

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. 2018-0229-A - 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

(8600 McDonogh Road)

2nd Election District

4th Council District

McDonogh School Inc.

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0229-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by McDonogh School, Inc., legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §§ 300.2, 1B01.2.C.1.a, and 1B01.2.B.2 of the Baltimore County Zoning Regulations (“BCZR”) as follows: (1) to permit a maximum building height of 55 ft. in lieu of the permitted 50 ft.; (2) to permit a front yard setback of 35 ft. in lieu of the required 70 ft. and a side yard setback of 35 ft. in lieu of the required 40 ft.; and (3) to permit a building length of 230 ft. in lieu of the 200 ft. limit. A site plan was marked as Petitioner’s Exhibit 1.

Professional engineer James Matis and Arthur Adler appeared in support of the petition. Adam Rosenblatt, Esq. represented the Petitioner. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Bureau of Development Plans Review (“DPR”) concerning landscaping for the project.

The site is approximately 400 acres in size and zoned DR 1. The site is improved with several academic buildings and residences which comprise the McDonogh School. Petitioner proposes to construct a new middle school, which necessitated the filing of this petition.

ORDER RECEIVED FOR FILING

Date 4/16/18

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).

Mr. Matis confirmed the McDonogh School campus is one of the largest intact parcels within the URDL. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed school building. 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 16th day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to §§ 300.2, 1B01.2.C.1.a, and 1B01.2.B.2 of the Baltimore County Zoning Regulations ("BCZR): (1) to permit a maximum building height of 55 ft. in lieu of the permitted 50 ft.; (2) to permit a front yard setback of 35 ft. in lieu of the required 70 ft. and a side yard setback of 35 ft. in lieu of the required 40 ft.; and (3) to permit a building length of 230 ft. in lieu of the 200 ft. limit, 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.
2. Prior to issuance of permits Petitioner must submit for approval by Baltimore County a landscape plan for the site.

ORDER RECEIVED FOR FILING

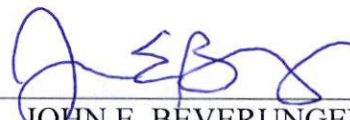
Date

4/16/18

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 4/16/18

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 8600 McDonogh Road, Owings Mills MD 21117

which is presently zoned DR-1

Deed References: 77-137

10 Digit Tax Account # 0 2 1 3 0 6 5 5 1 0

Property Owner(s) Printed Name(s) McDonogh School, 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)

SEE ATTACHED SHEET

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Christopher D. Mudd, Venable LLP

Name- Type or Print

Signature

210 W. Penn. Ave., Ste. 500 Towson MD

Mailing Address

City

State

21212

410-494-6365

cdmudd@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

McDonogh School, Inc. (by Brad Shelley, Assoc. Headmaster)

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

8600 McDonogh Road

Owings Mills

MD

Mailing Address

City

State

21117

918-899-5340

Zip Code

Telephone #

Email Address

Representative to be contacted:

Christopher D. Mudd

Name - Type or Print

Signature

210 W. Penn. Ave., Ste. 500 Towson MD

Mailing Address

City

State

21212

410-494-6365

Zip Code

Telephone #

Email Address

CASE NUMBER

2018-0229-A

Filing Date

3/5/18

Do Not Schedule Dates:

Reviewer

GH

PETITION FOR VARIANCE
McDonogh School, Inc.
8600 McDonogh Road, Owings Mills, MD 21117

Attached Sheet

- 1. Variance from BCZR Section 300.2, to permit a maximum building height of 55 feet, in lieu of the permitted 50 feet**
- 2. Variance from BCZR Section 1B01.2.C.1.a, BCZR Section 504.2, and Comprehensive Manual of Development Policies ("CMDP") Page 35, Table V, to permit a front yard setback of 35 feet, in lieu of the required 70 feet and a side yard setback of 35 feet in lieu of the required 40 feet**
- 3. Variance from BCZR Section 1B01.2.B.2, BCZR Section 504.2, and CMDP Page 35, to permit a building length of 230 feet in lieu of the 200 foot limit**

