MEMORANDUM

DATE: July 6, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2017-0008-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on July 5, 2017. 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

KEVIN KAMENETZ
County Executive

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

June 5, 2017

G. Scott Barhight, Esquire
Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston, LLP
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Counsel
Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: **ORDER ON MOTION FOR RECONSIDERATION**
Development Plan & Petitions for Special Hearing and Variance
Old Rolling Road Overlook fka 1121 S. Rolling Road
HOH Case No. 01-0589 & Zoning Case No. 2017-0008-SPHA

Dear Counsel:

Enclosed please find a copy of the Order on Motion for Reconsideration rendered in the above-captioned matter.

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

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Darryl Putty, Project Manager, Development Processing, PAI
John and Berchie Manley, 402 Montemar Avenue, Catonsville, MD 21228
Deana and Don Holler, 13 Moss View Court, Catonsville, MD 21228

IN RE: DEVELOPMENT PLAN HEARING & PETITIONS FOR SPECIAL HEARING AND VARIANCE (1121 South Rolling Road) 1st Election District 1st Council District **(OLD ROLLING ROAD OVERLOOK F.K.A. 1121 S. ROLLING ROAD)**	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
Whalen Properties *Owner/Developer*	*	**HOH Case No. 01-0589 and Zoning Case No. 2017-0008-SPHA**

* * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a motion for reconsideration, which will be granted as explained below. By order dated November 22, 2016, Developer was granted special hearing and variance relief in this combined proceeding. However, the original development plan submitted in the case was denied based solely on Developer's failure to address and satisfy the requirements of Baltimore County Code (B.C.C.) § 32-4-415, concerning steep slopes. Developer submitted in a timely manner a motion for reconsideration, and a hearing was held on June 2, 2017 to consider the "steep slope" issue.

At the hearing, Developer presented one witness: Matthew Bishop, a registered landscape architect accepted as an expert. Mr. Bishop (who also prepared the original development plan marked as Developer's Exhibit 7) explained how he evaluated the steep slopes on this site, and a summary of his recommended course of action was marked as Developer's Exhibit 19. Therein, the witness specified several actions Developer would take to: (1) prevent erosion; (2) preserve natural topographic features at the site; and (3) mitigate the effects of development on soils at the site. These are in fact the same requirements set forth in B.C.C. § 32-4-415, and Mr. Bishop's proposal was received and approved by Baltimore County, as indicated by the correspondence

marked as Developer's Exhibit 20.

Mr. Bishop also testified Developer took an additional step not technically required at this juncture; i.e., obtaining approval of Erosion and Sediment Control plans by the Baltimore County Soil Conservation District. The witness explained this is a quasi-state agency responsible for oversight and approval of sediment control plans, whose review is usually obtained during Phase II of the development process. Dennis Kennedy, a professional engineer who is in charge of the Bureau of Development Plans Review, indicated in the aforementioned correspondence that the Soil Conservation District's approval was "further evidence" to buttress his opinion the plan met the requirements of B.C.C. § 32-4-415. *See* Developer's Exhibit 20.

Developer's counsel indicated at the hearing his client met on several occasions with members of the community to discuss their vehement opposition to the masonry retaining wall proposed in the vicinity of Lots 8-12, as shown on the original development plan. Developer's Exhibit 7, sheet 3 of 4. Mr. Bishop testified Developer has agreed as an alternative to construct an "engineered slope" to protect the steep (i.e., greater than 25%) slopes on the project. The witness explained these engineered slopes are frequently seen throughout the country and have been used extensively by the Federal Highway Administration. Though he was unaware of such a feature in Baltimore County, he provided photos (Developer's Exhibit 21) of a single-family dwelling community in Harford County which incorporated an engineered slope that has been in place for 12+ years.

Mr. Bishop explained the engineered slope in this case would be designed by a geotechnical engineer to serve essentially the same functions as a retaining wall. The slope in this case would be no greater than 45 degrees, while a retaining wall would be essentially vertical. The engineer would incorporate a geo-grade system to stabilize the soils, and vegetation would

be planted on the slope. The witness prepared a blue-lined development plan (Developer's Exhibit 22, four sheets), the third sheet of which depicts the engineered slope which again would be in the vicinity of Lot Nos. 8-12. Mr. Bishop opined that with the changes reflected on Exhibit 22 Developer satisfied all Baltimore County rules and regulations, and that the engineered slope would not jeopardize the health, safety or welfare of the community.

Having considered the testimony of Mr. Bishop and the additional exhibits presented, I believe Developer is entitled to approval of the four-sheet blue-lined plan, and an order to that effect follows.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this **5th** day of **June, 2017**, that the "Old Rolling Road Overlook" Development Plan, a four-sheet plan, marked and admitted as Developer's Exhibit 22, be and is hereby APPROVED.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, §§ 32-3-401 and 32-4-281.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING
Date 6-5-17
By

KEVIN KAMENETZ
County Executive

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

November 22, 2016

G. Scott Barhight, Esquire
Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston, LLP
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204

RE: Development Plan & Petitions for Special Hearing and Variance
Old Rolling Road Overlook fka 1121 S. Rolling Road
HOH Case No. 01-0589 & Zoning Case No. 2017-0008-SPHA

Dear Counsel:

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

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

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Darryl Putty, Project Manager, Development Processing, PAI
Peter Max Zimmerman, People's Counsel
John and Berchie Manley, 402 Montemar Avenue, Catonsville, MD 21228
Sharon H. Wellington, 11 Moss View Court, Catonsville, MD 21228
Deana and Don Holler, 13 Moss View Court, Catonsville, MD 21228
John and Natasha Rosshach, 7 View Court, Catonsville, MD 21228

IN RE: DEVELOPMENT PLAN HEARING & PETITIONS FOR SPECIAL HEARING AND VARIANCE (1121 South Rolling Road) 1st Election District 1st Council District **(OLD ROLLING ROAD OVERLOOK F.K.A. 1121 S. ROLLING ROAD)**	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
Whalen Properties *Owner/Developer*	*	**HOH Case No. 01-0589 and Zoning Case No. 2017-0008-SPHA**

* * * * * * *

ADMINISTRATIVE LAW JUDGE'S COMBINED DEVELOPMENT PLAN AND ZONING OPINION & ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code ("B.C.C."). Jennifer R. Busse, Esquire with Whiteford, Taylor & Preston, LLP, on behalf of Whalen Properties, *Owner/Developer* of the subject property (hereinafter "the Developer") submitted for approval a redlined Development Plan ("Plan") prepared by Morris & Ritchie Associates, Inc., known as "Old Rolling Road Overlook."

Developer proposes 10 new single-family dwellings, and there are currently two dwellings on the site. Combined, there would be 12 single-family dwellings on a 7.45 acre tract composed of 6.85 acres zoned DR 2 and .5 acres zoned DR 3.5. The site is located near the intersection of Rolling Road and Wilkens Avenue in Catonsville.

The Developer also has filed Petitions for Special Hearing and Variance pursuant to the Baltimore County Zoning Regulations (B.C.Z.R) as follows:

- Special Hearing from § 500.7 to: (1) Grant the recommendation of the Director of Environmental Protection and Sustainability (DEPS) and to grant a Special Variance to permit the removal of specimen trees in accordance with Baltimore County Code (B.C.C.)§ 33-6-116 (G); and (2) Approve a waiver from Baltimore County Standard Design Plat R-J-4 to permit a private street with a 40 ft. right-of-way with 24 ft. wide

paving and no sidewalks in lieu of the required 50 ft. right-of-way with 30 ft. wide paving and sidewalks.

- Variance from § 1B01.2.C.1.b, to permit a minimum distance of 11 ft. from rear building face to rear property line in lieu of the required 30 ft. for Lot No. 12.

