

M E M O R A N D U M

DATE: March 13, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0066-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on March 10, 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

February 8, 2017

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

Michael McCann, Esquire,
118 W. Pennsylvania Avenue
Towson, MD 21204

RE: **MOTION FOR RECONSIDERATION** - Development Plan & Zoning
The Fields at Worthington fka Worthington Valley Racquet Club
HOH Case No. 04-0749 & **Zoning Case No. 2017-0066-SPH**

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Jerry S. Chen, Project Manager, Development Processing, PAI

IN RE: DEVELOPMENT PLAN &
PETITION FOR SPECIAL HEARING
(2515 Baublitz Road)
4th Election District
2nd Council District
(THE FIELDS AT WORTHINGTON
FKA WORTHINGTON VALLEY
RACQUET CLUB)
Baker Development/
Swim Club Baker, LLC
Developer/Owner

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
HOH Case No. 04-0749 &
Zoning Case No. 2017-0066-SPH

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a motion for reconsideration filed by Developer, to which the Protestants have filed a response. The motion will be denied, as explained below.

The January 6, 2017 Order in the above case approved Lot Nos. 1-7 as shown on the Development Plan. As Developer correctly notes in its motion, Lot Nos. 8 and 9 were not approved due to the inadequate acreage in the R.C.4 zone. This requirement is found in the Baltimore County Zoning Regulations (B.C.Z.R.), not the development regulations, and the Developer is also correct this was the sole reason for the partial denial of the Development Plan.

The Developer asserts in its motion it can cure this deficiency and redesign the plan to provide at least 3 acres of R.C.4 zoned land for Lot Nos. 8 and 9. While that may be the case, I agree with Protestants that the Administrative Law Judge lacks the authority to permit the filing of an amended development plan with an additional Hearing Officer's Hearing (HOH). This same argument was made in HOH Case No. 08-0791 and Zoning Case No. 2016-0091-SPH (Becker Property) where the motion for reconsideration was denied.

Any revised plan would need to be reviewed by County agencies and processed in the same fashion as any other amended development proposal. If the Developer proposed at a future time

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Date 2-8-17

By lw

to amend the plan in this case to add two additional lots, that would be deemed a "material amendment," and would be subject to the procedures and requirements of both Baltimore County Code (B.C.C.) § 32-4-262(2) and B.C.Z.R. § 1B01.3.A.7. According to established pattern and practice, such an amendment would be considered at a subsequent HOH, and a petition for special hearing would be the vehicle used to address the requirements of B.C.Z.R. § 1B01.3.A.7.

WHEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 8th day of **February, 2017**, that the Motion for Reconsideration, be and is hereby DENIED.

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 2-8-17

By law



KEVIN KAMENETZ
County Executive

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

January 6, 2017

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 & Zoning
The Fields at Worthington fka Worthington Valley Racquet Club
HOH Case No. 04-0749 & Zoning Case No. 2017-0066-SPH

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: Jerry S. Chen, Project Manager, Development Processing, PAI
Michael McCann, Esquire, 118 W. Pennsylvania Avenue, Towson, MD 21204
Jeff Gray, 12512 Fellowship Ct., Reisterstown, MD 21136

IN RE: DEVELOPMENT PLAN & *
PETITION FOR SPECIAL HEARING
(2515 Baublitz Road) *
4th Election District
2nd Council District *
(THE FIELDS AT WORTHINGTON
FKA WORTHINGTON VALLEY *
RACQUET CLUB)
Baker Development/ *
Swim Club Baker, LLC
Developer/Owner

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
HOH Case No. 04-0749 &
Zoning Case No. 2017-0066-SPH

* * * * *

ADMINISTRATIVE LAW JUDGE'S
DEVELOPMENT PLAN OPINION & ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code ("B.C.C."). Jennifer R. Busse, Esquire and G. Scott Barhight, Esquire, with Whiteford, Taylor & Preston, LLP, on behalf of Baker Development, *Developer*, and Swim Club Baker, LLC, *Owner*, (hereinafter "the Developer"), submitted for approval a two-sheet red-lined Development Plan ("Plan") prepared by Development Design Consultants, Inc., known as "The Fields at Worthington fka Worthington Valley Racquet Club."

The project proposes a total of 9 single-family detached dwellings on a 23.87 acre tract composed of 15.80 acres zoned R.C.5 and 8.07 acres zoned R.C.4. The property is the site of the former Worthington Valley Racquet Club. The property has prior zoning history (Case No. 73-294-X, Case No. 91-458-SPHA, and Case No. 05-497-SPHA), all of which pertain to the previous use and are not applicable to the proposed residential development.

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

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By ISW

- (1) To permit a lot (lot 8) with a total acreage of 3.07 acres to have 2.83 acres in the R.C.4 zone in lieu of the required 3.0 acres; (2) To permit a lot (Lot 9) with a total acreage of 3.39 acres to have 2.64 acres in the R.C.4 zone in lieu of the required 3.0 acres; (3) To permit septic reserve areas for Lots 5 & 9 in a different zone than the proposed principal dwelling; (4) To permit non-density parcels in the R.C.4 zone for Lots 5 and 7; (5) To permit non-density parcels in the R.C.5 zone for Lots 8 and 9; (6) 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 (B.C.C.) Section 33-6-116(g); and (7) To extinguish the Special Exception approval provided in Case No. 73-294-X if deemed necessary by the Administrative Law Judge (ALJ).

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 Development Plan that was marked and accepted into evidence as Developer's Exhibit 12. The property was posted on October 11, 2016 with the Notice of Hearing Officer's Hearing and on October 11, 2016 with the Zoning Notice, in compliance with the regulations. The undersigned conducted the hearing on November 21, 2016, at 10:00 AM, Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

The property is located in a "Tier III" area as designated by the County pursuant to the requirements of § 1-501 et seq. of the Maryland Annotated Code Land Use Article. "A residential 'major subdivision' in a Tier III area may not be approved unless the planning board has reviewed and recommended approval ...". Maryland Annotated Code Land Use § 5-104(e). The proposed development was introduced on October 6, 2016 to the Planning Board, which ultimately voted on

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By [Signature]

October 20, 2016, to recommend approval of The Fields at Worthington fka Worthington Valley Racquet Club development plan as presented. Developer's Exhibit 2.

