

M E M O R A N D U M

DATE: June 1, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0192-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on May 30, 2016. 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

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(11500 Terrace Dr.) *
11th Election District *
5th Council District *
Allender, L.C., *Legal Owner* *
Ryan Homes, *Contract Purchaser* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0192-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Allender, L.C., legal owner and Ryan Homes, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the 5th Amended Final Development Plan (FDP) for the development known as "5737 Allender Road." In addition, a Petition for Variance seeks to permit a minimum distance of 20 ft. from rear building face to rear property line in lieu of the required 30 ft. for Lot Numbers 25-26; 29-30; 31-32; and 39-43. Site plans were marked and accepted into evidence as Petitioners' Exhibit 1A & 1B.

Appearing at the public hearing in support of the requests was Aaron York and Matt Bishop. David H. Karceski, Esq. and Adam Rosenblatt, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). Conditions will be included in the Order below to address these comments.

ORDER RECEIVED FOR FILING

Date 4/28/16

By Sen

The overall site contains approximately 67 acres and is zoned DR 3.5. The site is improved with a large community of single-family dwellings (SFD), the development of which has been divided into three phases. This is the third and final phase, involving approximately 29 acres of the overall site.

SPECIAL HEARING

The special hearing request seeks to amend the Final Development Plan (FDP) for the project. In fact, this would be the 5th Amended FDP, and as noted earlier approximately two-thirds of this community has been constructed and sold. The amended plan would depict reduced rear yard setbacks for several of the lots in the subdivision. For these lots the builder would offer the purchaser the option of a morning room addition, a "bump-out" which would be positioned off the rear of the home, necessitating the reduced setback requested in the petition for variance. There will be no increase in the number of lots, and the size and designs of the homes offered will remain the same. Petitioners' Ex. 4A-4C (elevation drawings of model homes). Mr. Bishop, a registered landscape architect accepted as an expert, testified (via proffer) Petitioners satisfy the B.C.Z.R. §502.1 standards which are referenced in the FDP amendment regulations at B.C.Z.R. §1B01.3. As such, the petition will be granted.

Petitioners also explained that DEPS is at the present time reviewing a petition for variance involving the forest conservation areas shown at the rear of the lots referenced herein. Mr. Bishop has met with DEPS reviewers, who indicated the variance request would be granted, although it was unclear at the time of the zoning hearing whether the forest conservation easement areas would be reconfigured or whether Petitioners would be required to pay a fee-in-lieu and/or provide additional plantings in connection with the variance. To address either scenario, the Petitioners submitted alternative plans for the same.

ORDER RECEIVED FOR FILING

Date 4/28/16

By den

Amended FDPs (Ex. 6A & 6B). The granting of the special hearing request is therefore deemed to constitute approval of the 5th Amended FDP, whether as shown on Ex. 6A or 6B, depending upon how DEPS resolves the forest conservation variance request.

VARIANCES

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The large tract is irregularly shaped and is bisected by BGE power lines, factors noted in Case # 2013-0236-SPHA wherein Petitioners were previously granted variance relief. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to offer the amenities demanded by buyers in the current market. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED this 28th day of April, **2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve the 5th Amended Final Development Plan (FDP), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a minimum distance of 20 ft. from rear building face to rear property line in lieu of the required 30 ft. for Lot Numbers 25-26; 29-30; 31-32; and 39-43, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

4/28/16

By

sen

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must provide a fence or shrubbery at the rear of the subject lots to prevent encroachment into the forest conservation areas.
3. Petitioners must comply with the ZAC comment submitted by DEPS, a copy of which is attached hereto.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 4/28/16
By slh



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 11500-11542 Autumn Terrace Drive and 5600-5621 Crescent Ridge Drive which is presently zoned DR 3-5

Deed References: 29404/376 (Lots 1-121) 10 Digit Tax Account # See Attached Sheet 1

Property Owner(s) Printed Name(s) Allender, L.C.

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

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

1. **X** a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED SHEET 2

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 3

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

TO BE PRESENTED AT HEARING.

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

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

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

Contract Purchaser/Lessee:

SEE ATTACHED SHEET 4

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print _____

Signature _____

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address _____ City _____ State _____

21204 / 410-494-6285 / dhkarceski@venable.com

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

SEE ATTACHED SHEET 5

Name #1 - Type or Print _____ Name #2 - Type or Print _____

Signature #1 _____ Signature #2 _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print _____

Signature _____

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address _____ City _____ State _____

21204 / 410-494-6285 / dhkarceski@venable.com

Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2016-0192-SPHA Filing Date 2/24/16

Do Not Schedule Dates:

ORDER RECEIVED FOR FILING

REV. 10/4/11
Date 4/28/16

By sen

ALLENDER, L.C.

ATTACHMENT 1

TO PETITION FOR VARIANCE AND SPECIAL HEARING

TAX ACCOUNT #25/2500006836

TAX ACCOUNT #26/2500006837

TAX ACCOUNT #29/2500006840

TAX ACCOUNT #30/2500006841

TAX ACCOUNT #31/2500006842

TAX ACCOUNT #32/2500006843

TAX ACCOUNT #39/2500006850

TAX ACCOUNT #40/2500006851

TAX ACCOUNT #41/2500006852

TAX ACCOUNT #42/2500006853

TAX ACCOUNT #43/2500006854

ALLENDER, L.C.

ATTACHMENT 2

TO PETITION FOR SPECIAL HEARING

1. Special Hearing to approve the 5th Amended Final Development Plan.

ALLENDER, L.C.

ATTACHMENT 3

TO PETITION FOR VARIANCE

1. Variance from BCZR Section 1B01.2.C.1.B to permit a minimum distance of 20 feet from rear building face to rear property line in lieu of the required 30 feet for Lot Numbers 25-26; 29-30; 31-32; 39-43.

ALLENDER, L.C.

ATTACHMENT 4

TO PETITION FOR VARIANCE AND SPECIAL HEARING

Contract Purchaser:

Ryan Homes Baltimore North Division
8019 Corporate Drive, Suite A
Baltimore MD 21236
Phone: 410.931.6833

By:



Aaron York

Title: Vice President | Division Manager

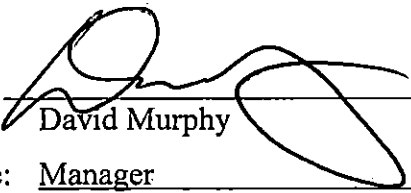
ALLENDER, L.C.

ATTACHMENT 5

TO PETITION FOR VARIANCE AND SPECIAL HEARING

Legal Owners (Petitioners):

Allender, L.C.
5074 Dorsey Hall Drive, Suite 205
Ellicott City, MD 21042
Phone: 410-720-3021

By: 
David Murphy
Title: Manager

Zoning Description To Accompany Petition for Variance Request

Beginning at a point located on the north side of Autumn Terrace Drive which is 40' wide at the distance of approximately 709' West of the centerline of Crescent Ridge Drive and Autumn Terrace Drive **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

South 37 degrees 41 minutes 20 seconds East, 365.29' to a point; South 62 degrees 23 minutes 08 seconds West, 462.50' to a point; South 25 degrees 05 minutes 00 seconds West, 569.33' to a point; South 24 degrees 56 minutes 59 seconds West, 242.16' to a point; South 11 degrees 53 minutes 59 seconds West, 988.81' to a point; South 01 degrees 17 minutes 40 seconds West, 30.37' to a point; an arc with a radius of 5783.65' and length of 1194.69' to a point; North 51 degrees 43 minutes 54 seconds West, 76.58' to a point; an arc with a radius of 5854.65' and length of 325.43' to a point; an arc with a radius of 5854.65' and length of 193.46' to a point; North 04 degrees 43 minutes 49 seconds East, 146.71' to a point; North 17 degrees 17 minutes 24 seconds East, 40.03' to a point; North 19 degrees 26 minutes 15 seconds East, 120.00' to a point; South 70 degrees 33 minutes 45 seconds East, 60.00' to a point; North 50 degrees 59 minutes 32 seconds East, 30.28' to a point; North 36 degrees 11 minutes 27 seconds East, 128.96' to a point; South 25 degrees 50 minutes 01 seconds East, 40.71' to a point; and place of beginning.

Containing an area of 1,259,847 square feet or 28.92 acres of land, more or less and being located in the Eleventh Election District of Baltimore County Maryland.



2016-0192-SPHA



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 4072961

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:

Apr 05, 2016

The Baltimore Sun Media Group

By S. Wilkinson

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: # 2016-0192-SPHA

11500-11542 Autumn Terrace Drive, 5600-5621 Crescent Ridge Drive
N/s Autumn Terrace Drive, 709 ft. W/of centerline of Crescent Ridge Drive
11th Election District - 5th Councilmanic District
Legal Owner(s) Allender, L.C.
Contract Purchaser/Lessee: Ryan Homes Baltimore North Division

SPECIAL HEARING: to approve the 5th Amended Final Development Plan. **VARIANCE:** to permit a minimum distance of 20 ft. from rear building face to rear property line in lieu of the required 30 ft. for Lot Numbers 25, 26, 29, 30, 31, 32: 39-43.

Hearing: Monday, April 25, 2016 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 4/606 April 5 4072961

CERTIFICATE OF POSTING

2016-0192-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Allender, LLC.

Ryan Homes Baltimore North Division

April 25, 2016

Date of Hearing/Closing: _____

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: _____

11500-11542 Autumn Terrace Drive, 5600-5621 Crescent Ridge Drive

April 5, 2016

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



Sincerely,

April 5, 2016

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

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

March 14, 2016

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: 2016-0192-SPHA

11500-11542 Autumn Terrace Drive, 5600-5621 Crescent Ridge Drive
N/s Autumn Terrace Drive, 709 ft. W/of centerline of Crescent Ridge Drive
11th Election District – 5th Councilmanic District
Legal Owners: Allender, L.C.
Contract Purchaser/Lessee: Ryan Homes Baltimore North Division

Special Hearing to approve the 5th Amended Final Development Plan. Variance to permit a minimum distance of 20 ft. from rear building face to rear property line in lieu of the required 30 ft. for Lot Numbers 25, 26, 29, 30, 31, 32; 39-43.

Hearing: Monday, April 25, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Aaron York, 8019 Corporate Drive, Ste. A, Baltimore 21236
David Murphy, 5074 Dorsey Hall Drive, Ste. 205, Ellicott City 21042

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 5, 2016**
- (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, April 5, 2016 Issue - Jeffersonian

Please forward billing to:

Adam Rosenblatt

410-494-6200

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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: 2016-0192-SPHA

11500-11542 Autumn Terrace Drive, 5600-5621 Crescent Ridge Drive

N/s Autumn Terrace Drive, 709 ft. W/of centerline of Crescent Ridge Drive

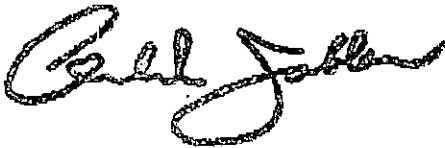
11th Election District – 5th Councilmanic District

Legal Owners: Allender, L.C.

Contract Purchaser/Lessee: Ryan Homes Baltimore North Division

Special Hearing to approve the 5th Amended Final Development Plan. Variance to permit a minimum distance of 20 ft. from rear building face to rear property line in lieu of the required 30 ft. for Lot Numbers 25, 26, 29, 30, 31,32; 39-43.

Hearing: Monday, April 25, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
11500-11542 Autumn Terrace Drive & * OF ADMINISTRATIVE
5600-5621 Crescent Ridge Drive; N/S Autumn HEARINGS FOR
Terrace Drive, 709' W of Crescent Ridge Drive*
11th Election & 5th Councilmanic Districts
Legal Owner(s): Allender L C * BALTIMORE COUNTY
Contract Purchaser(s): Ryan Homes Baltimore
North Division * 2016-192-SPHA

Petitioner(s)

* * * * *

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

MAR 02 2016

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 2nd day of March, 2016, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 2016-0192-SPH A

Petitioner: Altender LC

Address or Location: 11500 - 11542 Autumn Terrace Drive 5600 - 5621
Crest
Ridge Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adam Rosenblatt

Address: Verable LLP
210 N. Pennsylvania Ave Suite 500
Towson MD

Telephone Number: 410 494 6200

No. 135711
Date: 2/24/16

BUSINESS	ACTUAL	TIME	DNM
2/24/2016	2/24/2016	11:17:23	3

REC 0003 WALKIN CHET CAN
 RECEIPT # 107159 2/24/2015 GLN

Receipt Tot \$1,000.00
 \$1,000.00 CK \$1.00 CA
 Baltimore County, Maryland

[illegible]

Total:

VENABLE

For:

11500-11542 AUTUMN TERRACE
5600-5621 CRESCENT RIDGE DR
2016-0192-SPHA

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

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

April 20, 2016

Allender, L C
David Murphy
5074 Dorsey Hall Drive, Suite 205
Ellicott City MD 21042

RE: Case Number: 2016-0192 SPHA, Address: 11500-11542 Autumn Terrace Drive
5600-5621 Crescent Ridge Drive

Dear Mr. Murphy:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 24, 2016. 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." The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Aaron York, Ryan Homes Baltimore North Division, 8019 Corporate Drive, Suite A
Baltimore MD 21236
David H Karceski, 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: 2/29/16

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

RE: Baltimore County
Item No. 2016-0192-SPHA
Special Hearing Variance
Ailender LC
11500-11542 11500 Terrace Drive

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. 2016-0192-SPHA

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,

A handwritten signature in blue ink that reads "Richard W. Peake".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

JB 4-25
1:30 PM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: April 21, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

APR 22 2016

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-192

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 11500 – 11542 Autumn Terrace Drive and 5600 – 5621 Crescent Ridge Drive
Petitioner: Allender, L.C.
Zoning: DR 3.5
Requested Action: Special Hearing and Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the 5th amendment to the Final Development Plan for 5737 Allender Road pursuant to Section 1B01.3.7.b (1) of the Baltimore County Zoning Regulations.

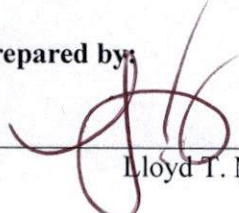
The Department has also reviewed the petition for a variance to permit a minimum distance of 20 feet from rear building face to rear property line for lot numbers 25-26, 29-30, 31-32 and 39-43 in lieu of the required 30 feet.

The Department has no objections to granting the petitioned zoning relief. The Department further determines that the 5th amended plan is in accord with the provisions of the Comprehensive Manual of Development Policies and with the applicable specific standards and requirements of Article 1B of said zoning regulations and has no objection to the plan amendment.

Please be advised that through this hearing the petitioner should also address the open projection requirements of BCZR Section 301-1 for the lots listed above to allow for an minimum 10' open projection at the rear of the proposed dwellings without the need for the individual homeowners to seek further variance relief.

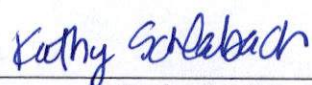
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: David H. Karceski, Esquire
Ngone Seye Diop
Office of the Administrative Hearings
People's Counsel for Baltimore County

4-25

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 07 2016

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: March 2, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0192-SPHA
Address 11500-11542 Terrace Drive
(Allender Property)

Zoning Advisory Committee Meeting of March 7, 2016.

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

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

Additional Comments:

A minimum 35-foot setback from the Forest Conservation Easement is required. Any reduction of the Forest Conservation Easement setback will require a variance from the Baltimore County Department of Environmental Protection and Sustainability (EPS). EPS may be contacted at (410) 887-3980 for more information.

Reviewer: *Regina Esslinger – Environmental Impact Review*

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 7, 2016
Item No. 2016-0192

DATE: March 1, 2016

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

Fencing should be placed along the rears of lots to prevent encroachment onto Forest Conservations Areas.

*

*

*

*

*

*

DAK:CEN
cc:file

ZAC-ITEM NO 16-0192- 03072016.doc

JB 4-25-16
1:30 PM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: April 21, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

APR 21 2016

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-192

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 11500 – 11542 Autumn Terrace Drive and 5600 – 5621 Crescent Ridge Drive
Petitioner: Allender, L.C.
Zoning: DR 3.5
Requested Action: Special Hearing and Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the 5th amendment to the Final Development Plan for 5737 Allender Road pursuant to Section 1B01.3.7.b (1) of the Baltimore County Zoning Regulations.

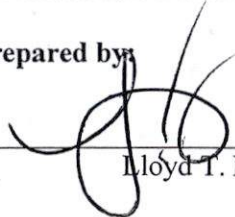
The Department has also reviewed the petition for a variance to permit a minimum distance of 20 feet from rear building face to rear property line for lot numbers 25-26, 29-30, 31-32 and 39-43 in lieu of the required 30 feet.

The Department has no objections to granting the petitioned zoning relief. The Department further determines that the 5th amended plan is in accord with the provisions of the Comprehensive Manual of Development Policies and with the applicable specific standards and requirements of Article 1B of said zoning regulations and has no objection to the plan amendment.

Please be advised that through this hearing the petitioner should also address the open projection requirements of BCZR Section 301-1 for the lots listed above to allow for an minimum 10' open projection at the rear of the proposed dwellings without the need for the individual homeowners to seek further variance relief.

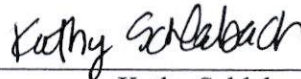
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: David H. Karceski, Esquire
Ngone Seye Diop
Office of the Administrative Hearings
People's Counsel for Baltimore County

4-25

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 07 2016

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: March 2, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0192-SPHA
Address 11500-11542 Terrace Drive
(Allender Property)

Zoning Advisory Committee Meeting of March 7, 2016.

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

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

Additional Comments:

A minimum 35-foot setback from the Forest Conservation Easement is required. Any reduction of the Forest Conservation Easement setback will require a variance from the Baltimore County Department of Environmental Protection and Sustainability (EPS). EPS may be contacted at (410) 887-3980 for more information.