The development and zoning cases were considered at a combined hearing as permitted by Baltimore County Code (B.C.C.) § 32-4-230. Details of the proposed development are more fully depicted on the Plan that was marked and accepted into evidence as Developer's Exhibit 7. The property was posted on July 21, 2016 with the Notice of Hearing Officer's Hearing and on July 29, 2016 with the Zoning Notice, in compliance with the regulations. The undersigned conducted hearings on August 18, 2016 and November 7, 2016, in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

In attendance at the Hearing Officer's Hearing (HOH) in support of the Plan was Tom Whalen, Stephen W. Whalen, Jr., Mark Fleschner, John Canoles, Wes Guckert, and professional landscape architect Matthew A. Bishop, with Morris & Ritchie Associates, Inc., the consulting firm that prepared the site plan. G. Scott Barhight, Esquire and Jennifer R. Busse, Esquire appeared and represented the Developer. Peter Max Zimmerman participated in the hearing on behalf of the Office of People's Counsel. Several members of the community (whose names are reflected on the sign-in sheets) attended the hearing and expressed concerns regarding traffic and other issues, which will be discussed in greater detail below.

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the hearing, including the following individuals from the Department of Permits, Approvals and Inspections (PAI): Darryl Putty, Project Manager, Aaron Tsui (Zoning Review), Dennis Kennedy (Development Plans Review [DPR]), and Brad Knatz, Real Estate Compliance. Also appearing on behalf of the County were Stephen Ford from the Department of Environmental

Protection and Sustainability (DEPS), and Brett M. Williams from the Department of Planning (DOP).

At the hearing, each of the Baltimore County agency representatives identified above indicated that the Development Plan addressed all comments submitted by their agency, and they each recommended approval of the Plan. Mr. Williams noted DOP approved a Pattern Book for the development (Developer's Exhibit 8), and he also presented a school analysis (Baltimore County Exhibit 1) indicating that while Catonsville Elementary School is overcrowded using state guidelines, spare capacity exists at Arbutus and Hillcrest Elementary Schools. Mr. Kennedy indicated the Developer was granted a waiver and would pay a fee-in-lieu of $28,557.60 to satisfy the Local Open Space regulations. Baltimore County Exhibit 2. He also indicated a schematic landscape plan for the project had been approved, which was confirmed by Developer.

The Developer presented three witnesses in its case. First was Mark Fleschner, Vice President of Construction for Whalen Properties. Mr. Fleschner explained that Developer proposes creating 10 additional lots on the property, which would ultimately be improved with custom single-family dwellings. Mr. Fleschner was not certain how large the homes would be, and indicated that each lot owner would most likely create "their own unique vision" for their new home. In response to questions on cross-examination, Mr. Fleschner stated he did not believe the new homes would burden traffic conditions in the area. The witness testified that he has walked the site on several occasions, and stated that the retaining wall would be no taller than 14 ft. He also indicated that for the most part existing forest cover would shield the view of the retaining wall by nearby residents.

The next witness in Developer's case was Matthew Bishop, a registered landscape architect. Mr. Bishop testified he prepared the four-sheet redlined Development Plan (Developer's

Exhibit 7) as well as the one-sheet site plan submitted in the zoning case (Developer's Exhibit 6). Mr. Bishop explained in general the layout and proposed features for the site, and described in some detail the retaining wall planned for the northern portion of the site. Mr. Bishop also testified that stormwater management at the site would be in compliance with the most recent regulations, and would include environmental site design (ESD) features on each of the 12 lots.

Mr. Bishop opined that the Developer has satisfied all County agency comments and concerns, and complied with all requirements set forth in the zoning and development regulations. The witness confirmed that a schematic landscape plan had been approved by Baltimore County. Mr. Bishop also testified that the waiver sought concerning the width of road paving and right-of-ways would provide traffic calming and would also result in less impervious surface on the site.

In response to questions on cross-examination, Mr. Bishop advised that Lots 8 through 11 will have a retaining wall, but he believed that due to existing vegetation nearby residents may only have a "filtered view" of the wall. Mr. Bishop testified that he did not believe the development proposal would have an adverse impact on soils, and he believed the Developer tried to configure the project to provide environmental benefits. Mr. Bishop testified that the local open space fee-in-lieu will provide a greater benefit to the community than providing a small 12,000 sq. ft. open space parcel. With respect to the special variance concerning the removal of specimen trees, Mr. Bishop testified that of the 16 trees, only 8 were viable. The remainder were choked with vines or were in other ways not viable. He stated that if the 8 viable trees remained on site it would affect the layout of the project. Finally, Mr. Bishop confirmed that there will be development on areas having steep slopes (i.e., those greater than 25%), but the witness believed those issues would be resolved in phase 2 of the development process.

Developer at this point concluded its case in chief, and several members of the community next testified in opposition to the project, and expressed concerns with the creation of 10 new lots. Community members believed that the steep slopes on the site should not be disturbed, and they feared that the retaining walls would be inadequate. They also were concerned with the removal of specimen trees at the site. In addition, residents believed additional traffic would be generated by the new homes, and one neighbor noted that the intersection of Highfields Drive and South Rolling Road was a "disaster waiting to happen."

Berchie Manley, a former Councilwoman for this area, testified that she was disappointed with the County's performance in reviewing this project, and was particularly concerned with the proposed retaining wall and local open space waiver. Ms. Manley also testified that she disagreed with the grant of special variance relief to remove specimen trees from the site. Finally, she questioned why the University of Maryland Baltimore County (UMBC) denied access to its property for a gravity sewer connection, which necessitated grinder pumps being used for this project.

The Developer then presented one witness in a brief rebuttal case: traffic engineer Wes Guckert with the Traffic Group. Mr. Guckert, who was accepted as an expert, testified that both the stopping and intersection site distance standards were satisfied at this site. He also opined that the motor vehicle accidents mentioned by the community did not stem from poor intersection design, but from reckless drivers. Mr. Guckert also opined that the traffic conditions and roadways in the area were safe, and he did not believe that the additional traffic generated by the proposed development would present any problems.

In response to questions on cross-examination, Mr. Guckert confirmed that he visited the site on four occasions. The witness noted that the Developer cannot be responsible for the actions

of careless drivers, but he suggested that the State Highway Administration (SHA) should explore eliminating the high speed off-ramp which now exists off of I-195. In Mr. Guckert's opinion, a safer alternative would be to install a traffic signal at which motorists would make a right turn onto South Rolling Road.

LEGAL ISSUES

A. Traffic

While every new single-family dwelling will generate some amount of traffic, the small number of trips created by the proposed homes cannot justify denial of the plan. As Mr. Zimmerman conceded, the Developer did not create the traffic congestion along this stretch of South Rolling Road and the intersection in question (Highfields Drive and South Rolling Road) is not located on the Developer's property. Mr. Guckert testified these roadways are controlled by the SHA, and it is that agency (not Baltimore County) that is responsible for improving the congested and unsafe traffic conditions at this location.

B. Local Open Space Waiver

Baltimore County granted a waiver, allowing Developer to pay a fee-in-lieu of providing the open space required by County law. Mr. Bishop testified Baltimore County has a policy of not accepting open space parcels smaller than 20,000 sq. ft., and he believed the fee would better serve the community than would a 12,000 sq. ft. open space parcel. While I would be inclined to agree with Mr. Bishop, I do not believe this issue can be resolved by the ALJ at this juncture.

As noted at the hearing, in a recent development case the undersigned disagreed with a LOS waiver granted by the Department of PAI, and imposed a fee in excess of that assessed by County officials. On appeal, the County Board of Appeals (CBA) reversed and held the grant by PAI of the LOS waiver constituted a "final decision" which must be appealed to the CBA within

30 days, and cannot be resolved by the ALJ in the context of a development hearing. Case No. CBA-15-014; see also CBA-15-009. Although Mr. Zimmerman noted the 101 York Road PUD case has been appealed to the circuit court, I will acknowledge and honor the CBA's ruling on this issue unless and until it is reversed by a higher court.

C. Grinder Pumps

It is not clear why UMBC would not permit Developer access to its property to connect to the gravity sewer, but I do not believe that question needs to be answered in this case. Developer has received approval from Baltimore County to utilize grinder pumps (Developer's Exhibit 18), which are in use in many residential communities throughout the County. No evidence was presented which would indicate these grinder pumps would pose a threat to the health, safety or welfare of the community, and the plan cannot be denied on this basis.