In attendance at the Hearing Officer's Hearing (HOH) in support of the Plan was Mike McCann (President) and Lou Baker (Chief Executive Officer) with Baker Development, John Canoles (Principal) with Eco-Science Professionals, Inc., Paul G. Cavanaugh, P.E. (General Manager) and Andrew J. Stine (RLA, ASLA, LEED Green Associate) with Development Design Consultants, Inc., the firm that prepared the site plan. Jennifer R. Busse, Esquire and G. Scott Barhight, Esquire appeared and represented the Developer. Michael R. McCann, Esquire appeared and represented Suzanne and Charles Henneman, the former owners of the subject property who live immediately adjacent to the proposed development. Jeff Gray, a citizen from the area, also attended the hearing.

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): Jerry Chen, Project Manager, Dennis A. Kennedy and Jim Hermann (Development Plans Review [DPR]), Brad Knatz, Real Estate Compliance, and Aaron Tsui (Zoning Review). Also appearing on behalf of the County were Jeff Livingston from the Department of Environmental Protection and Sustainability (DEPS), and Brett M. Williams from the Department of Planning (DOP). Each of the Baltimore County agency representatives identified above (with the exception of Mr. Livingston from DEPS) indicated that the red-lined Development Plan (Developer's Exhibit 12) addressed any comments submitted by their agency, and they each recommended approval of the Plan. Brett M. Williams from the DOP also confirmed the project satisfied the performance standards applicable in the R.C.5 zone, and a memorandum was admitted (County Exhibit 5) identifying that agency's findings.

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Date 1-6-17

By SW

Mr. Livingston asked that the record be left open to enable DEPS to verify the location of a well area for proposed Lot 1, as well as the location of existing wells on certain neighboring properties. That was done, and Mr. Livingston on December 15, 2016 submitted to the undersigned a copy of a development plan with green-lined revisions indicating the correct locations of the wells in question. DEPS recommended approval of the green-lined plan, which will be marked as Developer's Exhibit 14.

DEVELOPER'S CASE

The Developer presented two witnesses in its case in chief. First was Mike McCann, the President of Baker Development. Mr. McCann described in general the 24-acre site, and noted that the property was surrounded on three sides by single-family dwellings. The witness stated the Developer would be reducing the amount of impervious area on the surface by demolishing the pool and parking lots associated with the former Worthington Valley Racquet Club. Mr. McCann noted that if the Plan was approved, grading would begin next spring and the total buildout time would likely be between 18 to 24 months. The witness described certain meetings he had with Mr. and Mrs. Henneman, who were the former operators of the swim club. Mr. McCann noted that the Hennemans' primary concern was with Lot No. 9 adjoining their property, which they would like to be moved or eliminated. In response to a question on cross examination, Mr. McCann noted that the pond on site was drained in March or April of 2016, and that it did not fill back up which led the witness to believe that it was not spring fed.

The next witness in Developer's case was Andrew Stine, a registered landscape architect accepted as an expert witness. Mr. Stine testified that he was responsible for preparation of the development plan and zoning plan, which were marked and admitted as Developer's Exhibit 12.

The witness described the property in general and noted the R.C.4 / R.C.5 split zoning. Mr. Stine

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By BW

also discussed the trees growing on the pond embankment, which he believed would be a factor in the safety and longevity of the berm area. Mr. Stine noted that he also prepared a performance standard narrative (Developer's Exhibit 1) which is required for development in the R.C.5 zone. The witness testified that a wetland permit application was submitted to the Maryland Department of Environment in June 2016, and that a new permit application would need to be resubmitted depending upon the outcome of this development hearing. Mr. Stine also noted the property is not situated within a deficient area shown on the Basic Services Map, and he also opined that a conservancy area was not required in the R.C.4 zoned portion of the property, since that portion totals approximately 8 acres while the regulations require a conservancy area on parcels of 10 acres or larger.

With respect to the zoning requests, Mr. Stine testified the special hearing relates to the bifurcation of the R.C.4 / R.C.5 zones, with the septic reserve areas being located in different zones. The witness opined that granting the special hearing request would be within the spirit and intent of the zoning regulations, since the Developer would obtain no extra density and the pond area would be replanted so that it might return to a forested area within a few years. The witness opined that the same analysis was applicable to the special hearing request concerning the zone lines bisecting certain lots shown on the Plan, and he noted that all setbacks would be satisfied and no extra density would be obtained as a result of granting the request. Mr. Stine testified that at present 4.8 acres of the site is covered with an impervious surface, while the proposed conditions would result in just 2.2 acres of impervious surface. Mr. Stine testified that eliminating the pond would yield environmental benefits in that it would eliminate a thermal pollution risk to downstream tributaries. The witness also noted that the Developer would comply with the most recent stormwater management regulations and provide management devices for each of the

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By kw

impervious surface areas shown on the Plan, while no stormwater management exists on the site at the present time. In conclusion, Mr. Stine opined that the development plan and zoning plan (Developer's Exhibit 12) satisfies all requirements set forth in the B.C.C. and B.C.Z.R.

PROTESTANTS' CASE

Two witnesses testified in the Protestants' case. First was Suzanne Henneman, who lives immediately adjacent to the subject property. Mrs. Henneman explained that at present she and her husband enjoy a bucolic view out of the back of their home to the pond and fields which comprise the subject property. The witness complained that the pond has been drained two or three times in the last two years, and now "looks like a swamp." Although she stated she does not oppose the development outright, she believes the project should be constructed in strict compliance with the environmental regulations so as to cause the least amount of impact to the ecosystem and surrounding neighbors. In addition, Mrs. Henneman noted that Lot No. 9 as proposed was problematic, and she did not believe that the numerous variances requested for that lot, along with a proposed 900 ft. driveway, was reasonable or appropriate.

The next witness in Protestants' case was Charles Henneman, who testified he has been involved with this property since 1980, and was the former operator of the Worthington Valley Swim and Racquet Club. The witness noted that he "loved the swim club like a child," and reminisced about walking his dogs on the property. Like his wife, Mr. Henneman testified that he does not "believe in all these variances," and believed that the Developer should follow the rules. The witness also stated that the proposed driveway to Lot No. 9 was a "monstrosity," and he does not believe that the pond embankment is unsafe or would collapse. In conclusion, the witness stated that he simply does not want a home to be constructed on Lot No. 9, and he was incredulous

when informed that a percolation test had passed on that lot, which he said is routinely inundated

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Date 1-6-17

By DSW

with standing water.