February 13, 2018

**Description of Area
to Accompany Zoning Petition for Variances
8600 McDonogh Road
Election District 2
Baltimore County, Maryland**

Beginning for the same, at a point located *North 15° 41' 44" West 1,967 feet*, more or less, from the point of intersection of the centerlines of McDonogh Road and Lamborn Road, running thence the four following course viz,

1. **North 12°42'46" East 400 feet** to a point, thence
2. **South 77°17'14" East 400 feet** to a point thence
3. **South 12°42'46" West 400 feet** to a point, thence
4. **North 77°17'14" West 400 feet** to the point of beginning

Containing 3.67 acres more or less or 160,000 square feet of land.

This description is intended for zoning purposes only and is not intended for use in conveyance of land.



CERTIFICATE OF POSTING



2018-0299-A

RE: Case No.: _____

Petitioner/Developer: _____

McDonogh School Inc, Brad Shelley

April 13, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

8600 McDonogh Road

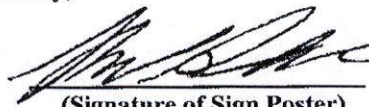
SIGN 1 RE-CERTIFICATION

March 24, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 April 8, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING



2018-0299-A

RE: Case No.: _____

Petitioner/Developer: _____

McDonogh School Inc, Brad Shelley

April 13, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

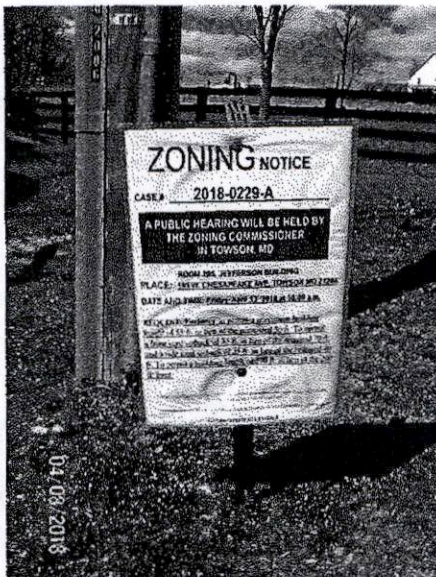
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

8600 McDonogh Road

SIGN 2 RE-CERTIFICATION

March 24, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

April 8, 2018


(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0299-A

RE: Case No.: _____

Petitioner/Developer: _____

McDonogh School Inc, Brad Shelley

April 13, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 100
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

8600 McDonogh Road

SIGN 1

March 24, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

March 24, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0299-A

RE: Case No.: _____

Petitioner/Developer: _____

McDonogh School Inc, Brad Shelley

April 13, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 100
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

8600 McDonogh Road

SIGN 2

March 24, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,



(Signature of Sign Poster)

March 24, 2018

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: _____

Petitioner/Developer: _____

McDonogh School Inc, Brad Shelley

Date of Hearing/Closing: April 13, 2018

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 100
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

8600 McDonogh Road

SIGN 1

The sign(s) were posted on March 24, 2018
(Month, Day, Year)

Sincerely,

March 24, 2018

(Signature of Sign Poster) _____ (Date) _____

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

RE: Case No.: 2018-0299-A

Petitioner/Developer: _____

McDonogh School Inc, Brad Shelley

Date of Hearing/Closing: April 13, 2018

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 100
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

8600 McDonogh Road

SIGN 2

The sign(s) were posted on March 24, 2018
(Month, Day, Year)



Sincerely,

[Signature] March 24, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

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

March 19, 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: 2018-0229-A

8600 McDonogh Road

NW/s Lamborn Road, south of centerline of McDonogh Road

2nd Election District – 4th Councilmanic District

Legal Owners: McDonogh School Inc., Brad Shelley

Variance to permit a maximum building height of 55 ft. in lieu of the permitted 50 ft. To permit a front yard setback of 35 ft. in lieu of the required 70 ft. and a side yard setback of 35 ft. in lieu of the required 40 ft. To permit a building length of 230 ft. in lieu of the 200 ft. limit.

Hearing: Friday, April 13, 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".

Arnold Jablon
Director

AJ:kl

C: Christopher Mudd, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Brad Shelley, 8600 McDonogh School, Owings Mills 21117

- 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

Please forward billing to:

Barbara Lukasevich

410-494-6200

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0229-A

8600 McDonogh Road

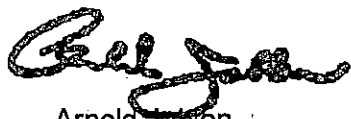
NW/s Lamborn Road, south of centerline of McDonogh Road

2nd Election District – 4th Councilmanic District

Legal Owners: McDonogh School Inc., Brad Shelley

Variance to permit a maximum building height of 55 ft. in lieu of the permitted 50 ft. To permit a front yard setback of 35 ft. in lieu of the required 70 ft. and a side yard setback of 35 ft. in lieu of the required 40 ft. To permit a building length of 230 ft. in lieu of the 200 ft. limit.

Hearing: Friday, April 13, 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 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.

RE: PETITION FOR VARIANCE
8600 McDonogh Road; NW/S of Lamborn
Road, 1,967' to the c/line McDonogh Road
2nd Election & 4th Councilmanic Districts
Legal Owner(s): McDonogh School, Inc
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-229-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

MAR 14 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 15th day of March, 2018, a copy of the foregoing Entry of Appearance was mailed to Christopher D. Mudd, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, 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: 2018-0229-A
Property Address: 8600 McDONAGH RD, OWINGS MILLS 21117
Property Description: N/S McDONAGH RD, E OF
PAINTERS MILL RD
Legal Owners (Petitioners): McDONAGH School, INC.
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA LUKASEVICH
Company/Firm (if applicable): VENABLE LLP
Address: 210 W. PENNSYLVANIA AVE
SUITE 500
TOWSON, MD 21204
Telephone Number: 410-494-6200

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

NO 156206

Date: 3/5/18

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	206	0000		150					500.00

Total: 500.00

Rec From: Venable LLP

For: 7600 Mc Donogh Rd
2018-0229-A

DISTRIBUTION

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

PAID RECEIPT

ADDRESS: 3/05/2018 3/05/2018 15:59:32
REC: 0005 WALKIN LRD
RECEIPT: 156206 3/05/2018
Dept: 5 300 ZONING VERIFICATION
CR: 156206
Receipt Tot: 1500.00
1500.00 CR: 1.00 CR
Baltimore County, Maryland

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

2018-0229-A

RE: Case No.: _____

Petitioner/Developer: _____

McDonogh School Inc, Brad Shelley

April 13, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

8600 McDonogh Road

SIGN 2 RE-CERTIFICATION

March 24, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

April 8, 2018

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0219-A

RE: Case No.: _____

Petitioner/Developer: _____

McDonogh School Inc, Brad Shelley

April 13, 2018

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

8600 McDonogh Road

SIGN 1 *RE-CERTIFICATION*

March 24, 2018

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

April 8, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





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 5517749

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

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

Mar 22, 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: 2018-0229-A
8600 McDonogh Road
NW/s Lamborn Road, south of centerline of McDonogh Road 2nd Election District - 4th Councilmanic District
Legal Owners: McDonogh School Inc., Brad Shelley
Variance to permit a maximum building height of 55 ft. in lieu of the permitted 50 ft. To permit a front yard setback of 35 ft. in lieu of the required 70 ft. and a side yard setback of 35 ft. in lieu of the required 40 ft. To permit a building length of 230 ft. in lieu of the 200 ft. limit.
Hearing: Friday, April 13, 2018 at 10:00 a.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 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.
3/22/2018 5517749

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising



KEVIN KAMENETZ
County Executive

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

April 4, 2018

McDonogh School Inc.
Brad Shelley
8600 McDonogh Road
Owings Mills MD 21117

RE: Case Number: 2018-0229 A, Address: 8600 McDonogh Road

Dear Mr. Shelley:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 5, 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
Christopher D Mudd, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 3/13/18

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. 2018-0229-A

Variance
McDonough School Inc. Brad Shelley
8600 McDonough Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

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: 3/30/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-229



INFORMATION:

Property Address: 8600 McDonogh Road
Petitioner: McDonogh School, Inc.
Zoning: DR 1
Requested Action: Variance

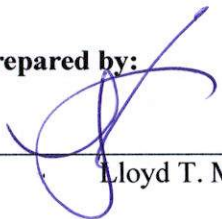
The Department of Planning has reviewed the petition for variance to permit zoning relief as listed on the attachment submitted in support of the petition.