D. Steep Slopes

The "steep slopes" issue is not as easily resolved. The Code provision at issue is B.C.C. § 32-4-415 – Slope Protection and Soils, which provides in pertinent part:

"(a) *Development Plan or plat approval; slope protection required.* The county may not approve a Development Plan or plat unless the county finds that the proposed development:

(1) Includes protective measures adequate to prevent erosion or sloughing of any steep slope or unstable slope; and

(2) Promotes the preservation of the natural topographic features of the steep slope or unstable slope.

(b) *Same; soil limitation.* The county may not approve a Development Plan or plat on soils that present a severe or moderate limitation to development unless the county finds that adequate measures have been taken to mitigate the effects of the limitation."

Although Mr. Bishop testified the steep slope concerns would be addressed in Phase II of the process, I do not believe the statutory text or the circuit court's ruling in Five M, LLC (Case No. 03-C-12-4191) supports that interpretation. The Code provides that until the requisite findings

are made by the County the development plan cannot be approved. The purpose of the HOH, of course, is to obtain Development Plan approval, and thus I believe Developer must contend with this requirement at this juncture.

That is also the conclusion reached by the circuit court in Five M, LLC. That court held the steep slope analysis under B.C.C. § 32-4-415 is wholly separate from the steep slope analysis considered by DEPS under Article 33 of the Code which regulates steep slopes in forest buffer areas. In this case the Developer has satisfied the latter requirement, as noted in the approval letter admitted as Developer's Exhibit 2. But the County has not made or confirmed any findings concerning the steep slope analysis outside of the buffer areas, as required by § 32-4-415, and I believe the Plan must be disapproved on this basis.

Developer points out that since December 2014 Baltimore County has required a "slope protection note" to be included on plans when development on steep slopes is proposed. Such a note was included on the Development Plan in this case (Developer's Exhibit 7, sheet 1). Even so, the note only states that measures will be taken to protect steep slopes and natural topographic features. The Code requires more; county staff must find that the project includes measures to protect the slopes. The County has not done so, which prevents the Plan from being approved.

I am somewhat hesitant in reaching this conclusion, because I believe the Developer is not at fault concerning this shortcoming. The fact is that although this provision has been a part of County law for many years it has not to date been enforced, and it is unclear which agency or agencies are responsible for administering and enforcing this provision. Development on or grading of steep slopes is a significant issue which can impact the health, safety and welfare of the community. As such, it is incumbent upon Baltimore County to establish a protocol for evaluating these matters.

ZONING REQUESTS

Special Hearing

Developer originally sought special hearing relief to approve a waiver of Department of Public Works (DPW) standards related to road and right-of-way width and sidewalks. At the hearing Developer withdrew that aspect of the petition concerning sidewalks, which would be provided per the regulations. The waiver requests approval for a 24 ft. wide paved road on a 40 ft. right-of-way, in lieu of 30 ft. width and 50 ft. right-of-way required. As noted, this would reduce the amount of impervious surface and would in no way be detrimental to the community. As such, this request will be granted.

The other special hearing request pertains to the removal of 16 specimen trees at the site. The Director of DEPS granted the variance (Protestants' Exhibit 5), which is then considered a "recommendation" to the ALJ. B.C.C. § 33-6-116(g). Mr. Bishop testified only 8 of the trees were in fact viable, and this testimony was not contradicted. As such, the request essentially involves removing 8 specimen trees. While it is always desirable to retain mature and healthy trees when possible, I do not believe removing 8 trees to create 10 lots on a 7.45 acre parcel is unreasonable or inappropriate. It would mean that approximately one tree would be removed for each acre of land, which in my opinion would not "alter the essential character of the neighborhood," which is all that must be shown under B.C.C. § 33-6-116(d). The County's environmental department (which has expertise in such matters) reviewed and approved the request, and I will do the same.

Variance

In addition, a variance is sought to permit a minimum distance of 11 ft. from rear building face to rear property line in lieu of the required 30 ft. for Lot No. 12. This pertains to an existing

single-family dwelling at the site.

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).

Developer has met this test. The dwelling was constructed in its current location many years ago and the site conditions are therefore unique. If the regulations were strictly interpreted, Developer would experience a practical difficulty because it would be required to raze or relocate this existing dwelling. 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. This is demonstrated by the lack of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 22nd day of **November, 2016**, that the **"OLD ROLLING ROAD OVERLOOK"** Development Plan, be and is hereby **DENIED.**

IT IS FURTHER ORDERED that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R) to: (1) Accept the recommendation of the Director of Environmental Protection and Sustainability (DEPS) and to grant a Special Variance to permit the removal of sixteen (16) specimen trees in accordance with Baltimore County Code (B.C.C.)§ 33-6-116(g); and (2) Approve a waiver from Baltimore County Standard Design Plat R-J-4 to permit a private street with a 40 ft. right-of-way with 24 ft. wide paving in lieu of the required 50 ft. right-of-way with 30 ft. wide paving, be and is hereby **GRANTED.**

ORDER RECEIVED FOR FILING

Date 11-22-16

By DW

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. § 1B01.2.C.1.b, to permit a minimum distance of 11 ft. from rear building face to rear property line in lieu of the required 30 ft. for the existing dwelling situated on Lot No. 12, be and is hereby **GRANTED.**

Any appeal of this Order shall be taken in accordance with Baltimore County Code, §§ 32-3-401 and 32-4-281.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 11-22-16

By DW

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 1121 South Rolling Road which is presently zoned DR2 & DR 3.5

Deed References: 27260/00594 10 Digit Tax Account # 0123002330

Property Owner(s) Printed Name(s) Whalen Properties

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

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

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

please see attached

2. ____ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ✓ **a Variance** from Section(s)

please see attached

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:

N/A
Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

BY

DATE

ORDER RECEIVED FOR FILING

Legal Owners (Petitioners):

Whalen Properties
Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

N/A
Signature # 2

2 West Rolling Crossroads
Mailing Address City Catonsville State MD

21228 410 747 2900 mark@whalenproperties.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Jennifer Busse, Esq.
Name- Type or Print

Signature

One W. Pennsylvania Ave. Ste. 300
Mailing Address City Towson State MD

21204 410 832 2077 jbusse@wtplaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Jennifer Busse, Esq.
Name – Type or Print

Signature

One W. Pennsylvania Ave. Ste. 300
Mailing Address City Towson State MD

21204 410 832 2077 jbusse@wtplaw.com
Zip Code Telephone # Email Address

ORDER RECEIVED CASE NUMBER 2017-0008-SPHA Filing Date 7/12/16 Do Not Schedule Dates: _____ Reviewer RT

REV. 10/4/11

Date 11-22-16

By LW

REVISED 7/20/16

Attachment to Zoning Petition

1121 South Rolling Road

PAI # 01-~~0272~~ 0589

Petition for Variance from BCZR §1B01.2.C.1.b to permit a minimum distance of 11 feet from rear building face to rear property line in lieu of the required 30 feet for lot number 12.

Petition for Special Hearing to grant the recommendation of the Director of Environmental Protection and Sustainability and to grant a Special Variance to permit the removal of specimen trees in accordance with Baltimore County Code §33-6-116(G).

Petition for Special Hearing to approve a ~~waiver form~~ Baltimore County Standard Design Plat R-J-4 to permit a private street with a 40 foot right of way with 24 foot wide paving and no sidewalks in lieu of the required 50 foot right of way with 30 foot wide paving and sidewalks.

JGB stricken on record as to sidewall 8-18-2016

ADDED

Item #0008

Zoning Property Description for
1121 S. Rolling Road

Beginning at a point located on the north side of Old Rolling Road which has a variable width right of way at the distance of ±765' south of the centerline of the nearest improved intersecting street Highfields Drive which has a 60' wide right of way. **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

South 15 degrees 12 minutes 26 seconds East, 154.69' to a point; South 61 degrees 06 minutes 32 seconds East, 100.70' to a point; South 72 degrees 09 minutes 50 seconds East, 199.26' to a point; South 79 degrees 47 minutes 30 seconds East, 186.38' to a point; South 57 degrees 59 minutes 28 seconds East, 32.64' to a point; North 70 degrees 44 minutes 03 seconds East, 326.70' to a point; North 00 degrees 05 minutes 44 seconds West, 483.24' to a point; North 86 degrees 07 minutes 06 seconds West, 248.0' to a point; South 38 degrees 30 minutes 54 seconds West, 280.18' to a point; South 79 degrees 11 minutes 14 seconds West, 312.92' to a point; South 79 degrees 11 minutes 14 seconds West, 19.73' to a point and place of beginning.