DEVELOPER'S REBUTTAL CASE

The Developer presented a brief rebuttal case with one witness, John Canoles, an environmental scientist accepted as an expert. Mr. Canoles indicated that he performed a wetland delineation and forest buffer analysis for this property. Mr. Canoles testified that the proposed Plan would provide several environmental benefits, including: reduction of impervious surface, modern stormwater management, removal of the pond which could release heated water into a downstream Use III watershed; and removal of the hazardous pond berm, which has trees and other vegetation growing along the banks. In response to the Protestants' concern about the pond being drained and geese no longer visiting the property, Mr. Canoles testified that the Maryland Department of Natural Resources encourages the removal of geese, which means that their absence would provide another environmental benefit to the property. In response to a question on cross examination, Mr. Canoles conceded that all things being equal it would be better to not have a 900 ft. driveway [for Lot 9], but he was quick to note that the negative impacts were more than outweighed by the other environmental benefits provided by the Plan.

LEGAL ANALYSIS

In this case the zoning issues predominate, while the development issues are largely mundane. That is, all County agency reviewers and Developer's expert opined the Plan satisfies all County requirements. And this testimony was not contradicted or rebutted. As such, but for the special hearing requests, the development plan would be approved in accordance with the mandate in the B.C.C. (§ 32-4-229) and the case law interpreting that provision. See, e.g., People's Counsel v. Elm Street Dev., Inc., 172 Md. App. 690 (2007).

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Date 1-6-17

By [Signature]

But the special hearing zoning requests are evaluated under a different standard, and Protestants contend in their post-hearing memorandum certain of the requests cannot be granted. After reviewing the memorandums and exhibits, I agree with Protestants that Lot Nos. 8 and 9 cannot be approved, as explained in greater detail below.

These two lots are the subject of the first and second special hearing requests, both of which involve B.C.Z.R. § 1A00.5. That regulation provides as follows:

“§ 1A00.5. Application to tract divided by zone boundary.

Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R.C. Zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and, for the purpose of these regulations, shall be considered as separate parcels.”

Under the terms of that regulation, the R.C.4 and R.C.5 portions of Lots 8 and 9 must be considered “separate parcels” for purposes of determining the number of dwelling units permitted. The issue is not, strictly speaking, one of density. As shown on the plan, the overall tract contains 8.1 acres of land zoned R.C.4. The regulations specify a R.C.4 tract of between 6 and 10 acres may be subdivided into two lots, “each of which must be at least three acres.” B.C.Z.R. § 1A03.4.B. Here, Lot 8 is comprised of an R.C.4 zoned parcel of 2.83 acres and an R.C.5 zoned parcel of 0.24 acres. Since the R.C.4 parcel situated in proposed Lot 8 is less than 3 acres in size, this special hearing request must be denied.

The same analysis is applicable with respect to Lot 9. The second special hearing request proposes Lot 9 to have a 2.64 acre parcel in the R.C.4 zone and a 0.75 acre parcel in the R.C.5 zone. Since the R.C.4 parcel does not satisfy the 3 acre requirement in the aforementioned regulation this request must also be denied. I do not believe Section 1A00.5 of the Zoning Commissioner’s Policy Manual (ZCPM) alters this analysis, since it also provides “[a]ny lot must

meet the minimum lot area ... of the zone in which the house is to be located.” Any other

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By DW

interpretation of the ZCPM which would engraft a "spirit and intent" exemption of some sort which would permit (in this case at least) an R.C.4 parcel smaller than 3 acres to contain a single family dwelling would in my opinion not be consistent with the statutory language of B.C.Z.R. § 1A00.5 quoted above. Lussier v. Maryland Racing Comm'n., 343 Md. 681, 688 (1996) (an agency's regulations or policies "are valid under the statute if they do not contradict the statutory language."

The third special hearing request seeks to permit a septic system for Lots 5 and 9 in a different zone than the dwelling. Lot 9 will be disapproved as noted above; as such this request now pertains to Lot 5 only. The requirement that well and septic systems be located in the same zone as the house is found not in the B.C.Z.R. but the ZCPM. It is entirely unclear why this would fall under the rubric of a "zoning" matter, and the only testimony in this case established there is no substantive or public health reason for the requirement. It is at least arguable this aspect of the ZCPM is unenforceable, in that it goes beyond the scope of B.C.Z.R. § 1A00.5, which involves the quintessential zoning concepts of zone line boundaries, density, etc. In any event, I do not believe granting this request as to Lot 5 would run afoul of any provision of the B.C.Z.R. and would in no way endanger the health, safety and welfare of the community. As such this request will be granted.

Special hearing requests Nos. 4 and 5 concern "non-density parcels" in the R.C.4 and R.C.5 zones. This again is a bit of a "head-scratcher," since I was unable to locate anything in the B.C.Z.R. on the topic. The only passing reference to be found is located in the ZCPM (1A00.4.b) and speaks about transfer of small, non-density R.C. parcels for agricultural purposes. That would have no application here. Since Lots 8 and 9 will be disapproved, only request 4, pertaining to Lots 5 and 7, is at issue.

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Date 1-6-17

By low

As discussed in the preceding paragraph, I do not believe Developer requires any particular zoning relief as concerns Lots 5 and 7. The R.C.4 zoned parcels in these lots would not provide any density rights and the parcels (0.24+/- acres and 0.58 +/- acres respectively) do not satisfy the 3 acre minimum lot size of the R.C.4 zone. More importantly, both Lots 5 and 7 satisfy the 1.5 acre R.C.5 zone requirement. As such, granting the request will not result in any additional development in an R.C. zone and would not have a detrimental impact upon the community.

The only other special hearing request requiring discussion is No. 6, seeking a special variance for the removal of three specimen trees. This variance was granted by DEPS (Developer's Exhibit 6) and is to be considered a "recommendation" to the ALJ. B.C.C. § 33-6-116(g). Protestants contend Developer presented no evidence on the point creating an "evidentiary vacuum." I respectfully disagree. The subject property is 24 acres in size and only three trees would potentially be removed. This is essentially one tree for every 8 acres of land. Having reviewed the exhibits (and especially the photographs of the property) I find granting the request would not "alter the essential character of the neighborhood," which is all that must be shown under B.C.C. § 33-6-116(d)(3).

