

M E M O R A N D U M

DATE: May 17, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0220-A & SA - Appeal Period Expired

The appeal period for the above-referenced case expired on May 16, 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 AND
SPECIAL VARIANCE**

(18 Delray Avenue)
1st Election District
1st Council District
S C Stone Properties, LLC
Legal Owner

Petitioner

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0220-ASA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by S C Stone Properties, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) for existing buildings/proposed conditions: (1) a rear yard of 12 ft. in lieu of the 30 ft. required; and (2) a rear yard of 9 ft. in lieu of the 30 ft. required. A site plan was marked as Petitioner’s Exhibit 1.

In addition, a Petition for Special Variance was filed to permit the conversion of a portion of a commercial school (the balance to be removed) into one single-family detached dwelling and two single-family attached dwellings (i.e., townhouses) within a mapped area containing a “failing” intersection.

John Motsco, professional engineer, appeared in support of the petition. Howard L. Alderman, Jr., Esq. represented the Petitioner. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (“DOP”) and the Bureau of Development Plans Review (“DPR”). Neither agency opposed the requests.

ORDER RECEIVED FOR FILING

Date

By

4/16/18
Sen

The site is approximately 0.58 acres in size and zoned DR 5.5. The property is improved with a large building which was used for many years as a school for special needs children with cerebral palsy. The school ceased operations several years ago and the building and site have been an eyesore for some time. Petitioner proposes to reuse a large portion of the school building and create one single-family dwelling and two townhouse units on the lot. Counsel explained the parcel will not be subdivided into three separate building lots. Instead, a land condominium will be created, allowing the houses to be sold to individual owners.

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 lot has an irregular (trapezoidal) shape and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to complete the proposed redevelopment project. 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.

SPECIAL VARIANCE

The intersection at Frederick Road/Bloomsbury Avenue functions at an "F" level of service, and the subject property is within the mapped traffic shed of that intersection. The

ORDER RECEIVED FOR FILING

Date 4/16/18

By Sen

BCZR imposes a building moratorium in such circumstances. BCZR §4A02.4.D. But Article 4A of the BCZR contains an exemption for the construction of “three or fewer single-family detached dwellings.” I believe that exemption is applicable here, even though two of the dwellings proposed are in fact “attached.”

Mr. Motsco explained that according to nationally-recognized standards published by the Institute of Traffic Engineers, dwellings (whether of the detached or townhouse variety) are forecast to generate 10 vehicle trips daily. As such, the impact upon the community would be the same in either event, and I believe the exemption is therefore applicable. Accordingly, the petition for special variance will be dismissed as unnecessary.

THEREFORE, IT IS ORDERED, this 16th day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to §1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) for existing buildings/proposed conditions: (1) a rear yard of 12 ft. in lieu of the 30 ft. required; and (2) a rear yard of 9 ft. in lieu of the 30 ft. required, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Variance to permit the conversion of a portion of a commercial school (the balance to be removed) into one single-family detached dwelling and two single-family attached dwellings (townhouses) within a mapped area containing a “failing” intersection, be and is hereby DISMISSED WITHOUT PREJUDICE, as unnecessary.

IT IS FURTHER ORDERED that the three proposed dwellings shown on the site plan marked as Petitioner’s Ex. 1 are exempt from the requirements of BCZR §4A02.4.D.

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

ORDER RECEIVED FOR FILING

Date

4/16/18

By

sen

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.

2. Prior to issuance of permits Petitioner must submit for approval by Baltimore County a landscape plan for the project.

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 4/16/18
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 18 DELREY AVENUE which is presently zoned DR 5.5
 Deed References: 38750 / 149 10 Digit Tax Account # 01-21-450180
 Property Owner(s) Printed Name(s) S C STONE PROPERTIES, LLC

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

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

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

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

By

Telephone #

Email Address

Attorney for Petitioner:

Howard L. Alderman, Jr., Esq. / Levin & Gann, PA

Name- Type or Print

Signature

502 Washington Avenue, STE 800 Towson MD

Mailing Address

City

State

21204

4103210600

halderman@levingann.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

S C Stone Properties, LLC

Name #1 - Type or Print

Name #2 - Type or Print

By:

Signature #1

Signature #2

19 1/2 St. Timothy's Lane Baltimore MD

Mailing Address

City

State

21228

202-815-2057

johnwalsh1950@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

John Motsco P.E., Little & Assoc., Inc.

Name - Type or Print

By:

Signature

1055 Taylor Ave., STE 307 Towson MD

Mailing Address

City

State

21286

(410) 296-1636

johnm@littleassociates.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0220-ASA Filing Date 2/23/18

Do Not Schedule Dates:

3/28 thru 4/10/18

Reviewer JS

CASE NO: 2018- -A & SA

Address: 18 Delrey Avenue
Legal Owner: SC Stone Properties, LLC
Present Zoning: DR 5.5

PETITION FOR VARIANCE

REQUESTED RELIEF:

A Variance from BCZR § 1B02.3.C.1 to permit: (i) **for existing buildings/ proposed conditions:** i) a rear yard width of 12' in lieu of the 30' required; ii) a rear yard of 9' in lieu of the 30' required; and (iii) for such additional relief as the nature of this case may require for approval of the proposed conditions as shown on the plan which accompanied this Petition.

PETITION FOR SPECIAL VARIANCE/ALTERNATIVE EXCEPTION FINDING

REQUESTED RELIEF:

A Special Variance pursuant to BCZR § 4A02.4.G. from BCZR § 4A02.4.D. to permit the conversion of a portion of commercial school (the balance to be removed) into one, single-family detached dwelling and two single family attached dwellings; **or alternatively**, pursuant to BCZR § 4A02.4.E. a finding that the proposed dwellings are exempt from BCZR § 4A02.4.D.; and for such additional relief as the nature of this case may require for approval of the proposed conditions as shown on the plan which accompanied this Petition.

For Additional Information Contact:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre
502 Washington Centre
8th Floor
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

halderman@LevinGann.com

February 13, 2018

ZONING DESCRIPTION FOR
#18 DELREY AVENUE

Beginning at a point on the west side of Delrey Avenue, which is 50 feet wide, at the distance of 844 feet north of the centerline of Frederick Road, which is 66 feet wide. Thence the following courses and distances: (1) South 74 degrees 32 minutes 00 seconds West 238.61 feet, (2) North 15 degrees 28 minutes 00 seconds West 100.68 feet, (3) North 71 degrees 18 minutes 20 seconds East 232.27 feet, and (4) South 18 degrees 50 minutes 00 seconds East 113.95 feet, back to the point of beginning as recorded in Deed Liber 38750, Folio 149, containing 0.58 acres of land, more or less. Located in the First Election District and First Council District.

2018-0220-ASA

CERTIFICATE OF POSTING

Date: 4-9-18

RE: Case Number: 2018-0220-ASA Recertification

Petitioner/Developer: SC Stone Properties

Date of Hearing/Closing: 4-13-18 1:30 PM

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 18 Delray Ave

The signs(s) were posted on Recert on 4-9-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2018-0220-ASA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BLDG. TOWSON, 21204

PLACE: 105 W. CHESAPEAKE AVE., ROOM 205

DATE AND TIME: FRI. APRIL 13, 2018 - 1:30 PM

REQUEST:

VARIANCE TO PERMIT, FOR EXISTING BUILDINGS/PROPOSED CONDITIONS:
(1) A REAR YARD WIDTH OF 12 FT. IN LIEU OF THE 30 FT. REQUIRED; (2)
A REAR YARD OF 9 FT. IN LIEU OF THE 30 FT. REQUIRED; AND (3) FOR
SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE MAY REQUIRE
FOR APPROVAL OF THE PROPOSED CONDITIONS AS SHOWN ON THE PLAN
WHICH ACCOMPANIED THIS PETITION. SPECIAL VARIANCE TO PERMIT THE
CONVERSION OF A PORTION OF COMMERCIAL SCHOOL (THE BALANCE TO
BE REMOVED) INTO ONE SINGLE FAMILY DETACHED DWELLING AND TWO
SINGLE FAMILY ATTACHED DWELLINGS OR ALTERNATIVELY, A FINDING
THAT THE PROPOSED DWELLINGS ARE EXEMPT FROM BCZR 4A02.4.D. AND
FOR SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE MAY
REQUIRE FOR APPROVAL OF THE PROPOSED CONDITIONS AS SHOWN ON
THE PLAN WHICH ACCOMPANIED THIS PETITION.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW.
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2018-0220-ASA

**A PUBLIC HEARING WILL BE HELD BY
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IN TOWSON, MD**

JEFFERSON BLDG. ROOM 205

PLACE: 105 W. CHESAPEAKE AVE. TOWSON, MD 21204

DATE AND TIME: FRI. APRIL 13, 2018 - 1:30 PM

REQUEST:

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CERTIFICATE OF POSTING

Date: 4-9-18

RE: Case Number: 2018-0220 ASA

Petitioner/Developer: SC Stone Properties

Date of Hearing/Closing: 4-13-18 1:30 PM

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 18 DeGrey Ave

The signs(s) were posted on 4-9-18 Recent
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2018-0220 - ASA

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THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BLDG. ROOM 205

PLACE: 105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: FRI. APRIL 13, 2018 1:30 PM

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ZONING NOTICE

CASE # 2018-0220-ASA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BLDG, TOWSON 21204
PLACE: 105 W. CHESAPEAKE AVE, ROOM 205

DATE AND TIME: FRI. APRIL 13, 2018 1:30 PM

REQUEST:

VARIANCE TO PERMIT, FOR EXISTING BUILDINGS/PROPOSED CONDITIONS:
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HANDICAPPED ACCESSIBLE



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 5517454

Sold To:

S C Stone Properties LLC - CU00644684
19 1/2 Saint Timothys Ln
South
Catonsville, MD 21228-4634

Bill To:

S C Stone Properties LLC - CU00644684
19 1/2 Saint Timothys Ln
South
Catonsville, MD 21228-4634

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

Mar 22, 2018

CORRECTED NOTICE OF ZONING HEARING
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:
CASE NUMBER: 2018-0220-ASA
18 Delray Avenue
W/s Delray Avenue, north of Frederick Road 1st Election District - 1st Councilmanic District Legal Owners: S C Stone Properties, LLC
Variance to permit, for existing buildings/proposed conditions: 1) a rear yard width of 12 ft. in lieu of the 30 ft. required; 2) a rear yard of 9 ft. in lieu of the 30 ft. required; and 3) for such additional relief as the nature of this case may require for approval of the proposed conditions as shown on the plan which accompanied this Petition.
Special Variance to permit the conversion of a portion of commercial school (the balance to be removed) into one, single family detached dwelling and two single family dwellings; or alternatively, a finding that the proposed dwellings are exempt from BCZR 4A02.4.D: and for such additional relief as the nature of this case may require for approval of the proposed conditions as shown on the plan which accompanied this Petition.
Hearing: Friday, April 13, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204
/s/ 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.
3/22/2018 5517454

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

Date: 3-22-18

RE: Case Number: 2018-0220-ASA

Petitioner/Developer: SC Stone Properties LLC

Date of Hearing/Closing: 4-13-18 1:30 PM

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 18 Delaney Ave

The signs(s) were posted on 3-22-18
(Month, Day, Year)



ZONING NOTICE #1

CASE # 2018-0220-ASA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BLDG, TOWSON 21264

PLACE: 105 W. CHESAPEAKE AVE, ROOM 205

DATE AND TIME: FRI. APRIL 13, 2018 1:30 PM

REQUEST:

VARIANCE TO PERMIT FOR EXISTING BUILDINGS/PROPOSED CONDITIONS: 1) A REAR YARD WIDTH OF 12 FT. INSTEAD OF THE 30 FT. REQUIRED; 2) A REAR YARD OF 8 FT. INSTEAD OF THE 30 FT. REQUIRED; AND 3) FOR SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE MAY REQUIRE. OR APPROVAL OF THE PROPOSED CONDITIONS AS SHOWN ON THE PLAN WHICH ACCOMPANIED THIS PETITION. SPECIAL VARIANCE TO PERMIT THE CONVERSION OF A PORTION OF COMMERCIAL SCHOOL (THE BALANCE TO BE REMOVED) INTO ONE SINGLE FAMILY DETACHED DWELLING AND TWO SINGLE FAMILY ATTACHED DWELLINGS. OR ALTERNATIVELY, A FINDING THAT THE PROPOSED DWELLINGS ARE EXEMPT FROM BCZR 1A02.4.D. AND FOR SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE MAY REQUIRE FOR APPROVAL OF THE PROPOSED CONDITIONS AS SHOWN ON THE PLAN WHICH ACCOMPANIED THIS PETITION.

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HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

Date: 3-22-18

RE: Case Number: 2018-0220-ASA

Petitioner/Developer: SC Stone Properties LLC

Date of Hearing/Closing: 4-13-18 1:30 PM

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ZONING NOTICE

CASE # 2018-0220-ASA

**A PUBLIC HEARING WILL BE HELD BY
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IN TOWSON, MD**

JEFFERSON BLDG ROOM 205

PLACE: 105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: FRI. APRIL 13, 2018 1:30 PM

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CERTIFICATE OF POSTING

Date: 3-22-18

RE: Case Number: 2018-0220-ASA _____

Petitioner/Developer: SC Stone Properties _____

Date of Hearing/Closing: April 13, 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 18 Delrey Ave. _____

The signs(s) were posted on 3-22-18
(Month, Day, Year)

(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2018-0220-ASH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BLDG, TOWSON 21204

PLACE: 105 W. CHESAPEAKE AVE., ROOM 205

DATE AND TIME: FRI. APRIL 13, 2018 1:30 PM

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ZONING NOTICE

CASE # 2018-0220 - ASA

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JEFFERSON BLDG. ROOM 205

PLACE: 105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: FRI. APRIL 13, 2018 1:30 PM

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THAT THE PROPOSED DWELLINGS ARE EXEMPT FROM BCZR 4A02.4.D; AND
FOR SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE MAY
REQUIRE FOR APPROVAL OF THE PROPOSED CONDITIONS AS SHOWN ON
THE PLAN WHICH ACCOMPANIED THIS PETITION.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 22, 2018 Issue - Jeffersonian

Please forward billing to:

John Walsh
S C Stone Properties, LLC
19 ½ St. Timothy's Lane
Baltimore, MD 21228

202-815-2057

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0220-ASA

18 Delray Avenue
W/s Delray Avenue, north of Frederick Road
1st Election District – 1st Councilmanic District
Legal Owners: S C Stone Properties, LLC

Variance to permit, for existing buildings/proposed conditions: 1) a rear yard width of 12 ft. in lieu of the 30 ft. required; 2) a rear yard of 9 ft. in lieu of the 30 ft. required; and 3) for such additional relief as the nature of this case may require for approval of the proposed conditions as shown on the plan which accompanied this Petition. **Special Variance** to permit the conversion of a portion of commercial school (the balance to be removed) into one, single family detached dwelling and two single family dwellings; or alternatively, a finding that the proposed dwellings are exempt from BCZR 4A02.4.D; and for such additional relief as the nature of this case may require for approval of the proposed conditions as shown on the plan which accompanied this Petition.

7 Hearing: Friday, April 13, 2018 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
March 19, 2018
County Executive

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

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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste.800, Towson 21204
SC Stone Properties, LLC, 19 ½ St. Timothy's Lane, Baltimore 21228
John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 24, 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 22, 2018 Issue - Jeffersonian

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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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RE: PETITION FOR SPECIAL VARIANCE	*	BEFORE THE OFFICE
18 Delray Avenue; W/S Delray Avenue,	*	OF ADMINSTRATIVE
844' N of Frederick Road	*	HEARINGS FOR
1 st Election & 1 st Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): S C Stone Properties, LLC	*	2018-220-ASA
Petitioner(s)		

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAR 09 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 9th day of March, 2018, a copy of the foregoing Entry of Appearance was mailed to John Motsco, P.E., Little & Associates, Inc, 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286 and Howard Alderman, Esquire, 502 Washington Avenue, Suite 800, 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: 2018-0220-ASA

Property Address: #18 DELREY AVENUE

Property Description: BEGINNING AT A POINT ON THE WEST SIDE OF DELREY AVENUE
AT A DISTANCE 844 FEET NORTH OF THE CENTERLINE OF FREDERICK ROAD.

Legal Owners (Petitioners): S C Stone Properties, LLC

Contract Purchaser/Lessee: M/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN WALSH

Company/Firm (if applicable): S C Stone Properties, LLC

Address: 19 1/2 ST. TIMOTHYS LANE
CATONSVILLE, MD 21228

Telephone Number: (202) 815-2057

Revised 7/9/2015

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

№ 166203

Date: 2/23/18

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 75.00

Total: \$ 75.00

Rec From: SC STONE PROPERTIES, LLC

For: 2018-0270-ASA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
2/26/2018 2/23/2018 11:13:42 3
REG USD3 WALKIN CAN
RECEIPT # 763748 2/23/2018 OFLN
Dept: 5 528 ZONING VERIFICATION
CR NO. 166203
Recpt Tot 175.00
175.00 - CK 4.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

Kristen L Lewis

From: Howard Alderman <halderman@levingann.com>
Sent: Thursday, March 15, 2018 2:03 PM
To: Kristen L Lewis
Subject: Unavailable dates

Kristen, good afternoon. In addition to the unavailable dates of 3/28 thru 4/10 listed on the Petitions of the filed cases below, I now find out that I will be unavailable 4/16/18. I hope you can schedule around these dates.

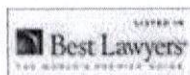
2018-0219-SPHA
2018-0220-ASA

Thank you,
Howard

Download V-Card

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

Recognized as one of Maryland's



LEVIN & GANN, P.A.
Producers, Settlers, Postmaster, Arbitrators.



This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.



KEVIN KAMENETZ
County Executive

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

April 4, 2018

S C Stone Properties LLC
19 ½ St Timothy's Lane
Baltimore MD 21228

RE: Case Number: 2018-0220 A& SA Address: 14 Delrey 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 23, 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.", is written over a circular embossed seal.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Howard L Alderman, Esquire, 502 Washington Avenue, Suite 800, Towson MD 21204
John Motsco, P E 1055 Taylor Avenue, Suite 307, Towson MD 21286

M&D
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 3/8/18

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

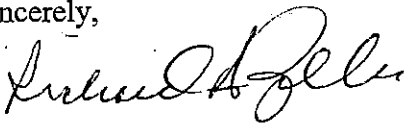
Dear Ms. Lewis:

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. 2018-0220-ASA

*Variance, Special Variance
SC Stone Properties LLC, John Walsh
18 Delray 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 MEMORANDUM

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

DATE: 4/9/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS/
REPORT ON THE SPECIAL VARIANCE
Case Number: 18-220

INFORMATION:

Property Address: 18 Delrey Avenue
Petitioner: S C Stone Properties, LLC, John Walsh
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit multiple existing buildings proposed to be future dwellings to have rear yard setbacks of 9' and 12' in lieu of the required 30'. The Department also reviewed the petition for special variance pursuant to BCZR§4A02.4 to permit the conversion of a portion of a commercial school (the balance to be removed) into one, single-family detached dwelling and two single-family attached dwellings or, in the alternative, pursuant to BCZR§4A02.4.E, a finding that the proposed dwellings are exempt from BCZR§4A02.4.D.

A site visit was conducted on March 9, 2018. The improvements have been vacant for nearly 10 years and are deteriorating. The site is not located within a commercial revitalization district.

The Department has confirmed that the traffic shed associated with intersection at Frederick Rd/Bloomsbury Ave/Ingleside Ave as currently mapped, and within which the subject site is situated, is rated at a Level of Service "F" pursuant to standards set in BCZR§4A02.4.D.1. There is no traffic reserve capacity available. This determination has been corroborated by the Baltimore County Department of Public Works (DPW).

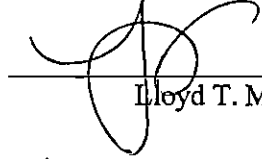
The Department has no objection to granting the petitioned zoning relief.

The Department recommends that the proposal is in the public interest and that it will result in an appropriate use of a property that has been in decline for years. The requested setbacks are to address existing deficient conditions and are necessary to allow the adaptive reuse of the property.

The Department has no objection to a finding on the part of the Administrative Law Judge (ALJ) that the proposal qualifies as a general exception to the basic services mapping standards or, in the alternative, grants the petitioned special variance. The Department has solicited and received comment from DPW addressing technical aspects of the petition (see attached). Upon consideration of the DPW response, the Department reports that the proposed residential use of the property will have much lower traffic demands as compared to other potential uses of the property as permitted under the BCZR and that the traffic impacts of the proposal are less than the standards established in BCZR§4A02.4.D.3.a.(1-4)

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

John Motsco, P.E., Little & Associates, Inc.
Howard L. Alderman, Jr., Levin & Gann, PA
Office of the Administrative Hearings
People's Counsel for Baltimore County

Date: 3/8/18

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

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SC Stone Properties LLC, John Walsh
18 Delray Avenue

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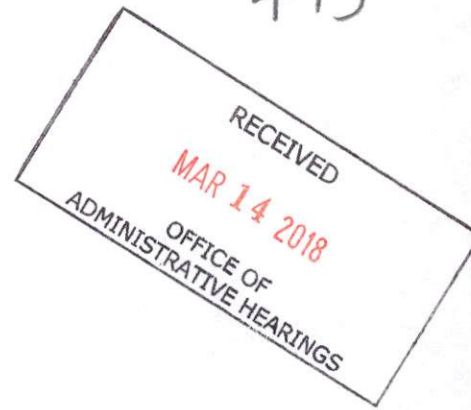
for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

4-13

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 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0220-ASA
Address 18 Delray Avenue
(SC Stone Properties, LLC Property)

Zoning Advisory Committee Meeting of **March 12, 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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS/
REPORT ON THE SPECIAL VARIANCE
Case Number: 18-220



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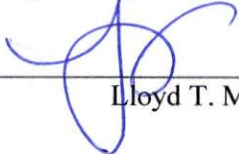
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For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Dennis Wertz
John Motsco, P.E., Little & Associates, Inc.
Howard L. Alderman, Jr., Levin & Gann, PA
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

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2018
Item No. 2018-0220-ASA

DATE: March 23, 2018

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

If Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A lighting Manual is also required.

Developer/Owner to contact Baltimore County Development Management section regarding the Minor-Subdivision process, since three separate dwellings are proposed on a single lot.

* * * * *

VKD: cen
cc: file

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 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0220-ASA
Address 18 Delray Avenue
(SC Stone Properties, LLC Property)

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comment on the above-referenced zoning item.

Reviewer: Steve Ford

CASE NAME 18 Delrey Ave / SC Stone Properties
CASE NUMBER 2018-0220-ASA
DATE 13 Apr 18

[illegible]

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

3/23/18

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment

3/14/18

DEPS
(if not received, date e-mail sent _____)No Comment

FIRE DEPARTMENT

4/9/18

PLANNING
(if not received, date e-mail sent _____)No Objection
w/COMMENT

3/8/18

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/22/18

SIGN POSTING (1st)

Date:

3/22/18

by

Pulson

SIGN POSTING (2nd)

Date:

by

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 - 0121450180							
Owner Information									
Owner Name:		SC STONE PROPERTIES LLC				Use:		COMMERCIAL	
Mailing Address:		C/O JOHN WALSH 19 1/2 ST TIMOTHYS LN BALTIMORE MD 21228-				Principal Residence:		NO	
						Deed Reference:		/38750/ 00149	
Location & Structure Information									
Premises Address:		18 DELREY AVE BALTIMORE 21228-				Legal Description:		WS DELREY AV 811FT OF FREDERICK RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0101	0002	0061		0000				2018	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	
1928		4376				0.5100 AC		06	
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation	
		MULTI-PURPOSE SCHOOL BUILDING							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2018		07/01/2017		07/01/2018	
Land:		102,400		102,400					
Improvements		92,700		115,200					
Total:		195,100		217,600		195,100		202,600	
Preferential Land:		0						0	
Transfer Information									
Seller: 18 DELREY LLC				Date: 03/20/2017			Price: \$225,000		
Type: ARMS LENGTH IMPROVED				Deed1: /38750/ 00149			Deed2:		
Seller: UNITED CEREBRAL PALSY GREATER				Date: 05/28/2010			Price: \$175,000		
Type: NON-ARMS LENGTH OTHER				Deed1: /29521/ 00301			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			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.: 2018-0220-ASA

Exhibit Sheet

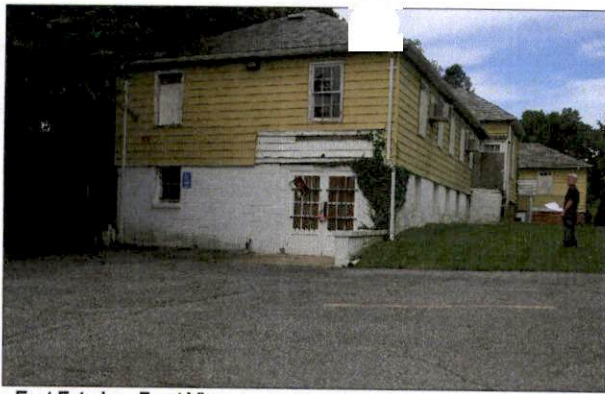
Petitioner/Developer

Sen
5-17-18

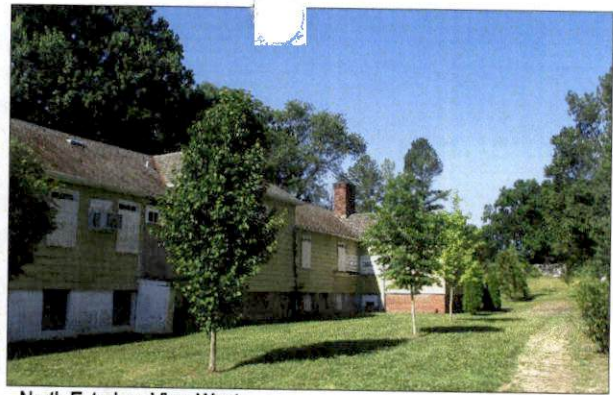
Protestant

Sen
4-16-18

No. 1	Site plan	
No. 2	Photos	
No. 3	Aerial photo	
No. 4	DOP ZAC comment	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



East Exterior - Front View



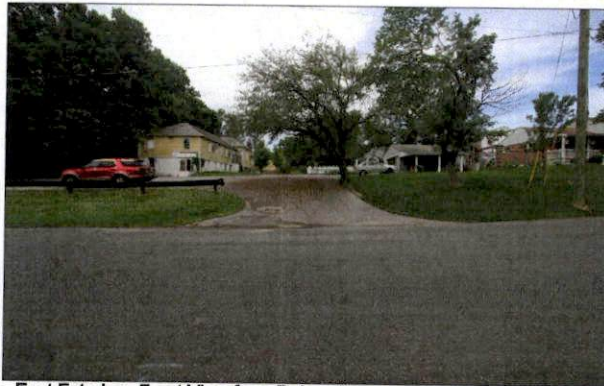
North Exterior - View West



North Exterior - View East



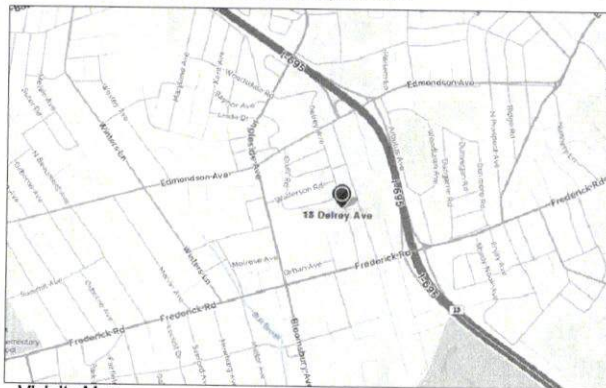
South Exterior - View West



East Exterior - Front View from Delrey Avenue



Interior View - Looking West



Vicinity Map



Interior View - Looking East

18 Delrey Avenue
Catonsville, MD 21228
October 11, 2017 Scale: 1" = 20'



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/
REPORT ON THE SPECIAL VARIANCE
Case Number: 18-220

DATE: 4/9/2018

INFORMATION:

Property Address: 18 Delrey Avenue
Petitioner: S C Stone Properties, LLC, John Walsh
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit multiple existing buildings proposed to be future dwellings to have rear yard setbacks of 9' and 12' in lieu of the required 30'. The Department also reviewed the petition for special variance pursuant to BCZR§4A02.4 to permit the conversion of a portion of a commercial school (the balance to be removed) into one, single-family detached dwelling and two single-family attached dwellings or, in the alternative, pursuant to BCZR§4A02.4.E, a finding that the proposed dwellings are exempt from BCZR§4A02.4.D.

A site visit was conducted on March 9, 2018. The improvements have been vacant for nearly 10 years and are deteriorating. The site is not located within a commercial revitalization district.

The Department has confirmed that the traffic shed associated with intersection at Frederick Rd/Bloomsbury Ave/Ingleside Ave as currently mapped, and within which the subject site is situated, is rated at a Level of Service "F" pursuant to standards set in BCZR§4A02.4.D.1. There is no traffic reserve capacity available. This determination has been corroborated by the Baltimore County Department of Public Works (DPW).

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

The Department recommends that the proposal is in the public interest and that it will result in an appropriate use of a property that has been in decline for years. The requested setbacks are to address existing deficient conditions and are necessary to allow the adaptive reuse of the property.

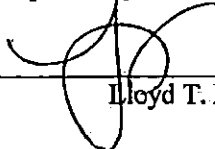
The Department has no objection to a finding on the part of the Administrative Law Judge (ALJ) that the proposal qualifies as a general exception to the basic services mapping standards or, in the alternative, grants the petitioned special variance. The Department has solicited and received comment from DPW addressing technical aspects of the petition (see attached). Upon consideration of the DPW response, the Department reports that the proposed residential use of the property will have much lower traffic demands as compared to other potential uses of the property as permitted under the BCZR and that the traffic impacts of the proposal are less than the standards established in BCZR§4A02.4.D.3.a.(1-4)



Date: 4/3/2018
Subject: ZAC #18-220
Page 2

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
John Motsco, P.E., Little & Associates, Inc.
Howard L. Alderman, Jr., Levin & Garin, PA
Office of the Administrative Hearings
People's Counsel for Baltimore County

