

M E M O R A N D U M

DATE: May 4, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0205-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 2, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(3 S. Morerick Avenue)

1st Election District

1st Council District

Evergreen Homes, Inc.

Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0205-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Evergreen Himes, Inc., legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §§ 1B01.2.C.1.B and 400.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) to allow a rear yard setback of 27 ft. in lieu of the required 30 ft., and (2) to allow an accessory structure in the side yard in lieu of the required rear yard. A site plan was marked as Petitioner’s Exhibit 1.

Professional engineer Sal Crupi and Brian Macari appeared in support of the petition. Alan Betten, 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. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the county reviewing agencies.

The site is approximately 1.72 acres in size and zoned DR 5.5. Petitioner is in the process of creating a three-lot minor subdivision on the property. An existing single-family dwelling constructed in 1954 will remain, and two additional lots will be created. Upon the filing of the minor subdivision plan Petitioner was informed zoning relief would be needed for the existing dwelling.

ORDER RECEIVED FOR FILING

Date 4/2/18

By Sen

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

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

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

The property has an irregular shape and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be required to raze or relocate the single family dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County or community opposition.

THEREFORE, IT IS ORDERED, this 2nd day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1B01.2.C.1.B and 400.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R"): (1) to allow a rear yard setback of 27 ft. in lieu of the required 30 ft.; and (2) to allow an accessory structure in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date

4/2/18

By

Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 4/2/18

By slh



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 3 S. MORERICK AVENUE CATONSVILLE, MD 21228 which is presently zoned D.R.5.5
 Deed References: 39869 / 00448 10 Digit Tax Account # 0 1 1 2 5 9 1 1 1 0
 Property Owner(s) Printed Name(s) EVERGREEN HOMES, INC.

(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)

- a. 1B01.2.C.1.B - to allow a rear yard setback of 27-feet in lieu of required 30-feet. ← EXISTING STRUCTURES
 b. 400.1 - to allow an accessory structure in the side yard in lieu of the required rear yard.

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)

Both the single-family dwelling and garage have been in existence in their current location and configuration since approximately 1954.

Additional information 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:

Alan Betten - Sagal, Filbert, Quasney & Betten, P.A.
 Name- Type or Print Alan Betten
 Signature _____
 600 Washington Avenue, Suite 300 Towson MD
 Mailing Address _____ City _____ State _____
 21204 / 410-823-1881 / abetten@sagallaw.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Evergreen Homes, Inc. - Brian G. Macari, President
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 Brian Macari Signature #2 _____
 1400 Forest Glen Court Catonsville MD
 Mailing Address _____ City _____ State _____
 21228 / 410-747-7144 / dgcman@msn.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Salvatore C. Crupi, P.E. - Matis Warfield, Inc. (Civil Engineer)
 Name - Type or Print _____
 Signature Sal Crupi
 954 Ridgebrook Road, Suite 120 Sparks MD
 Mailing Address _____ City _____ State _____
 21152 / 410-472-5789 / sal@matiswarfield.com
 Zip Code Telephone # Email Address

CASE NUMBER 2018-0205-A Filing Date 2/9/18 Do Not Schedule Dates: _____ Reviewer JS

ZONING DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE FOR

**3 S. MORERICK AVENUE – PAI# 01-0597
ELECTION DISTRICT NO. 1
BALTIMORE COUNTY, MARYLAND**

Beginning at a point along the south side of **FREDERICK AVENUE** (MD Route 144), which is 66-feet wide at a distance of 219-feet northeast of the centerline of the nearest improved intersecting street, S. Morerick Avenue which is 50-feet wide. Thence the following courses and distances:

- 
- 1) S 01°35'04" E 367.33';
 - 2) N 84°58'37" E 44.31';
 - 3) S 00°35'59" W 150.00';
 - 4) S 85°16'11" W 124.92';
 - 5) N 00°21'46" W 183.56';
 - 6) R = 255.00' L = 124.20';
 - 7) N 28°08'50" W 129.49';
 - 8) N 17°00'41" E 21.27';
 - 9) N 61°12'37" E 178.40';

To the point of beginning,

As recorded in Deed Liber 39869, Folio 00448
Containing **1.33-acres±**, and located in the
1st Election District, 1st Councilmanic District of
Baltimore County, Maryland.

THIS DESCRIPTION COMPILED FOR ZONING
PURPOSES ONLY AND IS NOT INTENDED TO BE USED
FOR CONVEYANCES OR AGREEMENTS.





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 5486603

Sold To:

Evergreen Homes Inc - CU00641976
1400 Forest Glen Ct
Catonsville, MD 21228-6402

Bill To:

Evergreen Homes Inc - CU00641976
1400 Forest Glen Ct
Catonsville, MD 21228-6402

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

Mar 08, 2018

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: # 2018-0205-A
3 South Morerick Avenue
Southeast corner of the intersection of Frederick Road and Morerick Avenue
1st Election District - 1st Councilmanic District
Legal Owner(s) Evergreen Homes, Inc.

Variance: to allow a rear yard setback of 27 ft. in lieu of the required 30 ft., to allow an accessory structure in the side yard in lieu of the required rear yard.

Hearing: Friday, March 30, 2018 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.