Reviewer: Regina Esslinger – Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 4/28/16

By sen

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 02 2016



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

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Reviewer: *Regina Esslinger – Environmental Impact Review*

BALTIMORE COUNTY, MARYLAND

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TO: Arnold Jablon
Deputy Administrative Officer and
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DATE: April 21, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

APR 21 2016

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Case Number: 16-192

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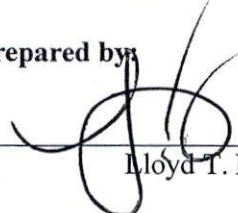
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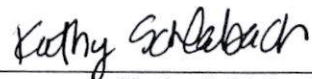
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: David H. Karceski, Esquire
Ngone Seye Diop
Office of the Administrative Hearings
People's Counsel for Baltimore County

CASE NAME Account Tolerance/Crossant
CASE NUMBER 16-192 A R.DEG
DATE 4/25/16

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3/25/01

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C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3/1</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>3/2</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
<u>4/21</u>	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>2/29</u>	STATE HIGHWAY ADMINISTRATION TRAFFIC ENGINEERING	<u>no Obj</u>
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>4/5/16</u>	
SIGN POSTING	Date: <u>4/5/16</u> by <u>SSG Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

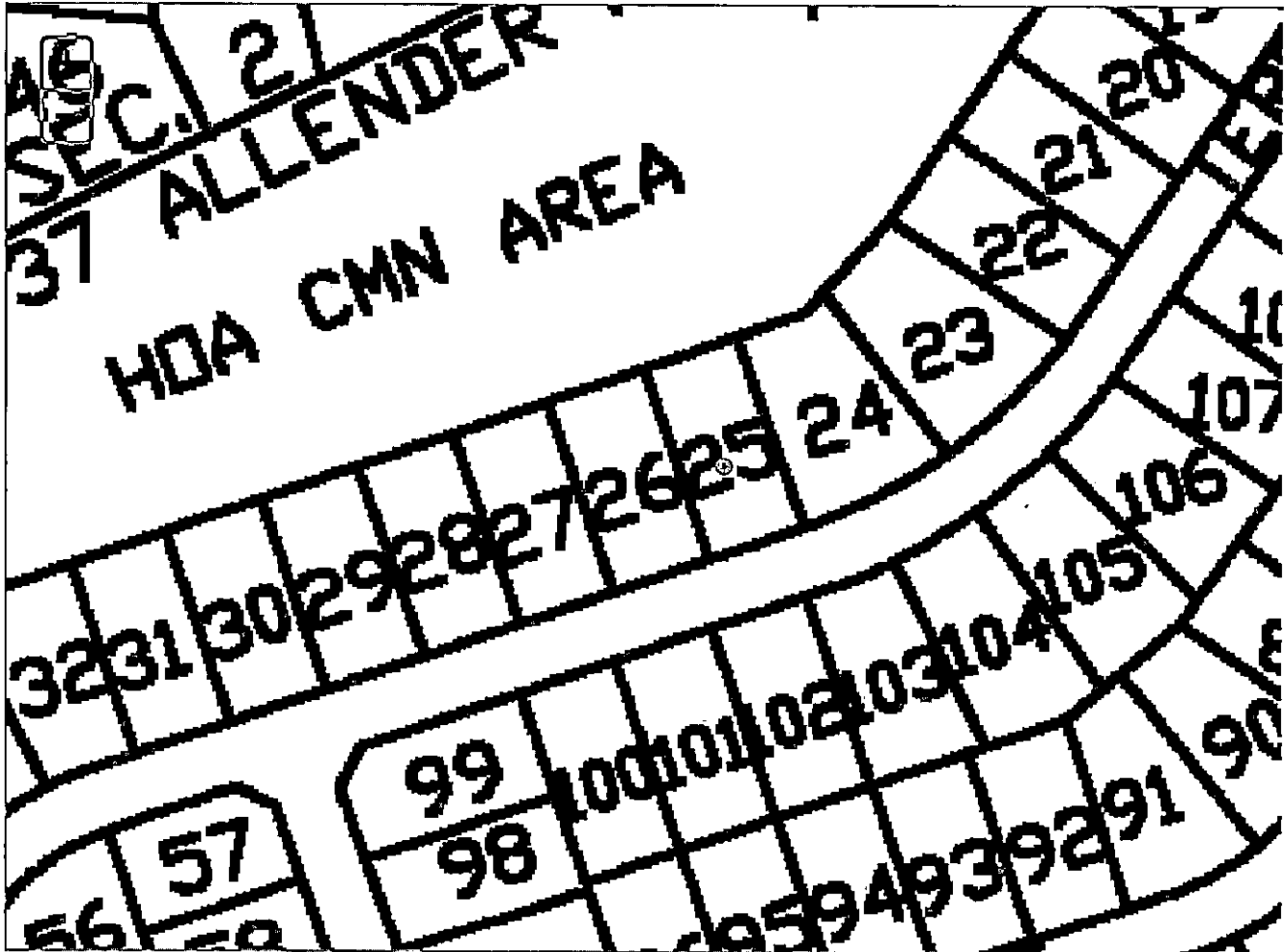
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 2500006836			
Owner Information					
Owner Name:		NVR INC		Use: RESIDENTIAL	
Mailing Address:		STE A 8019 CORPORATE DR BALTIMORE MD 21236-		Principal Residence: NO Deed Reference: /37315/ 00336	
Location & Structure Information					
Premises Address:		11540 AUTUMN TERRACE DR 0-0000		Legal Description: .158 AC PHASE 3 11540 AUTUMN TERR DR NS 5737 ALLENDER ROAD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0079/0064
0073	0008	0025		0000	25 2015
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
				Property Land Area 6,882 SF	
				County Use 04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value		Value As of 01/01/2015	
				Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		64,300		64,300	
Improvements		0		0	
Total:		64,300		64,300	
Preferential Land:		0		64,300 0	
Transfer Information					
Seller: ALLENDER L C		Date: 03/25/2016		Price: \$385,129	
Type: ARMS LENGTH MULTIPLE		Deed1: /37315/ 00336		Deed2:	
Seller: OPERATING ENGINEERS LOCAL UNION		Date: 04/27/2010		Price: \$16,000,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /29404/ 00376		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2015 07/01/2016	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00 0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

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

District: 11 Account Number: 2500006836



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>).

Real Property Data Search (w3)

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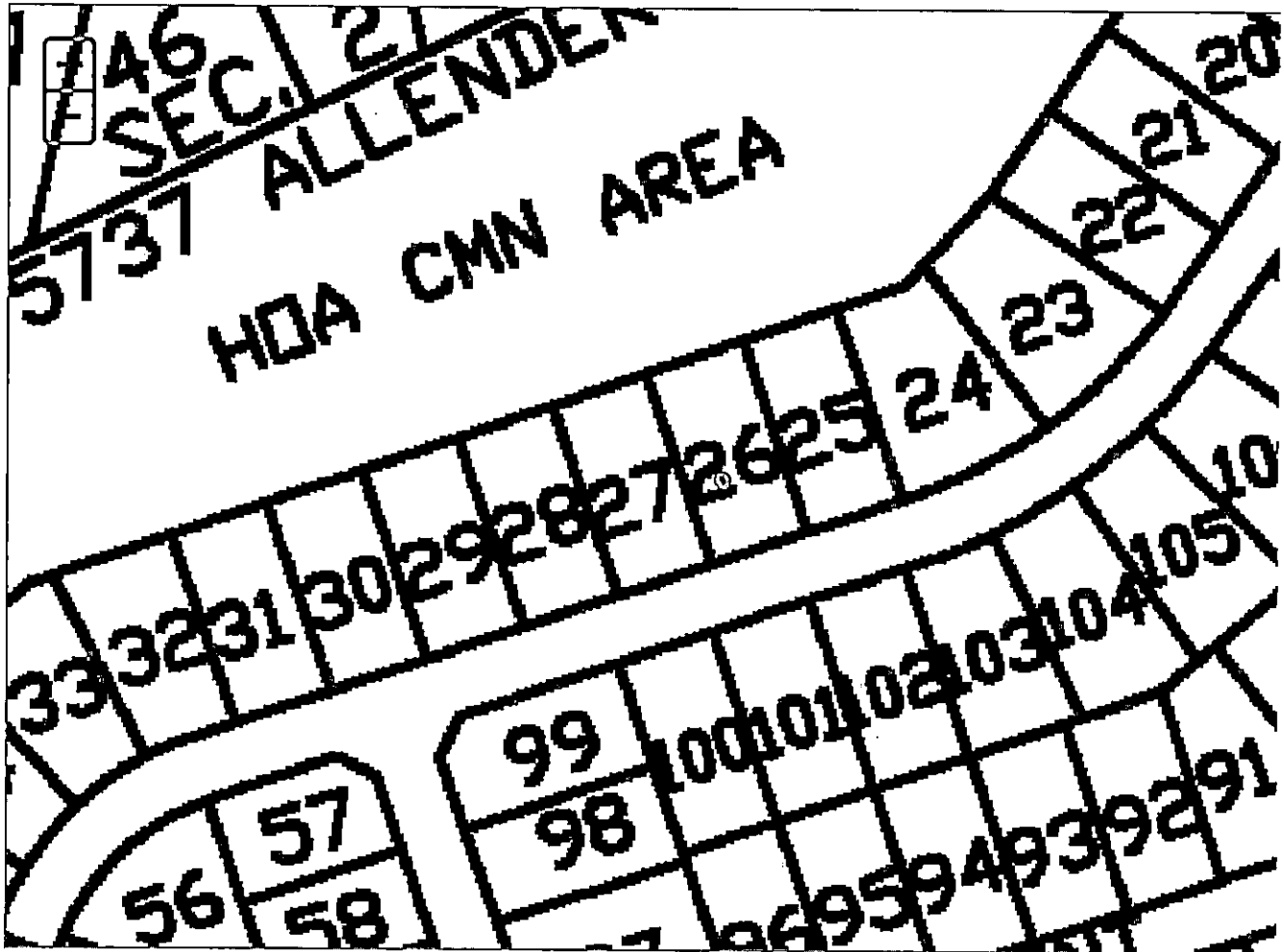
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 2500006837			
Owner Information					
Owner Name:	ALLENDER L C		Use:	RESIDENTIAL	
Mailing Address:	STE 240 1355 BEVERLY RD MCLEAN VA 22101-3649		Principal Residence:	NO	
			Deed Reference:	/29404/ 00376	
Location & Structure Information					
Premises Address:		11538 AUTUMN TERRACE DR 0-0000		Legal Description:	.158 AC PHASE 3 11538 AUTUMN TERR DR NS 5737 ALLENDER ROAD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0073	0008	0025		0000	26 2015 0079/0064
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			6,882 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		64,300	64,300		
Improvements		0	0		
Total:		64,300	64,300	64,300	64,300
Preferential Land:		0			0
Transfer Information					
Seller: OPERATING ENGINEERS LOCAL UNION		Date: 04/27/2010		Price: \$16,000,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /29404/ 00376		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

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Case No.:

2016-192-SPHA

Exhibit Sheet

4-28-16
Sen

Petitioner/Developer

192
6-1-16

Protestants

No. 1	Site plan 1A IB	
No. 2	Bishop CV	
No. 3	Aerial photo	
No. 4	HA-4C elevations of home models	
No. 5	DOP ZAC comment	
No. 6	6A 6B	5 th Amended FDPs
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

**MATTHEW A. BISHOP, PLA,
LEED AP**

Associate

PROJECT ASSIGNMENT:

Expert Witness, Landscape Architect

YEARS OF EXPERIENCE:

MRA: 9
Other Firms: 5

EDUCATION:

B.S. Landscape Architecture / 2001 /
University of Connecticut
M.S. Plant Science / 2005 / University
of Connecticut

ACTIVE REGISTRATION:

Landscape Architect:
Maryland, 2006, #3365
North Dakota, 2013, #80

L.E.E.D. Accredited Professional
(2008)

PROFESSIONAL AFFILIATIONS:

American Society of Landscape
Architects (ASLA)
U.S. Green Building Council
(USGBC), Maryland Chapter
Homebuilders Association of
Maryland, Baltimore County
Chapter

QUALIFICATIONS:

Mr. Bishop is an Associate with MRA's Towson office. His experience includes a variety of projects ranging in scale from site specific to regional planning including streetscapes, neighborhood parks, mixed-use and residential development. The scope of Mr. Bishop's project involvement includes site analysis through construction documents; applications and permitting; graphic renderings; grading; and cost estimating. His experience also includes working with various government agencies, private interest groups, and project related consultants including: architects; civil engineers; traffic engineers; and City, State, and County environmental and planning agencies.

Sample projects managed by Mr. Bishop include the following:

Firestone Auto Care Center, Baltimore County, Maryland - Located in Perry Hall on the east side of Belair Road, this commercial auto care facility included 5,000 sf of service and retail space with associated parking, signage, and landscape improvements. Served as project manager in the preparation of all Baltimore County required plans including a Special Exception Plan, Development Plan, Grading Plan, Site Plan, ESC Plan, Utility Plans, and Landscape Plans. Served as expert witness at the Special Exception hearing.

Gunpowder Overlook, Baltimore County, Maryland - Located in Perry Hall on the east side of Belair Road, this residential community includes 48 single family detached residential homes with associated open space, stormwater management facilities, environmental conservation areas, public roads and utilities. Served as project manager in the preparation of Concept Plans, a Development Plan, a Pattern Book, and coordination of a Community Input Meeting. Provided expert witness testimony at the Administrative Law Judge Hearing.

5737 Allender Road, Baltimore County, Maryland - Located on the east side of Baltimore County in White Marsh this development incorporates 121 homes situated around an extensive network of community open spaces. Served as project landscape architect in the design and preparation of planning related design products including Concept Plan, Development Plan, Pattern Book, and Final Development Plan. Also provided expert witness testimony for a Variance hearing to reduce side and rear yard building setbacks.

Red Lion Farm, Baltimore County, Maryland - Located on the east side of Baltimore County in White Marsh this development incorporates 61 homes. Provided expert witness testimony for a variance hearing to reduce rear yard building setbacks.

Windlass Run, Baltimore County, Maryland - Located on the east side of Baltimore County south of White Marsh Boulevard this Planned Unit Development incorporates 424 homes situated around an extensive network of community open spaces including a clubhouse, pool, and children's play equipment. Served as project landscape architect in the design and preparation of planning related design products including Concept Plan, Development Plan, Pattern Book, and Final Development Plan. Also designed and prepared detailed landscape architecture related design products including Active Open Space areas, Passive Open Space areas, Entry features, and Club house/pool area.

Towson Manor, Towson, Maryland - Located south of downtown Towson, on the east side of York Road, this Planned Unit Development incorporates 109 townhouses and an assisted living facility on ±8.22 acres. The project is a redevelopment of an existing single family residential community which had fallen into disrepair. Served as project



**MORRIS & RITCHIE
ASSOCIATES, INC.**

PETITIONER'S

C:\USERS\MBISHOP\

EXHIBIT NO.

2

landscape architect in the design and preparation of Baltimore County required Concept Plan, Development Plan, Pattern Book, Final Development Plan, Grading Plan, Landscape Plan / Cost Estimates, and Stormwater Management Plan. Also designed and prepared landscape construction drawings for a highly visible centrally located Bio-Retention facility that will be used not only as a functional stormwater treatment facility but also as a visually appealing community open space. The design incorporated native plant species chosen for both functional and aesthetic qualities while also meeting the strict specifications of Baltimore County DEPS and the Maryland Stormwater Design Manual



Milan

PETITIONER'S

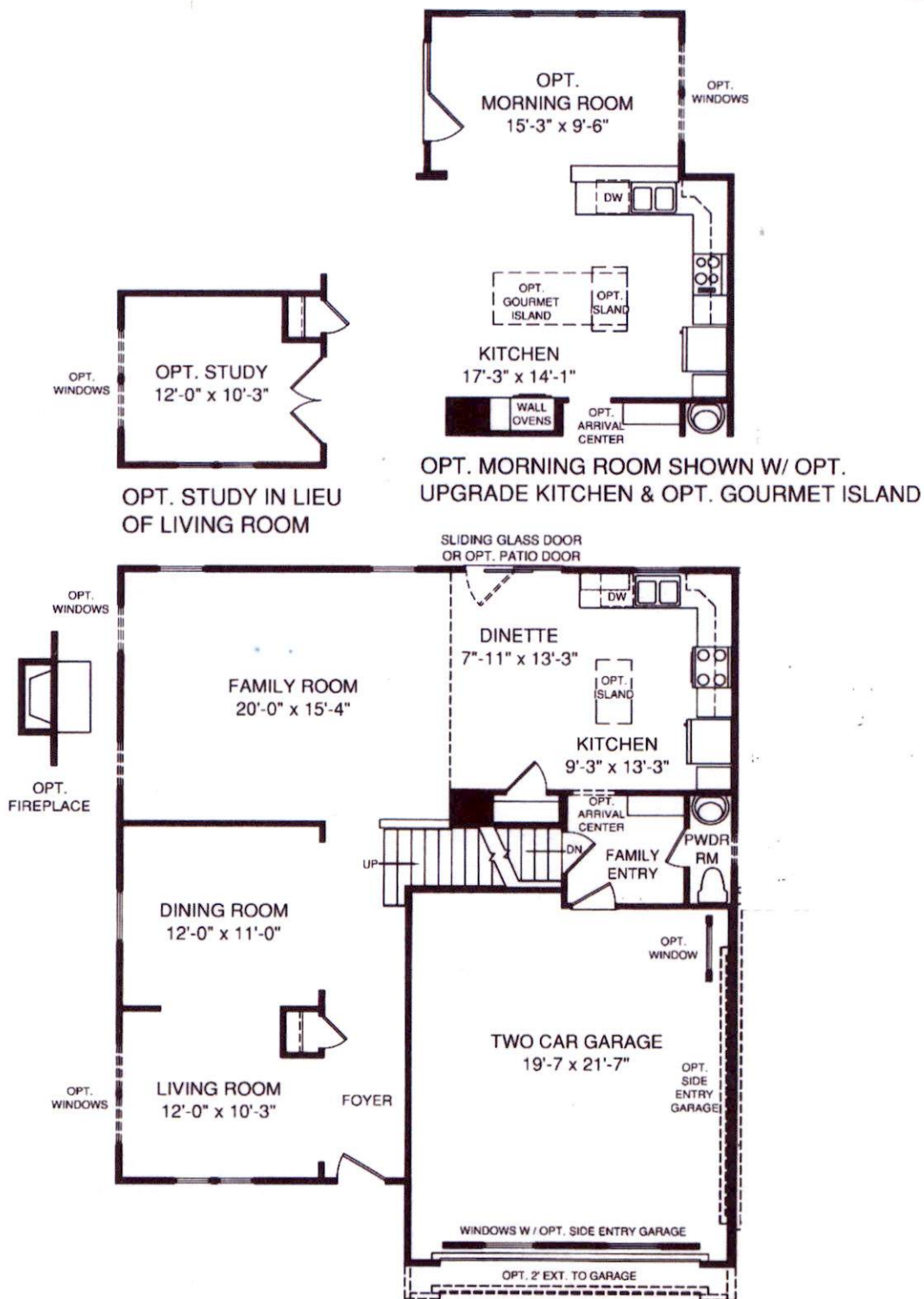
EXHIBIT NO.

4A

an
Homes

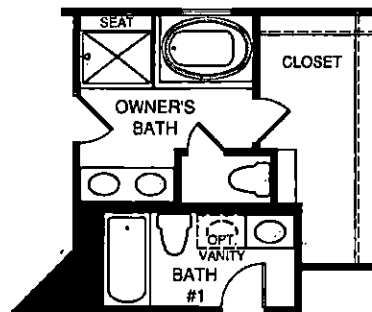
Milan

MAIN LEVEL



Although all illustrations and specifications are believed correct at the time of publication, the right is reserved to make changes, without notice or obligation. Windows, doors, ceilings, and room sizes may vary depending on the options and elevations selected. Optional items indicated are available at additional cost. This brochure is for illustrative purposes only and not part of a legal contract. It is recommended that the architectural blueprints be reserved for further clarification of features. Not all features are shown. Please ask our Sales and Marketing Representative for complete information.