Containing an area of ±320,529 square feet or ±7.36 acres of land, more or less and being located in the 1st election district and the 1st councilmanic district of Baltimore County Maryland.

Item #0008

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2017-0008-SPHA

Property Address: 1121 South Rolling Road

Property Description: E/S South Rolling Rd, (+/-) 765' S of ℄ Highfields Dr

Legal Owners (Petitioners): Whalen Properties

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Busse

Company/Firm (if applicable): Whiteford Taylor & Preston

Address: One W. Pennsylvania Ave. Ste. 300
Towson MD 21204

Telephone Number: 410 832 2077

Revised 5/20/2014

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 10/17/2016
Case Number: 2017-0008-SPHA
Petitioner / Developer: JENNIFER BUSSE, ESQ. ~ WHALEN PROPERTIES ~ MATTHEW BISHOP of MORRIS RITCHIE & ASSOCIATES, INC.
Date of Hearing (Closing): NOVEMBER 7, 2016

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

(1) set @ 1121 SOUTH ROLLING ROAD
(1) set @ INTERSECTION OF S. ROLLING RD. & HIGHFIELD DR.

The sign(s) were posted on: OCTOBER 15, 2016

Linda O'Keefe
(Signature of Sign Poster)

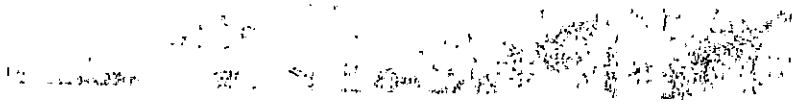
Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

Intersection of S. Rolling Rd. & Highfields Dr.



THE BALTIMORE SUN MEDIA GROUP

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 4341296

Sold To:
Jennifer Busse, Esq. - CU00452309
1 W Pennsylvania Ave
Ste 300
Towson,MD 21204-5014

Bill To:
Jennifer Busse, Esq. - CU00452309
1 W Pennsylvania Ave
Ste 300
Towson,MD 21204-5014

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

Jul 28, 2016

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: # 2017-0008-SPHA
1121 South Rolling Road
E/s Rolling Road, 765 f. +/- south of centerline of Highfield Drive
1st Election District - 1st Councilmanic District
Legal Owner(s) Whalen Properties

SPECIAL HEARING: 1. To grant the recommendation of the Director of Environmental Protection and Sustainability and to grant a Special Variance to permit the removal of specimen trees in accordance with Baltimore County Code Section 33-6-116 (G); and 2. To approve a waiver from Baltimore County Standard Design Plat R-J-4 to permit a private street with a 40 ft. right-of-way with 24 ft. wide paving and no sidewalks in lieu of the required 50 ft. right-of-way with 30 ft. wide paving and sidewalks.

VARIANCE: to permit a minimum distance of 11 ft. from rear building face to rear property line in lieu of the required 30 ft. for lot number 12

Hearing: Thursday, August 18, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

7/172 July 28 4341296

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 7/29/ 2016
Case Number: 2017-0008-SPHA
Petitioner / Developer: JENNIFER BUSSE, ESQ.~ WHALEN PROPERTIES ~MATTHEW BISHOP of MORRIS RITCHIE & ASSOCIATES, INC.
Date of Hearing (Closing): AUGUST 18, 2016

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
(1) set @ 1121 SOUTH ROLLING ROAD
(1) set @ INTERSECTION OF S. ROLLING RD. & HIGHFIELD DR.

The sign(s) were posted on: JULY 29, 2016

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

Intersection of S. Rolling Rd. & Highfield Dr.

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 28, 2016 Issue - Jeffersonian

Please forward billing to:
Jennifer Busse 410-832-2077
One W. Pennsylvania Avenue, Ste. 300
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: 2017-0008-SPHA
1121 South Rolling Road
E/s Rolling Road, 765 f. +/- south of centerline of Highfield Drive
1st Election District – 1st Councilmanic District
Legal Owners: Whalen Properties

Special Hearing to grant the recommendation of the Director of Environment Protection and Sustainability and to grant a Special Variance to permit the removal of specimen trees in accordance with Baltimore County Code Section 33-6-116 (G). **Variance** to permit a minimum distance of 11 ft. from rear building face to rear property line in lieu of the required 30 ft. for lot number 12.

Hearing: Thursday, August 18, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 28, 2016 Issue - Jeffersonian

Please forward billing to:
Jennifer Busse 410-832-2077
One W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

CORRECTED 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: 2017-0008-SPHA
1121 South Rolling Road
E/s Rolling Road, 765 f. +/- south of centerline of Highfield Drive
1st Election District – 1st Councilmanic District
Legal Owners: Whalen Properties

Special Hearing 1. To grant the recommendation of the Director of Environmental Protection and Sustainability and to grant a Special Variance to permit the removal of specimen trees in accordance with Baltimore County Code Section 33-6-116 (G) ; and 2. To approve a waiver form Baltimore County Standard Design Plat R-J-4 to permit a private street with a 40 ft. right-of-way with 24 ft. wide paving and no sidewalks in lieu of the required 50 ft. right-of-way with 30 ft. wide paving and sidewalks. **Variance** to permit a minimum distance of 11 ft. from rear building face to rear property line in lieu of the required 30 ft. for lot number 12

Hearing: Thursday, August 18, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

KEVIN KAMENETZ
County Executive

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

July 21, 2016

CORRECTED 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: 2017-0008-SPHA
1121 South Rolling Road
E/s Rolling Road, 765 f. +/- south of centerline of Highfield Drive
1st Election District – 1st Councilmanic District
Legal Owners: Whalen Properties

Special Hearing 1. To grant the recommendation of the Director of Environmental Protection and Sustainability and to grant a Special Variance to permit the removal of specimen trees in accordance with Baltimore County Code Section 33-6-116 (G) ; and 2. To approve a waiver form Baltimore County Standard Design Plat R-J-4 to permit a private street with a 40 ft. right-of-way with 24 ft. wide paving and no sidewalks in lieu of the required 50 ft. right-of-way with 30 ft. wide paving and sidewalks. **Variance** to permit a minimum distance of 11 ft. from rear building face to rear property line in lieu of the required 30 ft. for lot number 12.

Hearing: Thursday, August 18, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Jennifer Busse, One W. Pennsylvania Avenue, Ste. 300, Towson 21204
Whalen Properties, 2 West Rolling crossroads, Catonsville 21228

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 29, 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.

KEVIN KAMENETZ
County Executive

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

July 19, 2016

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: 2017-0008-SPHA
1121 South Rolling Road
E/s Rolling Road, 765 f. +/- south of centerline of Highfield Drive
1st Election District – 1st Councilmanic District
Legal Owners: Whalen Properties

Special Hearing to grant the recommendation of the Director of Environment Protection and Sustainability and to grant a Special Variance to permit the removal of specimen trees in accordance with Baltimore County Code Section 33-6-116 (G). **Variance** to permit a minimum distance of 11 ft. from rear building face to rear property line in lieu of the required 30 ft. for lot number 12.