A site visit was conducted on March 15, 2018.

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

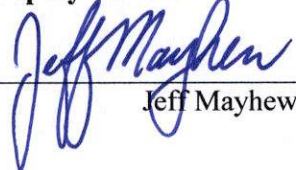
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



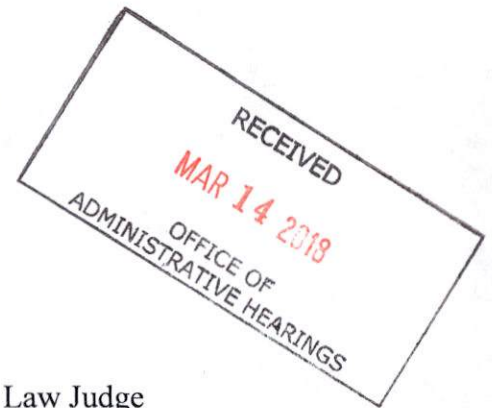
Jeff Mayhew

AVA/KS/LTM/

c: Bill Skibinski
Christopher D. Mudd, Venable LLP
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: March 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0229-A
Address 8600 McDonogh Road
(McDonogh School, Inc. Property)

Zoning Advisory Committee Meeting of **March 19, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *me*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2018
Item No. 2018-0229-A

DATE: April 4, 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.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 3/30/2018

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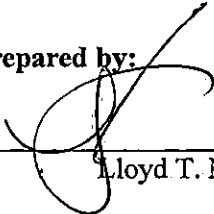
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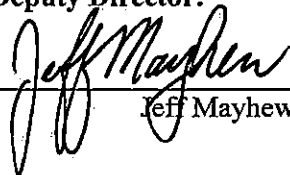
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Reviewer: Steve Ford

CASE NAME McDonough School
CASE NUMBER _____
DATE 4/13/18

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

4/4/18

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

Comment

3/14/18

DEPS
(if not received, date e-mail sent _____)

No Comment

3/30/18

FIRE DEPARTMENT

No Objection

3/3/18

PLANNING
(if not received, date e-mail sent _____)

No Objection

STATE HIGHWAY ADMINISTRATION

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:

3/24/18

by

SSG Black

SIGN POSTING (2nd)

Date:

4/8/18

by

SSG Black

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 - 02 Account Number - 0213065510							
Owner Information									
Owner Name:		MCDONOGH SCHOOL INC			Use: Principal Residence:		EXEMPT COMMERCIAL NO		
Mailing Address:		P O BX 380 OWINGS MILLS MD 21117			Deed Reference:		/00000/ 00000		
Location & Structure Information									
Premises Address:		8600 MCDONOGH RD 0-0000			Legal Description:		464.4267AC BS MCDONOGH RD ES OF PAINTERS MILL RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0067	0016	0016		0000				2016	
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1999		37778				470.4430 AC		01	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
		CINEMA							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of 01/01/2016		As of 07/01/2017		As of 07/01/2018	
Land:		6,651,200		6,644,200					
Improvements		27,690,200		27,723,600					
Total:		34,341,400		34,367,800		34,359,000		34,367,800	
Preferential Land:		0						0	
Transfer Information									
Seller: MANEKIN AT OWING S MILLS I				Date: 12/21/1987			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /00000/ 00000			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		140		34,359,000.00		34,367,800.00			
State:		140		34,359,000.00		34,367,800.00			
Municipal:		140		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.: 2018-0229-A 8600 MC Donogh Rd.