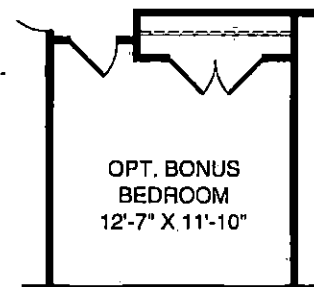
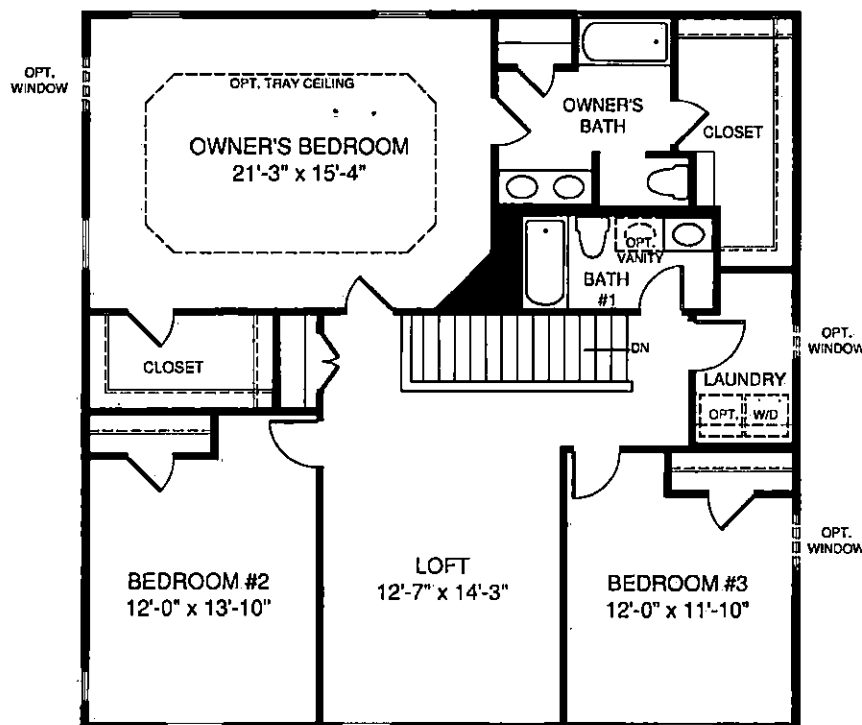
UPPER LEVEL



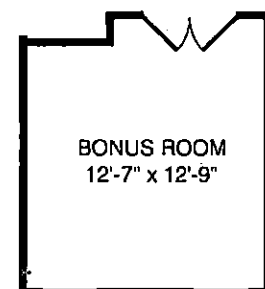
OPT. ALT. OWNER'S BATH



OPT. OWNER'S BATH W/ SHOWER

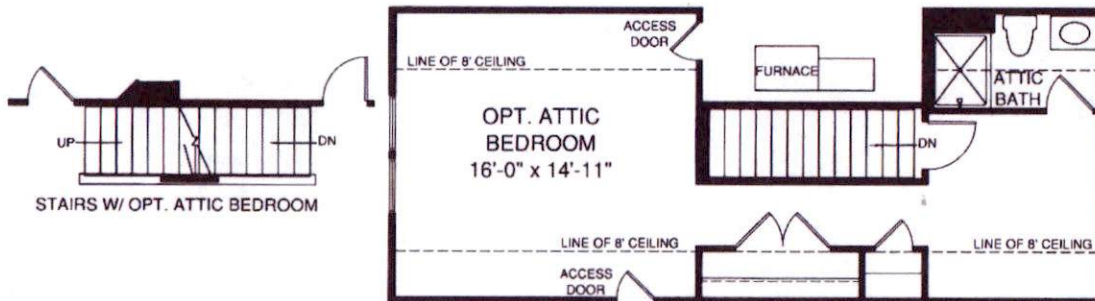


OPT. BONUS BEDROOM

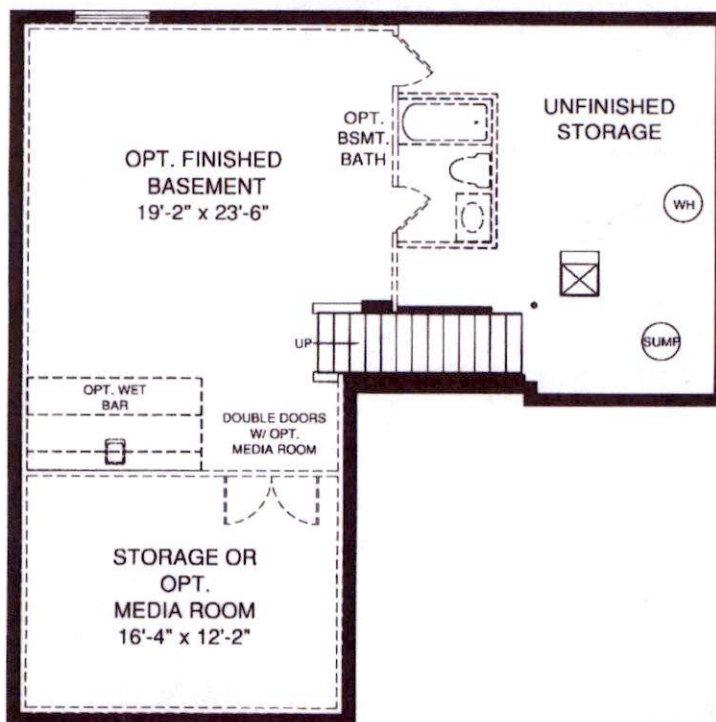
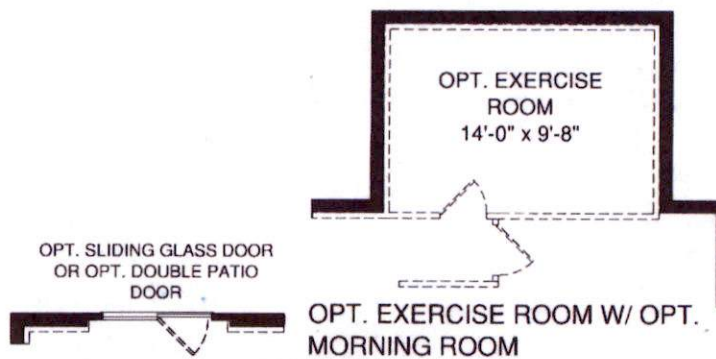


OPT. BONUS ROOM

ATTIC & LOWER LEVEL



OPT. ATTIC BEDROOM



Ryan
Homes



Torino

PETITIONER'S

EXHIBIT NO.

4B

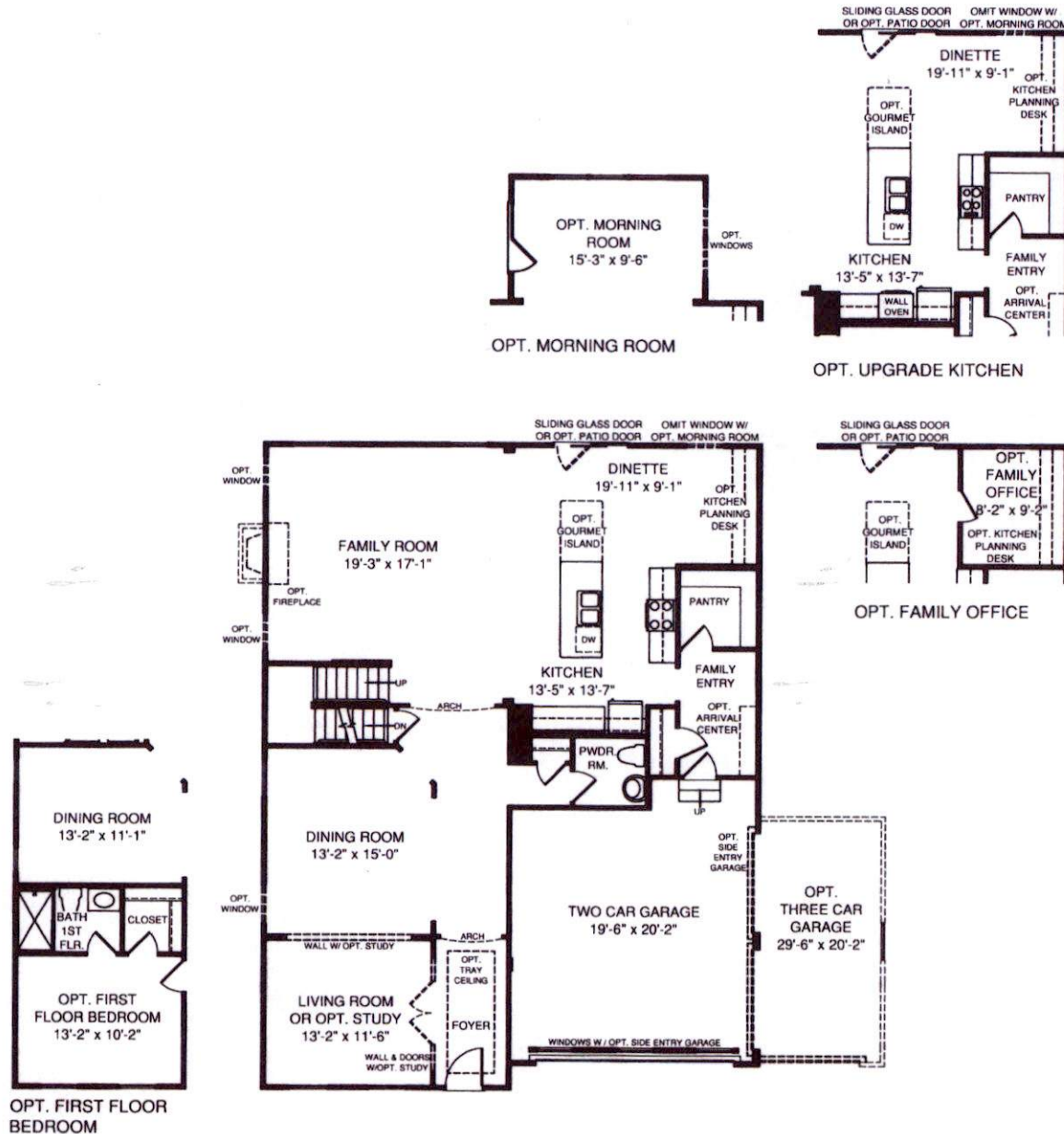
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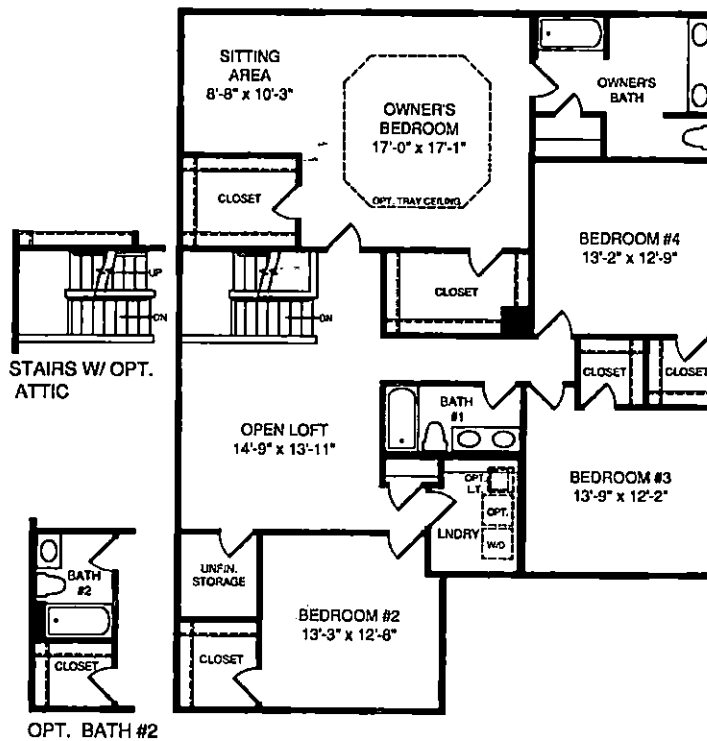
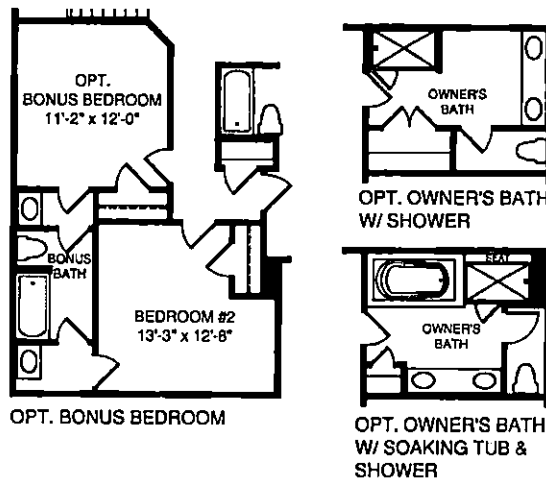
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MAIN LEVEL

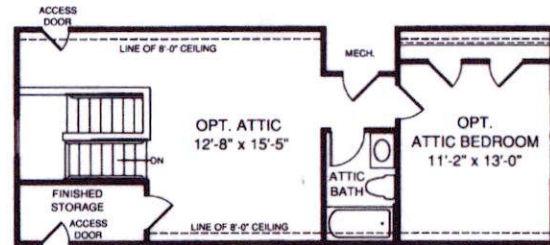
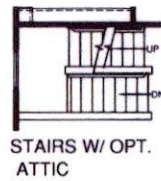


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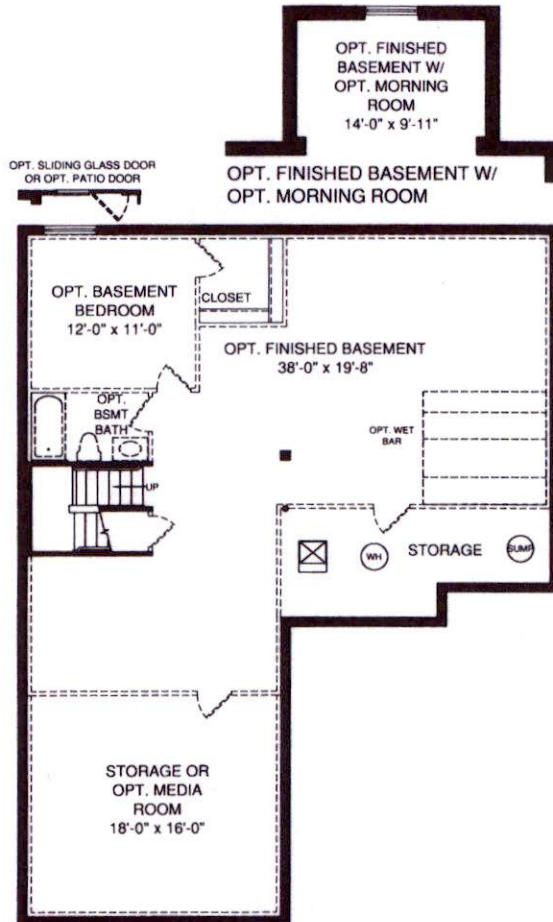
UPPER LEVEL



LOWER / OPT. ATTIC LEVEL



OPT. ATTIC W/ OPT. ATTIC BEDROOM



Ryan
Homes

FLOOR PLAN



Rome

PETITIONER'S

EXHIBIT NO.

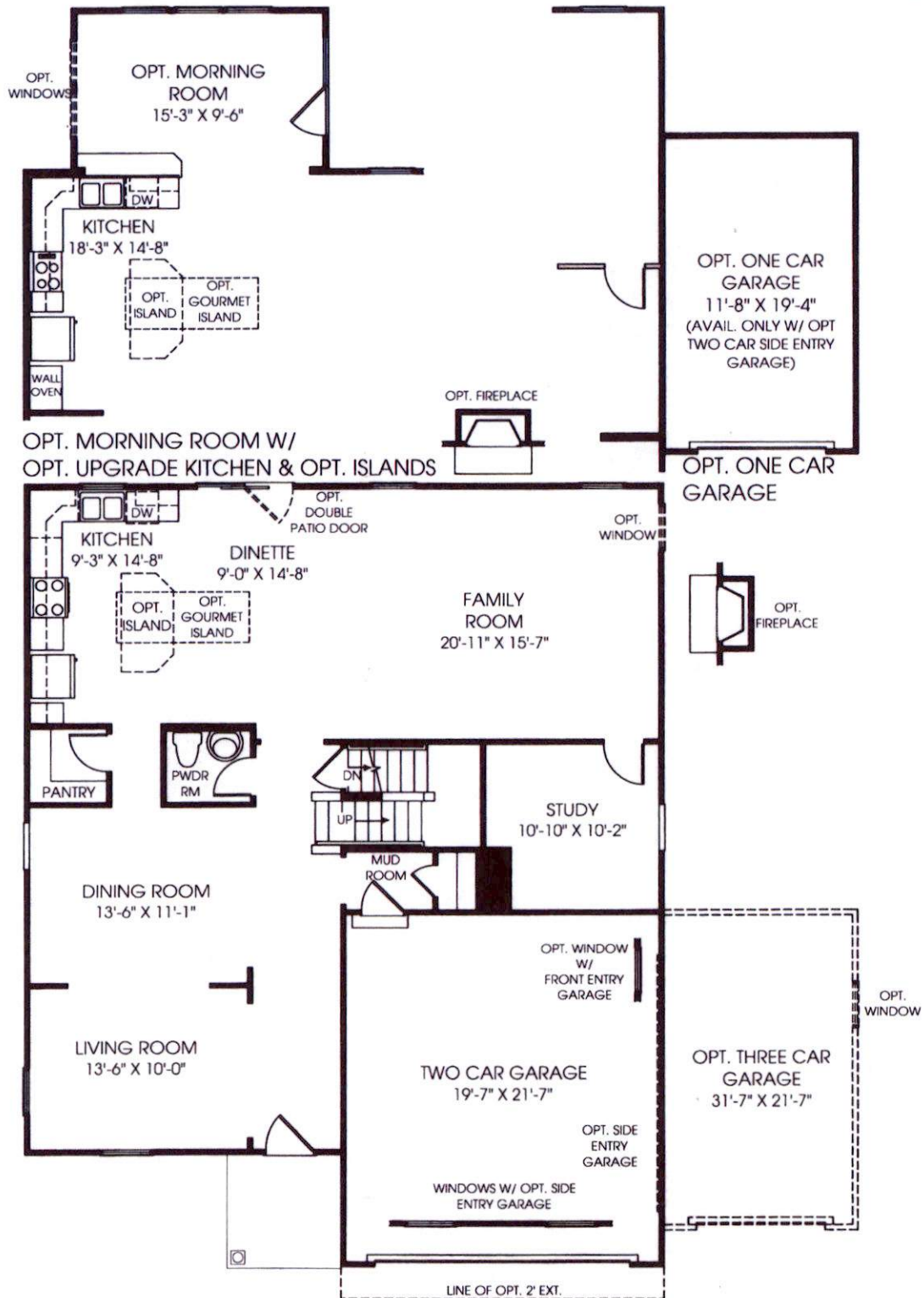
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homes