Hearing: Thursday, August 18, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Jennifer Busse, One W. Pennsylvania Avenue, Ste. 300, Towson 21204
Whalen Properties, 2 West Rolling crossroads, Catonsville 21228

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 29, 2016.**
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(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE OFFICE
	1121 South Rolling Road; E/S S. Rolling Road, 765' S of c/line Highfield Drive	*	OF ADMINSTRATIVE
	1st Election & 1st Councilmanic Districts	*	HEARINGS FOR
	Legal Owner(s): Whalen Properties Petitioner(s)	*	BALTIMORE COUNTY
		*	2017-008-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

RECEIVED
JUL 19 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of July, 2016, a copy of the foregoing Entry of Appearance was mailed to Jennifer Busse, Esquire, One West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

No. 142857

Date: 7/21/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	501	0000		6187				$100.00

Total: $100.00

Rec From: Jennifer Busse

For: Amended 2017 - 500 3 SIGN

8/16/20
0 16

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

PAID RECEIPT

BUSINESS ACTUAL TIME PRO
7/22/2016 7/21/2016 13:38:51 1
PRO 0501 WALKIN LJR
>RECEIPT # 666357 7/21/2016 OFLN
Dept 5 528 ZONING VERIFICATION
MD. 142857
Recpt Tot $100.00
$100.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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

No. 141339

Date: 7/12/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$1000 —

Total: $1000 —

Rec From: What's Your

For: Zoning hearing - case # 2017-0008-SPHA

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

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
7/13/2016 7/12/2016 14:19:10 5
REG 0505 WALKIN LRB
>>RECEIPT # 857533 7/12/2016 OELN
Dept 5 528 ZONING VERIFICATION
NO. 141339
Recpt Tot $1,000.00
$1,000.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

KEVIN KAMENETZ
County Executive

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

August 10, 2016

Whalen Properties
2 West Rolling Crossroads
Catonsville MD 21221

RE: Case Number: 2017-0008 SPHA, Address: 1121 South Rolling Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 12, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Jennifer Busse, Esquire, One W Pennsylvania Avenue, Suite 300, Towson MD 21204

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

State Highway Administration
Maryland Department of Transportation

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

Date: 7/25/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0008-SPHA
Special Hearing Variance
Whaley Properties
1121 South Rolling Road

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,

Richard Zeller

for Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

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

State Highway Administration
Maryland Department of Transportation

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

Date: 7/18/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0008-SPHA
Special Hearing Variance
Whalen Properties
1121 South Rolling Road.

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,

Richard Zeller

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 29, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For August 01, 2016
Item No. 2017-0008

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

We have no objection to granting the waiver requested under # 2.

* * * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0008-08012016.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 25, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For July 25, 2016
Item No. 2017-0005, 0007, 0008, 0011 and 0012

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC07252016.doc

PLEASE PRINT CLEARLY

Print for Record Hearing

CASE NAME Old Mayfield Overlook
CASE NUMBER
DATE 6/21/17

01-589
~~04-752~~ +
2017-0208-SPHA

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Jenn Busse G. Scott Barhight	CWP	One W. Pennsylvania Ave. Ste. 300 Towson, MD 21204	
Steve Whalen		2 West Rolling Crossroads Ste. 203 Catonsville MD 21228	
Matt Bishop -	MRA	1220-C East Joppa Rd Ste 505 Towson MD 21286	

PLEASE PRINT CLEARLY

Sheet for Record. Hearing

CASE NAME OLD ROLLING ROAD OVERLOOK
CASE NUMBER ADM 04-752 2007-028
DATE JUNE 2, 2017

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Don Holler	13 Moss View Ct	Catonsville MD 21228	hollerdl@aol.com
Berchie & Jack Manley	402 Montemar Ave.	" " "	jdaberchie@gmail.com
Peter Zimmerman	People's Counsel	Towson	peterzimmerman@aol.com

PLEASE PRINT CLEARLY

CASE NAME 04 ROLLING ROAD OVERLOOK
CASE NUMBER
DATE NOV. 7, 2016

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
G. Scott Barlight	1 West Penn Ave	Towson, MD 21204	gbarlight@ubplaw.com
Jennifer Busse	"	"	jbusse@ubplaw.com
Stephen W Whalen Jr	2 West Rolling Crossroads #203	Catonsville MD 21228	stevewhalen@whalenpropertiesco
WES GUCKERT	9900 FRANKLIN SQ. DRIVE SUITE H	BALTO MD 21236	WGUCKERT@TRAMCGROUP.COM
John Canoles	P.O. Box 5006	Glen Arm MD 21057	espijc@aol.com
Matt Bishop	1220-C E. Joppa Rd	Towson MD 21286	mbishop@mragta.com
Mark Flesahner	2 W. Rolling Crossroads #203	Catonsville, MD 21228	markflesahner@whalenpropertiesco

- PLEASE PRINT CLEARLY

CASE NAME OLD ROLLING ROAD OVERLOOK
CASE NUMBER PAI-I-272, I-589
DATE NOVEMBER 7, 2016

2017-008-SPHA

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
JOHN + BERCHIE MANLEY	402 MONTEMAR AVE	CATONSVILLE, MD. 21228	jdnberchie@gmail.com
SHARON N. WELLINGTON	11 MOSS VIEW CT.	CATONSVILLE, MD 21228	
PETER ZIMMERMAN	PEOPLES COUNSEL - TOWSON	pzimmerman@baltimorecountymd.gov	
Dzidra Hiller	13 Moss View Ct 2		
DON Holler	" " " "	Catonsville MD 21228	dhollercomm.com
John Kossbach	7 Moss View Ct,	Catonsville MD 21228	
Natasha Kossbach	7 Moss View Ct.	Catonsville MD 21228	natashakossbach@gmail.com

PLEASE PRINT CLEARLY

CASE NAME Zoning # 2017-0008-SPHA
CASE NUMBER PAI# 01-0589
DATE 8/12/16

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Jenn Busse	WTP - One W. Penn	TOWSON 21204	jbusse@wtplaw.com
G. Scott Barhight	Ste. 300		gbarhight@wtplaw.com
Mark Fleischer	2 W. Rolling Crossroads St. 203	Catonsville, MD 21228	mark@wheelanproperties.com
WES GUCKERT	9900 FRANKLIN SQ. DR.		
	SUITE H BALTO 21236		WGUCKERT@TRAFFICGROUP.COM
Matt Bishop	1000-C East Joppa Road		mbishop@mragta.com
	Towson, MD 21286		
Tom Wheelan	2W. Rolling Crossroads St. 203	Catonsville MD 21228	tomwheelan@wheelanproperties.com

PLEASE PRINT CLEARLY

CASE NAME OLD ROLLING ROAD OVERLOOK
CASE NUMBER 2017-008-SPH / 01-589
DATE 8/18/16

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
JOHN MANLEY	402 MONTEMAR AVE	CATONSVILLE, MD	idnberchie@gmail.com
BERNIE MANLEY	"	"	"
SHARON WELLINGTON	11 MOSS VIEW CT.	CATONSVILLE, MD	SEHW0000@gmail.com
Don HOLLER	13 Moss View Ct.	CATONSVILLE, MD	hollerdl@aol.com

PLEASE PRINT CLEARLY

CASE NAME 112 S. ROLLING RD
CASE NUMBER 01-0589
DATE 8/18/16

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
AARON TSUI	ZONING	X 3391	
Brett M. Williams	PLANNING.	X 3480	bmwilliams@
STEVE FORD	EPS	X 5839	
ROAD KNATZ	REAL ESTATE	X 3254	
Dennis Kennedy.	Dev. Plan Review	x 3751	
DARRYL PUTTY	DEV. MAN.	x 0716	

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 15, 2016

RECEIVED
AUG 15 2016
OFFICE OF ADMINISTRATIVE HEARINGS

HAND DELIVERED
John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Old Rolling Road Overlook; Zoning Case 2017-008-SPH; Development Plan I-589; 1121 South Rolling Road, Currently scheduled August 18, 2016

Dear Judge Beverungen,

Having been apprised of concerns by some area citizens in the neighboring Highfields residential subdivision, I have reviewed the applications and the development plan conference comments, visited the site, and read Natasha Rossbach's request for postponement or continuance. We received another request from Catherine O'Neill. We received applicant's opposition.

In view of Ms. Rossbach's request being made more than five days before the hearing, and your procedural advice on postponements, we are sending a separate e-mail to the Director of Permits to support the request, along with Ms. O'Neill's e-mail sent to me.

Meanwhile, or in any event, it appears helpful to encapsulate several issues of interest based on a review of the files so far and at this stage.

1. Notice and scheduling. Ms. Rossbach states the sign for the community input meeting was problematic because of its size and placement. She also notes that the CIM scheduling was during Easter Break and the upcoming August 18 hearing is in the middle of the main summer vacation season. Master Plan 2020 includes among its prominent elements and visions the value of citizen participation. To comply with the spirit and intent of the master plan, and in the interest of due process, a postponement or continuance appears warranted.