Exhibit Sheet

Petitioner/Developer

Sen
5-17-18

Protestants

Sen
4-16-18

No. 1	Site	
No. 2	Rendering	
No. 3	Aerial	
No. 4	Mattis CV	
No. 5	Photos	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S EXHIBIT 2



James E. Matis, P.E.
Principal

MATIS WARFIELD, INC.
CONSULTING ENGINEERS

954 Ridgebrook Road Suite 120
Sparks, Maryland 21152

Professional Registration

Professional Engineer-State of Maryland-1991
PE 18848

Education

Catholic University of America - School of Architecture and Planning
Catonsville Community College - School of Architecture and Engineering
Associate of Arts Degree 1981

Professional Experience

Prior to forming MATIS WARFIELD, INC. in 1994, Mr. Matis was a Senior Associate with a Baltimore County based civil engineering firm. As a principal with Matis Warfield, Inc., Mr. Matis' responsibilities include project management, site development planning and design, grading and sediment control design, public and private infrastructure design, cost estimating and specification writing for commercial, industrial, institutional and residential land development projects.

As a result of his 35 years in the real estate development industry, Mr. Matis possesses a comprehensive knowledge of requirements and regulations for land development for the various jurisdictions in the Baltimore Metropolitan Area.

Mr. Matis has had extensive experience as an "expert witness" having testified before the Administrative Law Judge, Zoning Commissioner, Board of Appeals and Circuit Court in Baltimore County, Board of Municipal Zoning Appeals of Baltimore City, Board of Appeals of Howard County and Carroll County and the Planning Commissions / Planning Boards of Baltimore, Frederick and Howard Counties.



EXISTING FINNEY BUILDING
FRONT ELEVATION
LOOKING NORTH

EXISTING FINNEY BUILDING
REAR ELEVATION
LOOKING SOUTH





LYLE

MEMORIAL
COURT

NAYLOR

FINNEY

LOOKING SOUTH
TOWARD MEMORIAL COURT



Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
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Owner Information										
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Mailing Address:		P O BX 380 OWINGS MILLS MD 21117				Deed Reference:		/00000/ 00000		
Location & Structure Information										
Premises Address:		8600 MCDONOGH RD 0-0000				Legal Description:		464.4267AC BS MCDONOGH RD ES OF PAINTERS MILL RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:
0067	0016	0016		0000				2016		
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1999		37778				470.4430 AC		01		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
		CINEMA								
Value Information										
			Base Value	Value	Phase-in Assessments					
				As of	As of		As of			
				01/01/2016	07/01/2017		07/01/2018			
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Improvements			27,690,200	27,723,600						
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Municipal:		140		0.00 0.00			0.00 0.00			
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						
Homestead Application Information										
Homestead Application Status: No Application										

2018-0229-12



My Neighborhood

Select a Property
from the Map

enter ADDRESS or 10-DIGIT TAX ACCOUNT

Search

Property Report - 8600 MCDONOGH RD

Number of features found: 1

8600 MCDONOGH RD

Tax Account Number 0213065510

Owner Name MCDONOGH SCHOOL INC

Premise Address 8600 MCDONOGH RD

Tax Map 0067

Parcel 0016

Real Property Report [More info](#)

StreetView [Click for StreetView](#)

ZONING INFORMATION

Zoning [DR 1](#)

Zoning [OT](#)

SCHOOL DISTRICTS

Elementary School District [Woodholme ES](#)

Middle School District [Northwest Academy](#)

High School District [New Town HS](#)

CIVIC - GOVERNMENT

Police Precinct [Pikesville](#)

Councilmanic District [4](#)

Councilmanic District [2](#)