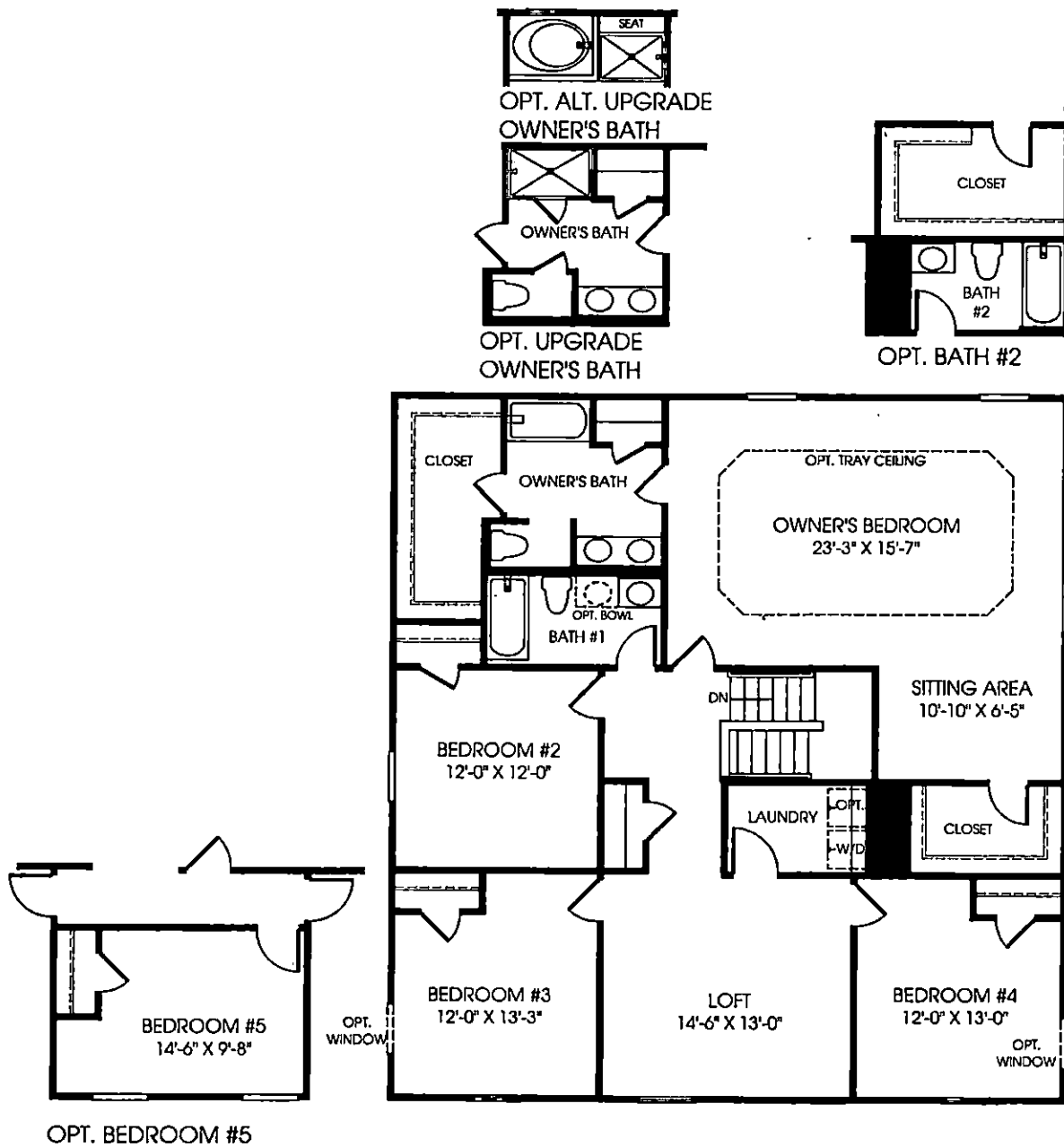
Rome

MAIN LEVEL

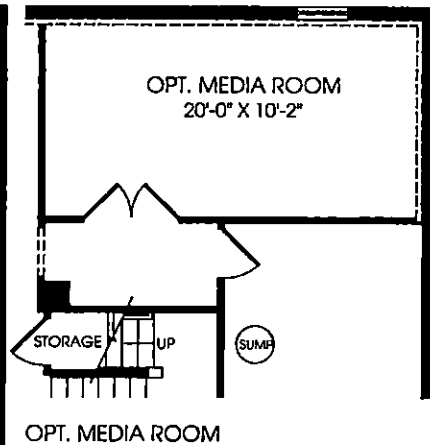
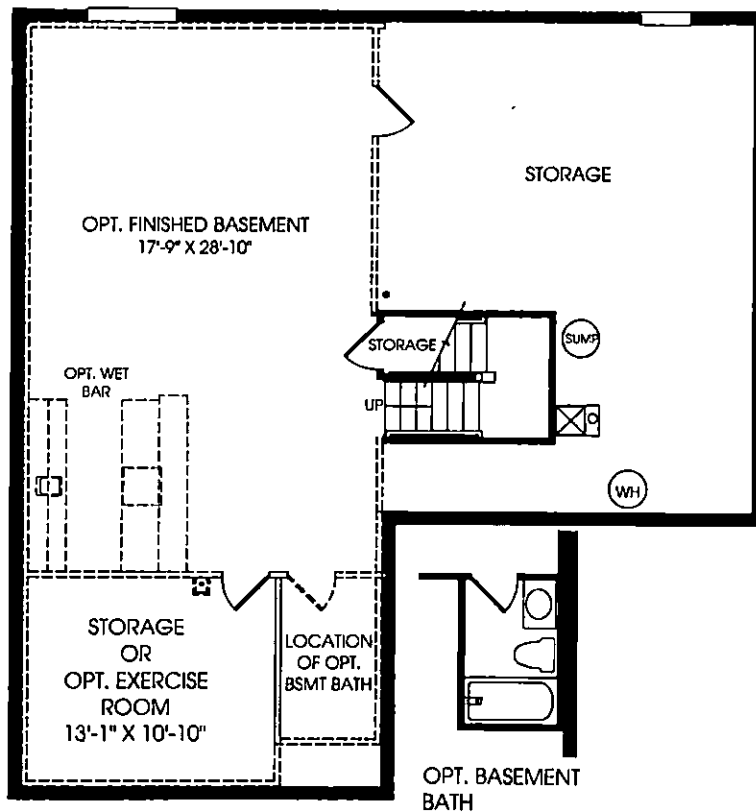
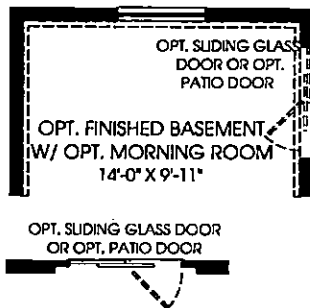
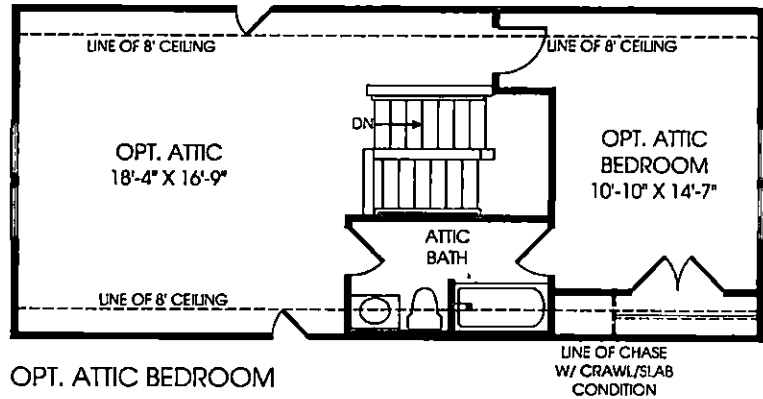


Although all illustrations and specifications are believed correct at the time of publication, the right is reserved to make changes, without notice or obligation. Windows, doors, ceilings, and room sizes may vary depending on the options and elevations selected. Optional items indicated are available at additional cost. This brochure is for illustrative purposes only and not part of a legal contract. It is recommended that the architectural blueprints be reserved for further clarification of features. Not all features are shown. Please ask our Sales and Marketing Representative for complete information.

UPPER LEVEL



OPT. ATTIC / LOWER LEVEL



Ryan
Homes

JB 4-25
1:30 PM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: April 21, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-192

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 11500 – 11542 Autumn Terrace Drive and 5600 – 5621 Crescent Ridge Drive
Petitioner: Allender, L.C.
Zoning: DR 3.5
Requested Action: Special Hearing and Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the 5th amendment to the Final Development Plan for 5737 Allender Road pursuant to Section 1B01.3.7.b (1) of the Baltimore County Zoning Regulations.

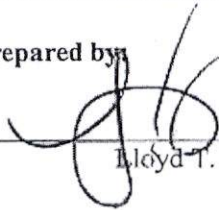
The Department has also reviewed the petition for a variance to permit a minimum distance of 20 feet from rear building face to rear property line for lot numbers 25-26, 29-30, 31-32 and 39-43 in lieu of the required 30 feet.

The Department has no objections to granting the petitioned zoning relief. The Department further determines that the 5th amended plan is in accord with the provisions of the Comprehensive Manual of Development Policies and with the applicable specific standards and requirements of Article 1B of said zoning regulations and has no objection to the plan amendment.

Please be advised that through this hearing the petitioner should also address the open projection requirements of BCZR Section 301-1 for the lots listed above to allow for an minimum 10' open projection at the rear of the proposed dwellings without the need for the individual homeowners to seek further variance relief.

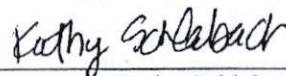
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

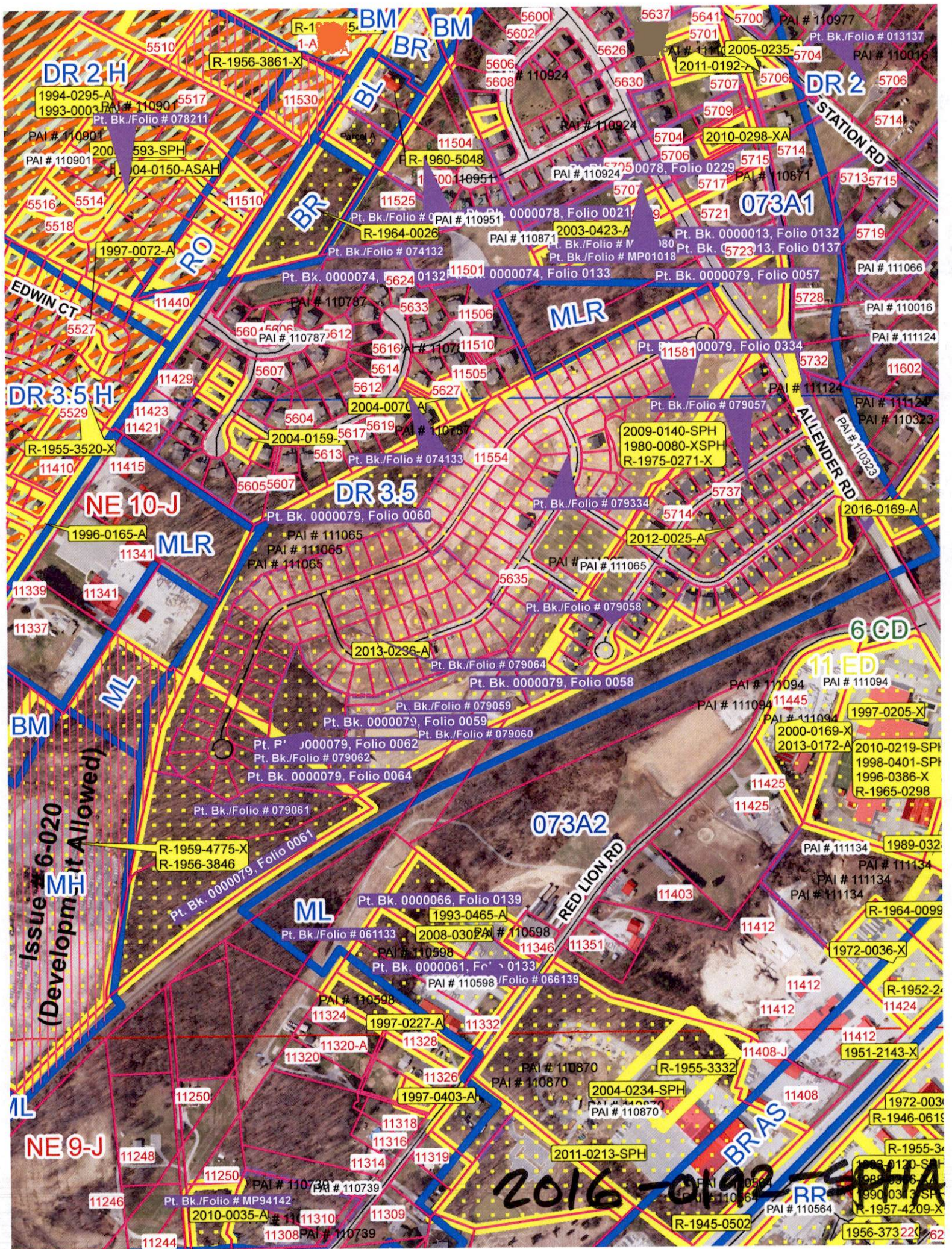
c: David H. Karceski, Esquire
Ngone Seye Diop
Office of the Administrative Hearings
People's Counsel for Baltimore County

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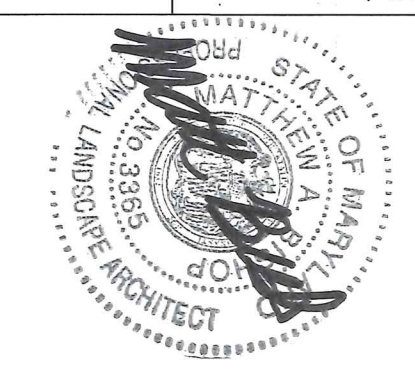
PETITIONER'S

EXHIBIT NO.

5



442-3910-2133



REASON FOR 4TH AMENDMENT - 07/13/2015

REVISED LAYOUT, GRADES, AND UTILITIES OF CUL-DE-SAC ON AUTUMN TERRACE DRIVE.
ADJUSTED UTILITY ALIGNMENT & EASEMENTS BEHIND LOTS 50-61.
NOTE: NO HOMES HAVE BEEN SOLD WITHIN 300' OF THE PLAN CHANGES SHOWN ON THIS 4TH AMENDED FOP.



REASON FOR 3RD AMENDMENT - 10/29/2013

TO AMEND THE FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH THE APPROVED ZONING HEARING CASE NUMBER 2013-0236. THIS PLAN IS IN AGREEMENT WITH THE APPROVED ZONING AND DEVELOPMENT PLAN.

REASON FOR 5TH AMENDMENT - 01/18/2019



REASON FOR 5TH AMENDMENT - 01/18/2016

REVISED LAYOUT TO REFLECT VARIANCES APPROVED INCASE NUMBER 2016-0192-SFHA TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE REQUIRED 30 FEET FOR LOT NUMBERS 25-26; 29-30; 31-32; 39-43.



LEGEND

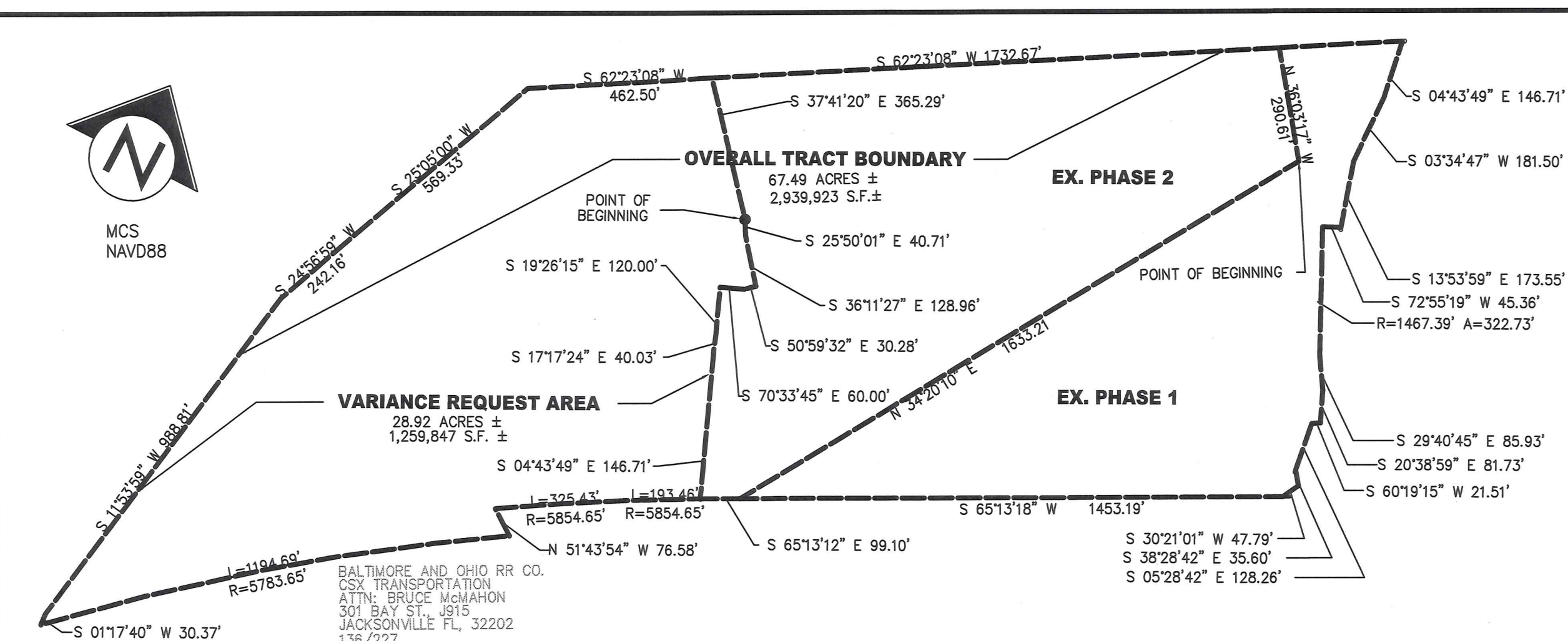
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SHEET INDEX: FDP-1 DESIGN PLAN FDP-2 PROPOSED SITE PLAN FDP-3 PROPOSED SITE PLAN	FINAL DISCREPANCY PLAN	
	APPROVED	
	DIRECTOR OF PLANNING	DATE
	DIRECTOR OF P.A.L.	DATE
		FDP-3

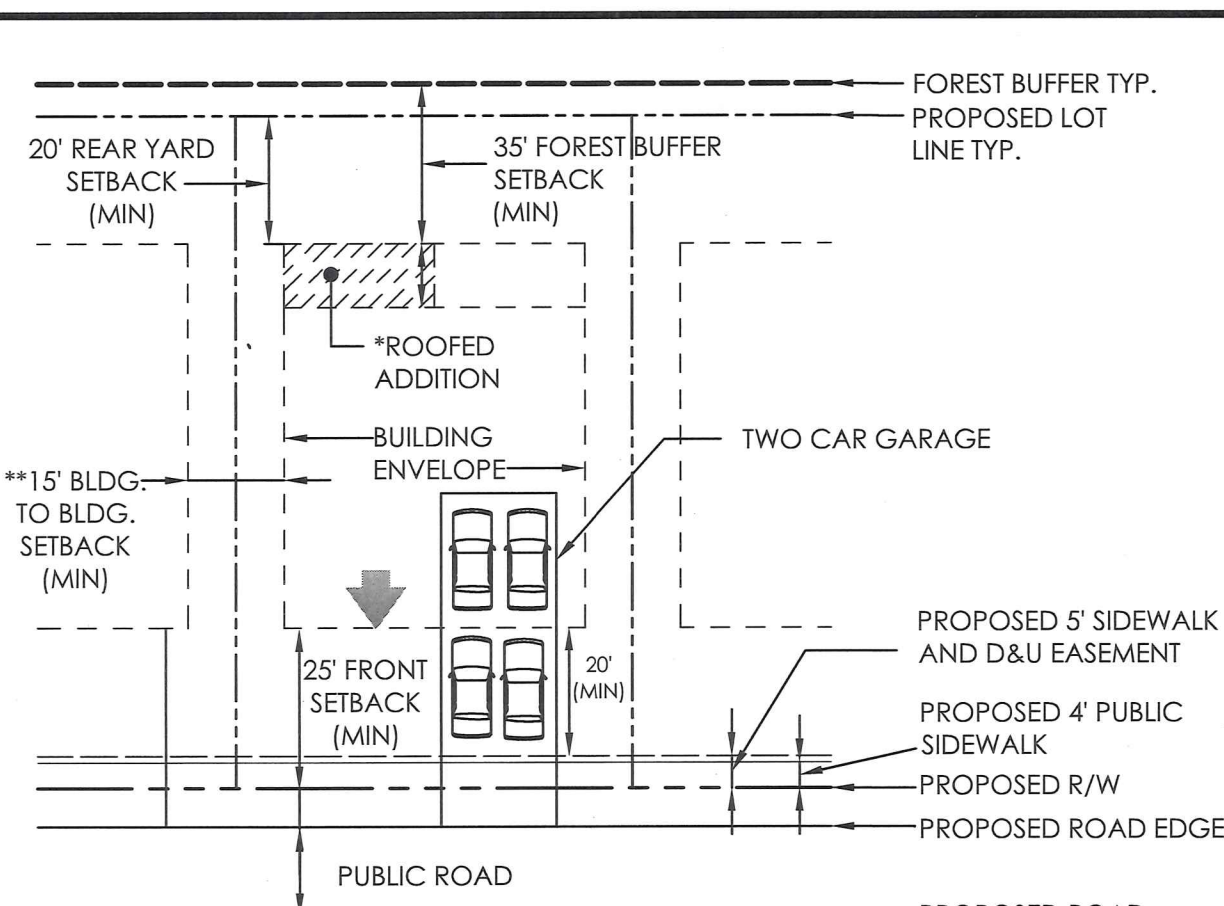


MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, DIRECTORS AND LANDSCAPE ARCHITECTS
1200-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
PHONE: (410) 821-1690
FAX: (410) 821-1746
MRA@MRA.COM

			
DATE		SECTION	
		ELECTION DISTRICT 11	
		5737 ALLENDER ROAD 5TH MEMBER PAROLE REENTRY PLAN - JEROME WHITE WASH, MD	
			
		COMPLAINANT: DISTRICT 3	
JOB NO. : 1581026			
DATE :	SCALE :		
07/18/2014	1" = 8'		
DRAWN BY: CGM			
DESIGN BY: JAH			
REVIEW BY: JAH			
SHEET: 3 OF 3			



OVERALL TRACT BOUNDARY
SCALE: 1"=300'



*ROOFED ADDITIONS ARE PROPOSED WHICH DO NOT EXCEED, IN WIDTH, 50% OF THE DWELLING UNIT.