2. The Zoning Petition for Special Hearing. There are three requests in the revised petition:

    a. A rear yard setback variance for new "Lot 12" in the proposed D.R. 2 Zone 12-lot subdivision. This relates either to the existing residence near the entry to the site, or to a proposed razing of the dwelling and construction of a new dwelling. The Planning Department's July 27, 2016 Development Plan Conference memorandum supports the variance for the existing dwelling only, and not for

any new dwelling. We agree. The existing dwelling is arguably equivalent to a nonconforming structure. We do not oppose its continuation.

b. A waiver from Department of Public Works standards, involving among other things the omission of required sidewalks. The PD does not support this waiver. We agree. There does not appear to be any justification for same. Our impression is that the waiver standard would be under Code Sec. 32-4-107, unless another more relevant standard is identified. The proposal does not appear to satisfy the requirements for waiver.

c. Approval of a Department of Environment recommendation to remove specimen trees. This appears also to involve the existing dwelling on Lot 12. The relevant standards are under Code Sec. 33-6-116. We see no basis to approve the removal of existing trees, especially as the dwelling will have to remain and not be razed.

d. Incomplete and insufficient zoning petition: residential performance standards; site planning; open space; streets and parking. As the Planning Department observes, the proposed subdivision must meet BCZR Sec. 260 residential performance standards (as it is for four or more lots). This is a zoning requirement. Therefore, it must be dealt with under the rubric of the petition for special hearing. The department's memorandum also states that the proposal at this time is at best incomplete with respect to architectural elements of high visibility lots 1, 11, and potentially 12; color and material of retaining walls; side building façade elevations; signage; garages, modifications to existing (2) dwellings, and garage doors; front orientations; and clarification or statements whether or not variances may be required for the proposed dwellings.

There are also detailed site planning requirements in BCZR Sec. 260.2 pertaining to vegetation, integration of site features: buildings, vistas, topography, trees, and character. It is unclear whether or how these are satisfied in relation to the adjoining Highfields dwellings, both with respect to the situation of dwellings and the substantial retaining wall proposed.

BCZR Sec. 260.3 provides specific standards for open space, which do not appear to have been satisfied. Parenthetically, this problem overshadows any ostensible waiver "approved" by the Department of Recreation of Parks, which must anyway be scrutinized. Please note that BCZR Sec. 600 provides that the zoning regulations if stricter than code requirements.

BCZR Sec. 260.4 covers streets and parking in, at least one street connection to the adjoining neighborhood; traffic management devices; on-street parking; pedestrian and bicycle access to area facilities; complementarity to the surrounding neighborhood.
BCZR Sec. 260.5 and 260.6 address landscape design and buildings – housing, accessory structures, and garages and must be considered.

3. Hybrid Zoning/Development Plan Issues

Environmental

a. Stormwater Management. The July 27, 2016 Department of Environment (DEPS) comments conclude that the relevant requirements have not been satisfied. These cannot be left to future bilateral interaction between DEPS and the developer, but should be clarified and available for citizen review and the opportunity to be heard. There is a stream adjacent to the site. The quantitative and qualitative impacts on the stream and watershed need to be addressed.

b. Forest conservation The DEPS comment also indicates that forest conservation requirements have not been satisfied, including steep slopes and erodible soils analysis and forest conservation plan. These should be satisfied and available for citizen review prior to the hearing.

c. Forest buffer. DEPS requires showing of building setbacks from forest buffer.

d. Channels subject to federal jurisdiction. DEPS indicates there may be Corps of Engineers permits required. This situation needs to be clarified.

e. Water and sewer. DEPS requires location of existing wells, septic systems and underground storage tanks, and future connection to public sewer factors.

f. Erosion and Sediment Control. In view especially of the steep slope situation, stream, and proposed retaining wall, these should be clarified prior to the hearing with the requisite plans required by DEPS. This includes swales, grading, and runoff issues.

Traffic

a. PAI comment. The July 22, 2016 Department of Permits comment indicates for Traffic Engineering that a field visit must be necessary prior to approval. The departmental review is thus incomplete.

b. Citizen concerns: access and safety. The citizens are concerned that the convergence of the access with Highfield Road, South Rolling Road, and the I-195 exit off ramp merging area will aggravate existing safety and congestion issues. These need to be addressed in detail.

School Impact:

The Planning Department states there needs to be a school impact analysis, and the relevant elementary school corrected to Catonsville Elementary. Online Baltimore County Strategic Planning 2014-23 School Enrollment Projections indicate a serious concern about overcrowding in excess of 15% by 2018.

Master Plan; Code Sec. 32-4-231:

There should be addressed the extent to which the project is consistent with Master Plan 2020 visions, including Appendix A, the Water Resources Element and the County's ongoing watershed planning process. There is a Small Watershed Action Plan for the Lower Patapsco River watershed. The Herbert Run West area appears preliminarily to be the relevant area here. There are stormwater runoff and impermeable surface issues, as to quality and quantity.

Conditions; Code Sec. 32-4-229:

There should ultimately be addressed the extent to which the project can be approved with conditions "necessary to protect the surrounding and neighboring properties" and "alleviate an adverse impact on the health, safety, and welfare of the community." These are akin to special exception standards. They would potentially include the question under all the circumstances of reasonable density, because the only code limit on reduction of density is the 20% applicable to the D.R. 5.5, 10.5, and 16 Zones. There is no such limit to reduction for the D.R. 2 Zone.

* * *

The applicant should agree to a postponement; revise, correct, and complete the petition, development plan, and address various requirements. If the case goes forward on August 18, these are several of the issues which should be considered.

I hope this analysis is helpful to the parties, staff, and your office.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

cc: By First Class Mail and E-mail
Jennifer Busse, Esquire and Scott Barhight, Esquire, attorneys for petitioner/applicant
Natasha Rossbach
Catherine O'Neill

CASE NO. 2017-_____

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
7-29 & 7-25	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
7-25	STATE HIGHWAY ADMINISTRATION	No objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 7-28-16

SIGN POSTING Date: 7-29-16 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes ☑ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

WHITEFORD, TAYLOR & PRESTON L.L.P.

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
BETHANY BEACH, DE*
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
LEXINGTON, KY
PITTSBURGH, PA
ROANOKE, VA
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

JENNIFER R. BUSSE
DIRECT LINE (410) 832-2077
DIRECT FAX (410) 339-4027
jbusse@wtplaw.com

July 19, 2016

VIA HAND DELIVERY
Mr. Dave Duvall
Baltimore County Zoning Office
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Case No. 2017-0008-SPHA
Originally Executed Copy of Petition for Zoning Hearing

Dear Mr. Duvall:

Enclosed please find the originally executed Petition for Zoning Hearing in the above-referenced matter. Thank you for your cooperation in allowing us to file using a photocopy version of this Petition.

Please let me know if you have any questions or concerns. Thank you for your attention to this matter.

Sincerely,

Jennifer R. Busse

JRB:tm
Enclosure
444475
cc: Matt Bishop (via electronic mail)
Mark Fleschner (via electronic mail)
June Wisnom (via electronic mail)
Kristin Lewis (via electronic mail)

To Kirsten
Timing?
Ha

WHITEFORD, TAYLOR & PRESTON L.L.P.

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
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LEXINGTON, KY
ROANOKE, VA
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

July 13, 2016

Sent Via Electronic Mail and First Class Mail

Mr. W. Carl Richards
Zoning Review Supervisor,
Baltimore County Department of Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 1121 South Rolling Road
PAI # 01-0272
Zoning Item # 2017-0008-SPHA

Dear Mr. Richards:

On behalf of my client, the owner and petitioner of/for the above referenced property and zoning and development relief, please accept this letter as our request for a combined hearing. The Hearing Officer's Hearing has already been set for August 18th, 2016, and the zoning petition was accepted for filing yesterday.

Thank you for your consideration of this request and please do not hesitate to contact me with any questions or concerns.