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, "The Fields at Worthington fka Worthington Valley Racquet Club" Development Plan shall be approved in part, and disapproved in part as discussed above.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 6th day of **January, 2017**, that the "**THE FIELDS AT WORTHINGTON FKA WORTHINGTON VALLEY RACQUET CLUB**" red-lined and green-lined Development Plan in PAI Case No. 04-0749, marked and accepted into evidence as Developer's

ORDER RECEIVED FOR FILING

Date 1-6-17

By DW

Exhibit 14, be and is hereby **APPROVED** in part (as to Lot Nos. 1 - 7) and **DISAPPROVED** in part (as to Lot Nos. 8 and 9).

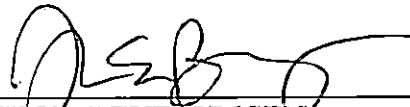
IT IS FURTHER ORDERED that the Petition for Special Hearing pursuant to the Baltimore County Zoning Regulations (B.C.Z.R) as follows:

- (1) To permit a lot (lot 8) with a total acreage of 3.07 acres to have 2.83 acres in the R.C.4 zone in lieu of the required 3.0 acres; and (2) To permit a lot (Lot 9) with a total acreage of 3.39 acres to have 2.64 acres in the R.C.4 zone in lieu of the required 3.0 acres, be and is hereby **DENIED**.

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

- (3) To permit a septic reserve area for Lot 5 in a different zone than the proposed principal dwelling; (4) To permit non-density parcels in the R.C.4 zone for Lots 5 and 7; (5) To grant the recommendation of the Director of Environmental Protection and Sustainability and to grant a Special Variance to permit the removal of three specimen trees in accordance with Baltimore County Code (B.C.C.) Section 33-6-116(g); and (6) To extinguish the Special Exception granted in Case No. 73-294-X, 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

IEB/dlw
ORDER RECEIVED FOR FILING

Date 1-6-17

By EW



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 2515 Baulitz Road which is presently zoned PC 4 & RC 5
 Deed References: 36751/318 10 Digit Tax Account # 04240 0009099
 Property Owner(s) Printed Name(s) Swim Club Baker, LLC

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

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

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

please see attachment

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

3. ☐ a **Variance** from Section(s)

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

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

Attorney for Petitioner:

Jennik R. Busse, Esq.

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

SWIM CLUB BAKER LLC

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:

Jennik R. Busse, Esq.

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0066-SPH Filing Date 9/2/16

Do Not Schedule Dates: _____

Reviewer *RJD*

01/12/2019

10/25/2011 10:25:25 AM

Attachment to Petition for Special Hearing
The Fields at Worthington
(AKA Worthington Valley Racquet Club)
2515 Baublitz Road

Petition for Special Hearing in accordance with the Baltimore County Zoning Commissioner's Policy Manual Section 1A00.5.b to permit a lot (lot 8) with a total acreage of 3.07 acres to have 2.83 acres in the RC 4 zone in lieu of the required 3.0 acres.

Petition for Special Hearing in accordance with the Baltimore County Zoning Commissioner's Policy Manual Section 1A00.5.b to permit a lot (lot 9) with a total acreage of 3.39 acres to have 2.64 acres in the RC 4 zone in lieu of the required 3.0 acres.

Petition for Special Hearing in accordance with the Baltimore County Zoning Commissioner's Policy Manual Section 1A00.5.b to permit septic reserve areas for lots 5 & 9 in a different zone than the proposed principal dwelling.

Petition for Special Hearing to permit non-density parcels in the RC4 zone for lots 5 & 7.

Petition for Special Hearing to permit non-density parcels in the RC5 zone for lots 8 & 9.

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 extinguish Special Exception approval granted in case 73-294-X, if deemed necessary by the Administrative Law Judge.

444910

Item #0066

Description to Accompany
Petition for Combined Special Hearing and Development Plan
23.9 Acre Parcel
2515 Baublitz Road

South side of Baublitz Road opposite Worthington Ridge Road, West of Dover Road
Fourth Election District, Baltimore County, Maryland

Beginning at a point in the paved surface of Baublitz Road, a County Road of varying width, at a distance of 101 feet more or less measured in a northeasterly direction from the intersection of Baublitz Road with Worthington Ridge Road, said point also being 4 feet south of the concrete curb on the north side of Baublitz Road, thence leaving the point of beginning and said road and running for the ten following courses and distances, viz:

- 1) South 02 degrees 36 minutes 25 seconds West 1,455.37 feet, thence
- 2) South 89 degrees 17 minutes 45 seconds East 850.00 feet, thence
- 3) South 03 degrees 08 minutes 51 seconds West 249.76 feet, thence
- 4) North 89 degrees 17 minutes 45 seconds West 1,350.07 feet, thence
- 5) North 02 degrees 37 minutes 45 seconds East 584.98 feet, thence
- 6) North 87 degrees 33 minutes 35 seconds West 2.32 feet, thence
- 7) North 02 degrees 26 minutes 25 seconds East 986.29 feet to a point on the north side of Baublitz Road, thence running in and along the north side of Baublitz Road the three following courses and distances:
- 8) North 68 degrees 22 minutes 17 seconds East 36.02 feet, thence
- 9) North 73 degrees 17 minutes 12 seconds East 101.18 feet, thence
- 10) North 77 degrees 30 minutes 29 seconds East 392.34 feet to the point of beginning, containing 23.9 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE



I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 239, Expiration date July 6, 2014.

W:\15052.1 - Worthington Valley Racquet Club\Descriptions\2016-08-31 zoning description.doc

Item #0066



CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: OCTOBER 11, 2016

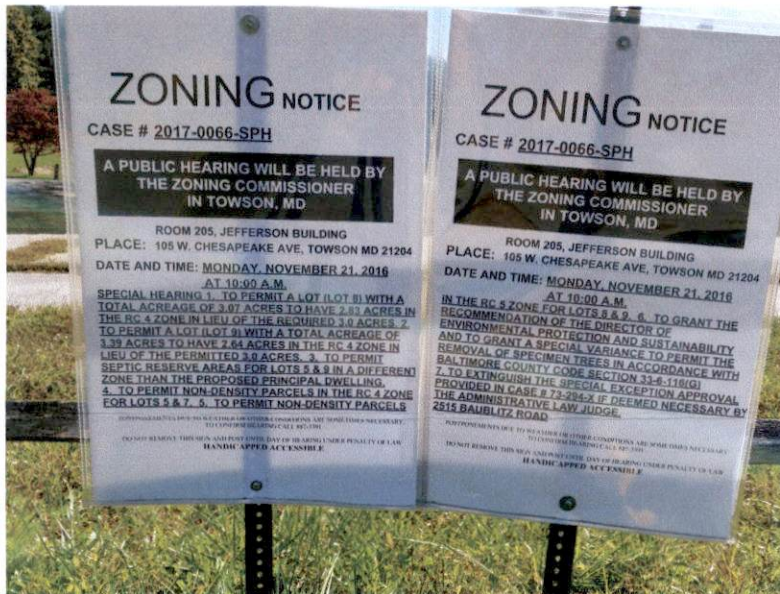
Case Number: 2017-0066-SPH

Petitioner / Developer: JENNIFER BUSSE, ESQ. ~ ANDREW STINE of
DDC INC. ~ MIKE McCANN ~ BAKER DEVELOPMENT

Date of Hearing (Closing): NOVEMBER 21, 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: 2515 BAUBLITZ ROAD

The sign(s) were posted on: OCTOBER 11, 2016



Linda O'Keefe
(Signature of Sign Poster)

(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)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: OCTOBER 11, 2016

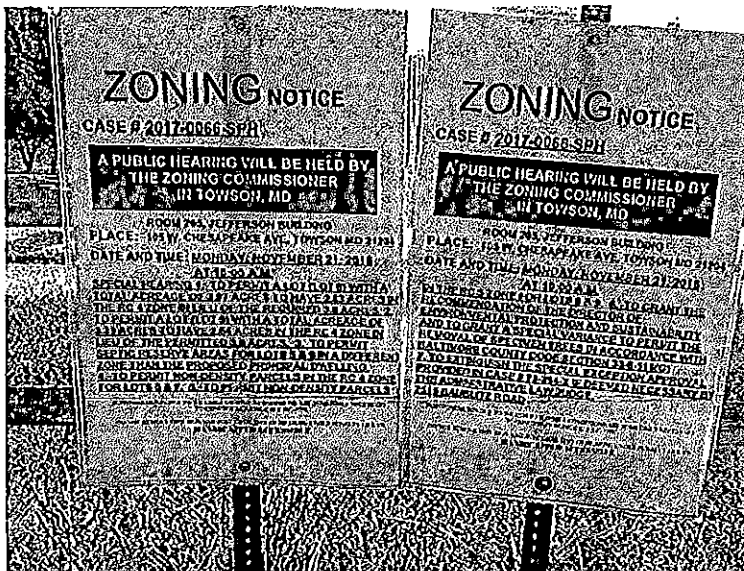
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(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

BALTIMORE COUNTY, MARYLAND

10/21
RECEIVED

Inter-Office Correspondence

SEP 14 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: September 14, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0066-SPH
Address 2515 Baublitz Road
(Swim Club Baker, LLC Property)

Zoning Advisory Committee Meeting of **September 19, 2016**.

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

1. Ground Water Management is reviewing the proposed subdivision (in progress).

Reviewer: Dan Esser

Date: 9/13/16

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: SEPTEMBER 21, 2016

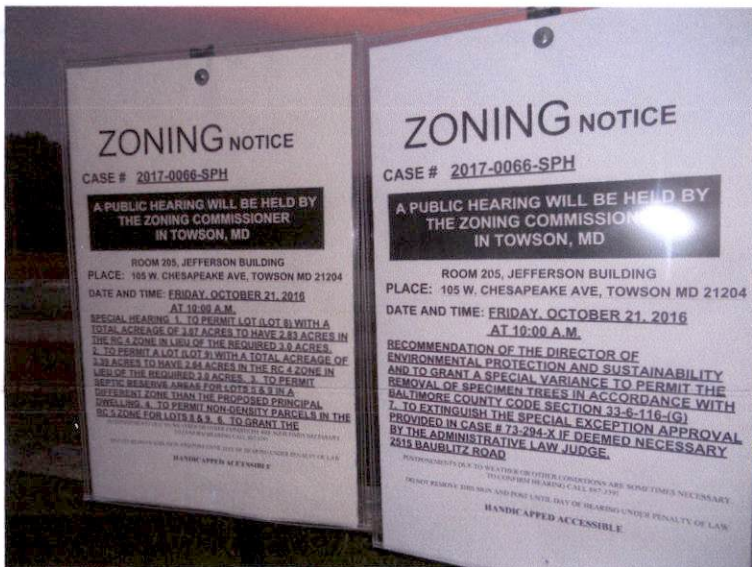
Case Number: 2017-0066-SPH

Petitioner / Developer: JENNIFER BUSSE, ESQ. ~ ANDREW STINE of DDC INC. ~ MIKE McCANN ~ BAKER DEVELOPMENT

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The sign(s) were posted on: SEPTEMBER 21, 201



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)



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 4480873

Sold To:

Whiteford Taylor & Preston LLP - CU00241777
1 W Pennsylvania Ave Ste 300
Towson, MD 21204

Bill To:

Whiteford Taylor & Preston LLP - CU00241777
1 W Pennsylvania Ave Ste 300
Towson, MD 21204

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

Sep 29, 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: # 2017-0066-SPH
2515 Baublitz Road
S/S Baublitz Road, 450 ft. W/of centerline of Fellowship Court
4th Election District - 2nd Councilmanic District
Legal Owner(s) Swim Club Baker, LLC

Special Hearing 1. To permit a lot (lot 8) with a total acreage of 3.07 acres to have 2.83 acres in the RC 4 zone in lieu of the required 3.0 acres. **2.** To permit a lot (lot 9) with a total acreage of 3.39 acres to have 2.64 acres in the RC 4 zone in lieu of the required 3.0 acres. **3.** To permit septic reserve areas for lots 5 & 9 in a different zone than the proposed principal dwelling. **4.** To permit non-density parcels in the RC 4 zone for lots 5 & 7. **5.** To permit non-density parcels in the RC 5 zone for lots 8 & 9. **6.** 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). **7.** To extinguish the Special Exception approval provided in Case # 73-294-X if deemed necessary by the Administrative Law Judge.

Hearing: Friday, October 21, 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.

9/25/16 Sept. 29 4480873

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

2. Williamson
Legal Advertising



KEVIN KAMENETZ
September 15, 2016

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

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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jennifer Busse, One W. Pennsylvania Avenue, Ste. 300, Towson 21204
Mike McCann, 16 Greenmeadow Drive, Timonium 21093

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 1, 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
Thursday, September 29, 2016 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
One W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2077

NOTICE OF ZONING HEARING

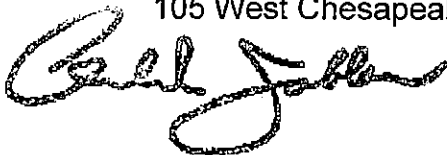
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING
2515 Baublitz Road; S/S Baublitz Road,
450' W c/line Fellowship Court
4th Election & 2nd Councilmanic Districts
Legal Owner(s): Swim Club Baker LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-066-SPH

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
SEP 19 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 16th day of September, 2016, a copy of the foregoing Entry of Appearance was mailed to Jennifer Busse, Esquire, One Pennsylvania Avenue, Suite 300, 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 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 twenty (20) 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: 2017-0066-SPH
Property Address: 2515 Baublitz Road
Property Description: south side of Baublitz Rd, 450' west
of Fellowship Ct
Legal Owners (Petitioners): Swim Club Baker, LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jenn Busse
Company/Firm (if applicable): WTP
Address: One W. Pennsylvania Ave. Ste. 300
TOWSON, MD 21204
Telephone Number: 410 832 2077

1000 1000 1000

1000 1000 1000

1000 1000 1000
1000 1000 1000
1000 1000 1000
1000 1000 1000



KEVIN KAMENETZ
September 15, 2016

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

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:

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Hearing: Friday, October 21, 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
Mike McCann, 16 Greenmeadow Drive, Timonium 21093

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

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

No. 141417

Date: 9/2/16

PAID RECEIPT

BUSINESS ACTUAL TIME BKW
9/02/2016 9/02/2016 11:23:07 2

REG 0502 WALKIN JEE
RECEIPT N 980796 9/02/2016 GFLM

Dept 5 528 ZONING VERIFICATION
NO. 141417

Recpt Tot 1500.00
1500.00 CK 1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		650				\$500

Total: \$500

Rec From:

Swim Club Baker LLC

For:

zoning hearing - case # 2017-0066-SPH

DISTRIBUTION

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

October 12, 2016

Swim Club Baker LLC
Michael McCann
16 Greenmeadow Drive
Timonium MD 21093

RE: Case Number: 2017-0066 SHA, Address: 2515 Baublitz 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 September 2, 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.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

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



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

Date: 9/12/16

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.

2017-0066-SPH
Special Hearing
Swim Club Baker, LLC
2515 Bauditz 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,

A handwritten signature in blue ink that reads "Richard Zeller".

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

WW/RAZ

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired or Speech 1-800-735-2258 Statewide Toll-Free

Street Address: 320 West Warren Road * Hunt Valley, Maryland 21030 * Phone 410-229-2300 or 1-866-998-0367 * Fax 410-527-4690

www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: September 14, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0066-SPH
Address 2515 Baublitz Road
(Swim Club Baker, LLC Property)

Zoning Advisory Committee Meeting of **September 19, 2016**.

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

1. Ground Water Management is reviewing the proposed subdivision (in progress).

Reviewer: Dan Esser Date: 9/13/16

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 19, 2016
Item No. 2017-0066

DATE: September 20, 2016

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

Landscape, Open Space and Public Works comments will be made at the development plan conference.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0066-09192016.doc

The proposal is within the boundaries of the following schools:

Fort Garrison Elementary School
Pikesville Middle School
Owings Mills High School

RC 5 PERFORMANCE STANDARDS:

In accordance with Section 1A04.4 of the Baltimore County Zoning Regulations, the Department of Planning must provide a finding before approval of the plan. The Department of Planning recognizes in order to make that finding the following items must be addressed:

1. Provide photos of existing buildings and other significant features on the site of the proposed development.
2. Provide photos of existing housing in the surrounding neighborhood (to establish neighborhood architectural character).
3. Provide architectural elevations of the proposed dwellings to include building materials and colors. If architectural elevation drawings are not available at this time or are merely a facsimile, a note must be placed on the site plan stating, *"Architectural elevation drawings must be submitted to the Department of Planning for review and approval in accordance with Section 1A04.4.G of the BCZR prior to Building Permit approval."* Any architectural proposal must reflect all requirements contained in BCZR Section 1A04.4.G.
4. Proposed grading must be submitted that retains significant site features and plant materials.
5. Provide a landscape plan.
6. Provide a written narrative as to how the project meets the performance standards found in BCZR Section 1A04.4

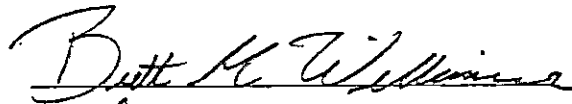
COMMENTS:

The receipt of additional information from the Community Input Meeting or other sources may generate further comments at the Development Plan Conference.

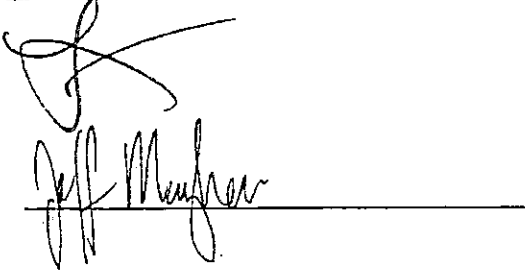
1. Show the proposed grading limits of disturbance. It is not apparent from the plan how the cul-de-sac can be installed without trespass or easement from the adjoining property. Investigate providing a landscaped island centered within the cul-de-sac.
2. Show the front building orientation for all adjacent dwellings.
3. Provide a lot area table. Indicate lot area by zone on those lots situated within multiple zones. Lots 8 and 9 must have a minimum of 3 acres of RC 4 zoned land to support a residential use within that zone.
4. Indicate by note on the plan the Growth Tier status of the tract.
5. Indicate when and by whom any razing and removal of existing structures will be accomplished.
6. Ensure all required development plan data is included on the plan.
7. Indicate if the property was the subject of any previous zoning history. If none, indicate the same.
8. Add note to the plan, "Maximum residential building height is 35 feet".

9. Add note to the plan, "No more than 15% of any lot in a RC 5 zone may be covered by buildings".
10. Indicate gross area and net area for the site.
11. The Baltimore County Master Plan 1989-2010 is no longer the controlling document. Revise the provided table and certify conformity with the current Baltimore County Master Plan 2020.
12. Add bearings and distances for all new lines of division.
13. Be advised this site is subject to the RC 5 Performance Standards pursuant to Section 1A04.4 of the Baltimore County Zoning Regulations (BCZR). Architectural elevations must be submitted to the Department of Planning for review at the time of building permit application.
14. Revise the Site Development Proposal to reflect available density and proposed units by individual zone.
15. Lots 8 and 9 present anomalies. Ensure that the requirements of Section 1A00.5.b of the Zoning Commissioners Policy Manual is being met or the necessary zoning relief is applied for.
16. All newly created lots or portions thereof must meet the minimum lot area for the zone within which they are situated or be labeled as "non-buildable".
17. Identify ownership and purpose of the strip of land situated between Lots 4 and 6. If it is to be in-fee, confirm with the Bureau of Zoning Review that it is not an undersized lot.
18. Provide the length and width of the proposed in-fee panhandle strip.
19. Delineate the existing zoning line in a way that is more apparent.

Prepared By:



Deputy Director:



KS:LTM/kma

C: Carmela Iacovelli
Jeanette Tansey, RLA, PAI
cc: John Beverungen

Developer's

CASE NAME

CASE NUMBER 04-0749 + 2017-

DATE 11-21-16

[illegible]

CASE NAME Free @ Workingman
CASE NUMBER 04-07494 2017
DATE 11-25-16 0066
SPH

[illegible]

DATE 11-21-16 SPH

[illegible]

WHITEFORD, TAYLOR & PRESTON L.L.P.

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

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

September 12, 2016

Via Hand Delivery

The Honorable John E. Beverungen,
Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

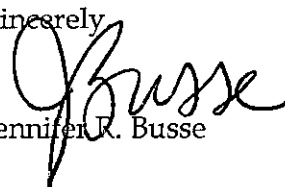
Re: The Fields at Worthington
(AKA Worthington Valley Racquet Club)
PAI # 04-0749; Zoning Case 2017-0066-SPH
Waiver of timing requirements in BCC §32-4-225(c)

Dear Judge Beverungen:

As you are aware, due to the Tier designation on the subject property, this proposed development must be reviewed by the Baltimore County Planning Board in accordance with the Land Use Article of the Annotated Code of Maryland, §5-104. The Planning Board hearing dates have been scheduled. The project is set to be introduced to the Planning Board on September 15th, with a public hearing occurring on October 6th and vote on October 20th, 2016. As a result, the scheduling timeframe requirement for the Hearing Officer's Hearing set forth in Baltimore County Code §32-4-225(c) cannot be satisfied. My client, the property owner and developer, does not object to this delay.

Thank you for your cooperation with this matter.

Sincerely,



Jennifer R. Busse

cc: Jerry Chen, Baltimore County PAI, Development Management
Kristen Lewis, Baltimore County PAI, Zoning Review
Mike McCann, Baker Development
Rick Williams and Andy Stine, DDC

444983

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September 2, 2016

Via Hand Delivery

The Honorable John E. Beverungen,
Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: The Fields at Worthington
(AKA Worthington Valley Racquet Club)
PAI # 04-0749
Request for Referral to Planning Board

Dear Judge Beverungen:

I represent the property owner and developer of the above referenced project. The proposal is for 9 single family residential lots. The purpose of this letter is to respectfully request you kindly refer the Development Plan to the Baltimore County Planning Board for a public hearing and recommendation in accordance with the Land Use Article of the Annotated Code of Maryland, §5-104.

A copy of the Department of Planning's Concept Plan Comment for this project is attached hereto. Page 2 notes the requirement for a recommendation from the Planning Board.

The Development Plan for this project has been accepted for filing but the Development Plan Conference and Hearing Officer's Hearing have not yet been scheduled. A request for a combined development and zoning hearing was also filed, along with a Plan to Accompany the Zoning Request.

Thank you for your cooperation with this matter.

Sincerely,



Jennifer R. Busse

The Honorable John E. Beverungen
Page 2

cc: Mike McCann, Baker Development
Rick Williams, DDC
Andy Stine, DDC

444918

ZONING FILE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

CONCEPT PLAN CONFERENCE

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

FROM: Andrea Van Arsdale, Director - Department of Planning

DATE: September 15, 2015

PROJECT NAME: Worthington Valley Racquet Club

PROJECT NUMBER: IV-749

PROJECT PLANNER: Brett M. Williams / Lloyd T. Moxley

GENERAL INFORMATION:

Applicant Name: Worthington Valley Racquet Club, LLC
119 Lakefront Drive
Hunt Valley, MD 21030

Location: 2515 Baublitz Road

Councilmanic District: 2nd

Land Management Area: Rural Residential Area

Growth Tier: III & IV

Zoning: RC 5, RC 4

Acres: 23.8 acres ±

Surrounding Zoning and Land Use:

North:	R.C.5	Residential, single family detached
South:	R.C.4	Residential, single family detached
East:	R.C.5 & R.C.4	Residential, single family detached
West:	R.C.5 & R.C.4	Residential, single family detached

Project Proposal:

The project proposes 9 total single family detached dwellings on a 23.8 acre tract composed of 15.8 acres zoned R.C. 5 and 8 acres zoned R.C.4. The property is the site of the Worthington Valley Racquet Club, now abandoned. There is a riparian feature along the southern tract boundary.

Project History:

The project exhibits no development history at this time.

PROJECT NAME: Worthington Valley Racquet Club

PROJECT NUMBER: IV-749

Other Anticipated Actions and Additional Review Items:

- | | | |
|--|---|--|
| ☐ Special Exception | ☐ Special Hearing | ☐ PUD |
| ☐ Variance | ☐ Compatibility | ☐ Design Review Panel |
| ☐ Waiver | ☐ Scenic Route | ☐ Other |
| ☐ RTA Modification | ☒ Referral to Planning Board* | |

***GROWTH TIERS:**

Be advised that this project is subject to the requirements of the Md. Code Ann., Environmental Article, § 9-206 in accordance with Land Use Article, § 5-104 and as such must be reviewed by the Baltimore County Planning Board. The scope of the Board's review is outlined in Land Use Article, § 5-104(c). The Administrative Law Judge (ALJ) shall refer the project to the Planning Board in the manner of BCC § 32-4-231 who shall then make a recommendation to the ALJ by resolution.

PARTIES TO BE NOTIFIED BY APPLICANT:

1. All adjacent property owners.
2. The Community Associations listed below:

Valleys Planning Council: Elizabeth Buxton,
Executive Director, 118 W. Pennsylvania
Avenue, Towson, MD 21204 or PO Box 5402
Towson, MD 21285, 410-337-6877

Falls Road Community Association: Harold H.
Burns, Jr., Attorney at Law, 210 East Lexington
Street, Ste. 201, Baltimore, MD 21202, 410-528-
0044

MEETINGS:

Concept Plan Conference	09/15/2015	Pre-Concept Plan Conference	_____
Development Plan Conference	_____	Community Input Meeting	_____
		Administrative Law Judge's Hearing	_____

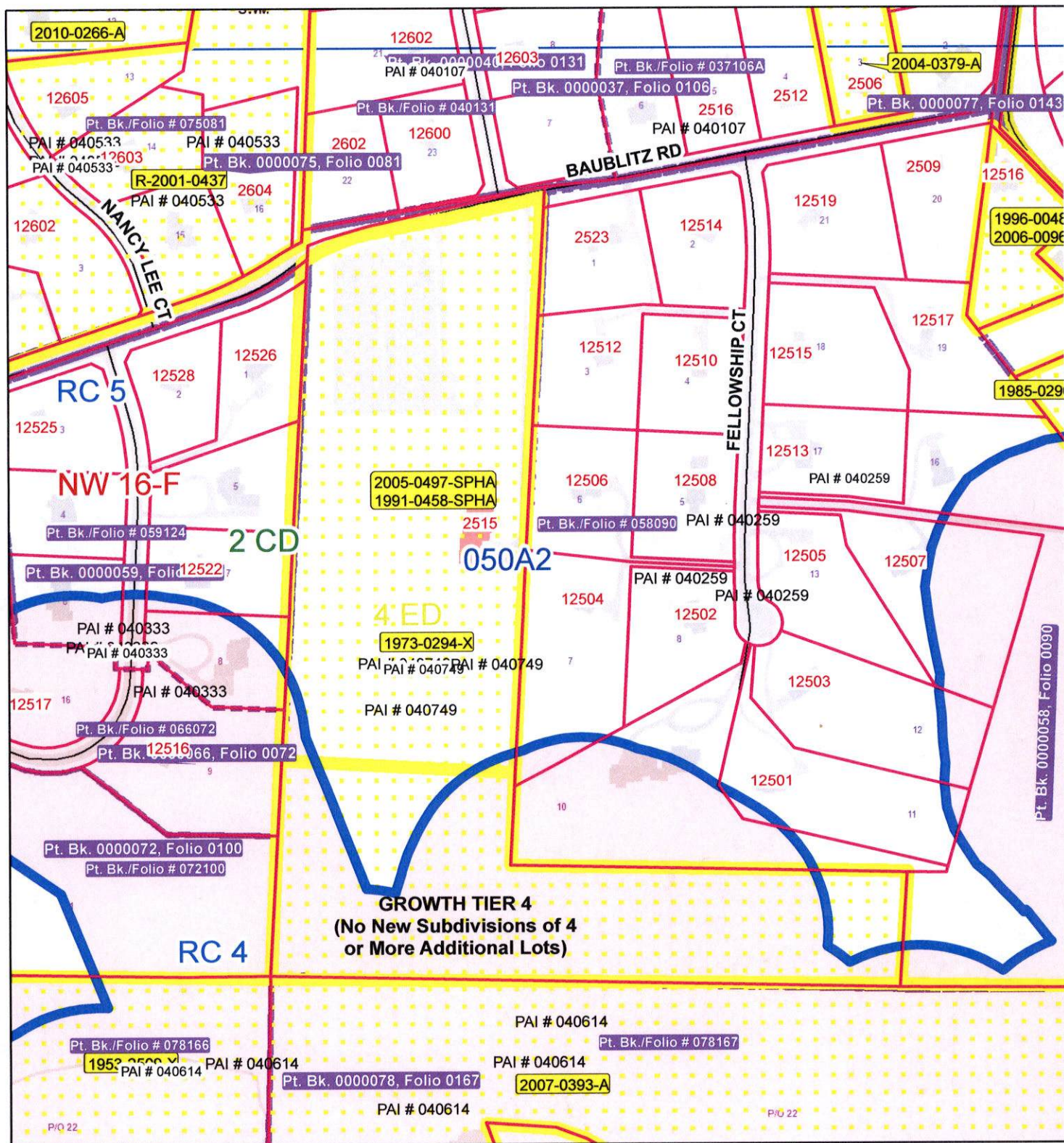
MASTER PLAN:

The Master Plan 2020 Land Management Area Plan designation for the subject area is Rural Residential Area. The proposed use as indicated on the Proposed Land Use Map of Baltimore County Smart Coded is T2R – Rural Residential. The T2R transect is characterized by large lot single-family detached housing.

SCHOOL IMPACT ANALYSIS:

This development is subject to Section 32-6-103 of the Baltimore County Code, Adequate Public Facilities. A school impact analysis is required with development plan submittal. Information is available on the Baltimore County Department of Planning's Web Page:
<http://www.baltimorecountymd.gov/Agencies/planning/devrevandlanduse/adequatepublicschoolfacilities.html>

2515 Baublitz Ro



Publication Date: 9/2/2016



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



0 80 160 320 480 640 Feet

1 inch = 300 feet

Item # 0066

WHITEFORD, TAYLOR & PRESTON L.L.P.

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September 2, 2016

Hand Delivery

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

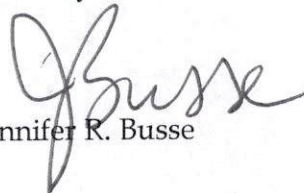
Re: 2515 Baublitz Road
PAI # 04-0749
Zoning Item # 2017-0066-SPH

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 zoning petition was accepted for filing today and the Development Plan was accepted for filing last week.

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: Ms. Kristen Lewis
Mr. Jerry Chen
Mr. Jeffrey Mayhew
Mr. Andrew Stine
Mr. Rick Williams
Mr. Michael McCann

444911

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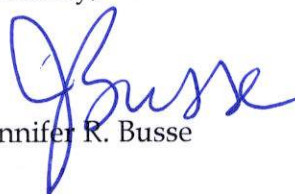
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Jennifer R. Busse

cc: Ms. Kristen Lewis
Mr. Jerry Chen
Mr. Jeffrey Mayhew
Mr. Andrew Stine
Mr. Rick Williams
Mr. Michael McCann

444911

Item #0066

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>9-14</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>9-12</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>9-29</u>	
SIGN POSTING	Date: <u>9-21</u>	by <u>D'Keefe</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