**A 15' BUILDING-TO-BUILDING SETBACK IS PROPOSED BETWEEN DWELLINGS.

DR 3.5 TYPICAL SETBACK DIAGRAM FOR LOTS WITH ROOFED ADDITIONS
NOT TO SCALE

***LOT / TAX ACCOUNT NOS.:

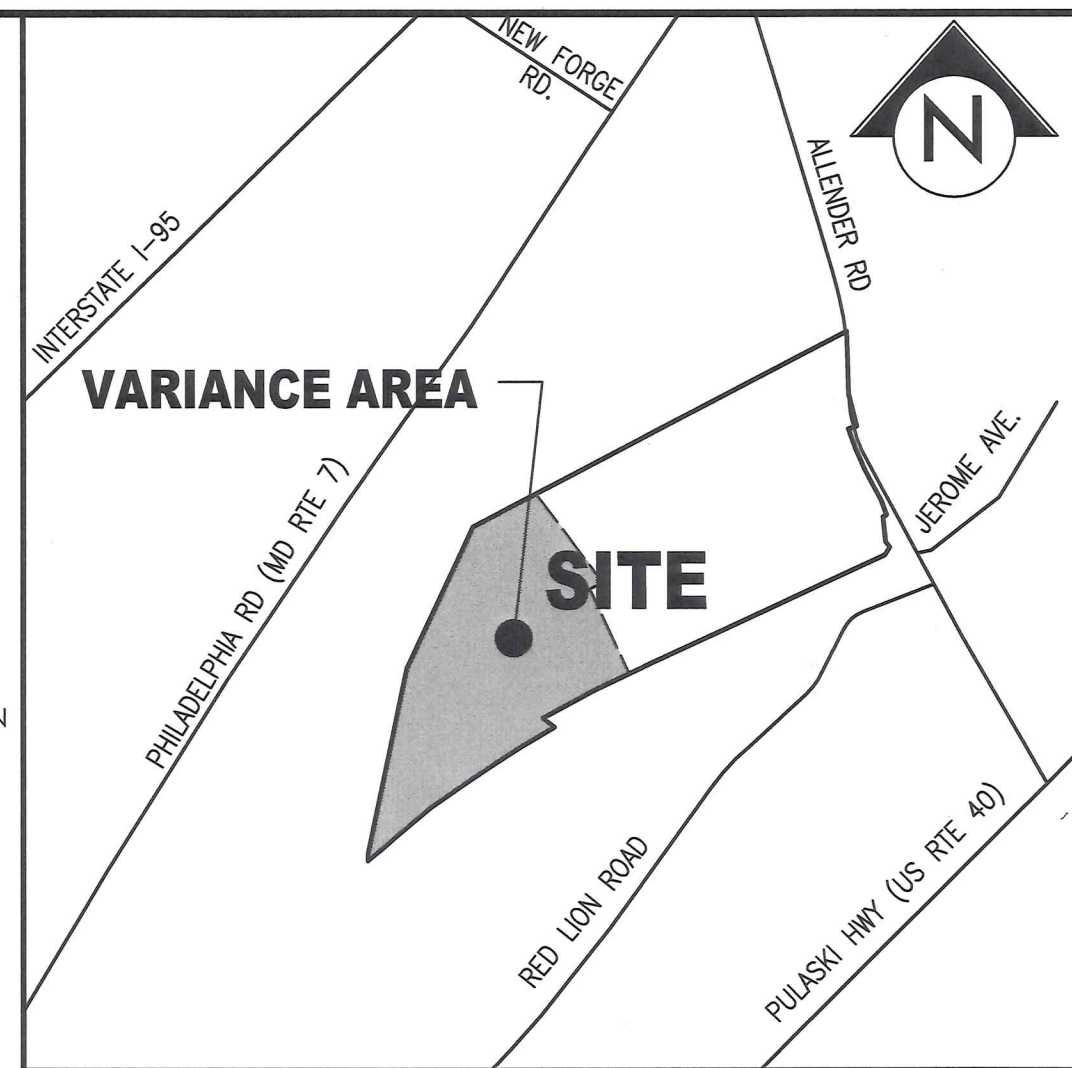
25/2500006836
26/2500006837
29/2500006840
30/2500006841
31/2500006842
32/2500006843
39/2500006850
40/2500006851
41/2500006852
42/2500006853
43/2500006854

GENERAL NOTES CONTINUED:

OVERALL TRACT SITE INFORMATION

1. PROPERTY INFORMATION

- TAX ACCOUNT NUMBERS: ***SEE INSET
- DEED REFERENCES: 29404/376 (LOTS 1-121)
- COUNCILMANIC DISTRICT: 5
- ELECTION DISTRICT: 11
- CENSUS TRACT: 4113.02
- MAP 30: MAP 30
- ZONING MAP REFERENCES: 73A1 & 73A2 (111B3 and 111C3)
- TAX MAP: DR 3.5
- J. PARCEL: 73
- K. LOT: 25
- L. WATERSHED: ***SEE INSET
- M. REGIONAL PLANNING DISTRICT: BIRD RIVER
- N. THERE ARE NO KNOWN 100-YEAR FLOODPLAINS WITHIN 50' OF THE VARIANCE AREA.
- O. NON-TIDAL WETLANDS WITHIN 50' OF THE VARIANCE AREA ARE AS SHOWN ON THE SITE PLAN.
- P. THERE ARE NO DESIGNATED HISTORIC SITES AS PER LANDMARKS PRESERVATION COMMISSION OR THE MD HISTORIC TRUST INVENTORY LOCATED WITHIN THE VARIANCE REQUEST AREA.
- Q. THIS SITE IS NOT LOCATED WITHIN ANY FAILED BASIC SERVICES AREAS.
- R. PARKING REQUIRED: 11 SINGLE FAMILY DETACHED DWELLING UNITS X 2 SPACES EACH = 22 SPACES (VARIANCE REQUEST AREA ONLY)
- S. PARKING PROPOSED: 22 SPACES
- T. ALL SIGNS WILL CONFORM TO BALTIMORE COUNTY ZONING CODE.
- U. SECTIONS 450 OR THE APPROPRIATE ZONING RELIEF WILL BE REQUESTED.
- V. EXISTING AND PROPOSED BUILDING NUMBER OF STORIES: 3
- W. SCREENING AND LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL.



VICINITY MAP

SCALE 1" = 1000'

GENERAL NOTES:

OWNER/APPLICANT:

1. ALLENDER, L.C.
1355 BEVERLY ROAD, SUITE 240
MCLEAN, VA 22101
OWNER OF LOTS 1-121

PLAN PREPARED BY:

MORRIS & RITCHIE ASSOCIATES, INC. (MRA)
1220-C EAST JOPPA ROAD SUITE 505
TOWSON, MD 21286
ATTN: MATT BISHOP, PLA
TEL.: 410-821-1690

ADJACENT OWNERS CHART

1. PARCEL 457 LOT 31 JASMINE S. TORRES DEED REF # 19724/366 ID # 2300007400 RESIDENTIAL	5. PARCEL 457 LOT 38 EDWORTH H. GARDNER DEED REF # 21189/387 ID # 2300007407 RESIDENTIAL	9. PARCEL 457 LOT 44 DAVIDAS J. YESKUS DEED REF # 18259/360 ID # 2300007413 RESIDENTIAL
2. PARCEL 457 LOT 32 COLLIN J. CHOW DEED REF # 19298/685 ID # 2300007401 RESIDENTIAL	6. PARCEL 457 LOT 41 TRACY GRANT DEED REF # 2027/235 ID # 2300007402 RESIDENTIAL	10. PARCEL 457 LOT 40 LORE ELIZABETH SWAN DEED REF # 19095/627 ID # 2300007415 RESIDENTIAL
3. PARCEL 457 LOT 33 SUSAN ANNE KERN DEED REF # 19065/627 ID # 2300007402 RESIDENTIAL	7. PARCEL 457 LOT 42 ROBERT J. GREGORY DEED REF # 19370/645 ID # 2300007411 RESIDENTIAL	11. PARCEL 457 LOT 41 STEVEN R. CAREY DEED REF # 19137/689 ID # 2300007416 RESIDENTIAL
4. PARCEL 457 LOT 37 WILLIAM E. PAGE DEED REF # 19427/265 ID # 2300007406 RESIDENTIAL	8. PARCEL 457 LOT 43 WENDY N. SATYARTH DEED REF # 18752/274 ID # 2300007412 RESIDENTIAL	



SITE PLAN

SCALE: 1"=100'

PETITION FOR SPECIAL HEARING AND VARIANCE
CASE NO. 2013-0236-SPHA
HEARING OFFICER'S AMENDED OPINION AND ORDER:

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
AND VARIANCE
Autumn Terrace Drive
11" Boston District
P. Councilmanic District
Allegheny L.C.
Petitioner.

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0236-SPHA

AMENDED OPINION AND ORDER

By Order dated October 24, 2013, hearing relief was granted in the above captioned matter. With respect to the variance relief, the Petitioner submitted on the day of the hearing a revised Petition wherein it was indicated that variances were no longer being sought for all of the 121 lots on the site. Even so, the Order provided that the relief was granted for Lots 1-121, which was erroneous.

The sole purpose of this amended order is to clarify that variance relief is granted only with respect to the lots listed in the revised zoning petition.

THEREFORE, IT IS ORDERED that 29th day of October 2013, by this Administrative Law Judge that the petition for variance in the above captioned case seeking the following:

1. Variance from BCZR Section 1801.2.C.1.B of the Baltimore County Zoning Regulations ("BCZR") to permit a minimum side building face to side building face setback of 15 feet in lieu of the required 20 feet between LOT NUMBERS 1-3; 4-12; 13-18; 19-21; 22-26; 27-30; 31-34; 35-41; 42-43; 44-48; 50-51; 52-56; 57-59; 61-67; 68-74; 75-76; 77-78; 79-81; 82-83; 84-85; 86-87; 88-92; 93-94; 98-99; 100-107; 109-113; 116-121.

2. Variance from BCZR Section 1801.2.C.1.B to permit a minimum distance of 20 feet from rear building face to rear property line in lieu of the required 30 feet for Lot Nos. 1; 6-12; 15; 20; 24; 27-28; 33-38; 44-46; 51-56; 57-61.

and is hereby GRANTED.

All other aspects of the Order dated October 24, 2013 shall remain in full force and effect.

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

JEB/als

JOHN B. HEVERINGTON
Administrative Law Judge
for Baltimore County

PETITION FOR SPECIAL HEARING:

SPECIAL HEARING TO APPROVE THE 5TH AMENDED FINAL DEVELOPMENT PLAN.

PETITION FOR VARIANCE:

VARIANCE FROM BCZR SECTION 1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE OF THE REQUIRED 30 FEET FOR LOT NUMBERS 25-26; 29-30; 31-32; 39-43.

ZONING HISTORY:

THE ZONING COMMISSIONER, IN CASE NO. 75-271-RX ON MAY 29TH, 1975, GRANTED THE FOLLOWING RELIEF:

THE REQUESTED REDISTRICTING FROM UNDISTRICTED TO AN I.M. DISTRICT AND A SPECIAL EXCEPTION FOR A RESIDENT TRAINING SCHOOL FOR THE TRAINING OF APPRENTICES IN THE CONSTRUCTION CRAFT OF OPERATING ENGINEERS SHOULD BE AND THE SAME IS HEREBY GRANTED.

SAID GRANTING SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

- THE SUBSTANTIAL STAND OF TREES THAT BORDER THE PERIMETER OF THE SITE SHALL NOT BE DISTURBED BY ANY OF THE EXCAVATING ACTIVITIES OF THE SCHOOL.
- ALL REQUIREMENTS FOR SEDIMENT AND STORM DRAIN CONTROL SHALL BE COMPLIED WITH AT ALL TIMES.
- THE SCHOOL SHALL NOT OPERATE ON SUNDAY, AND THE HOURS OF OPERATION SHALL OTHERWISE BE BETWEEN 8:00 AM AND 5:00 PM WITH THE EXCEPTION OF EVENING CLASSROOM HOURS.
- THE MAXIMUM NUMBER OF STUDENTS SHALL NOT EXCEED 20.
- A SITE PLAN SHALL BE APPROVED BY THE DEPARTMENT OF WORKS, THE SEDIMENT CONTROL DIVISION OF THE DEPARTMENT OF PERMITS AND LICENSES, THE OFFICE OF PLANNING AND ZONING. SAID SITE PLAN SHOULD INCLUDE THE FOLLOWING:

A. THE AREA IN WHICH EXCAVATING WILL TAKE PLACE SHALL BE OUTLINED ON THE SITE PLAN.

B. THE LOCATION AND SIZE OF THE PROPOSED BUILDING, PARKING, EQUIPMENT STORAGE AREA, FENCING AND LANDSCAPING SHALL BE INDICATED ON SAID PLAN.

C. THE D.R.3.5 BUFFER STRIP PARALLELING ALLENDER ROAD SHALL NOT BE UTILIZED EXCEPT FOR LANDSCAPING AND ENTRANCES.

THE ZONING COMMISSIONER, IN CASE NO. 75-271-RX ON JUNE 14TH, 1975, AMENDED THE ORDER DATED MAY 29TH, 1975 BY AMENDING SUB-PARAGRAPH 4 TO READ:

THE MAXIMUM NUMBER OF DAYTIME CONSTRUCTION EQUIPMENT STUDENTS SHALL NOT EXCEED 20, AND THE MAXIMUM NUMBER OF EVENING CLASSROOM STUDENTS SHALL NOT EXCEED 40.

THE ZONING COMMISSIONER, IN CASE NO. 80-80-XSPH 253 ON NOVEMBER 14TH, 1979, DENIED THE FOLLOWING RELIEF:

PETITION TO AMEND THE SPECIAL EXCEPTION GRANTED UNDER CASE NO. 75-271RX. BY REMOVING THEREFROM 4.43 ACRES OF LAND FROM THE OVERALL ACREAGE DEVOTED TO THE USE FOR WHICH THE SAID SPECIAL EXCEPTION WAS GRANTED, AND THE REQUEST TO PROVIDE AN ACCESS ROAD THROUGH D.R.3.5 ZONED LAND, PETITIONER FOR IN THE HEREIN PETITION FOR SPECIAL HEARING, BE AND THE SAME IS HEREBY DENIED.

DEVELOPMENT PLAN (PDM# 11-1065/2009-0140-SPH)
HEARING OFFICER'S ORDER:

THEREFORE, IT IS ORDERED by this Zoning Commission's Hearing Officer for Baltimore County, this 11th day of March, 2010, that the "5737 ALLENDER ROAD" blue-lined Development Plan, identified herein as Developer's Exhibit 8A through 8G, be and is hereby APPROVED, subject to the following conditions:

1. Developer shall provide bituminous concrete stamped islands, as shown and indicated on Developer's Exhibit 3, in the center of each of the three (3) cul-de-sacs provided on the development plan. The bituminous concrete stamping within each cul-de-sac shall be gray in color.

2. The imposition of the above conditions is due to the unusual facts and circumstances of the subject property that is the subject of this Hearing Officer's Hearing. I wish to clarify that the decision to impose Condition No. 1 is not legal precedent that may be cited by any applicant(s) as such in another development plan case(s).

3. The Petitioner for Special Hearing granted below in Case No. 2009-0140-SPH to abandon the special exception granted in Case No. 75-271-RX is conditioned upon the conveyance of the subject property to Developer or the vesting of the property by the Operating Engineers, whichever is later in time.

IT IS FURTHER ORDERED by this Zoning Commission's/Hearing Officer, that the waiver from Public Works standards to permit 28 foot wide pavement sections on a 40 foot right-of-way in lieu of the required 30 foot wide pavement sections on a 50 foot right-of-way, be and is hereby APPROVED, and

IT IS FURTHER ORDERED by this Hearing Officer/Zoning Commission, that the Petitioner for Special Hearing to abandon the special exception relief approved in Case No. 75-271-RX is hereby GRANTED and shall become effective upon the conveyance of the subject property 6737 Allegheny Road from the Legal Owner to the Developer or the vesting of the property by the Operating Engineers, whichever is later in time.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Sections 32-3-401 and 32-4-281.