Sincerely,

Jennifer R. Busse

cc: (sent via email)
Ms. Kristen Lewis
Mr. Steve Whalen
Mr. Matt Bishop, RLA (MRA)

444388

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 1121 South Rolling Road which is presently zoned DR2 & DR 3.5

Deed References: 27260/00594 10 Digit Tax Account # 0123002330

Property Owner(s) Printed Name(s) Whalen Properties

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

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

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

please see attached

2. ____ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ✓ **a Variance** from Section(s)

please see attached

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:

N/A
Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Whalen Properties
Name #1 – Type or Print

N/A
Name #2 – Type or Print

Signature #1

Signature # 2

2 West Rolling Crossroads
Mailing Address City Catonsville State MD

21228 410 747 2900 mark@whalenproperties.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Jennifer Busse, Esq.
Name- Type or Print

Signature

One W. Pennsylvania Ave. Ste. 300
Mailing Address City Towson State MD

21204 410 832 2077 jbusse@wtplaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Jennifer Busse, Esq.
Name – Type or Print

Signature

One W. Pennsylvania Ave. Ste. 300
Mailing Address City Towson State MD

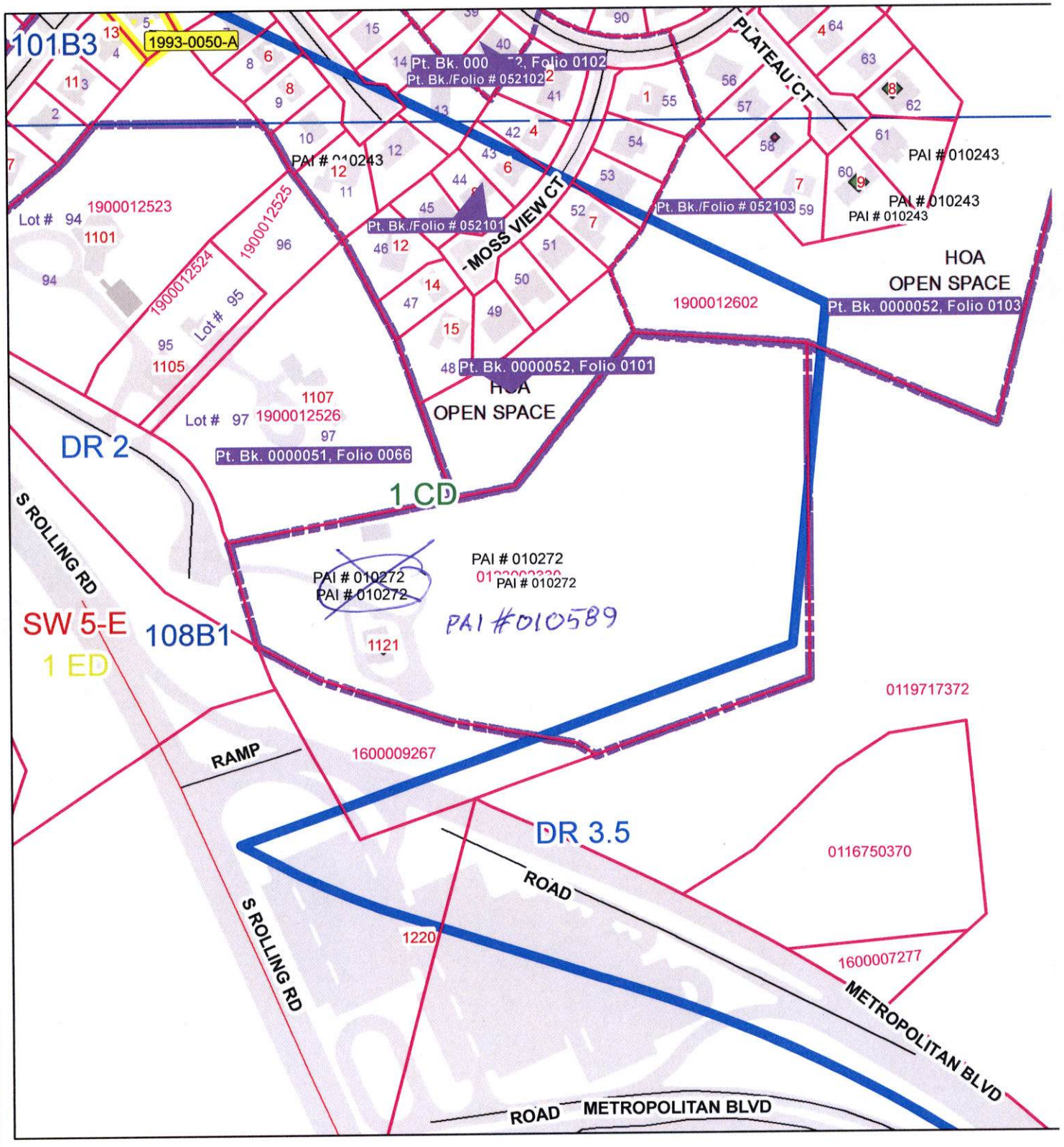
21204 410 832 2077 jbusse@wtplaw.com
Zip Code Telephone # Email Address

CASE NUMBER 2017-0008-SPHA Filing Date 7/12/16 Do Not Schedule Dates: _____ Reviewer RT

REV. 10/4/11

* Matt Bishop - MBishop@mragta.com

1121 South Rolling Road



Publication Date: 7/8/2016

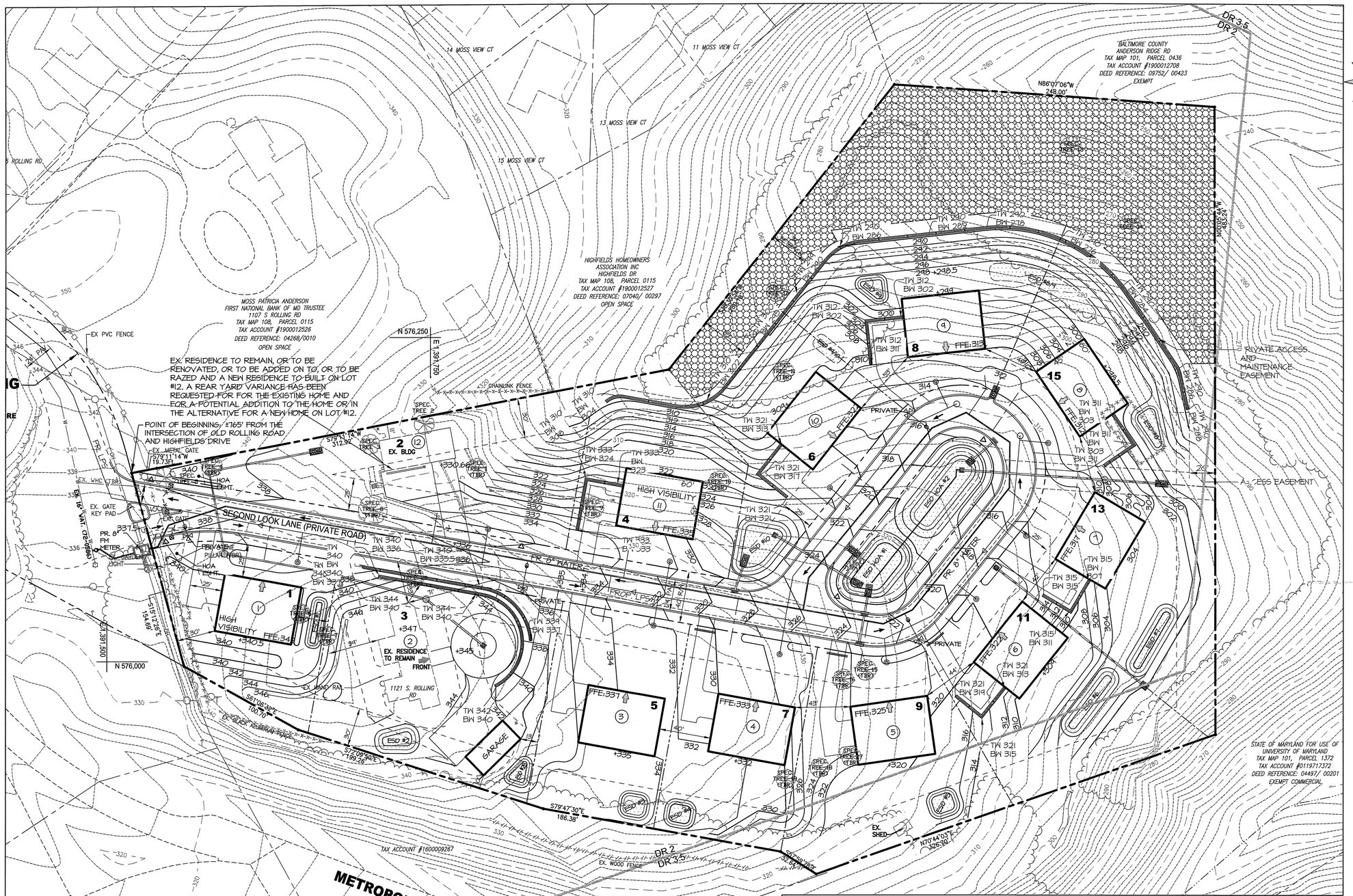
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