3/033 March 8 5486603

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/12/2018

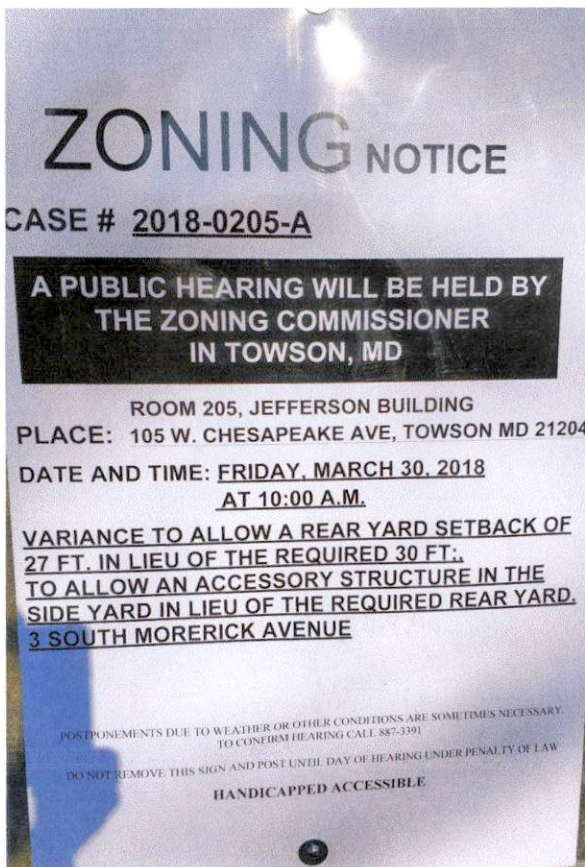
Case Number: 2018-0205-A

Petitioner / Developer: SALVATORE CRUPI of MATIS, WARFIELD, INC.
~ BRIAN MACARI of EVERGREEN HOMES

Date of Hearing: MARCH 30, 2018

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:
3 SOUTH MORERICK AVENUE

The sign(s) were posted on: MARCH 10, 2018



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)



BACKGROUND PHOTO OF 3 SOUTH MORERICK AVENUE



KEVIN KAMENETZ
County Executive

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

February 23, 2018

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: 2018-0205-A

3 South Morerick Avenue

Southeast corner of the intersection of Frederick Road and Morerick Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Evergreen Homes, Inc.

Variance to allow a rear yard setback of 27 ft. in lieu of the required 30 ft., to allow an accessory structure in the side yard in lieu of the required rear yard.

Hearing: Friday, March 30, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Alan Betten, 600 Washington Avenue, Ste. 300, Towson 21204
Brian Macari, 1400 Forest Glen Court, Catonsville 21228
Salvatore Crupi, 954 Ridgebrook Road, Ste. 120, Sparks 21152

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 10, 2018 .**
- (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, March 8, 2018 Issue - Jeffersonian

Please forward billing to:

Brian Macari
Evergreen Homes, Inc.
1400 Forest Glen Court
Catonsville, MD 21228

410-747-7144

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: 2018-0205-A

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Southeast corner of the intersection of Frederick Road and Morerick Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Evergreen Homes, Inc.

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105 West Chesapeake Avenue, Towson 21204



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 VARIANCE	*	BEFORE THE OFFICE
3 S. Morerick Avenue; SE corner of Frederick		
Road & S. Morerick Avenue	*	OF ADMINISTRATIVE
1 st Election & 1 st Councilmanic Districts		
Legal Owner(s): Evergreen Homes, Inc	*	HEARINGS FOR
by Brian Macari, President		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2018-205-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.

RECEIVED

FEB 26 2018

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 26th day of February, 2018, a copy of the foregoing Entry of Appearance was mailed to Salvatore Crupi, P.E., 954 Ridgebrook Road, Suite 120, Sparks, Maryland 21152 and Alan Betten, Esquire, 600 Washington 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: 2018-0205-A

Property Address: 3 S. MORERICK AVENUE CATONSVILLE, MD 21228

Property Description: 1.33 AC +/- PROPERTY ON CORNER OF S. MORERICK AVE.
and FREDERICK ROAD. ONE EXISTING DWELLING WITH DETACHED GARAGE

Legal Owners (Petitioners): EVERGREEN HOMES, INC.

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRIAN MACARI

Company/Firm (if applicable): EVERGREEN HOMES, INC.

Address: 1400 FOREST GLEN COURT
CATONSVILLE, MD 21228

Telephone Number: 410-747-7144

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

NO 163199

Date: 2/9/18

		Rev		Sub							
		Source/		Rev/							
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS	Acct	Amount	
001	806	0000		6150						\$ 500.00	

Total: \$ 500.00

Rec. From: WALKIN FILLACEN HOMES, INC

For: 2018-0705-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME IN
2/09/2018 2/09/2018 11:06:06 1
REG WSD1 WALKIN LJR
>>RECEIPT # 774949 2/09/2018 OFLH
Dept: 5 528 ZONING VERIFICATION
CR NO: 163199

Recpt Tot \$500.00
\$500.00 CR \$1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

March 23, 2018

Evergreen Homes Inc.
Brian G Macari
1400 Forest Glen Court
Catonsville MD 21228

RE: Case Number: 2018-0205 A, Address: 3 S Morerick Avenue

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 February 9, 2018. 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
Alan Betten, Esquire, 600 Washington Avenue, Suite 300, Towson MD 21204
Salvatore C. Crupi, P. E., 954 Ridgebrook Road, Suite 120, Sparks MD 21152