WILLIAM J. GREGORY
Zoning Commission/Hearing Officer

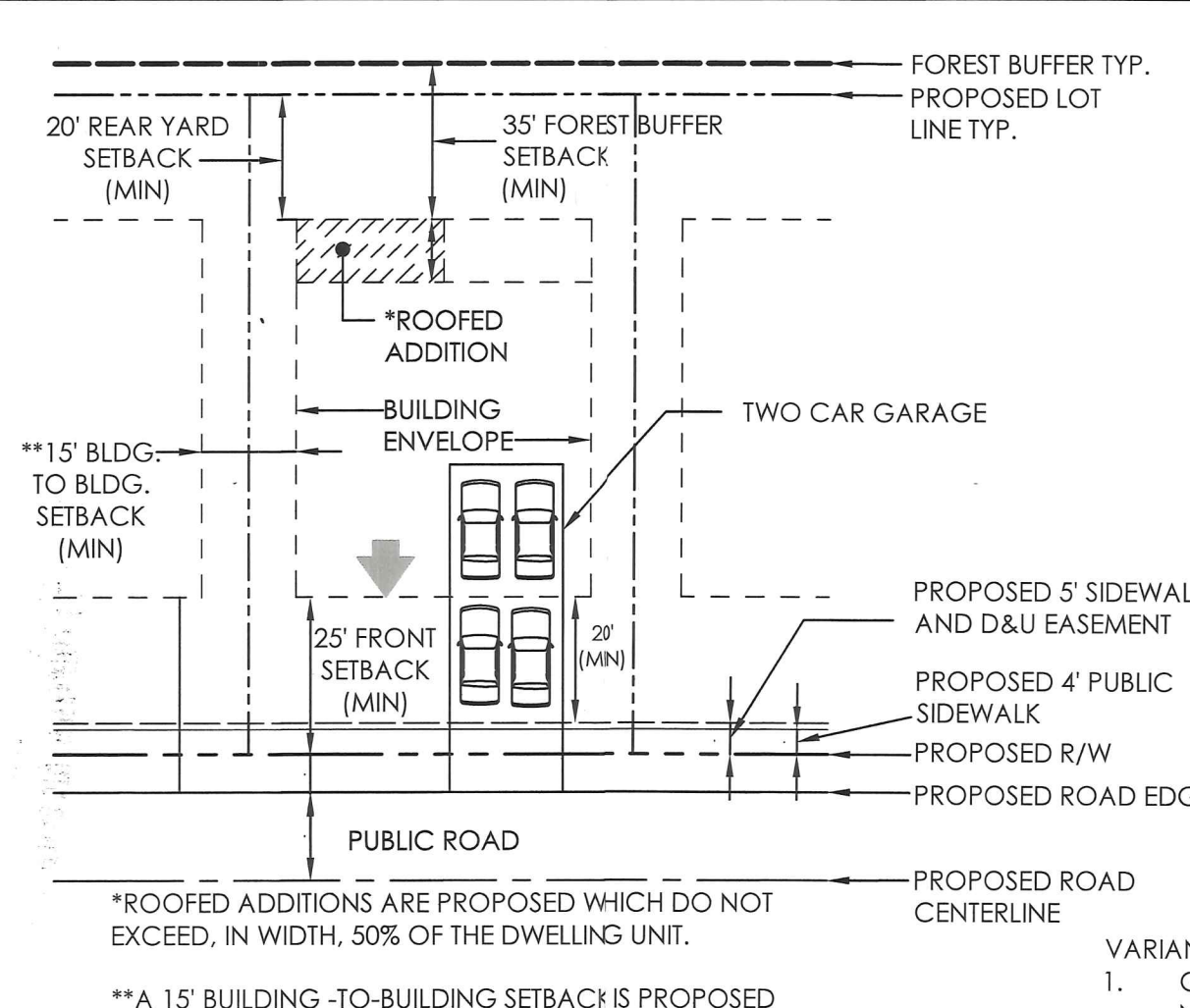
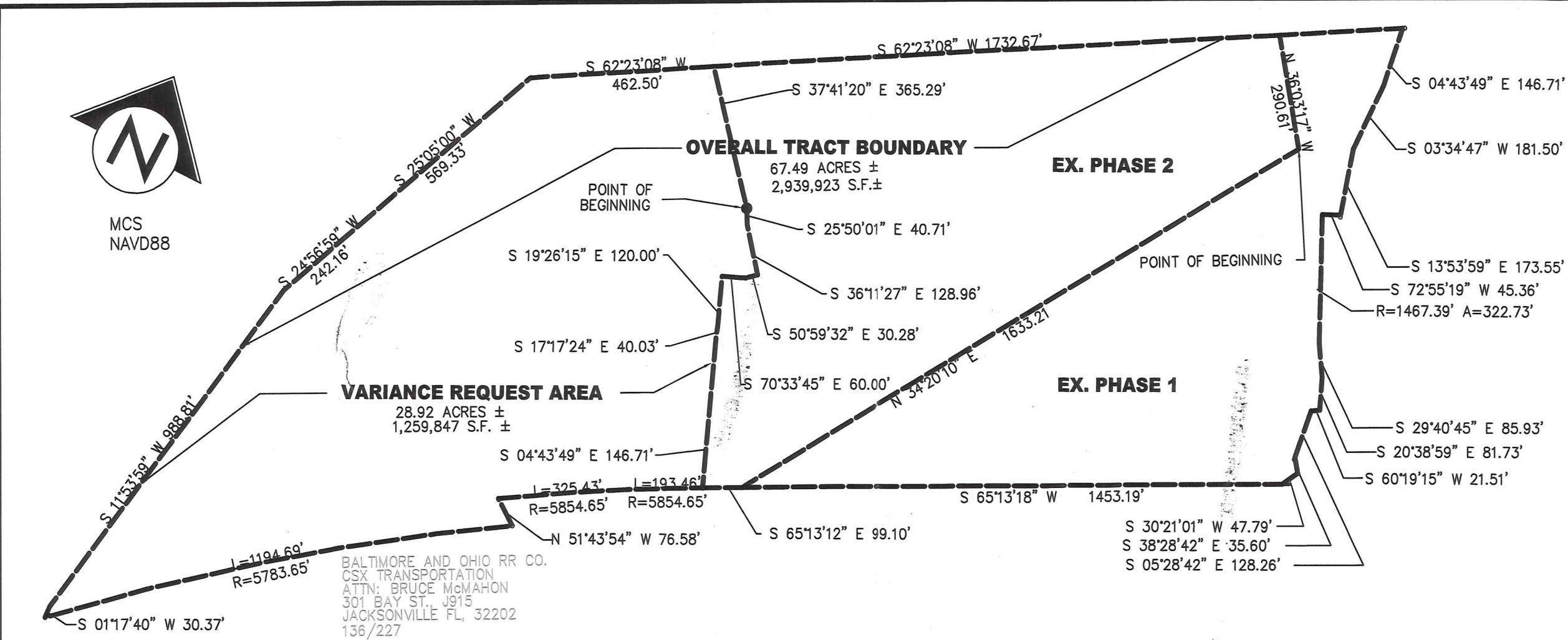
THE ADMINISTRATIVE LAW JUDGE, IN CASE NO. 2012-25-A ON SEPTEMBER 2, 2011, GRANTED THE FOLLOWING RELIEF:

A VARIANCE REQUEST FROM SECTION 1801.2.C.1.B OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR") TO PERMIT A MINIMUM SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 20 FEET FOR LOT NOS. 122-173; AND FROM SECTION 1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE REQUIRED 30 FEET FOR LOT NOS. 122-123; 126-135; 138-139; 164 AND 166.

THE ADMINISTRATIVE LAW JUDGE, IN CASE NO. 2013-0236-SPHA ON OCTOBER 29, 2013, GRANTED THE FOLLOWING RELIEF:

VARIANCE FROM BCZR SECTION 1801.2.C.1.B OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR") TO PERMIT A MINIMUM SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 20 FEET BETWEEN LOT NUMBERS 1-3; 4-12; 13-18; 19-21; 22-26; 27-30; 31-34; 35-41; 42-43; 44-48; 50-51; 52-56; 57-59; 61-67; 68-74; 75-76; 77-78; 79-81; 82-83; 84-85; 86-87; 88-92; 93-94; 98-99; 100-107; 109-113; 116-121.

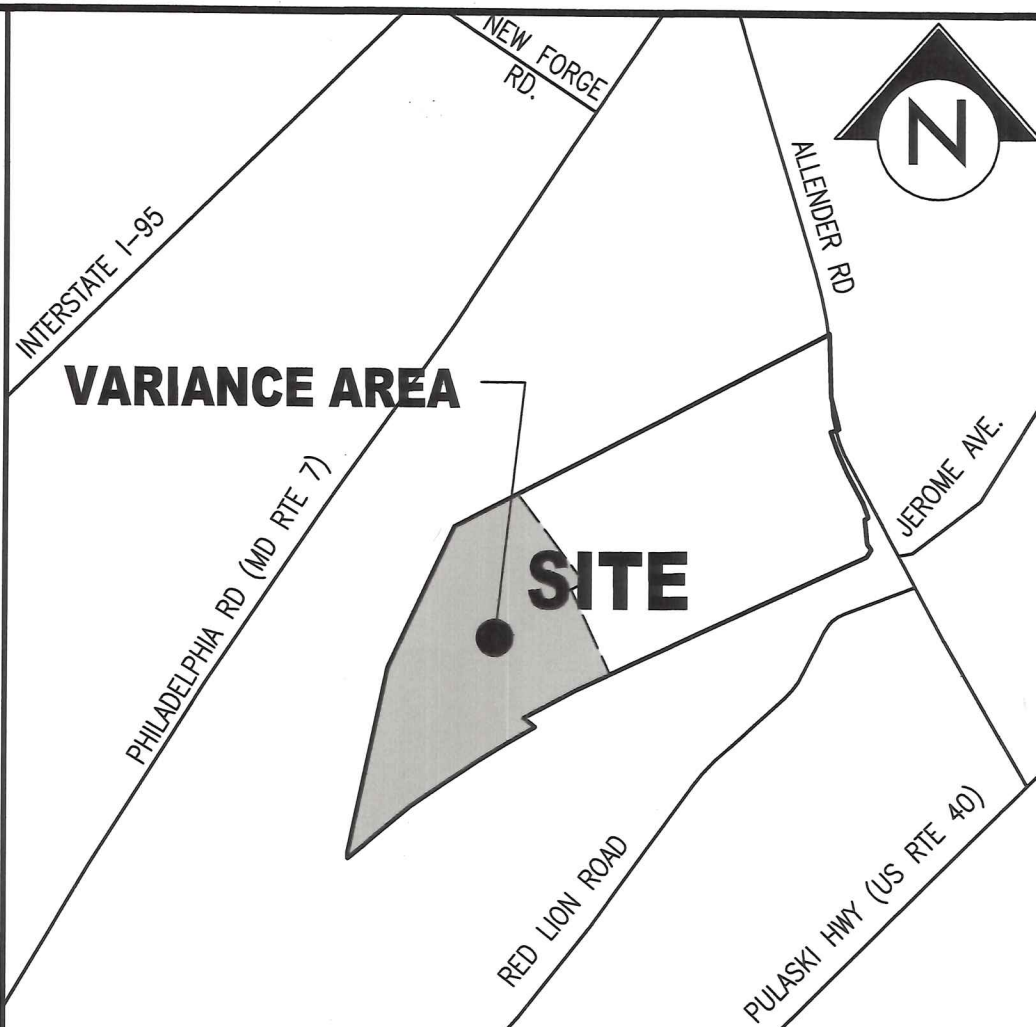
VARIANCE FROM BCZR SECTION 1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE OF THE REQUIRED 30 FEET FOR LOT NUMBERS 1; 6-12; 15; 20; 24; 27-28; 33-38; 44-48; 51-56; 57-61.



***LOT / TAX ACCOUNT NOS.:

25/2500006836	28.92 ac ± (1,259,847 S.F.)
26/2500006837	28.92 ac ± (1,259,847 S.F.)
29/2500006840	RESIDENTIAL
30/2500006841	
31/2500006842	
32/2500006843	
39/2500006850	
40/2500006851	
41/2500006852	
42/2500006853	
43/2500006854	

- GENERAL NOTES CONTINUED:**
- OVERALL TRACT SITE INFORMATION
- PROPERTY INFORMATION:
 - TAX ACCOUNT NUMBERS: ***SEE INSET
 - DEED REFERENCES: 29404/376 (LOTS 1-121)
 - COUNCILMANIC DISTRICT: 5
 - ELECTION DISTRICT: 11
 - CENSUS TRACT: 4113.02
 - ADC MAP LOCATION: MAP 30
 - ZONING MAP REFERENCES: 73A1 & 73A2 (111B3 and 111C3)
 - TAX MAP: DR 3.5
 - PARCEL: 73
 - LOT: 25
 - WATERSHED: ***SEE INSET BIRD RIVER
 - REGIONAL PLANNING DISTRICT: PERRY HALL - WHITE MARSH
 - THERE ARE NO KNOWN 100-YEAR FLOODPLAINS WITHIN 50' OF THE VARIANCE AREA.
 - NON-TIDAL WETLANDS WITHIN 50' OF THE VARIANCE AREA ARE AS SHOWN ON THE SITE PLAN.
 - THERE ARE NO DESIGNATED HISTORIC SITES AS PER LANDMARKS PRESERVATION COMMISSION OR THE MD HISTORIC TRUST INVENTORY LOCATED WITHIN THE VARIANCE REQUEST AREA.
 - THIS SITE IS NOT LOCATED WITHIN ANY FAILED BASIC SERVICES AREAS.
 - PARKING REQUIRED: 11 SINGLE FAMILY DETACHED DWELLING UNITS X 2 SPACES EACH = 22 SPACES (VARIANCE REQUEST AREA ONLY)
 - PARKING PROPOSED: 22 SPACES
 - ALL SIGNS WILL CONFORM TO BALTIMORE COUNTY ZONING CODE, SECTIONS 450 OR THE APPROPRIATE ZONING RELIEF WILL BE REQUESTED.
 - EXISTING AND PROPOSED BUILDING HEIGHT: MAXIMUM 5'
 - EXISTING AND PROPOSED BUILDING NUMBER OF STORIES: 3
 - SCREENING AND LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL.



OVERALL TRACT BOUNDARY
SCALE: 1"=300'

DR 3.5 TYPICAL SETBACK DIAGRAM FOR LOTS WITH ROOFED ADDITIONS
NOT TO SCALE

VICINITY MAP
SCALE 1" = 1000'

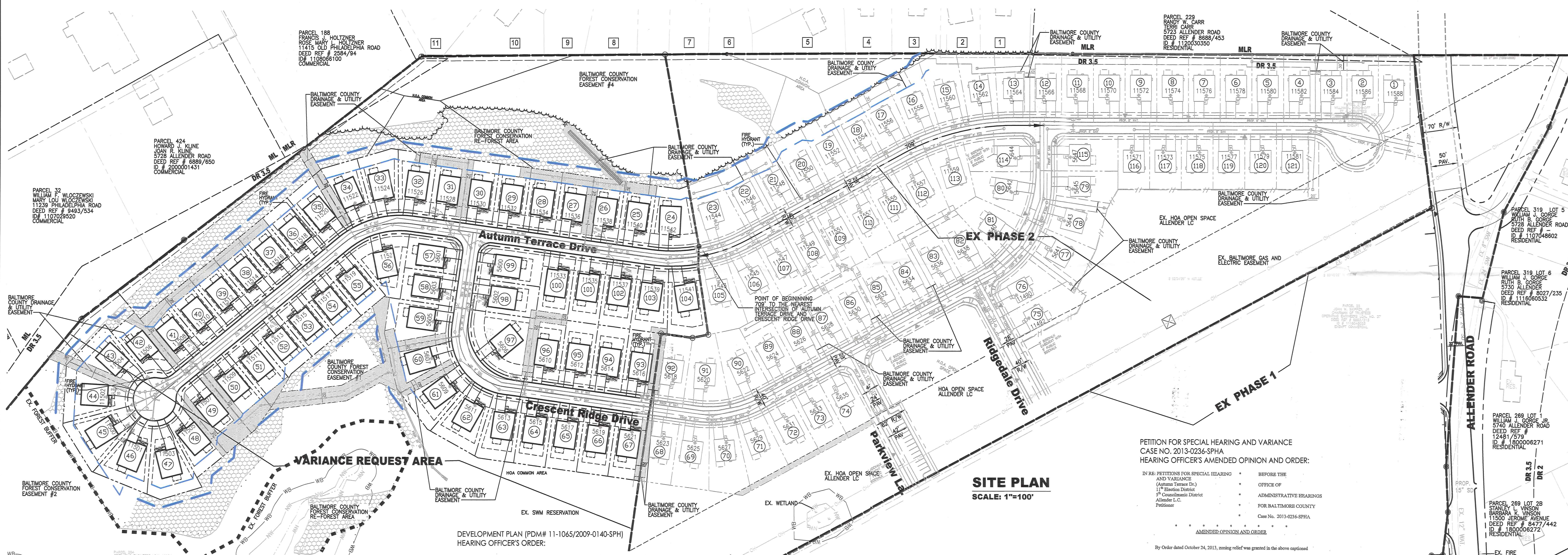
GENERAL NOTES:

OWNER/APPLICANT:
1. ALLENDER, L.C.
1355 BEVERLY ROAD, SUITE 240
MCLEAN, VA 22101
OWNER OF LOTS 1-121

PLAN PREPARED BY:
MORRIS & RITCHIE ASSOCIATES, INC. (MRA)
1220-C EAST JOPPA ROAD SUITE 505
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ATTN: MATT BISHOP, PLA
TEL: 410-821-1690

ADJACENT OWNERS CHART

1	PARCEL 457 LOT 31 JASON J. FRIDAY DEED REF # 18724/388 ID # 2500007400 RESIDENTIAL	5	PARCEL 457 LOT 38 CAROL BEAVER DEED REF # 21189/387 ID # 2500007407 RESIDENTIAL	9	PARCEL 457 LOT 44 YESKIS DEED REF # 18929/80 ID # 2500007413 RESIDENTIAL
2	PARCEL 457 LOT 32 COLIN J. CHOW DEED REF # 19298/685 ID # 2500007401 RESIDENTIAL	6	PARCEL 457 LOT 39 TRACY GRANTZ DEED REF # 25223/326 ID # 2500007410 RESIDENTIAL	10	PARCEL 457 LOT 45 MARY ELIZABETH DEED REF # 18929/80 ID # 2500007413 RESIDENTIAL
3	PARCEL 457 LOT 33 SUSAN ANNE KERNIS DEED REF # 19095/627 ID # 2500007402 RESIDENTIAL	7	PARCEL 457 LOT 42 NANCY H. GREGG DEED REF # 19370/645 ID # 2500007411 RESIDENTIAL	11	PARCEL 457 LOT 46 STEVEN R. GAREY DEED REF # 19137/689 ID # 2500007416 RESIDENTIAL
4	PARCEL 457 LOT 37 WILLIAM E. PAGE DEED REF # 18423/395 ID # 2500007406 RESIDENTIAL	8	PARCEL 457 LOT 43 VANDANA N. SATYARHI DEED REF # 19725/274 ID # 2500007412 RESIDENTIAL		



ZONING HISTORY:

THE ZONING COMMISSIONER, IN CASE NO. 75-271-RX ON MAY 29TH, 1975, GRANTED THE FOLLOWING RELIEF:

THE REQUESTED REDISTRICTING FROM UNDISTRICTED TO AN I.M. DISTRICT AND A SPECIAL EXCEPTION FOR A RESIDENT TRAINING SCHOOL FOR THE TRAINING OF APPRENTICES IN THE CONSTRUCTION CRAFT OF OPERATING ENGINEERS SHOULD BE AND THE SAME IS HEREBY GRANTED.

SAID GRANTING SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

- THE SUBSTANTIAL STAND OF TREES THAT BORDER THE PERIMETER OF THE SITE SHALL NOT BE DISTURBED BY ANY OF THE EXCAVATING ACTIVITIES OF THE SCHOOL.
- ALL REQUIREMENTS FOR SEDIMENT AND STORM DRAIN CONTROL SHALL BE COMPLIED WITH AT ALL TIMES.
- THE SCHOOL SHALL NOT OPERATE ON SUNDAY, AND THE HOURS OF OPERATION SHALL OTHERWISE BE BETWEEN 8:00 AM AND 5:00 PM WITH THE EXCEPTION OF EVENING CLASSROOM HOURS.
- THE MAXIMUM NUMBER OF STUDENTS SHALL NOT EXCEED 20.
- A SITE PLAN SHALL BE APPROVED BY THE DEPARTMENT OF WORKS, THE SEDIMENT CONTROL DIVISION OF THE DEPARTMENT OF PERMITS AND LICENSES, THE OFFICE OF PLANNING AND ZONING. SAID SITE PLAN SHOULD INCLUDE THE FOLLOWING:

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- C. THE D.R.3.5 BUFFER STRIP PARALLELING ALLENDER ROAD SHALL NOT BE UTILIZED EXCEPT FOR LANDSCAPING AND ENTRANCES.

THE ZONING COMMISSIONER, IN CASE NO. 75-271-RX ON JUNE 16TH, 1975, AMENDED THE ORDER DATED MAY 29TH, 1975 BY AMENDING SUB-PARAGRAPH 4 TO READ:

THE MAXIMUM NUMBER OF DAYTIME CONSTRUCTION EQUIPMENT STUDENTS SHALL NOT EXCEED 20, AND THE MAXIMUM NUMBER OF EVENING CLASSROOM STUDENTS SHALL NOT EXCEED 40.

THE ZONING COMMISSIONER, IN CASE NO. 80-80-XSPH 253 ON NOVEMBER 14TH, 1979, DENIED THE FOLLOWING RELIEF:

PETITION TO AMEND THE SPECIAL EXCEPTION GRANTED UNDER CASE NO. 75-271RX, BY REMOVING THEREFROM 4.43 ACRES OF LAND FROM THE OVERALL ACREAGE DEVOTED TO THE USE FOR WHICH THE SAID SPECIAL EXCEPTION WAS GRANTED, AND THE REQUEST TO PROVIDE AN ACCESS ROAD THROUGH D.R.3.5 ZONED LAND, PETITIONED FOR IN THE HEREIN PETITION FOR SPECIAL HEARING, BE AND THE SAME IS HEREBY DENIED.

DEVELOPMENT PLAN (PDM # 11-1065/2009-0140-SPH) HEARING OFFICER'S ORDER:

THEREFORE, IT IS ORDERED by this Zoning Commission/ Hearing Officer for Baltimore County, this 11th day of March, 2010, that the "5757 ALLENDER ROAD" blue-lined Development Plan, identified herein as Developer's Exhibit 8A through 8G, be and is hereby APPROVED, subject to the following conditions:

- Developer shall provide bituminous concrete stamped islands, as shown and indicated on Developer's Exhibit 8, in the center of each of the three (3) cul-de-sacs provided on the development plan. The bituminous concrete stamping within each cul-de-sac shall be gray in color.
- The imposition of the above condition is due to the unusual facts and circumstances of the subject property that is the subject of this Hearing Officer's hearing. I wish to clarify that the decision to impose Condition No. 1 is not legal precedent that may be cited by any applicant(s) as such in another development plan case(s).
- The Petition for Special Hearing granted below in Case No. 2009-0140-SPH1 to abandon the special exception granted in Case No. 75-271-RX is conditioned upon the conveyance of the subject property to Developer or the vacating of the property by the Operating Engineers, whichever is later in time.

IT IS FURTHER ORDERED by this Zoning Commission/Hearing Officer that the waiver from Public Works standards to permit 28 foot wide pavement sections on a 40 foot right-of-way in line of the required 30 foot wide pavement sections on a 50 foot right-of-way, be and is hereby APPROVED, and

IT IS FURTHER ORDERED by this Hearing Officer/Zoning Commissioner, that the Petition for Special Hearing to abandon the special exception relief approved in Case No. 75-271-RX, is hereby GRANTED and shall become effective upon the conveyance of the subject property (5757 Allender Road) from the Legal Owner to the Developer or the vacating of the property by the Operating Engineers, whichever is later in time.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Sections 32-3-401 and 32-3-428.1.

THE ADMINISTRATIVE LAW JUDGE, IN CASE NO. 2012-25-A ON SEPTEMBER 2, 2011, GRANTED THE FOLLOWING RELIEF:

A VARIANCE REQUEST FROM SECTION 1801.2.C.1.B OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR") TO PERMIT A MINIMUM SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 20 FEET FOR LOT NOS. 122-173, AND FROM SECTION 1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE REQUIRED 30 FEET FOR LOT NOS. 122-123; 126-135; 138-139; 164 AND 166.

THE ADMINISTRATIVE LAW JUDGE, IN CASE NO. 2013-0236-SPHA ON OCTOBER 29, 2013, GRANTED THE FOLLOWING RELIEF:

VARIANCE FROM BCZR SECTION 1801.2.C.1.B OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR") TO PERMIT A MINIMUM SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 20 FEET BETWEEN LOT NUMBERS 1-3; 4-12; 13-18; 19-21; 22-26; 27-30; 31-34; 35-41; 42&43; 44-48; 50&51; 52-56; 57-59; 61-67; 68-74; 75&76; 77&78; 79&81; 114&80; 80-83; 84&85; 86&87; 88-92; 93-96; 98&99; 100-107; 109-113; 116-121.

VARIANCE FROM BCZR SECTION 1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE OF THE REQUIRED 30 FEET FOR LOT NUMBERS 1; 6-12; 15; 20; 24; 27-28; 33-38; 44-48; 51-56; 57-121.

PETITION FOR SPECIAL HEARING:

SPECIAL HEARING TO APPROVE THE 5TH AMENDED FINAL DEVELOPMENT PLAN.

PETITION FOR SPECIAL HEARING AND VARIANCE
CASE NO. 2013-0236-SPHA
HEARING OFFICER'S AMENDED OPINION AND ORDER:

- IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
- 1st Baltimore District
 - 2nd Councilmanic District
 - Alleander L.C. Petitioner
 - Case No. 2013-0236-SPHA
- BEFORE THE
- OFFICE OF
 - ADMINISTRATIVE HEARINGS
 - FOR BALTIMORE COUNTY
- AMENDED OPINION AND ORDER

By Order dated October 24, 2013, zoning relief was granted in the above captioned matter. With respect to the variance relief, the Petitioner submitted on the day of the hearing a revised Petition wherein it was indicated that variances were no longer being sought for all of the 121 lots on the site. Even so, the Order provided that the relief was granted for Lots 1-121, which was erroneous.

The sole purpose of this amended order is to clarify that variance relief is granted only with respect to the lots listed in the revised zoning petition.

THEREFORE, IT IS ORDERED that 29th day of October 2013, by this Administrative Law Judge that the petitions for variance in the above captioned case seeking the following:

- Variance from BCZR Section 1801.2.C.1.B of the Baltimore County Zoning Regulations ("BCZR") to permit a minimum side building face to side building face setback of 15 feet in lieu of the required 20 feet between lot Nos. 1-3; 4-12; 13-18; 19-21; 22-26; 27-30; 31-34; 35-41; 42&43; 44-48; 50&51; 52-56; 57-59; 61-67; 68-74; 75&76; 77&78; 79&81; 114&80; 80-83; 84&85; 86&87; 88-92; 93-96; 98&99; 100-107; 109-113; 116-121.
- Variance from BCZR Section 1801.2.C.1.B to permit a minimum distance of 20 feet from rear building face to rear property line in lieu of the required 30 feet for Lot Nos. 1; 6-12; 15; 20; 24; 27-28; 33-38; 44-48; 51-56; 57-121.

be and is hereby GRANTED.

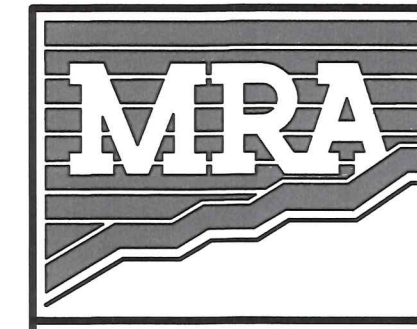
All other aspects of the Order dated October 24, 2013 shall remain in full force and effect.

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

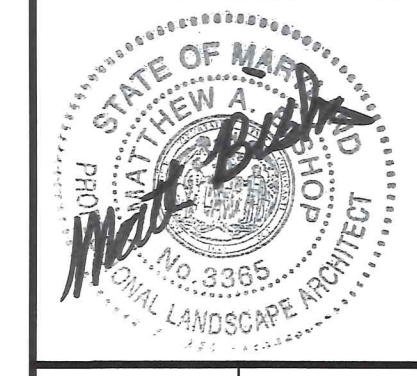
JOHN B. BERLINGER
Administrative Law Judge
for Baltimore County

PETITION FOR VARIANCE:

VARIANCE FROM BCZR SECTION 1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE OF THE REQUIRED 30 FEET FOR LOT NUMBERS 25-26; 29-30; 31-32; 39-43.



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748



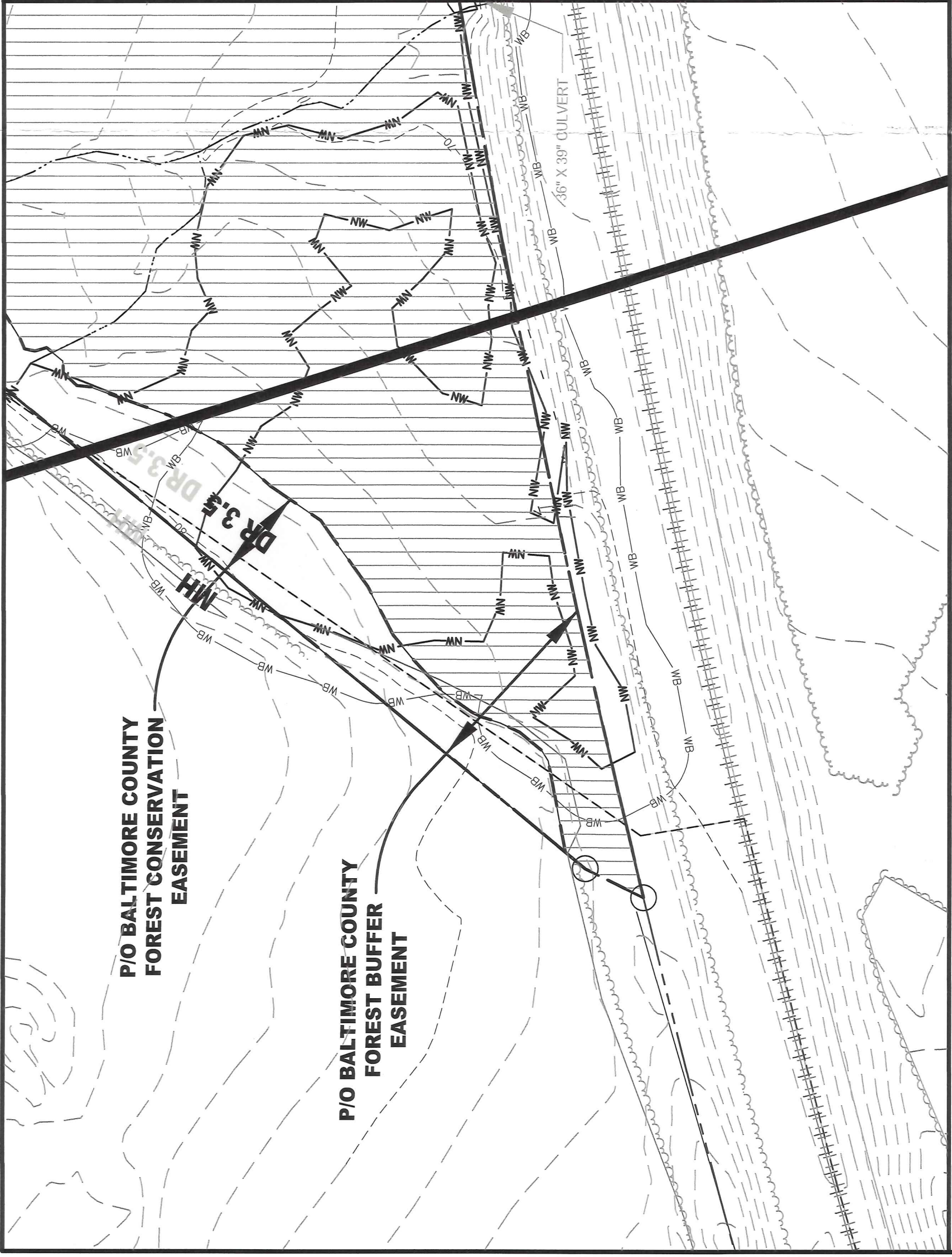
MRAGTA.COM

11500-11542 AUTUMN TERRACE DRIVE
5600-5621 CRESCENT RIDGE DRIVE
BLUELINE

5737 ALLENDER ROAD
PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING AND VARIANCE REQUEST
WHITE MARSH, MD

ELECTION DISTRICT 11TH COUNCILMANIC DISTRICT 5TH

DATE	REVISIONS	JOB NO.:
		15510
		SCALE: AS SHOWN
		DATE: 1/18/2016
		DRAWN BY: MB
		DESIGN BY: MB
		REVIEW BY: MB
		SHEET: 1 OF 1



SEE SHEET DP-5

REASON FOR 5TH AMENDMENT - 01/18/2016

REVISED LAYOUT TO REFLECT VARIANCES APPROVED NCASE NUMBER 20160195SPHA TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR ADJACENT LOT TO THE PROPOSED LOT 1. THE VARIANCES WERE FOR LOT NUMBER 25-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236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REASON FOR 4TH AMENDMENT - 07/13/2015

REVISED LAYOUT, GRADES, AND UTILITIES OF CUL-DE-SAC ON AUTUMN AVENUE TO REFLECT VARIANCE APPROVED IN CASE NUMBER 2013-0234. THIS PLAN IS IN AGREEMENT WITH THE APPROVED ZONING AND DEVELOPMENT PLAN.

NOTE: NO HOMES HAVE BEEN SOLD WITHIN 300' OF THE PLAN CHANGES SHOWN ON THE 4TH AMENDMENT FDP.

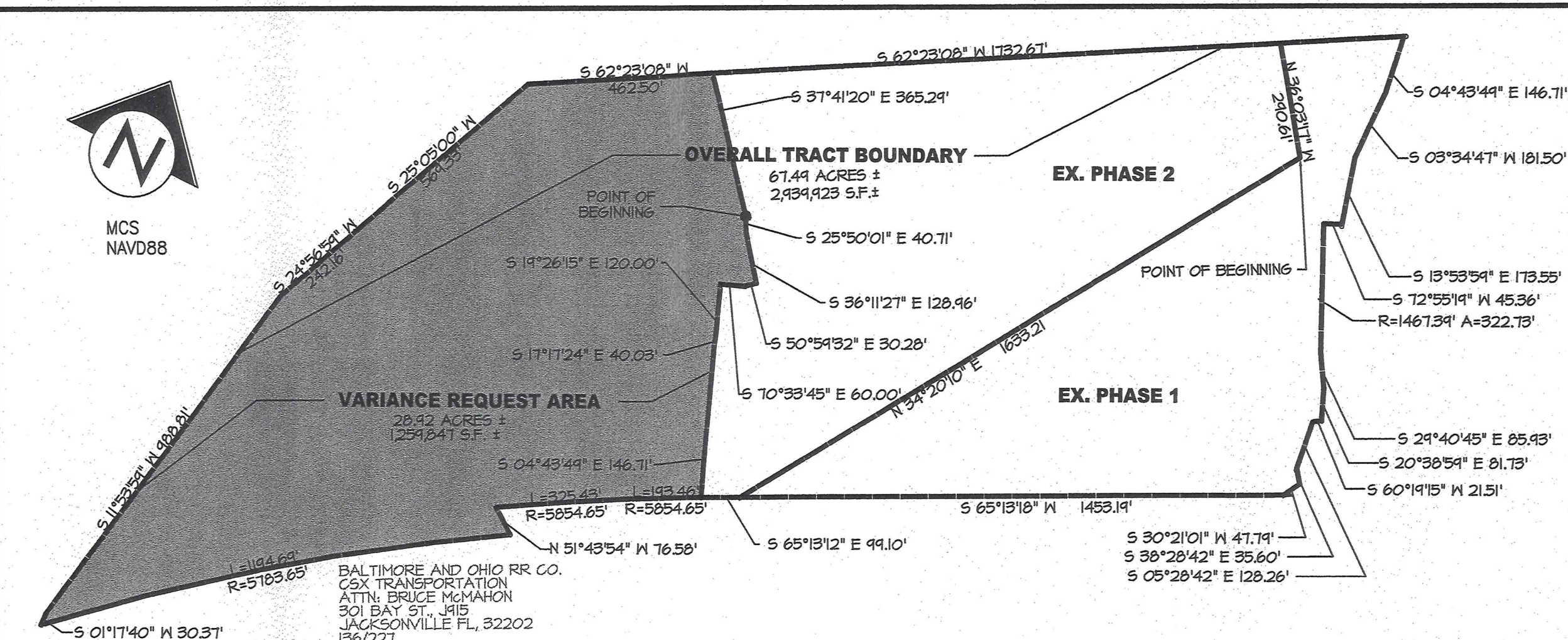
REASON FOR 3RD AMENDMENT - 10/29/2013

TO AMEND THE FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH THE APPROVED ZONING HEARING CASE NUMBER 2013-0234. THIS PLAN IS IN AGREEMENT WITH THE APPROVED ZONING AND DEVELOPMENT PLAN.

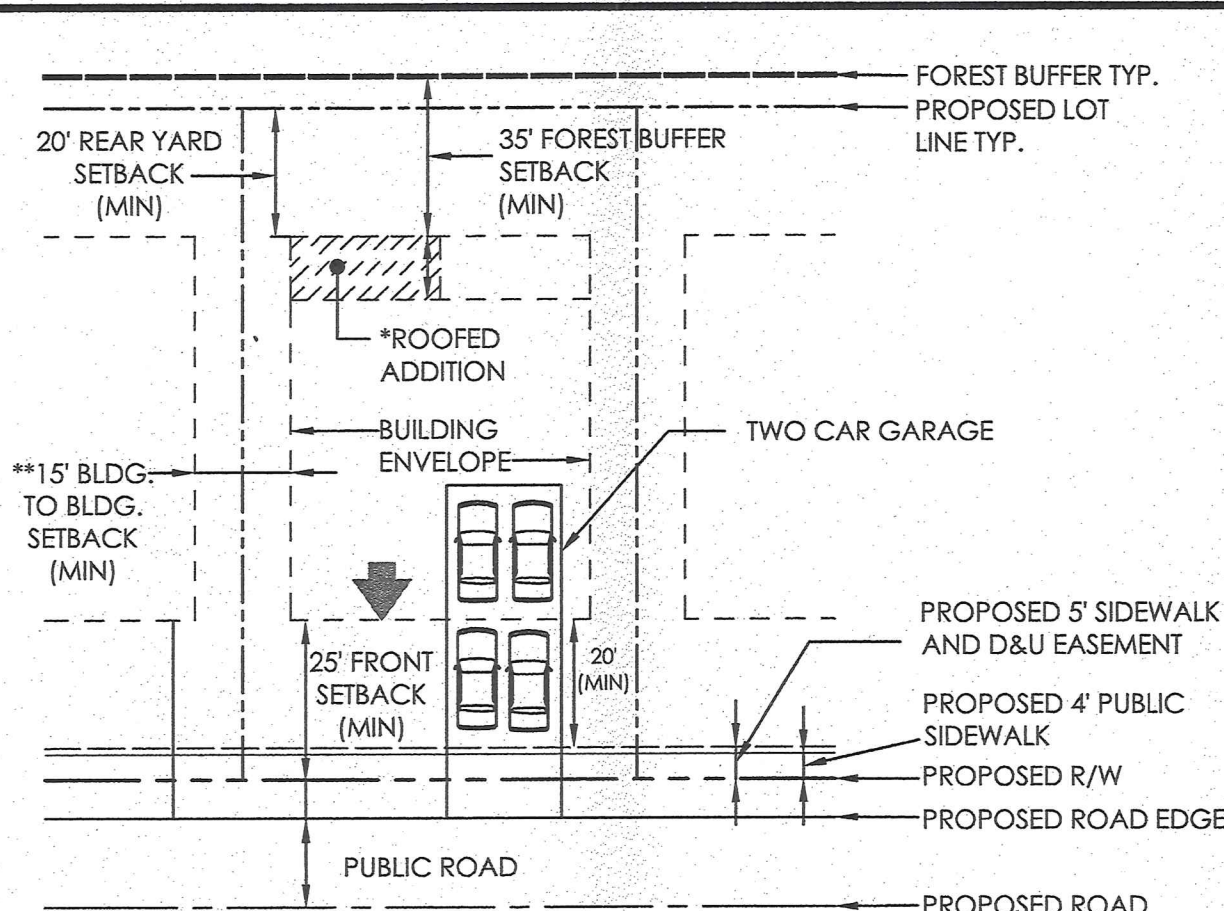
REASON FOR 5TH AMENDMENT - 01/19/2016

REVISED LAYOUT TO REFLECT VARIANCE APPROVED IN CASE NUMBER 2013-0234. THIS PLAN IS IN AGREEMENT WITH THE APPROVED ZONING AND DEVELOPMENT PLAN.

FOR LOT NUMBERS 22-26, 29-33, 35-39, 43-45, 48-52, 55-59, 62-66, 69-73, 76-80, 83-87, 90-94, 97-101, 104-108, 111-115, 118-122, 125-129, 132-136, 139-143, 146-150, 153-157, 160-164, 167-171, 174-178, 181-185, 188-192, 195-199, 202-206, 209-213, 216-220, 223-227, 230-234, 237-241, 244-248, 251-255, 258-262, 265-269, 272-276, 279-283, 286-290, 293-297, 300-304, 307-311, 314-318, 321-325, 328-332, 335-339, 342-346, 349-353, 356-360, 363-367, 370-374, 377-381, 384-388, 391-395, 398-402, 405-409, 412-416, 419-423, 426-430, 433-437, 440-444, 447-451, 454-458, 461-465, 468-472, 475-479, 482-486, 489-493, 496-500, 503-507, 510-514, 517-521, 524-528, 531-535, 538-542, 545-549, 552-556, 559-563, 566-570, 573-577, 580-584, 587-591, 594-598, 601-605, 608-612, 615-619, 622-626, 629-633, 636-640, 643-647, 650-654, 657-661, 664-668, 671-675, 678-682, 685-689, 692-696, 699-703, 706-710, 713-717, 720-724, 727-731, 734-738, 741-745, 748-752, 755-759, 762-766, 769-773, 776-780, 783-787, 790-794, 797-801, 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OVERALL TRACT BOUNDARY
SCALE: 1"=300'

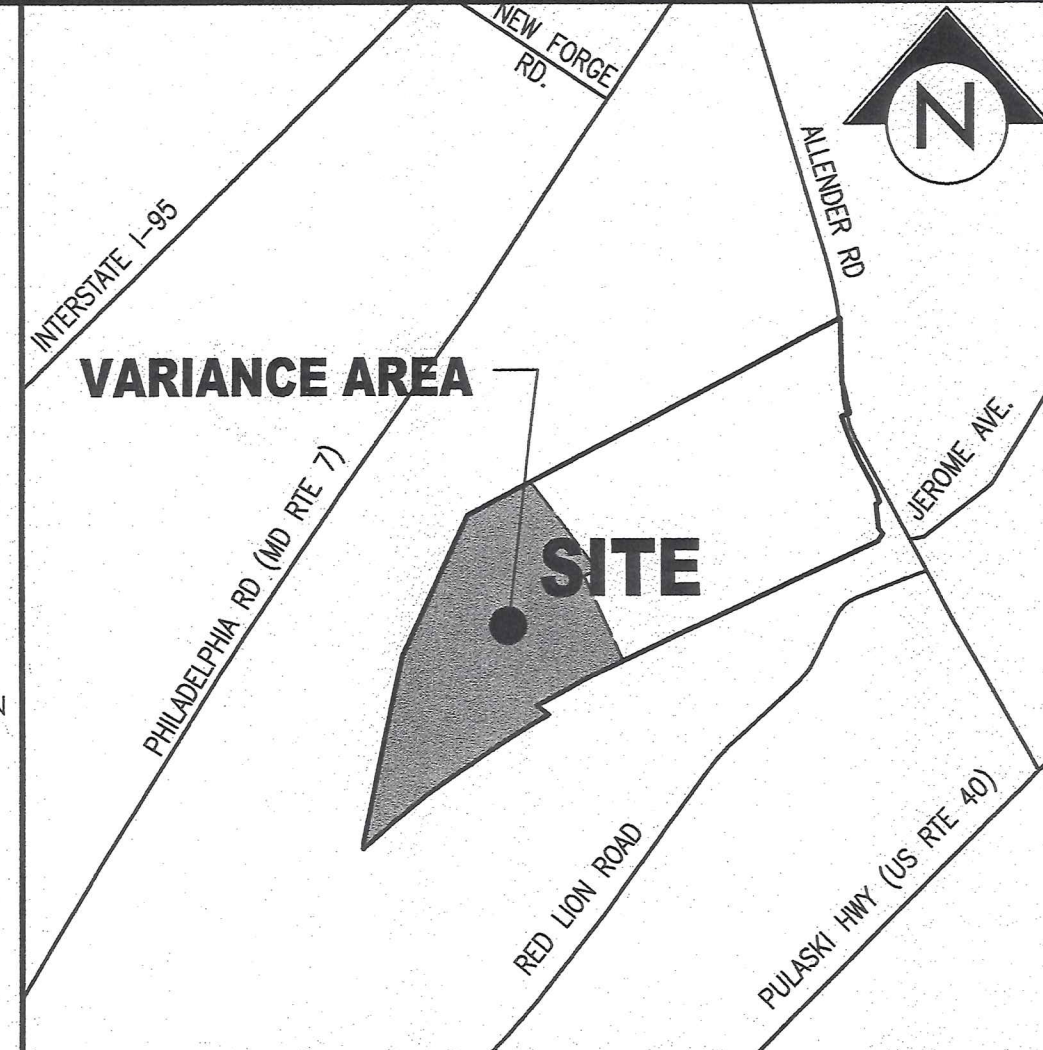


DR 3.5 TYPICAL SETBACK DIAGRAM
FOR LOTS WITH ROOFED ADDITIONS
NOT TO SCALE

***LOT / TAX
ACCOUNT NOS.:
25/2500006836
26/2500006837
29/2500006840
30/2500006841
31/2500006842
32/2500006843
39/2500006850
40/2500006851
41/2500006852
42/2500006853
43/2500006854

GENERAL NOTES CONTINUED:

- OVERALL TRACT SITE INFORMATION
- PROPERTY INFORMATION:
 - TAX ACCOUNT NUMBERS: 29404/376 (LOTS 1-121)
 - DEED REFERENCES: 5
 - COUNCILMANIC DISTRICT: 11
 - ELECTION DISTRICT: 4113.02
 - CENSUS TRACT: MAP 30
 - ADDC MAP LOCATION: 73A1 & 73A2 (111B3 and 111C3)
 - ZONING MAP REFERENCES: DR 3.5
 - TAX MAP: 73
 - PARCEL: 25
 - K. LOT: ***SEE INSET
 - L. WATERSHED: BIRD RIVER
 - m. REGIONAL PLANNING DISTRICT: PERRY HALL - WHITE MARSH
 - THERE ARE NO KNOWN 100-YEAR FLOODPLAINS WITHIN 50' OF THE VARIANCE AREA.
 - NON-TIDAL WETLANDS WITHIN 50' OF THE VARIANCE AREA ARE AS SHOWN ON THE SITE PLAN.
 - THERE ARE NO DESIGNATED HISTORIC SITES AS PER LANDMARKS PRESERVATION COMMISSION OR THE MD HISTORIC TRUST INVENTORY LOCATED WITHIN THE VARIANCE REQUEST AREA.
 - THIS SITE IS NOT LOCATED WITHIN ANY FAILED BASIC SERVICES AREAS.
 - PARKING REQUIRED: 11 SINGLE FAMILY DETACHED DWELLING UNITS X 2 SPACES EACH = 22 SPACES (VARIANCE REQUEST AREA ONLY)
 - PARKING PROPOSED: 22 SPACES
 - ALL SIGNS WILL CONFORM TO BALTIMORE COUNTY ZONING CODE, SECTIONS 450 OR THE APPROPRIATE ZONING RELIEF WILL BE REQUESTED.
 - EXISTING AND PROPOSED BUILDING HEIGHT: MAXIMUM 50'
 - EXISTING AND PROPOSED BUILDING NUMBER OF STORIES: 3
 - SCREENING AND LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL.



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES:

OWNER/APPLICANT:

1. ALLENDER, L.C.
1355 BEVERLY ROAD, SUITE 240
MCLEAN, VA 22101
OWNER OF LOTS 1-121

PLAN PREPARED BY:

MORRIS & RITCHIE ASSOCIATES, INC. (MRA)
1220-C EAST JOPPA ROAD SUITE 505
TOWSON, MD 21286
ATTN: MATT BISHOP, PLA
TEL.: 410-821-1690

ADJACENT OWNERS CHART

PARCEL 457 LOT 31 JASMIN S. TORRES DEED REF # 1972/398 D # 111605350 RESIDENTIAL	PARCEL 457 LOT 38 EDWERTH H. GARDNER DEED REF # 21189/387 D # 111605350 RESIDENTIAL	PARCEL 457 LOT 41 TRACY GRANT DEED REF # 2222/321 D # 111605350 RESIDENTIAL	PARCEL 457 LOT 42 NOREY H. GREGG DEED REF # 19370/645 D # 111605350 RESIDENTIAL	PARCEL 457 LOT 43 WILLIAM E. PAGE DEED REF # 18423/398 D # 111605350 RESIDENTIAL	PARCEL 457 LOT 44 DOUGLAS J. YESKIS DEED REF # 19225/261 D # 111605350 RESIDENTIAL	PARCEL 457 LOT 45 MARY ELIZABETH SMITH DEED REF # 19137/689 D # 111605350 RESIDENTIAL	PARCEL 457 LOT 46 STEVEN R. GAREY DEED REF # 19137/689 D # 111605350 RESIDENTIAL
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ZONING HISTORY:

THE ZONING COMMISSIONER, IN CASE NO. 75-271-RX ON MAY 29TH, 1975, GRANTED THE FOLLOWING RELIEF:

THE REQUESTED REDISTRICTING FROM UNDISTRICTED TO AN I.M. DISTRICT AND A SPECIAL EXCEPTION FOR A RESIDENT TRAINING SCHOOL FOR THE TRAINING OF APPRENTICES IN THE CONSTRUCTION CRAFT OF OPERATING ENGINEERS SHOULD BE AND THE SAME IS HEREBY GRANTED.

SAID GRANTING SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

- THE SUBSTANTIAL STAND OF TREES THAT BORDER THE PERIMETER OF THE SITE SHALL NOT BE DISTURBED BY ANY OF THE EXCAVATING ACTIVITIES OF THE SCHOOL.
- ALL REQUIREMENTS FOR SEDIMENT AND STORM DRAIN CONTROL SHALL BE COMPLIED WITH AT ALL TIMES.
- THE SCHOOL SHALL NOT OPERATE ON SUNDAY, AND THE HOURS OF OPERATION SHALL OTHERWISE BE BETWEEN 8:00 AM AND 5:00 PM WITH THE EXCEPTION OF EVENING CLASSROOM HOURS.
- THE MAXIMUM NUMBER OF STUDENTS SHALL NOT EXCEED 20.
- A SITE PLAN SHALL BE APPROVED BY THE DEPARTMENT OF WORKS, THE SEDIMENT CONTROL DIVISION OF THE DEPARTMENT OF PERMITS AND LICENSES, THE OFFICE OF PLANNING AND ZONING. SAID SITE PLAN SHOULD INCLUDE THE FOLLOWING:

- THE AREA IN WHICH EXCAVATING WILL TAKE PLACE SHALL BE OUTLINED ON THE SITE PLAN.
- THE LOCATION AND SIZE OF THE PROPOSED BUILDING, PARKING, EQUIPMENT STORAGE AREA, FENCING AND LANDSCAPING SHALL BE INDICATED ON SAID PLAN.
- THE D.R.3.5 BUFFER STRIP PARALLELING ALLENDER ROAD SHALL NOT BE UTILIZED EXCEPT FOR LANDSCAPING AND ENTRANCES.

THE ZONING COMMISSIONER, IN CASE NO. 75-271-RX ON JUNE 16TH, 1975, AMENDED THE ORDER DATED MAY 29TH, 1975 BY AMENDING SUB-PARAGRAPH 4 TO READ:

THE MAXIMUM NUMBER OF DAYTIME CONSTRUCTION EQUIPMENT STUDENTS SHALL NOT EXCEED 20, AND THE MAXIMUM NUMBER OF EVENING CLASSROOM STUDENTS SHALL NOT EXCEED 40.

THE ZONING COMMISSIONER, IN CASE NO. 80-80-XSPH 253 ON NOVEMBER 14TH, 1979, DENIED THE FOLLOWING RELIEF:

PETITION TO AMEND THE SPECIAL EXCEPTION GRANTED UNDER CASE NO. 75-271-RX, BY REMOVING THEREFROM 4.43 ACRES OF LAND FROM THE OVERALL ACREAGE DEVOTED TO THE USE FOR WHICH THE SAID SPECIAL EXCEPTION WAS GRANTED, AND THE REQUEST TO PROVIDE AN ACCESS ROAD THROUGH D.R.3.5 ZONED LAND, PETITIONED FOR IN THE HEREIN PETITION FOR SPECIAL HEARING, BE AND THE SAME IS HEREBY DENIED.

DEVELOPMENT PLAN (PDM# 11-1065/2009-0140-SPH)
HEARING OFFICER'S ORDER:

THEREFORE, IT IS ORDERED by this Zoning Commission Hearing Officer for Baltimore County, this 11th day of March, 2010, that the "5737 ALLENDER ROAD" blue-lined Development Plan, identified herein as Developer's Exhibit A through RG, be and is hereby APPROVED, subject to the following conditions:

- Developer shall provide bituminous concrete stamped islands, as shown and indicated on Developer's Exhibit A, in the center of each of the three (3) cul-de-sacs provided on the development plan. The bituminous concrete stamping within said cul-de-sacs shall be gray in color.
- The imposition of the above conditions is due to the unusual facts and circumstances of the subject property that is the subject of this Hearing Officer's Hearing. I wish to clarify that the decision to impose Condition No. 1 is not legal precedent that may be cited by any applicant(s) in such a matter development plan case(s).
- The Petition for Special Hearing granted herein in Case No. 2009-0140-SPH to abandon the special exception granted in Case No. 75-271-RX is conditional upon the conveyance of the subject property to Developer or the vesting of the property by the Operating Engineers, whichever is later in time.

IT IS FURTHER ORDERED by this Zoning Commission Hearing Officer, that the waiver from Public Works standards to permit 28 foot wide pavement sections on a 40 foot right-of-way in lieu of the required 30 foot wide pavement sections on a 50 foot right-of-way, be and is hereby APPROVED; and

IT IS FURTHER ORDERED by this Hearing Officer/Zoning Commission, that the Petition for Special Hearing to abandon the special exception relief approved in Case No. 75-271-RX, is hereby GRANTED and shall become effective upon the conveyance of the subject property (5737 Allender Road) from the Legal Owner to the Developer or the vesting of the property by the Operating Engineers, whichever is later in time.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Sections 22-3-401 and 22-3-402.

THE ADMINISTRATIVE LAW JUDGE, IN CASE NO. 2012-25-A ON SEPTEMBER 2, 2011, GRANTED THE FOLLOWING RELIEF:

A VARIANCE REQUEST FROM SECTION 1801.2.C.1.B OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR") TO PERMIT A MINIMUM SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 20 FEET FOR LOT NOS. 122-173, AND FROM SECTION 1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE REQUIRED 30 FEET FOR LOT NOS. 122-123; 126-135; 138-139; 164 AND 166.

THE ADMINISTRATIVE LAW JUDGE, IN CASE NO. 2013-0236-SPHA ON OCTOBER 29, 2013, GRANTED THE FOLLOWING RELIEF:

VARIANCE FROM BCZR SECTION 1801.2.C.1.B OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR") TO PERMIT A MINIMUM SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 20 FEET BETWEEN LOT NUMBERS 1-3; 4-12; 13-18; 19-21; 22-26; 27-30; 31-34; 35-41; 42-43; 44-48; 50-55; 57-59; 61-67; 68-74; 75-76; 77-78; 79-115; 114-80; 80-83; 84-85; 86-87; 88-92; 93-96; 98-99; 100-107; 109-113; 116-121.

VARIANCE FROM BCZR SECTION 1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE OF THE REQUIRED 30 FEET FOR LOT NUMBERS 1; 6-12; 15; 20; 24; 27-28; 33-38; 44-48; 51-56; 57-121.

PETITION FOR SPECIAL HEARING AND VARIANCE
CASE NO. 2013-0236-SPHA
HEARING OFFICER'S AMENDED OPINION AND ORDER:

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE (Autumn Terrace Dr.)
1st Hearing Officer: 5th Councilmanic District
Alleander, L.C.
Petitioner:
Case No. 2013-0236-SPHA

AMENDED OPINION AND ORDER

By Order dated October 24, 2013, noting relief was granted in the above-captioned matter. With respect to the variance relief, the Petitioner submitted on the day of the hearing a revised Petition wherein it was indicated that variances were no longer being sought for all of the 121 lots on the site. Even so, the Order provided that the relief was granted for Lots 1-121, which was erroneous.

The sole purpose of this amended order is to clarify that variance relief is granted only with respect to the lots listed in the revised zoning petition.

THEREFORE, IT IS ORDERED that 29th day of October 2013, by this Administrative

Law Judge that the petition for variance in the above captioned case seeking the following:
1. Variance from BCZR Section 1801.2.C.1.B of the Baltimore County Zoning Regulations ("BCZR") to permit a minimum side building face to side building face setback of 15 feet in lieu of the required 20 feet between Lot Nos. 1-3; 4-12; 13-18; 19-21; 22-26; 27-30; 31-34; 35-41; 42-43; 44-48; 50-55; 57-59; 61-67; 68-74; 75-76; 77-78; 79-115; 114-80; 80-83; 84-85; 86-87; 88-92; 93-96; 98-99; 100-107; 109-113; 116-121.

2. Variance from BCZR Section 1801.2.C.1.B to permit a minimum distance of 20 feet from rear building face to rear property line in lieu of the required 30 feet for Lot Nos. 1; 6-12; 15; 20; 24; 27-28; 33-38; 44-48; 51-56; 57-121.

be and is hereby GRANTED.

All other aspects of the Order dated October 24, 2013 shall remain in full force and effect.

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

IT IS

JOHN B. HENDERSON
Administrative Law Judge
for Baltimore County

PETITION FOR SPECIAL HEARING:

SPECIAL HEARING TO APPROVE THE 5TH AMENDED FINAL DEVELOPMENT PLAN.

PETITION FOR VARIANCE:

VARIANCE FROM BCZR SECTION 1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 20 FEET FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE OF THE REQUIRED 30 FEET FOR LOT NUMBERS 25-26; 29-30; 31-32; 39-43.



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

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(410) 821-1690
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MRA@TA.COM

**11500-11542 AUTUMN TERRACE DRIVE
5600-5621 CRESCENT RIDGE DRIVE**

5737 ALLENDER ROAD

PLAN TO ACCOMPANY

PETITION FOR SPECIAL HEARING AND VARIANCE REQUEST

WHITE MARSH, MD

ELECTION DISTRICT 11TH

COUNCILMANIC DISTRICT 5TH

DATE	REVISIONS	JOB NO.:	15510
		SCALE:	AS SHOWN
		DATE:	1/18/2016
		DRAWN BY:	MMH
		DESIGN BY:	MB
		REVIEW BY:	MB
		SHEET:	1 OF 1

2016-0192-SPHA



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My Neighborhood



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PETITIONER'S
3
EXHIBIT NO.