N
W E
S

0 55 110 220 330 440 Fee

1 inch = 200 feet

Item #0008



PLAN

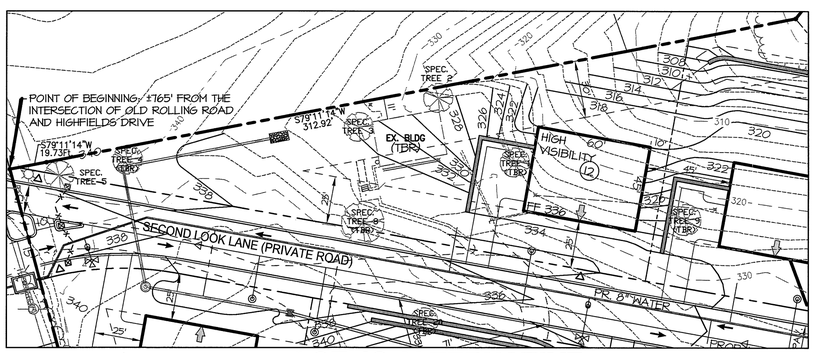
SCALE: 1"=40'

#2017-0008-SPHA

RDT

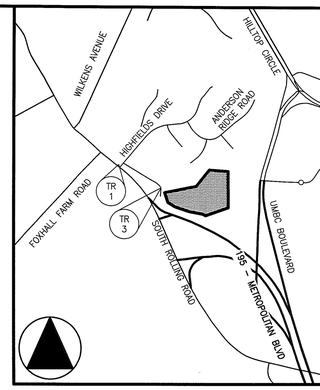
SETBACK TYPE – DR 2	SETBACK
FRONT BUILDING FACE TO: R/W OR PROPERTY LINE–	25'
SIDE BUILDING FACE TO: SIDE BUILDING FACE–	30'
PUBLIC STREET R/W–	25'
PAVING OR PRIVATE ROAD–	30'
TRACT BOUNDARY–	25'
REAR BUILDING FACE TO: REAR PROPERTY LINE –	30'
PUBLIC STREET R/W –	30

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING.



LOT 12 ALTERNATIVE

SCALE: 1"=40'



VICINITY MAP

SCALE: 1"=1000'

OWNER / APPLICANT / DESIGN CONSULTANT:

1. OWNER/APPLICANT:
WHALEN PROPERTIES
2 WEST ROLLING CROSSROADS
CATONSVILLE, MD 21228
ATTN: STEPHEN WHALEN
TEL: (410) 747–2900

2. PLAN PREPARED BY:
MORRIS & RITCHIE ASSOCIATES, INC. (MRA) 1220–C EAST
JOPPA ROAD SUITE 505 TOWSON, MD 21286
ATTN: MATTHEW BISHOP, PLA, LEED AP
TEL: 410–821–1690

SITE DATA:

1.	PREMISES ADDRESS:	1121 SOUTH ROLLING ROAD
2.	EXISTING ZONING:	DR 2 (6.85 ACRES) , DR 3.5 (0.5 ACRES)
3.	TOTAL TRACT AREA	GROSS – 7.45 AC. (324,772 SF) NET – 7.36 AC. (320,529 SF)
4.	EXISTING LAND USE:	RESIDENTIAL
	PROPOSED LAND USE:	RESIDENTIAL
5.	PROPERTY INFORMATION	
	A. TAX ACCOUNT NUMBER:	0123002330
	B. DEED REFERENCE:	/27260/00594
	C. COUNCILMANIC DISTRICT:	1
	D. ELECTION DISTRICT:	1
	E. CENSUS TRACT:	401602, 400400
	F. ADC MAP LOCATION:	4167, 4168
	G. BALTIMORE COUNTY ZONING MAP REFERENCES:	
	H. GIS TILE:	108B1
	I. TAX MAP:	108
	J. PARCEL:	0053
	K. WATERSHED:	PATAPSCO RIVER
	L. SCHOOLS	
	ELEMENTARY	CATONSVILLE ES
	MIDDLE	ARBUTUS MS
	HIGH	CATONSVILLE HS
	M. WATER DESIGNATION	W–3
	N. SEWER DESIGNATION	S–3

GENERAL NOTES:

1. THIS PROJECT IS LOCATED WITHIN THE URBAN–RURAL DEMARCATION LINE.
2. THE SITE IS NOT LOCATED WITHIN A TRAFFIC DEFICIENT AREA OR ANY OTHER DEFICIENT AREAS AS SHOWN ON THE 2015 BASIC SERVICES MAPS.
3. STREET LIGHTS SHALL BE INSTALLED ALONG ALL PUBLIC ROADS.
4. ALL SIGNS WILL CONFORM TO BALTIMORE COUNTY ZONING CODE, SECTIONS 450 OR THE APPROPRIATE RELIEF WILL BE REQUESTED.
5. THERE ARE NO KNOWN BUILDINGS, PROPERTIES, OR SITES WITHIN THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY (MHT), BALTIMORE COUNTY LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, OR THE MARYLAND ARCHEOLOGICAL SURVEY.
6. THE PROJECT SITE IS NOT LOCATED IN ANY BALTIMORE COUNTY OR NATIONAL HISTORIC DISTRICT.
7. IT IS ANTICIPATED THAT THIS PROJECT WILL BE DEVELOPED IN ONE PHASE.
8. THERE ARE NO WETLANDS OR 100 YEAR FLOODPLAINS ON THE SITE.

VARIANCE REQUEST:

VARIANCE FROM BCZR SECTION 1B01.2.C.1.b TO PERMIT A MINIMUM DISTANCE OF 11' FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE REQUIRED 30 FEET FOR LOT NUMBER 12.

SPECIAL HEARING REQUEST:

SPECIAL HEARING TO GRANT THE RECOMMENDATION OF THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY TO GRANT A SPECIAL VARIANCE TO PERMIT THE REMOVAL OF SPECIMEN TREES IN ACCORDANCE WITH BALTIMORE COUNTY CODE §33–6–116(G).

SPECIAL HEARING REQUEST:

WAIVER FROM BALTIMORE COUNTY STANDARD DESIGN PLATE R–J–4 TO PERMIT A PRIVATE STREET WITH A 40' RIGHT OF WAY WITH 24' WIDE PAVING AND NO SIDEWALKS IN LIEU OF THE REQUIRED 50' RIGHT OF WAY WITH 30' WIDE PAVING AND SIDEWALKS.

PAI#: 01-0589

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

STATE OF MARYLAND MATTHEW BISHOP No. 3855 PROFESSIONAL LANDSCAPE ARCHITECT

OLD ROLLING ROAD OVERLO

(1121 SOUTH ROLLING ROAD)
PLAN TO ACCOMPANY SPECIAL HEARING A
VARIANCE PETITION

PROPOSED CONDITIONS

ELECTION DISTRICT 1 COUNCILMAN

DATE	REVISIONS	
		JOB NO.:
		SCALE:
		DATE:
		DRAWN BY:
		DESIGN BY:
		REVIEW BY:
		SHEET: