

IN RE: PETITION FOR VARIANCE

(5705 Kenwood Avenue)

14th Election District

6th Council District

S.F.B., LLC

Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0255-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by S.F.B., LLC, owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from §1B01.1.B.1.e(5) of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit the height of Unit 1 to be 42.2 ft.; Unit 2- 40.7 ft.; Unit 3- 40.7 ft.; Unit 4- 41.4 ft.; Unit 5- 41.5 ft.; and Unit 6- 42.1. ft., as depicted on the attached plan, in lieu of the required 35 ft. maximum within the one hundred foot Residential Transition Area (RTA), and to amend the Final Development Plan for Lot Nos. 1-6. A site plan was marked as Petitioner's Exhibit 1.

Thomas Farr and landscape architect Brian Collins appeared in support of the petition. Joseph R. Woolman, III, Esq., represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the State Highway Administration (SHA). Neither agency opposed the requests.

The site is approximately 5.21 acres in size and zoned DR 5.5. The property was previously the subject of a development hearing wherein 26 townhouse units were approved for the site. At

ORDER RECEIVED FOR FILING

Date

5/16/17

By

Sen

By

Sen

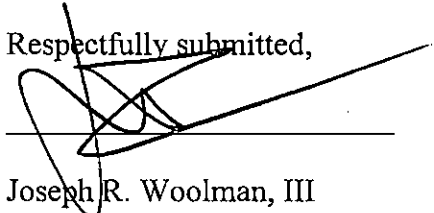
is a "practical difficulty" or "unnecessary hardship" resulting from the disproportionate impact of the BCZR, caused by the uniqueness.

The plans submitted in this petition depict a unique property. The property is unique in shape and size as it consists of a split zoned tract including various grade changes resulting in the necessity for a Variance. Were the strict height requirement of the BCZR imposed, the practical difficulty and unreasonable hardship of changing a previously approved plan would occur. Furthermore, the garages in these units would need to be removed if the Variance were not granted.

CONCLUSION

The petitioner asserts there is substantial evidence in the record to support a finding of fact that the required tests under the BCZR and Maryland Case Law have been met and the request for Variance should be granted as a matter of law.

Respectfully submitted,



Joseph R. Woolman, III
J.R. Woolman, LLC
111 S. Calvert Street, Suite 2700
Baltimore, Maryland 21202
410-385-5328



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 5705 Kenwood Avenue which is presently zoned DR 5.5
 Deed References: L/F 21652/76 and L/F 21656/653 10 Digit Tax Account # 14-6060425/14-600008600
 Property Owner(s) Printed Name(s) _____

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. **X** a **Variance** from Section(s) 1B01.1B1.e to permit the height of Unit 1 to be 42.2'; Unit 2, 40.7' Unit 3, 40.7'; Unit 4, 41.4'; Unit 5, 41.5' and Unit 6, 42.1', as depicted on the attached plan, in lieu of the required 35' maximum AND AMEND THE FINAL DEVELOPMENT PLAN FOR LOTS 1-6 WITHIN STA 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:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Joseph R. Woolman, III and J.R. Woolman, LLC
 Name- Type or Print _____
 Signature _____
111 S. Calvert St. Suite 2700 Baltimore MD
 Mailing Address _____ City _____ State _____
21202 410-385-5328 joe@jrwoolman.com
 Zip Code _____ Telephone # _____ Email Address _____

S.F.B., LLC Legal Owners (Petitioners):

Mid State Community Bank, Nancy Gerling
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
Nancy L. Gerling
 Signature #1 _____ Signature #2 _____
6801 York Rd. Baltimore MD
 Mailing Address _____ City _____ State _____
21212 410-377-4330 nlgierling@midstatecb.com
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Same as Attorney for Petitioner
 Name - Type or Print _____
 Signature _____
5/16/17
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2017-0255-A Filing Date 3/23/2017 By _____ Do Not Schedule Dates: _____ Reviewer za

Linda
410-666-0929 Fax

Description to Accompany
Petition for Special Exception and Special Hearing
5.2123 Acre Parcel
5705 Kenwood Avenue
Southwest Side of Kenwood Avenue
Northwest Side of Interstate Route 95
Fourteenth Election District, Baltimore County, Maryland