Date: 2/21/18

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

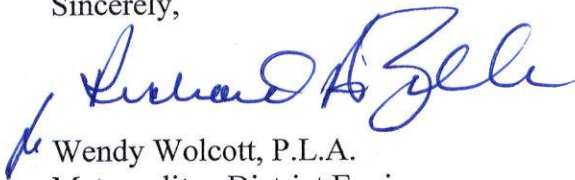
Dear Ms. Lewis:

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. 2018-0205-A

Variance
Evergreen Homes, Inc. Brian G. Macari
3 W. Morenick Avenue

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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

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: February 21, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0205-A
Address 3 W. Morerick Avenue
(Evergreen Homes, Inc. Property)

Zoning Advisory Committee Meeting of **February 26, 2018.**

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

Reviewer: Steve Ford

3-30-18

BALTIMORE COUNTY, MARYLAND

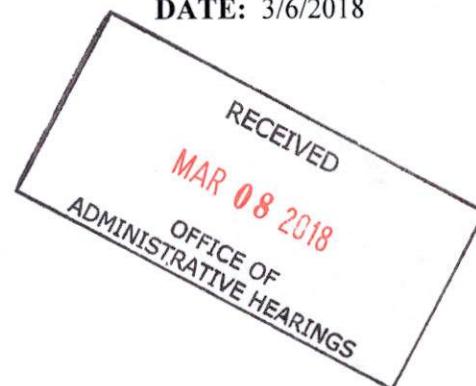
INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-205

DATE: 3/6/2018



INFORMATION:

Property Address: 3 South Morerick Avenue
Petitioner: Evergreen Homes, Inc., Brian G. Macari, President
Zoning: DR 5.5
Requested Action: Variance

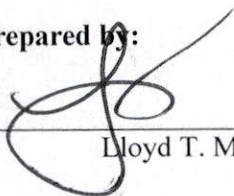
The Department of Planning has reviewed the petition to allow an existing single family dwelling to have a rear yard setback of 27 feet with an accessory structure located within the side yard in lieu of the required 30 feet and rear yard respectively.

The Department conducted a site visit on February 28, 2018. The site is the subject of Minor Subdivision PAI # 17-038M.

The Department has no objection to granting the petitioned zoning relief.

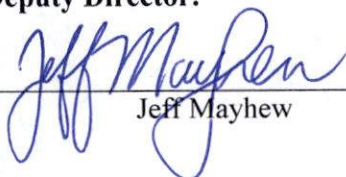
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Dennis Wertz
Salvatore C. Crup, P.E., Matis Warfield, Inc.
Alan Betten, Segal, Filbert, Qasney & Betten, P.A.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 07, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 19, 2018
Item No. 2018-0182-A, 0205-A, 0206-X, 0207-XA, 0208-XA, 0209-A, 0210-A and 0211-X.

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

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 3/6/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-205

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Zoning: DR 5.5
Requested Action: Variance

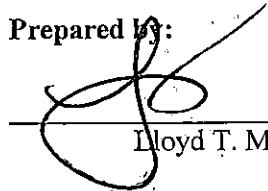
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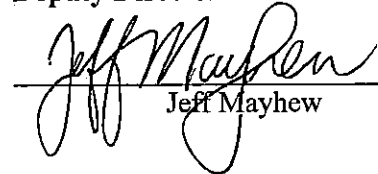
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Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Dennis Wertz
Salvatore C. Crup, P.E., Matis Warfield, Inc.
Alan Betten, Segal, Filbert, Qasney & Betten, P.A.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 3/6/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-205

INFORMATION:

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Petitioner: Evergreen Homes, Inc., Brian G. Macari, President
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Requested Action: Variance

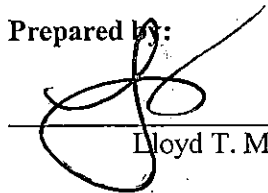
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Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Dennis Wertz
Salvatore C. Crup, P.E., Matis Warfield, Inc.
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Office of the Administrative Hearings
People's Counsel for Baltimore County

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: February 21, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0205-A
Address 3 W. Morerick Avenue
(Evergreen Homes, Inc. Property)

Zoning Advisory Committee Meeting of **February 26, 2018.**

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

Reviewer: Steve Ford

CASE NAME 3 S November
CASE NUMBER 2018-0205-A
DATE 3/30/18

[illegible]

CASE NO. 2018-0205-A

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3/7/18</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>no comment</u>
<u>2/21/18</u>	DEPS (if not received, date e-mail sent _____)	<u>no comment</u>
_____	FIRE DEPARTMENT	_____
<u>3/8/18</u>	PLANNING (if not received, date e-mail sent _____)	<u>no objection</u>
<u>2/21/18</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>3/8/18</u>	
SIGN POSTING	Date: <u>3/10/18</u>	by <u>O'Keefe</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Account Identifier:			District - 01 Account Number - 0112591110						
Owner Information									
Owner Name:		EVERGREEN HOMES INC			Use:		RESIDENTIAL		
Mailing Address:		1400 FOREST GLEN COURT CATONSVILLE MD 21228-			Principal Residence:		NO		
					Deed Reference:		/39869/ 00448		
Location & Structure Information									
Premises Address:		3 S MORERICK AVE BALTIMORE 21228-			Legal Description:		1.23A ES S MORERICK AVE S OF FREDERICK RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0100	0017	0449		0000				2016	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1954		1,404 SF				1.2300 AC		04	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage		Last Major Renovation	
1 1/2	YES	STANDARD UNIT		STUCCO	1 full	1 Detached			
Value Information									
			Base Value		Value		Phase-in Assessments		
					As of		As of		As of
					01/01/2016		07/01/2017		07/01/2018
Land:			99,700		99,700				
Improvements			115,600		159,700				
Total:			215,300		259,400		244,700		259,400
Preferential Land:			0						0
Transfer Information									
Seller: FOX JESSE D				Date: 01/23/2018			Price: \$425,000		
Type: ARMS LENGTH IMPROVED				Deed1: /39869/ 00448			Deed2:		
Seller: HOWARD COUNTY ANTIQUE FARM MACHINERY CLUB INC				Date: 09/11/2013			Price: \$299,900		
Type: ARMS LENGTH MULTIPLE				Deed1: /34198/ 00060			Deed2:		
Seller:				Date: 03/08/2012			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /31796/ 00099			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
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	
Homeowners' Tax Credit Application Status: No Application	Date:

Case No.: 2018-0205-A

Exhibit Sheet

Petitioner/Developer

Protestant

5-4-18
BW

Sen
4-2-18

No. 1	Crupi cv	
No. 2	Minor Sub. Plan & Zoning Plan	
No. 3		
No. 4	DRC Comments	
No. 5	ZAL Comments	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

954 RIDGEBROOK ROAD – SUITE 120
SPARKS, MARYLAND 21152
(410) 683-7004
sal@matisswarfield.com

Professional Registration:

Registered Professional Engineer
Civil Engineering – January 2004
State of Maryland License No. 29936

Professional Experience:

12/98 – Present Matis Warfield, Inc. 954 Ridgebrook Road – Suite 120
Sparks Maryland

Currently a Principal responsible for civil engineering services for the development community. Responsibilities include design development, and permitting for residential, commercial, and industrial site development projects; preparation of concept plans, development plans, zoning plans, floodplain studies, stormwater management plans, public road and utility plans, erosion and sediment control plans, grading plans, record plats, and site plans to accompany permit applications; provide expert testimony at development hearings; as well as project management, cost estimating, and client relations.

Education:

New Jersey Institute of Technology Newark, New Jersey
Bachelor of Science, Civil Engineering – 1998

Professional Affiliations:

Baltimore County Engineers Association



1st Minor Subdivision Review

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

2

DATE: 10/24/17

TO: 1. DEPS- Development Coordination (David Lykens/Jeff Livingston/Steve Ford)

2. ~~EIR (Paul Dennis)~~ *Chen Shaffer*

3. SWM (Ed Schmaus)

4. GWM (Dan Esser)

5. Fire Dept. (Special Projects Officer)

6. DPR Development Plans Review (David Derickson) (3)

7. PAI House Numbers & Street Names (Joe Chmura)

8. Real Estate Compliance (Steve Bryan/Mark Tress)

9. PAI Zoning Review (Leonard Wasilewski)

10. OPCC Development Review (Brett Williams/ Kathy Schlabach) (3)

11. PW Metro Finance - (Constance Crews)

12. DPW Solid Waste Management (Tony Gulati)

13. Rec & Parks (Jim Herman)

14. PW SHA (Richard Zeller) (3)

15. Misc.

RECEIVED

OCT 27 2017

DEVELOPMENT COORDINATION

FROM: Leonard Wasilewski, Planner II
Zoning Review, PAI

Minor Subdivision Number: OCT 27 2017 M

SUBJECT: 1st Minor Subdivision Review

Minor Subdivision Name: Morerick-Fox Property

PAI Subdivision Number: 01-0597 District: 1C1

Engineer: Matis Warfield Consulting Engineers Phone No.: 410-683-7004

Contact: Salvatore C. Crupi P.E.

ACTION: Please review the attached plan for compliance with the current regulations and **return comments to this office by 11/17/17**. If you have no comments or do not need to review this plan, please indicate by placing your initials and date / / here.
(If approved, please respond in duplicate!)

Date 2nd Review Request (Comments) and return to zoning in room 111.

COMMENTS:

Please **return 2 copies** of this form with your comments and reference the **Minor Sub Name, Number and Engineer** on any e-mails and/or approvals/comments.

No Comments yet



Rev. 10/17/17LW

2

DEPARTMENT OF ENVIRONMENTAL PROTECTION
& SUSTAINABILITY
INTEROFFICE CORRESPONDENCE

TO: ☒ PAI, Leonard Wasilewski, M.S. 1105

DATE: November 17, 2017

FROM: Glenn Shaffer; Environmental Impact Review; EPS, Phone #410-887-3980.

GS

PROJECT NAME: Morerick-Fox Property
Minor Sub NUMBER: 01-0597-M
TYPE OF PLAN: Minor Subdivision
PLAN/REV. DATE: 10/12/17
EIR received 10/27/17

Staff of **Environmental Impact Review** have reviewed the subject submission. The following recommendations are made:

☐

Approved

☒

Disapproved

This subdivision is subject to Baltimore County Forest Conservation Law. To that end, the following must be addressed prior to minor subdivision approval:

1. A forest stand delineation prepared by a qualified professional, as defined in Section 33-3-106 of the Forest Conservation Law, must be approved by EIR;
2. A special variance to the Forest Conservation Law is required for critical impact or removal of any specimen trees;
3. A final forest conservation plan based on the approved FSD and any variance decision must be approved by EPS prior to minor subdivision approval;
4. Any required afforestation or reforestation must be addressed prior to minor subdivision approval.

The minor subdivision plan must reflect the approved FCP. Additional EIR comments on the minor subdivision plan may be generated by our review of the items required above.

Please contact me if you have any questions regarding these comments.

Please note that other EPS sections will comment separately.

Morerick-Fox Prop MS 11.17.17.docx/glenn/S

Matis

KEVIN KAMENETZ
County Executive



5
KYLE W. PREIS III, CHIEF
Fire Department

October 25, 2017

To: ~~Jun E. Lenny~~ Lenny
Zoning Review, PAI

From: Don Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 4th Floor
Towson, Maryland 21286
Office: 410-887-4880
E-Mail: dmuddiman@baltimorecountymd.gov

Type of Plan: Minor Subdivision 1st Review

Project Name: Morerick-Fox Property

Project Location: 3 S. Morerick Avenue

PAI Number: 17-038-M

FD-R Number: 1156

Comments:

Lot 1: Proposed

1. A separate building permit is required for the installation of a residential sprinkler system.
2. The sprinkler system must be inspected by the Baltimore County Fire Marshal's Office prior to taking occupancy. (Sprinkler Hydro / Sprinkler Final)
3. Refer to the provisions of the **Baltimore County Fire Prevention Code Bill No: 3-17 Section 1:10.11.1.5** regarding the address numbers for residential properties being a minimum of 3 inches in size.
4. Shall have a Frederick Road address based on the driveway location and the frontage of the dwelling
5. The address proposed for the lot is 1949 Frederick Road.

Lot 2: Existing (Current Address of 3 S. Morerick Avenue)

1. No comments on the above listed lot.

Mat 15

5

Lot 3: Proposed

1. A separate building permit is required for the installation of a residential sprinkler system.
2. The sprinkler system must be inspected by the Baltimore County Fire Marshal's Office prior to taking occupancy.
(Sprinkler Hydro / Sprinkler Final)
3. Refer to the provisions of the **Baltimore County Fire Prevention Code Bill No: 3-17 Section 1:10.11.1.5** regarding the address numbers for residential properties being a minimum of 3 inches in size.
4. The address proposed for the lot is 9 S. Moreick Avenue.

Other:

1. Provide the addresses for Lots 1 & 3 only. Lot 2 already has an address of 3 S. Moreick Avenue.
2. Add the following comments 1, 2 & 3 to the general note section of the plan for Lots 1 & 3.
3. Re-submit a copy of the revised plan for a 2nd review to the Baltimore County Fire Marshal's Office.

1st Minor Subdivision Review

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

7

DATE: 10/24/17

TO: 1. DEPS- Development Coordination (David Lykens/Jeff Livingston/Steve Ford)
2. EIR (Paul Dennis)
3. SWM (Ed Schmaus)
4. GWM (Dan Esser)
5. Fire Dept. (Special Projects Officer)
6. DPR Development Plans Review (David Derickson) (3)
7. PAI House Numbers & Street Names (Joe Chmura)
8. Real Estate Compliance (Steve Bryan/Mark Tress)
9. PAI Zoning Review (Leonard Wasilewski)
10. OPCC Development Review (Brett Williams/ Kathy Schlabach) (3)
11. PW Metro Finance - (Constance Crews)
12. DPW Solid Waste Management (Tony Gulati)
13. Rec & Parks (Jim Herman)
14. PW SHA (Richard Zeller) (3)
15. Misc.

FROM: Leonard Wasilewski, Planner II
Zoning Review, PAI

Minor Subdivision Number: 17-038M

SUBJECT: 1st Minor Subdivision Review

Minor Subdivision Name: Morerick - Fox Property
PAI Subdivision Number: 01-0597 District: 1C1
Engineer: Matis Warfield Consulting Engineers Phone No.: 410-683-7004
Contact: Salvatore G. Caupi JPE

ACTION: Please review the attached plan for compliance with the current regulations and return comments to this office by 11/17/17. If you have no comments or do not need to review this plan, please indicate by placing your initials _____ and date ____/____/____ here.
(If approved, please respond in duplicate!)

Date 2nd Review Request (Comments) and return to zoning in room 111.

COMMENTS:

Please return 2 copies of this form with your comments and reference the Minor Sub Name, Number and Engineer on any e-mails and/or approvals/comments.

1 ADDRESS FOR LOT 1: 1947 FREDERICK RD

2 " " LOT 2: EXISTING #3 S. MORERICK AVE. REMAINS

3 " " LOT 3: #7 S. MORERICK AVE

4 PLEASE CORRECT "1 MORERICK AVENUE" TO: 1 N. MORERICK

Rev. 10/17/17LW

AVERAGE. LIKEWISE WITH "Z MORRICK AVE."

⑤ AND STEEP SLOPES EROSION CONTROL NOTE (ATTACHED)

SAL: THANKS YOU FOR NOTING THE ADDRESSES OF

SURROUNDING PROPERTIES ON THE PLAN.

Jac Chmura. Your Number 4/21/17

From: Colleen Kelly
To: Development Management Personnel
Date: 1/22/2015 11:20 AM
Subject: Required Note for all dev plans and plats

FYI-

The following note is required on all development plans and plats. This information has been added to the development plan checklist and the record plat processing documents.

"The development as proposed will include protective measures adequate to prevent erosion or sloughing of any steep slopes as defined by Section 32-4-101 of the Baltimore County Code and promote the preservation of the natural topographic features of the steep slope. This will be achieved by providing Erosion and Sediment Control measures in accordance with the requirements of the Baltimore County Soil Conservation District and the current State of Maryland Specifications for Soil Erosion and Sediment Control."

Thanks.
Colleen

Colleen M. Kelly
Land Development Manager
Baltimore County Government
Permits Approvals & Inspections
410-887-3321

http://www.baltimorecountymd.gov/Agencies/permits/pdm_devmanage/index.html

1st

Minor Subdivision Review

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE



DATE: 10/24/17

TO: 1. DEPS- Development Coordination (David Lykens/Jeff Livingston/Steve Ford)
2. EIR (Paul Dennis)
3. SWM (Ed Schmaus)
4. GWM (Dan Esser)

RECEIVED

OCT 25 2017

5. Fire Dept. (Special Projects Officer)
6. DPR Development Plans Review (David Derickson) (3)
7. PAI House Numbers & Street Names (Joe Chmura)
8. Real Estate Compliance (Steve Bryan/Mark Tress)
9. PAI Zoning Review (Leonard Wasilewski)
10. OPCC Development Review (Brett Williams/ Kathy Schlabach) (3)
11. PW Metro Finance - (Constance Crews)
12. DPW Solid Waste Management (Tony Gulati)
13. Rec & Parks (Jim Herman)
14. PW SHA (Richard Zeller) (3)
15. Misc.

REAL ESTATE COMPLIANCE

FROM: Leonard Wasilewski, Planner II
Zoning Review, PAI

Minor Subdivision Number: 17-038M

SUBJECT: 1st Minor Subdivision Review

Minor Subdivision Name: Morerick-Fox Property
PAI Subdivision Number: 01-0597 District: 1C1
Engineer: Matis Warfield Consulting Engineers Phone No.: 410-683-7004
Contact: Salvatore C. Ceupi P.E.

ACTION: Please review the attached plan for compliance with the current regulations and return comments to this office by 11/17/17. If you have no comments or do not need to review this plan, please indicate by placing your initials _____ and date ____/____/____ here.
(If approved, please respond in duplicate!)

Date 2nd Review Request (Comments) and return to zoning in room 111.

COMMENTS:

Please **return 2 copies** of this form with your comments and reference the **Minor Sub Name, Number and Engineer** on any e-mails and/or approvals/comments.

Rev. 10/17/17LW

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS
REAL ESTATE COMPLIANCE

MINOR SUB REVIEW

MR. BRYAN / MR. TRESS SIGNED IF APPROVED _____

10/27/2017

MR. BRYAN - (410) 887-3256
MR. TRESS - (410) 887-3462

Project name: MORERICK - FOX PROPERTY

Minor sub number: 17038M

Review: 1ST

Received: 10/25/2017

Due date: 11/17/2017

Date done: 10/27/2017

NOTICE:

- 1) If the dedication of any easements and/or fee simple areas is required by a Baltimore County agency, the applicant is advised to review the "RIGHT OF WAY DOCUMENTS MANUAL" and PLAT SAMPLES for the appropriate procedures and deed form(s). These are online at; <http://www.baltimorecountymd.gov/Agencies/permits/landacquisition/index.html> All items in the dedication table need to be recorded prior to Mylar approval.
- 2) Applicant is hereby notified that if any areas need to be dedicated, the applicant must use surveyors, engineers and/or attorneys who carry at least \$500,000 of professional liability insurance, and are prepared to complete the engineers, surveyors and/or attorneys certification in the "RIGHT OF WAY DOCUMENTS MANUAL".
- 3) Please send to Attn: Lachelle Imwiko of this Office, a copy of the list of the requested easements and or fee simple areas to be dedicated to Baltimore County as soon as the various agencies have submitted them and a copy of the Minor Subdivision Plat showing easements and or fee areas. Any dedications must be conveyed to Baltimore County prior to Minor Sub approval.

comment 1: SEE RED-LINE MARKUP.

comment 2: ADD MINOR SUBDIVISION #17038M TO PLAT. ADD BEARING & DISTANCE TO CUT OFF OF PROPERTY LINE. DIMENSION DRAINAGE & UTILITY EASEMENT.

comment 3: IF ANY AREAS, EASEMENTS OR RESERVATIONS TO BE DEDICATED TO BALTIMORE COUNTY ARE NEEDED PER OTHER AGENCY COMMENTS SHOW AND LABEL IN PLAN VIEW AND LIST IN THE DEDICATION TABLE.

comment 4: ANY AREAS, EASEMENTS, RESERVATIONS THAT REQUIRE A DEED TO BALTIMORE COUNTY NEED TO BE LABELED WITH THE RW NUMBER SUPPLIED BY THIS OFFICE WHEN THE DEED PACKAGE IS SUBMITTED.

comment 5:

(10)

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Carl W. Richards, Jr.
Department of Permits,
Approvals and Inspections

DATE: November 3, 2017

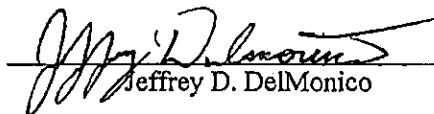
FROM: Jeffrey D. DelMonico
Development Review Section
Department of Planning

SUBJECT: MINOR SUBDIVISION PLAN
Project Name: Morerick – Fox Property
Project #17-038 M

The Department of Planning has reviewed the above referenced project and offers the following comments:

1. Provide Regional Planning District number under Standard Note "T".
2. Provide zone classification for Additional Note number "8".
3. Show front orientations for proposed buildings.
4. Confirm with the Office of Zoning Review that the non-conforming rear setback for the existing dwelling meets the regulations.
5. Confirm with the Office of Zoning Review that the location of an existing accessory structure within the side yard meets the regulations.

Prepared by:


Jeffrey D. DelMonico

Division Chief:


Kathy Schlabach

AVA/KS/JDD/ka

1st Minor Subdivision Review

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

11

DATE: 10/24/17

TO: 1. DEPS-- Development Coordination (David Lykens/Jeff Livingston/Steve Ford)
2. EIR (Paul Dennis)
3. SWM (Ed Schmaus)
4. GWM (Dan Esser)

5. Fire Dept. (Special Projects Officer)
6. DPR Development Plans Review (David Derickson) (3)
7. PAI House Numbers & Street Names (Joe Chmura)
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9. PAI Zoning Review (Leonard Wasilewski)
10. OPCC Development Review (Brett Williams/ Kathy Schlabach) (3)
11. PW Metro Finance - (Constance Crews)
12. DPW Solid Waste Management (Tony Gulati)
13. Rec & Parks (Jim Herman)
14. PW SHA (Richard Zeller) (3)
15. Misc.

FROM: Leonard Wasilewski, Planner II
Zoning Review, PAI

Minor Subdivision Number: 17-038M

SUBJECT: 1st Minor Subdivision Review

Minor Subdivision Name: Morerick-Fox Property
PAI Subdivision Number: 01-0597 District: 1C1
Engineer: Matis Warfield Consulting Engineers Phone No.: 410-683-7004
Contact: Salvatore G. Ceapi JPE

ACTION: Please review the attached plan for compliance with the current regulations and return comments to this office by 11/17/17. If you have no comments or do not need to review this plan, please indicate by placing your initials SW and date 11/30/17 here.
(If approved, please respond in duplicate!)

Date 2nd Review Request (Comments) and return to zoning in room 111.

COMMENTS:

Please return 2 copies of this form with your comments and reference the Minor Sub Name, Number and Engineer on any e-mails and/or approvals/comments.

Rev. 10/17/17LW

1st Minor Subdivision Review

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: 10/24/17

RECEIVED

OCT 31 2017

BUREAU OF SOLID
WASTE MANAGEMENT

TO:

1. DEPS- Development Coordination (David Lykens/Jeff Livingston/Steve Ford)
2. EIR (Paul Dennis)
3. SWM (Ed Schmaus)
4. GWM (Dan Esser)
5. Fire Dept. (Special Projects Officer)
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11. PW Metro Finance - (Constance Crews)
12. DPW Solid Waste Management (Tony Gulati)
13. Rec & Parks (Jim Herman)
14. PW SHA (Richard Zeller) (3)
15. Misc.

FROM: Leonard Wasilewski, Planner II
Zoning Review, PAI

Minor Subdivision Number: 17-038M

SUBJECT: 1st Minor Subdivision Review

Minor Subdivision Name: Morrick-Fox Property
PAI Subdivision Number: 01-0597 District: 1C1
Engineer: Mat's Warfield Consulting Engineers Phone No.: 410-683-7004
Contact: Salvatore C. Crupi P.E.

ACTION: Please review the attached plan for compliance with the current regulations and return comments to this office by 11/17/17. If you have no comments or do not need to review this plan, please indicate by placing your initials: TG and date 10/31/17 here.
(If approved, please respond in duplicate!)

Date 2nd Review Request (Comments) and return to zoning in room 111.

COMMENTS:

Please return 2 copies of this form with your comments and reference the Minor Sub Name, Number and Engineer on any e-mails and/or approvals/comments.

Rev. 10/17/17LW

1st

Minor Subdivision Review

13
JU

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: 10/24/17

TO: 1. DEPS- Development Coordination (David Lykens/Jeff Livingston/Steve Ford)
2. EIR (Paul Dennis)
3. SWM (Ed Schmaus)
4. GWM (Dan Esser)

5. Fire Dept. (Special Projects Officer)
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12. DPW Solid Waste Management (Tony Gulati)

13. Rec & Parks (Jim Herman)

14. PW SHA (Richard Zeller) (3)

15. Misc.

RECEIVED

OCT 26 2017

Development Plans Review
Department of Permits,
Approvals and Inspections

FROM: Leonard Wasilewski, Planner II
Zoning Review, PAI

Minor Subdivision Number: 17-038M

SUBJECT: 1st Minor Subdivision Review

Minor Subdivision Name: Morerick - Fox Property

PAI Subdivision Number: 01-0597 District: 1C1

Engineer: Matis Warfield Consulting Engineers Phone No.: 410-683-7004

Contact: Salvatore C. Capi P.E.

ACTION: Please review the attached plan for compliance with the current regulations and return comments to this office by 11/17/17. If you have no comments or do not need to review this plan, please indicate by placing your initials JW and date 11/1/17 here.
(If approved, please respond in duplicate!)

Date 2nd Review Request (Comments) and return to zoning in room 111.

COMMENTS:

Please return 2 copies of this form with your comments and reference the Minor Sub Name, Number and Engineer on any e-mails and/or approvals/comments.

No Greenmap Affected.

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

November 14, 2017

Mr. Leonard Wasilewski
Permits, Approvals & Inspections, Zoning Review
County Office Building-Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Wasilewski:

Thank you for the opportunity to review the Minor Subdivision Plan for the Morerick-Fox Property residential development on MD 144 (Frederick Road) in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the submittal listed below and is pleased to respond.

Morerick-Fox Property
Minor Subdivision Plan Review
PAI No. 01-0597
Minor Subdivision No. 17-038 M
MD 144 (south side) at South Morerick Avenue (southeast corner)
Baltimore County

The proposed entrance to this site on MD 144 will be subject to the terms of a residential access permit that may be obtained by contacting Mr. Aamir Khurram, Resident Maintenance Engineer – Owings Mills Shop at 410-363-1315. A copy of the plans will be forwarded to his office.

The proposed utility work taking place within the MDOT SHA right-of-way will be subject to the terms of a utility permit that may be obtained by contacting Mr. Michael Pasquariello, Utility Engineer – District 4 at 410-229-2341. A copy of the plans will be forwarded to his office.

The MDOT SHA requests that the county withholds building permit approval until the above required permits have been obtained.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (extension 2332) or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

Mr. Leonard Wasilewski
Morerick-Fox Property MD 144
Page 2
November 14, 2017

cc: Matis Warfield / 954 Ridgebrook Road, Suite 120, Sparks MD 21152
Jesse D. & Amanda R. Fox / 3 S. Morerick Avenue, Catonsville, MD 21228
Mr. Aamir Khurram, MDOT SHA Resident Maintenance Engineer – Owings Mills Shop
Mr. Michael Pasquariello, MDOT SHA District 4 – Utility Engineer



KEVIN KAMENETZ
County Executive

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

March 23, 2018

Evergreen Homes Inc.
Brian G Macari
1400 Forest Glen Court
Catonsville MD 21228

RE: Case Number: 2018-0205 A, Address: 3 S Morerick Avenue

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 February 9, 2018. 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Alan Betten, Esquire, 600 Washington Avenue, Suite 300, Towson MD 21204
Salvatore C. Crupi, P. E., 954 Ridgebrook Road, Suite 120, Sparks MD 21152

EXHIBIT

5

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 2/21/18

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

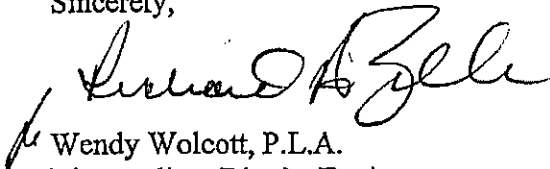
Dear Ms. Lewis:

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. 2018-0205-A

*Variance
Evergreen Homes, Inc. Brian G. Macari
3 W. Morenick Avenue*

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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 07, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 19, 2018
Item No. 2018-0182-A, 0205-A, 0206-X, 0207-XA, 0208-XA, 0209-A, 0210-A and 0211-X.

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/6/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-205

INFORMATION:

Property Address: 3 South Morerick Avenue
Petitioner: Evergreen Homes, Inc., Brian G. Macari, President
Zoning: DR 5.5
Requested Action: Variance

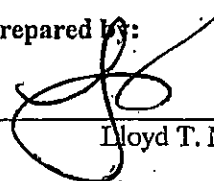
The Department of Planning has reviewed the petition to allow an existing single family dwelling to have a rear yard setback of 27 feet with an accessory structure located within the side yard in lieu of the required 30 feet and rear yard respectively.

The Department conducted a site visit on February 28, 2018. The site is the subject of Minor Subdivision PAI # 17-038M.

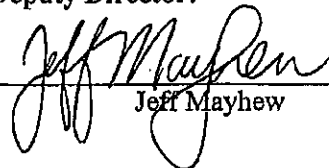
The Department has no objection to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/

c: Dennis Wertz
Salvatore C. Crup, P.E., Matis Warfield, Inc.
Alan Betten, Segal, Filbert, Qasney & Betten, P.A.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 3/6/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
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Property Address: 3 South Morerick Avenue
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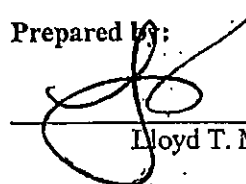
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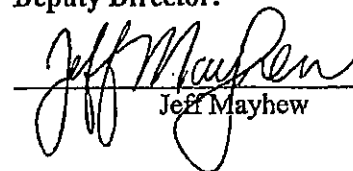
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For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/

c: Dennis Wertz
Salvatore C. Crup, P.E., Matis Warfield, Inc.
Alan Betten, Segal, Filbert, Qasney & Betten, P.A.
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: February 21, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0205-A
Address 3 W. Morerick Avenue
(Evergreen Homes, Inc. Property)

Zoning Advisory Committee Meeting of February 26, 2018.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 3/6/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-205

INFORMATION:

Property Address: 3 South Morerick Avenue
Petitioner: Evergreen Homes, Inc., Brian G. Macari, President
Zoning: DR 5.5
Requested Action: Variance

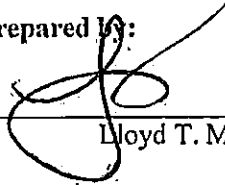
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The Department has no objection to granting the petitioned zoning relief.

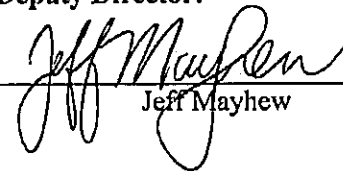
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Dennis Wertz
Salvatore C. Crup, P.E., Matis Warfield, Inc.
Alan Betten, Segal, Filbert, Qasney & Betten, P.A.
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