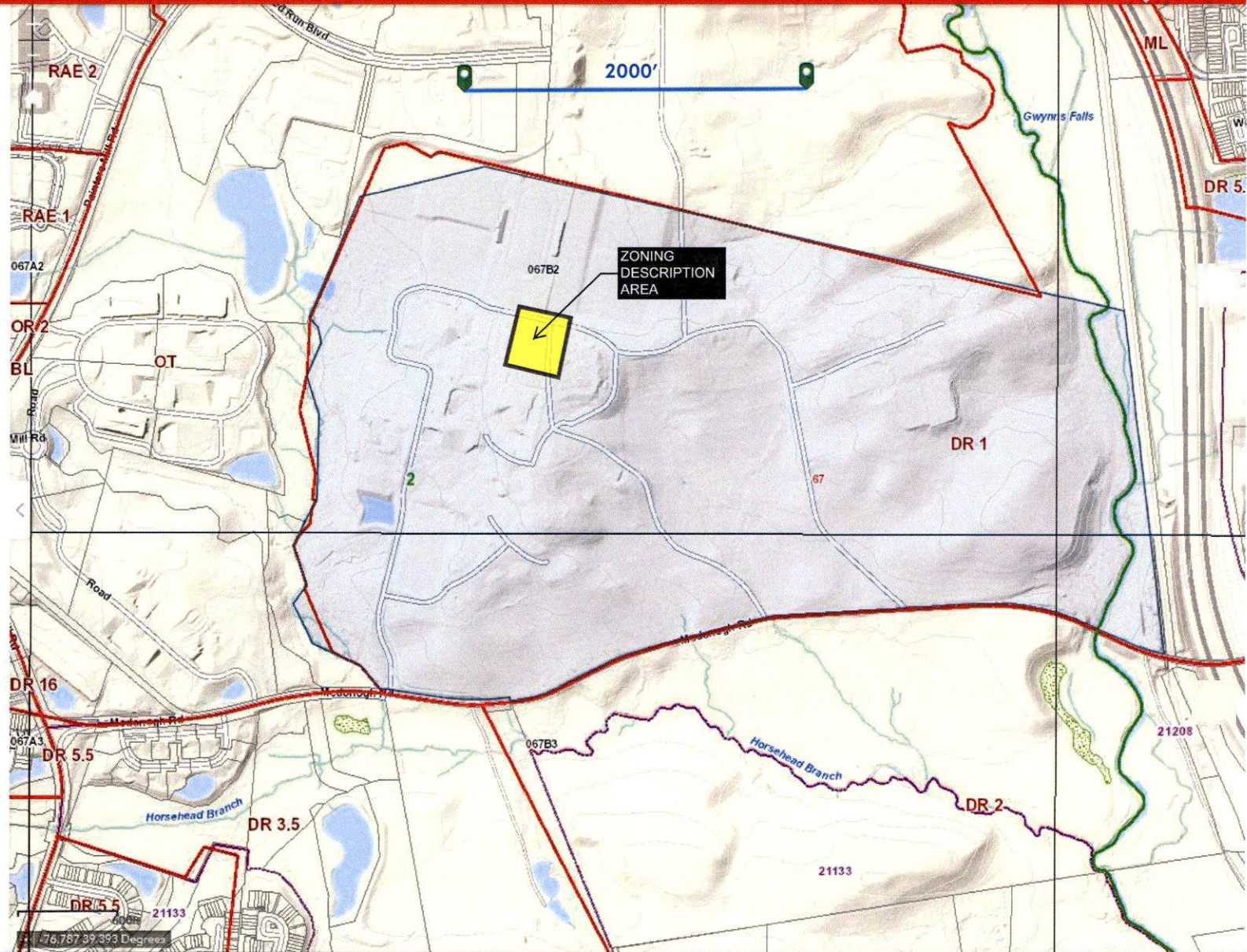
Congressional District [3](#)

Congressional District [2](#)

Legislative District [11](#)

Election District [2](#)

Election District [3](#)



2018-0229-A



My Neighborhood

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from the Map

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8600 MCDONOGH RD

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Real Property Report [More info](#)
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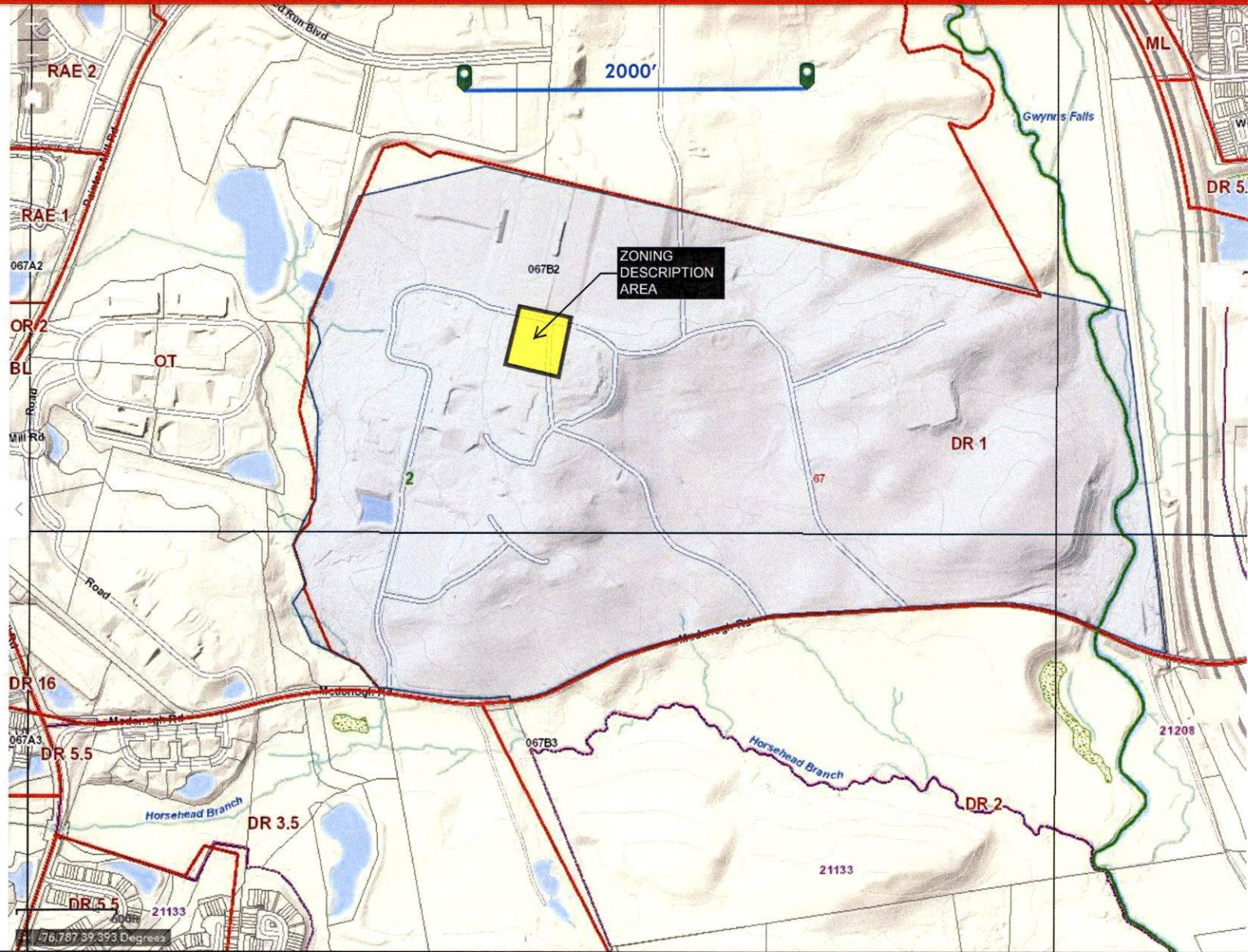
Zoning [DR 1](#)
Zoning [OT](#)

SCHOOL DISTRICTS

Elementary School District [Woodholme ES](#)
Middle School District [Northwest Academy](#)
High School District [New Town HS](#)

CIVIC - GOVERNMENT

Police Precinct [Pikesville](#)
Councilmanic District [4](#)
Councilmanic District [2](#)
Congressional District [3](#)
Congressional District [2](#)
Legislative District [11](#)
Election District [2](#)
Election District [3](#)



2018-0229-K



My Neighborhood

Select a Property
from the Map

enter ADDRESS or 10-DIGIT TAX ACCOUNT

Search

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8600 MCDONOGH RD

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Parcel 0016

Real Property Report [More info](#)

StreetView [Click for StreetView](#)

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Zoning [DR 1](#)

Zoning [OT](#)

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High School District [New Town HS](#)

CIVIC - GOVERNMENT

Police Precinct [Pikesville](#)

Councilmanic District 4

Councilmanic District 2

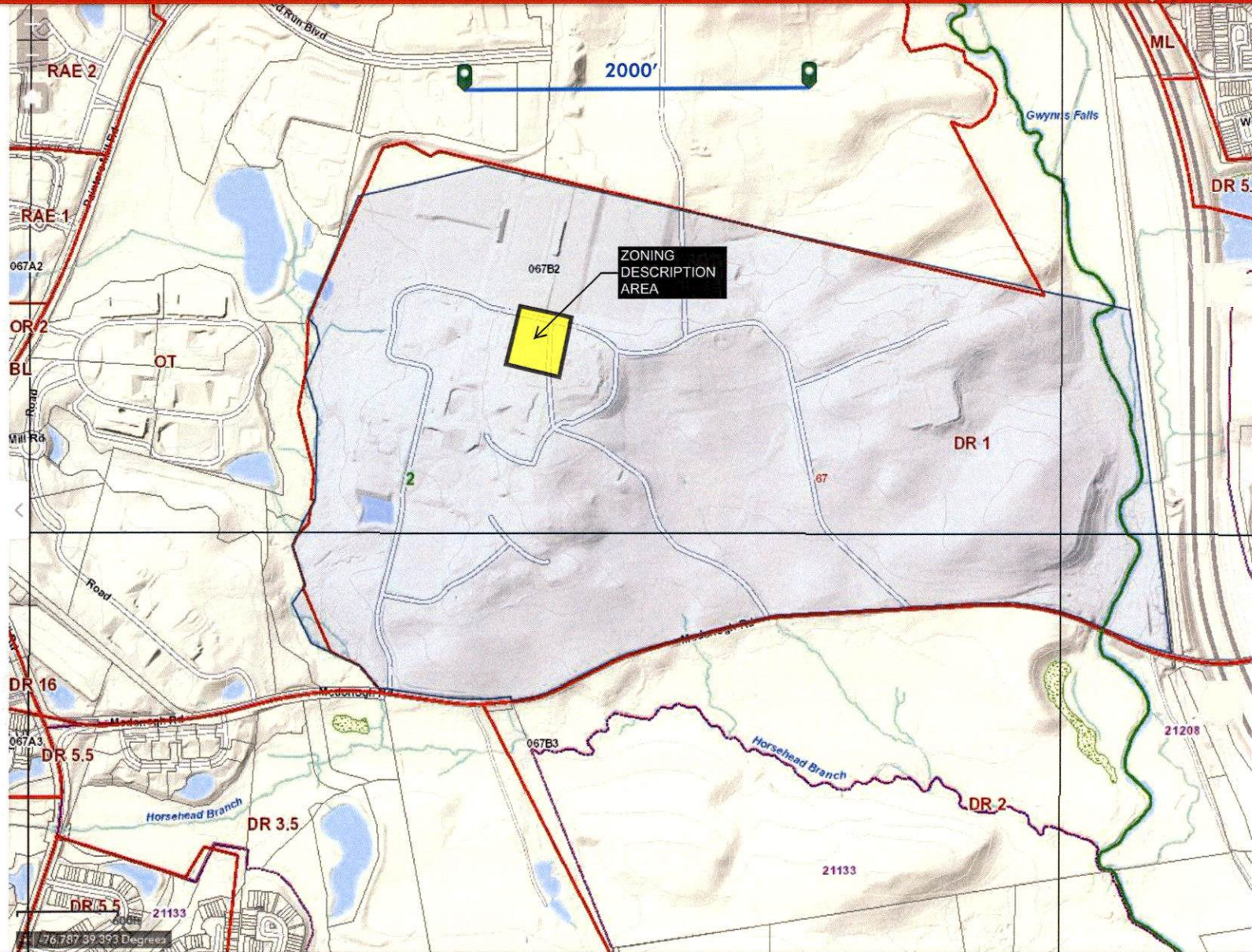
Congressional District 3

Congressional District 2

Legislative District 11

Election District 2

Election District 3



2018-0229-4