Beginning at a point in the center of Kenwood Avenue (Maryland Route 588) at a distance of 382 feet more or less measured in a southeasterly direction from the intersection of Kenwood Avenue with North Avenue, thence leaving the point of beginning and said road and running for the four following courses and distances, viz: 1) South 89 degrees 12 minutes 04 seconds West 360.84 feet, thence 2) North 00 degrees 47 minutes 56 seconds West 308.25 feet, thence 3) South 82 degrees 26 minutes 36 seconds West 358.14 feet, thence 4) South 11 degrees 59 minutes 35 seconds East 698.54 feet to the northwest right-of-way line of Interstate Route 95, thence running with said right-of-way 5) North 56 degrees 54 minutes 10 seconds East 260.32 feet, thence leaving said right-of-way and running for the two following courses and distances, viz: 6) North 00 degrees 47 minutes 56 seconds West 184.80 feet, thence 7) North 89 degrees 12 minutes 04 seconds East 428.08 feet to the centerline of Kenwood Avenue, thence running with said centerline 8) North 36 degrees 18 minutes 13 seconds West 117.01 feet to the point of beginning, containing 5.2123 acres of land, more or less.

Being the same property comprised of the following three parcels:

- 1) That parcel of land which by deed dated March 28, 2005, recorded among the land records of Baltimore County, Maryland, in Liber 21652, Folio 76, was conveyed by Mary C. Koelbel to Patrick S. Craig, containing 4.3489 acres of land, more or less.
- 2) That parcel of land which by deed dated March 28, 2005, recorded among the land records of Baltimore County, Maryland, in Liber 21656, Folio 653, was conveyed by John D. Koelbel and Carol L. Koelbel to Patrick S. Craig, containing 0.8096 acres of land, more or less.

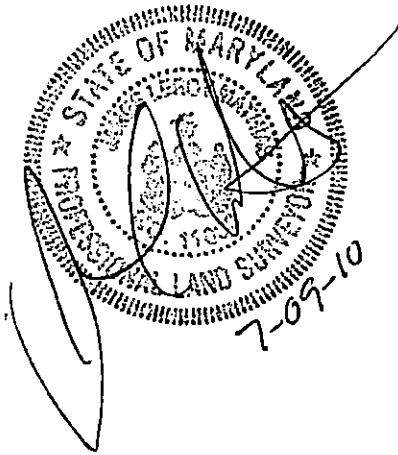
2017-0255-A

- 3) A portion of Kenwood Avenue, twenty feet wide, running parallel to and being situated southwest of the last or North 36 degrees 18 minutes 36 seconds West 117.01 feet line of the above-described parcel, containing 0.0538 acres of land, more or less.

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

July 09, 2010

W:\09076.1 - 5705 Kenwood Avenue\descriptions\2010-07-09 Revised Special Exception Petition Description.doc



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

NO 151401

Date: 3/23/17

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				600.00

Total: 600.00

Rec From: S.R.W. Inc. LLC

For: 5705 Karmwood Ave
Bkts 1 thru 6

2017-0255-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL FMT 766
3/23/2017 3/23/2017 11:21:58
REG MSGS W/OUT LOG
PRECEIPT # 891827 3/23/2017 911
Dept 5 528 ZONING VENTILATION
CR NO. 151401
Receipt Tot 600.00
600.00 TR 6.00 TR
Balance - Count, not used

**CASHIER'S
VALIDATION**



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 4912014

Sold To:

Joseph Woolman III - CU00375610
111 S Calvert St Ste 2700
BALTIMORE, MD 21202

Bill To:

Joseph Woolman III - CU00375610
111 S Calvert St Ste 2700
BALTIMORE, MD 21202

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

Apr 25, 2017

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: # 2017-0255-A
5705 Kenwood Avenue
SW/s Kenwood Avenue, 275 ft. SE of the centerline North Lane
14th Election District - 6th Councilmanic District
Legal Owner(s) S.F.B., LLC, Mid State Community Bank

Variance to permit the height of Unit 1 to be 42.2 ft.; Unit 2, 40.7 ft.; Unit 3, 40.7 ft.; Unit 4, 41.4 ft.; Unit 5, 41.5 ft.; Unit 6, 42.1 ft., as depicted on the attached plan in lieu of the required 35 ft. maximum within RTA, and to amend the Final Development Plan for Lots 1-6.

Hearing: Monday, May 15, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 4/733 April 25 4912014

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/25/2017

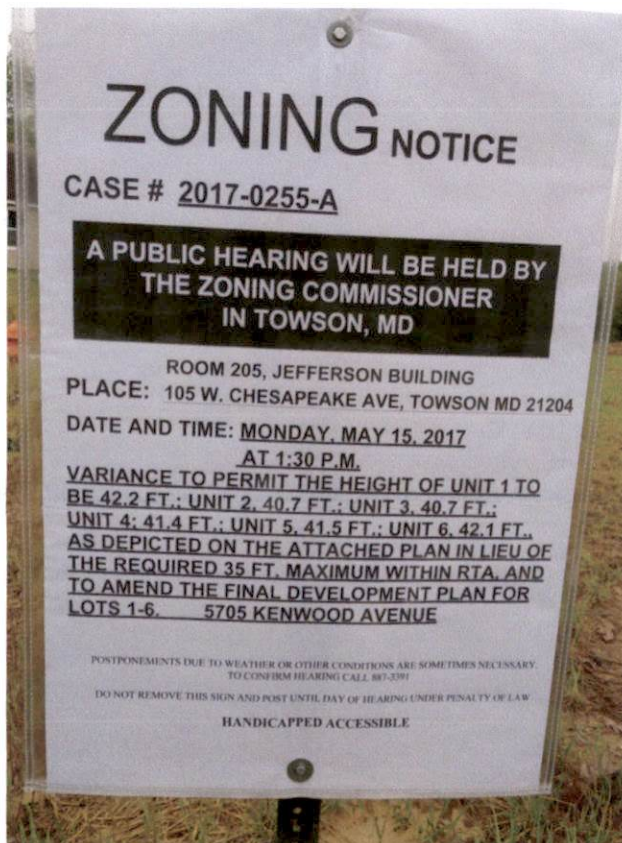
Case Number: 2017-0255-A

Petitioner / Developer: JOSEPH WOOLMAN, III, ~ BRIAN COLLINS of
DEVELOPMENT DESIGN CONSULTANTS, INC. S.F.B., LLC, NANCY
GERLING

Date of Hearing (Closing): MAY 15, 2017

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:
5705 KENWOOD AVENUE

The sign(s) were posted on: APRIL 25, 2017



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)

12

1. The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research. It also mentions the scope of the study and the limitations of the research.

2. The second part of the report is a literature review. It discusses the previous studies on the subject of the study and identifies the gaps in the existing literature. It also mentions the theoretical framework of the study and the hypotheses of the research.

3. The third part of the report is a description of the research methodology. It discusses the research design, the data collection methods, and the data analysis methods. It also mentions the ethical considerations of the study and the measures taken to ensure the validity and reliability of the research.

4. The fourth part of the report is a presentation of the research findings. It discusses the results of the study and compares them with the previous studies. It also mentions the implications of the findings for practice and policy.

5. The fifth part of the report is a conclusion. It summarizes the main findings of the study and discusses the limitations of the research. It also mentions the suggestions for future research.

13

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15

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BACKGROUND PHOTO OF 5705 KENWOOD AVENUE
CASE # 2017-0255-A

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 25, 2017 Issue - Jeffersonian

Please forward billing to:
Joseph Woolman, III
111 S. Calvert Street, Ste. 2700
Baltimore, MD 21202

410-385-5328

NOTICE OF ZONING HEARING

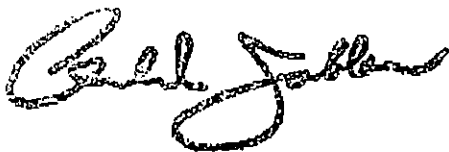
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0255-A

5705 Kenwood Avenue
SW/s Kenwood Avenue, 275 ft. SE of the centerline North Lane
14th Election District – 6th Councilmanic District
Legal Owners: S.F.B., LLC, Mid State Community Bank

Variance to permit the height of Unit 1 to be 42.2 ft.; Unit 2, 40.7 ft.; Unit 3, 40.7 ft.; Unit 4, 41.4 ft.; Unit 5, 41.5 ft.; Unit 6, 42.1 ft., as depicted on the attached plan in lieu of the required 35 ft. maximum within RTA, and to amend the Final Development Plan for Lots 1-6.

Hearing: Monday, May 15, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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



KEVIN KAMENETZ
County Executive

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

April 17, 2017

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: 2017-0255-A

5705 Kenwood Avenue

SW/s Kenwood Avenue, 275 ft. SE of the centerline North Lane

14th Election District – 6th Councilmanic District

Legal Owners: S.F.B., LLC, Mid State Community Bank

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Hearing: Monday, May 15, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Joseph Woolman, III, 111 S. Calvert Street, Ste. 2700, Baltimore 21202
S.F.B., LLC, Nancy Gerling, 6801 York Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 25, 2017.**
- (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.

**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: 2017-0255A
Property Address: 5705 Kenwood Ave
Property Description: 5.2 AC Zoned DR 3.5 - DR 5.5
Legal Owners (Petitioners): S.F.B., LLC / Mid State Community Bank
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Joseph R. Woolman III
Company/Firm (if applicable): J.R. Woolman, LLC
Address: 111 S. Calvert St.
Suite 2700
Baltimore, MD 21202
Telephone Number: 410-385-5328

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

May 10, 2017

S F B LLC
Mid State Community Bank
Nancy Gerling
6801 York Road
Baltimore MD 21212

RE: Case Number: 2017-0255 A, Address: 5705 Kenwood Avenue

Dear Ms. Gerling:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 23, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Joseph R Woolman III, Esquire, J R Wollman, Esquire, LLC, 111 S Calvert Street, Suite 2700
Baltimore MD 21202



Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 3/27/17

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 3/27/17. A field inspection and internal review reveals that an entrance onto MD 588 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2017-0255-A

Variance
S.F.B., LLC Mid State Community Bank
Nancy Berling
5705 Kenwood Avenue MD 588

The applicant must contact the State Highway Administration to obtain an entrance permit. Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, PLA
Metropolitan District Engineer
Baltimore & Harford Counties

WW/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030
410.229.2300 | TTY 800.735.2258 | roads.maryland.gov
My telephone number/toll-free number is 866.998.0367

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 4/14/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-255



INFORMATION:

Property Address: 5705 Kenwood Avenue
Petitioner: Mid State Community Bank, Nancy Gerling
Zoning: DR 5.5
Requested Action: Variance

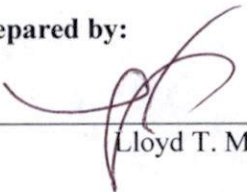
The Department of Planning has reviewed the petition for a variance to permit the height of unit 1 through 6 to be respectively 42.2', 40.7', 40.7', 41.4', 41.5' and 42.1' in lieu of the required 35' maximum within the Residential Transition Area and to amend the Final Development Plan for lots 1-6 of the Patrick S. Craig Property (a.k.a 5705 Kenwood Ave.).

The Department has no objection to granting the petitioned zoning relief conditioned upon the 50' RTA Landscaped Buffer remaining undisturbed.

Please be advised that the plan "purpose note" is incorrect. The request should read "*to allow for a height of more than 35' within the 100 Foot Residential Transition Area*" not, "*within 50' of the residential transition area limit line*".

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Joseph R. Woolman, III and J.R. Woolman, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

20BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 03, 2017
Item No. 2017-0244, 0245, 0249, 0251, 0254 and 0255

DATE: April 5, 2017

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

DAK:CEN

cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC04032017.doc

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: March 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0255-A
Address 5705 Kenwood Avenue
(S.F.B., LLC, Mid State Community
Bank Property)

Zoning Advisory Committee Meeting of **April 3, 2017**.

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

Reviewer: Steve Ford Date: 3-30-2017

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
5705 Kenwood Avenue; SW/S Kenwood *
Avenue, 275' SE of North Lane * OF ADMINSTRATIVE
14th Election & 6th Councilmanic Districts *
Legal Owner(s): S.F.B., LLC, Mid State * HEARINGS FOR
Community Bank by Nancy Gerling *
Petitioner(s) * BALTIMORE COUNTY
* 2017-255-A

* * * * *

ENTRY OF APPEARANCE

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

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 29th day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to John R. Woolman, Esquire, 111 S. Calvert Street, Suite 2700, Baltimore, Maryland 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

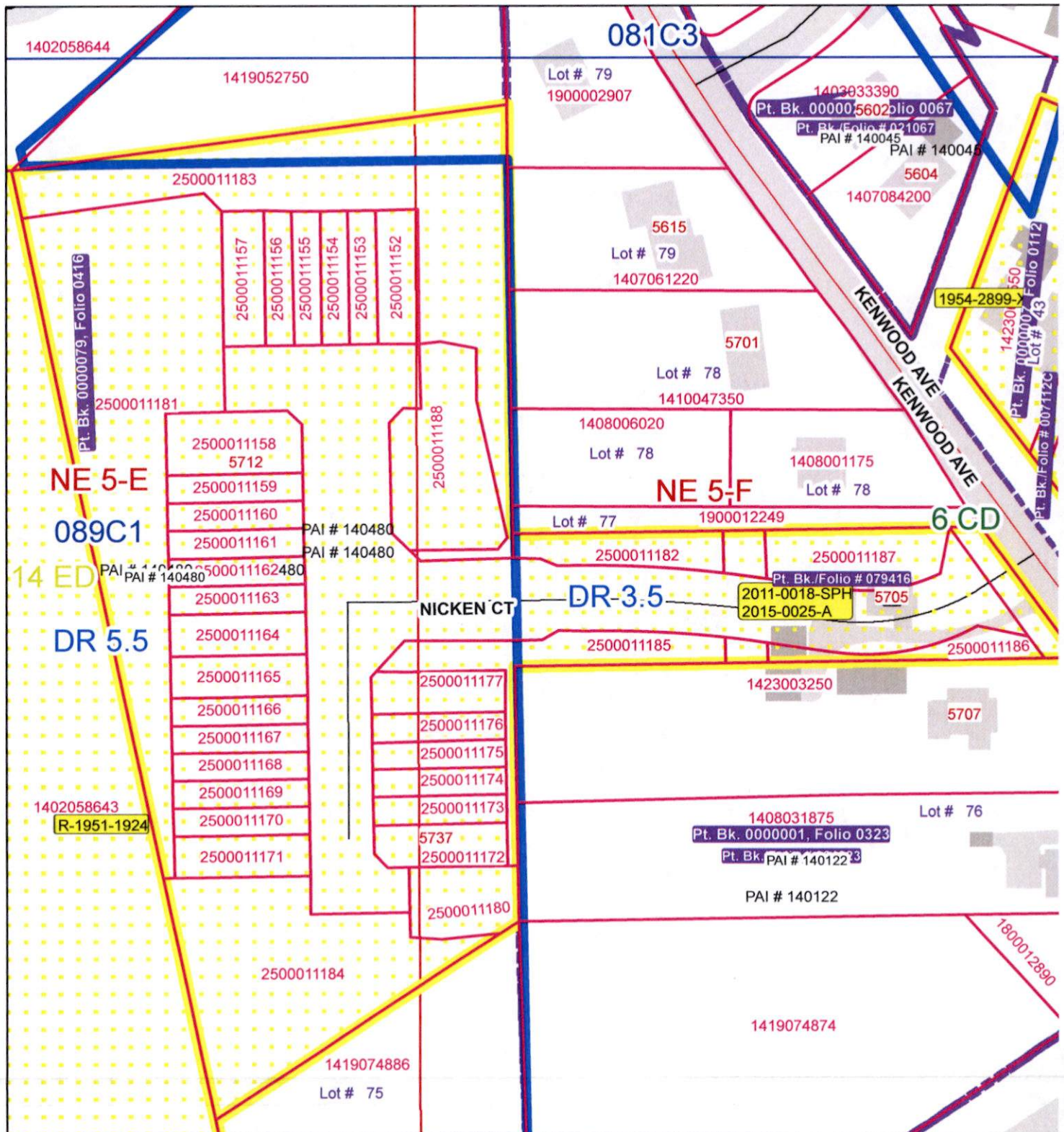
M E M O R A N D U M

DATE: June 16, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0255-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 15, 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

5705 Kenwood Avenue Lots 1-6 2017-0255-A



Publication Date: 3/23/2017



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
** DELETED **					
Account Identifier:		District - 14 Account Number - 1416060425			
Owner Information					
Owner Name:		SFB LLC		Use:	RESIDENTIAL
Mailing Address:		6810 YORK RD BALTIMORE MD 21212-		Principal Residence:	NO
				Deed Reference:	/34662/ 00097
Location & Structure Information					
Premises Address:		5705 KENWOOD AVE 0-0000		Legal Description:	PT LT 77 5705 KENWOOD AVE KENWOOD PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0081	0023	0023		0000	77 2015 0001/0323
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1943	952 SF	672 SF	37,740 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	YES	STANDARD UNIT	ASBESTOS SHINGLE	2 full	
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2015	07/01/2016	07/01/2017	
Land:	87,100	87,100			
Improvements	-142000	0			
Total:	-54900	87,100	39,767	87,100	
Preferential Land:	0			0	
Transfer Information					
Seller: MIDSTATE COMMUNITY BANK		Date: 02/03/2014		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /34662/ 00097		Deed2:	
Seller: CRAIG PATRICK S		Date: 01/09/2014		Price: \$225,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /34594/ 00002		Deed2:	
Seller: KOELBEL JOHN D		Date: 04/05/2005		Price: \$245,300	
Type: ARMS LENGTH IMPROVED		Deed1: /21656/ 00653		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					

DS
9-18-14

IN RE: PETITION FOR VARIANCE

(5705 Kenwood Avenue)

14th Election District

6th Council District

SFB LLC Mid State Community Bank

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0025-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1B01.1.B.e(5) to permit the height of Units 1,2 and 6 as depicted on the attached plan, to be 39 ft. 4.8 in. in lieu of the required 35 ft. maximum within the RTA (Lot 1-5700 Nicken Ct., Lot 2-5702 Nicken Ct., and Lot 6-5710 Nicken Ct.). The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the request was Michael McCann, Andrew Stine, and Joseph R. Woolman, III, Esquire, appearing on behalf of the Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the State Highway Administration (SHA) a copy of their comment is attached hereto and made a part of this Opinion and Order. They indicated that they approve of the variance but as a condition of approval, Petitioner must contact the State Highway Administration to obtain an entrance permit.

The subject properties are three (3) of twenty six (26) units of an approved first amended

Final Development Plan dated May 11, 2011.

Counsel proffered on behalf of the Petitioners that once construction actually began, it was discovered that due to a dip in the topography, the three (3) units in question could not be constructed as planned and previously approved. Unless the variance was granted, allowing the three (3) subject units to be slightly higher than the other twenty-three (23) units, those units could not be constructed as previously planned and would not include a garage. The Plat to Accompany this variance request supports the proffer. He noted that, other than the height variance requested, no other changes to the plan were necessary or being requested.

I find that the three (3) units in question are unique in comparison to the other twenty-three (23) in this development; and that the uniqueness is due to the topography of those three (3) units when compared to the other twenty-three (23) in the previously approved development.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Accordingly, I find that Petitioner has met the above test.

THEREFORE, IT IS ORDERED, this 23rd day of September, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) 1B01.1.B.e(5) to permit the height of Units 1,2 and 6 as depicted on the attached plan, to be 39 ft, 4.8 in. in lieu of the required 35 ft. maximum within the RTA (Lot 1-5700 Nicken Ct., Lot 2-5702 Nicken Ct., and Lot 6-5710 Nicken Ct.); (2) to amend the first amended final development plan of lots 1,2 and 6

IN RE: DEVELOPMENT PLAN HEARING &
PETITION FOR SPECIAL HEARING

W side of Kenwood Avenue; 382 feet S
of North Avenue
(5705 Kenwood Avenue)
14th Election District
6th Councilmanic District
(5705 Kenwood Avenue Property)

Stonewall Development
Applicant/Developer

* BEFORE THE
* HEARING OFFICER
* FOR
* BALTIMORE COUNTY

* HOH Case No. 14-480
* Zoning Case No. 2011-0018-SPH

* * * * *

HEARING OFFICER'S COMBINED ZONING RELIEF AND
DEVELOPMENT PLAN OPINION ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County for a public hearing on a development proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code ("B.C.C.") and a related zoning Petition for Special Hearing. Stonewall Capital, LLC, the developer of the subject property (hereinafter "the Developer"), submitted for approval a redlined Development Plan prepared by DeMario Design Consultants, known as the "5705 Kenwood Avenue Property" and Plan to Accompany Petition for Special Hearing (hereinafter referred to collectively as the "redlined Development Plan") for property located on the west side of Kenwood Avenue, 382 feet south of North Avenue in the Overlea area of Baltimore County.¹ The Developer proposes to develop 26 single-family attached townhomes on 5.1 acres, more or less, zoned DR 3.5 (0.8 acre) and DR 5.5 (4.3 acres).

The Developer is also requesting certain zoning relief and has filed a Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to

¹ The property was previously known as the "Patrick S. Craig Property" with the same property address as above; however, subsequent to filing the development proposal, the property was foreclosed on by the lending bank, Mid State Federal S&L Assn., and is now owned by that entity.

approve the accrual of density on a tract split zoned D.R.3.5 and D.R.5.5 in order to permit the development of 26 townhomes, notwithstanding B.C.Z.R. Section 1B01.2.A.2 and the restrictions contained therein.

The property was posted with the Notice of Hearing Officer's Hearing on August 1, 2010 for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. In addition, notice of the zoning hearing was timely posted on the property on August 1, 2010 and was timely published in *The Jeffersonian* in accordance with the County Code.

Pursuant to this process, a concept plan of the proposed development was prepared and a Concept Plan Conference ("CPC") was held on December 12, 2009 at 11:00 AM in the County Office Building. As the name suggests, the concept plan is a schematic representation of the proposed development and was initially reviewed by representatives of the Developer and the reviewing County Agencies at the CPC. Thereafter, as was also required in the development review process, notice of a Community Input Meeting ("CIM") was posted and scheduled during evening hours at a location near the proposed development. The CIM would provide residents of the area an opportunity to review and comment firsthand on the Concept Plan. In this case, the CIM was held on February 18, 2010 at 7:00 PM at the Kenwood High School located at 501 Stemmers Run Road, and a second CIM was held on March 4, 2010 at 7:00 PM at the Overlea High School located on Kenwood Avenue, where representatives of the Developer and the County attended, as well as a number of interested persons from the community. Subsequently, a Development Plan was prepared based upon the comments received at the CPC and the CIM, and the Development Plan was submitted for further review at a Development Plan Conference ("DPC"). At the DPC, the Developer's consultants and County agency representatives further

CASE NAME _____
CASE NUMBER 2017-0255-A
DATE May 15, 2017

[illegible]

Case No.: 2017-0255-A

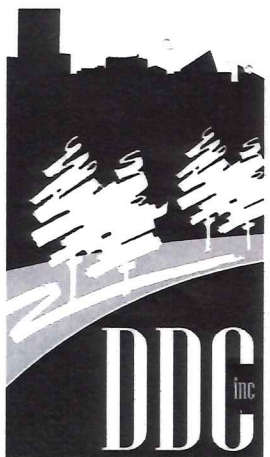
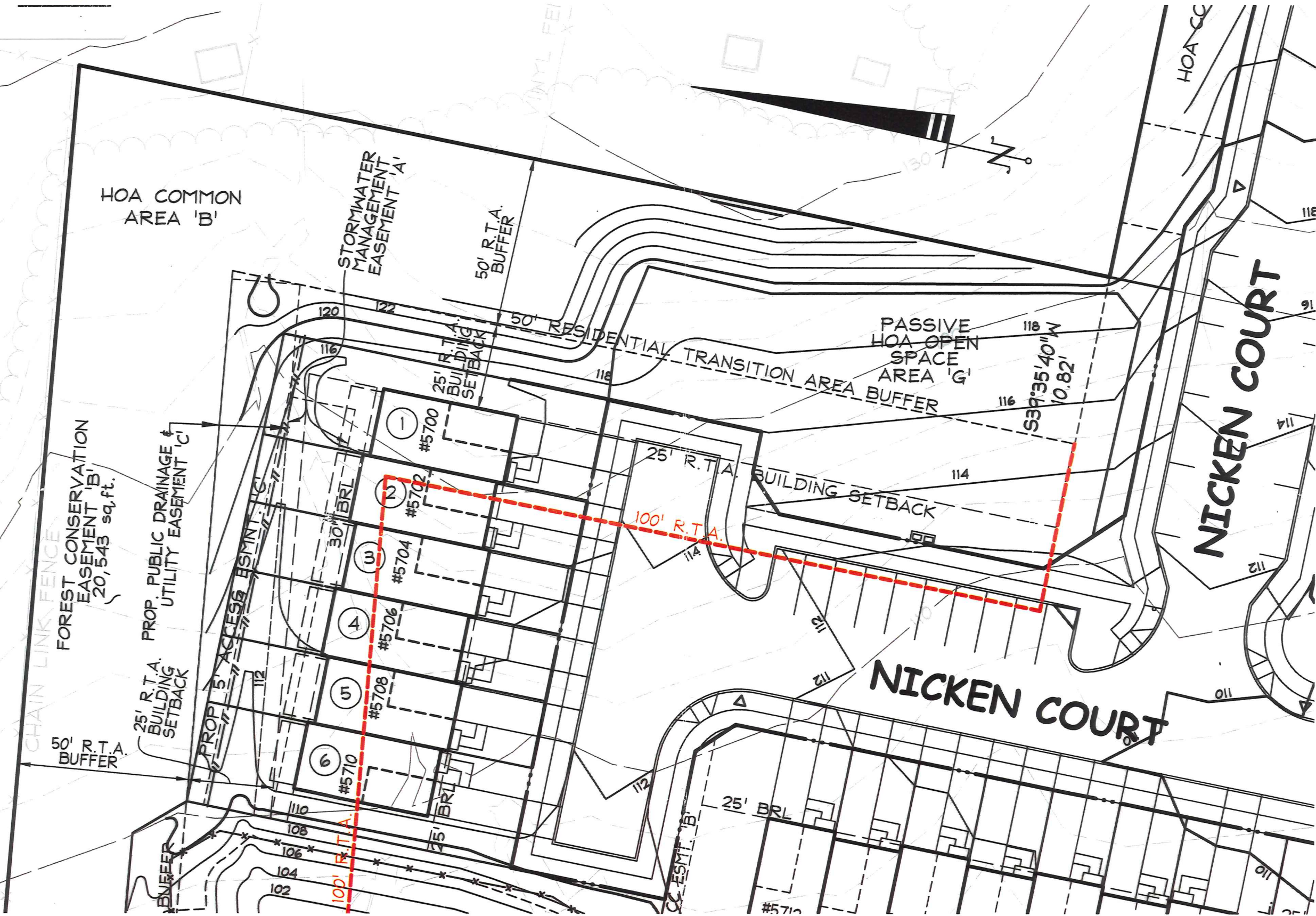
Exhibit Sheet

Sen

Petitioner/Developer

Protestant 5-16-17

No. 1	site plan	
No. 2	exhibit showing RTA 100' line	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Development Design Consultants
Planners
Surveyors
Engineers
Landscape Architects

192 East Main Street
Westminster, MD 21157
410.386.0560
410.386.0564 (Fax)
DDC@DDCinc.us
www.DDCinc.us

DDC JOB#: 09076.4
DATE: 3/10/17
SCALE: 1" = 30'
DES. BY: BKC/LJC
DRN. BY: LJC
CHK. BY: BKC

HIDDEN MEADOWS
VARIANCE REQUEST

NOTES:

