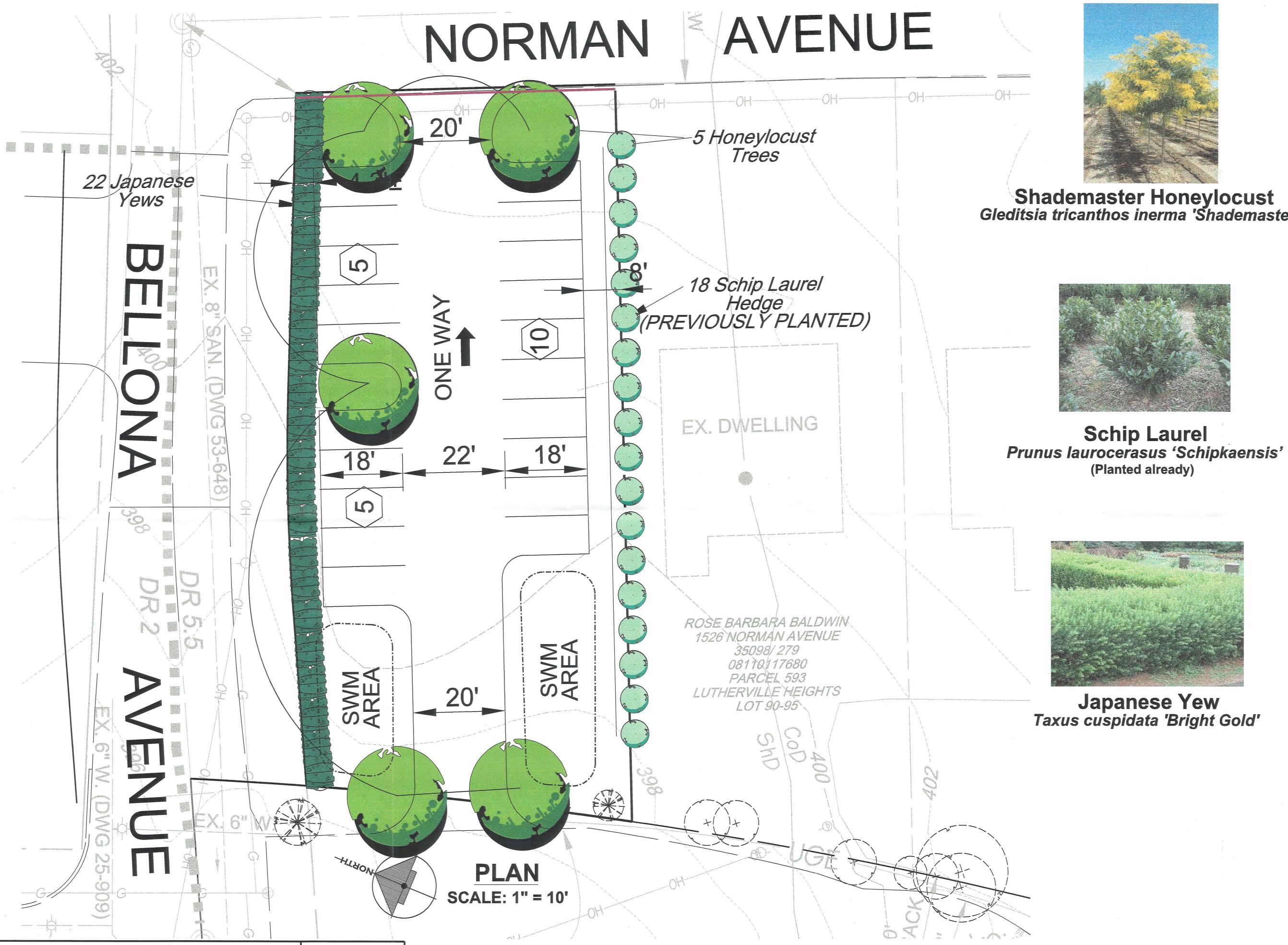


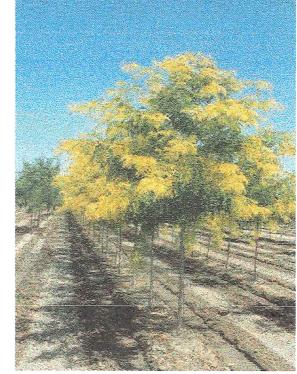




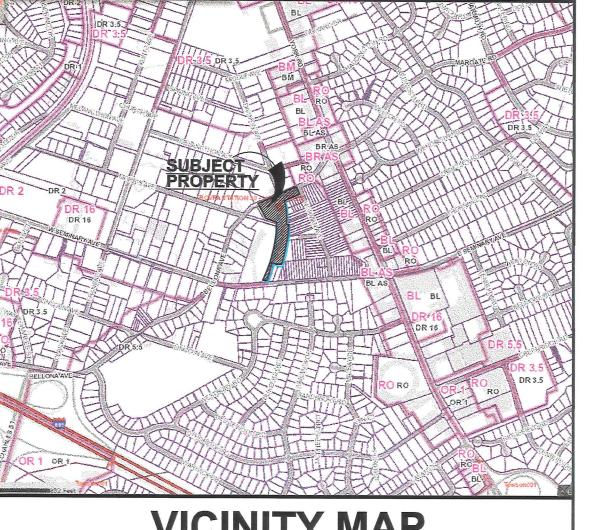








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**VICINITY MAP** 

1" = 1000'

# SITE DATA

OWNER: LUTHERVILLE VOLUNTEER
FIRE CO., INC.
PO BOX 232
LUTHERVILLE MD 21094
PROPERTY ADDRESS: 1528 NORMAN AVENUE
LUTHERVILLE 21093-5517
LUTHERVILLE HEIGHTS

DEED REFERENCE: 35887/268 TAX MAP 60 GRID 24 PARCEL 593 ZONING MAP 060C3 GROSS LOT AREA: ZONED: D.R.5-5 TAX ACCOUNT # 0813015000 EXISTING USE: VACANT LOT PROPOSED USE: PARKING LOT EXISTING BUILDING AREA:
PROPERTY IS NOT LOCATED IN A 100 YEAR FLOODPLAIN
PROPERTY HAS NO WETLAND OR
JURISDICTIONAL ENVIRONMENTAL RESOURCES

TOTAL PARKING SPACES REQUIRED = SPACES PARKING SPACES PROVIDED ON SITE

TOTAL PARKING SPACES PROVIDED = 20 SPACES



(Planted already)

Japanese Yew
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**LUTHERVILLE VOLUNTEER FIRE STATION** 

# CONCEPTUAL LANDSCAPE PLAN

ELECTION DISTRICT 8
BALTIMORE COUNTY
SEPTEMBER 9, 2015
AMENDED: NOVEMBER 2, 2015



LUTHERVILLE VOLUNTEER FIRE CO., INC. PO BOX 232 LUTHERVILLE, MARYLAND 21093

PETITIONER'S EXHIBIT 4

TELE:(410)-321-8444/FAX:(410)-321-1175

**PHILLIPS** 

DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE. DEVELOPMENT CON

