

MEMORANDUM

DATE: August 3, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0310-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on August 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



DONALD I. MOHLER III
County Executive

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

July 3, 2018

Jason T. Vettori, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Special Hearing – **Dismissed without Prejudice**
Case No. 2018-0310-SPH
Property: Holly Neck Road

Dear Mr. Vettori:

Enclosed please find a copy of the Opinion and Order rendered in the above-captioned matter.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

IN RE: **PETITION FOR SPECIAL HEARING** *
(Holly Neck Road)
15th Election District *
7th Council District *
Leonard P. Berger / Holly Neck *
Limited Partnership, LLLP, *Legal Owner* *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0310-SPH

* * * * *

OPINION AND ORDER

Jason T. Vettori, Esq., with Smith, Gildea & Schmidt, LLC, filed the above petition for special hearing, seeking relief as follows: (1) To approve a one year extension of the Development Plan approved period provided, and (2) For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. A public hearing was scheduled for July 18, 2018 at 10:00 AM; however, on June 25, 2018, a formal request was received from Mr. Vettori requesting withdrawal of the petition and that the petition be dismissed without prejudice.

THEREFORE, IT IS ORDERED this 3rd day of **July, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing in the above case, be and is hereby DISMISSED WITHOUT PREJUDICE.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 7-3-18

By 



CBCA

PETITION FOR ZONING HEARING(S)

flood

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 Hollyneck Road (see attached)which is presently zoned RC 5 and RC 20Deed References: See Attached10 Digit Tax Account # See attachedProperty Owner(s) Printed Name(s) Holly Neck Limited Partnership, LLLP(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

Please see attached.

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

3. ☐ **a Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 jvettori@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Dr. Leonard Berger, Personal Representative of
Holly Neck Limited Partnership

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

10100 Coastal Highway Ocean City MD

Mailing Address City State

21840 410-524-4202 lberger@clarionoc.com

Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 jvettori@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0310-SPH Filing Date 5/11/2018

Do Not Schedule Dates: _____

Reviewer JNP

10017

Agg

Signature
Date
Page

Signature

Signature

ATTACHMENT TO PETITION FOR ZONING HEARING

*Holly Neck Road
15th Election District
7th Councilmanic District*

Properties Involved:

Plats recorded among the Plat Records of Baltimore County in S.M. 78, folios 382 through and including 394.

2018-0310-SPH

ATTACHMENT TO PETITION FOR ZONING HEARING

Holly Neck Road (see other attachment)

15th Election District

7th Councilmanic District

Special Hearing relief to approve:

1. A one year extension of the Development Plan approval period provided under BCC § 32-4-261(a); and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

2018-0310-SPH

ZONING PROPERTY DESCRIPTION

152.8 Acres on the North and South Sides of Holly Neck Road,
1400 feet East of Fantat Road
(The Preserve at Holly Neck)

152.8 Acres $\pm$ Beginning on the North and South Sides of Holly Neck Road which is 40 feet wide, at a distance of 1400 feet East of the centerline of Fantat Road which is 40 feet wide. Being Plats 1, 2, 3 and 4 of Phase 1; Plats 1 and 2 of Phase 2; Plat 1 of Phase 3; Plats 1, 2 and 3 of Phase 4; Plats 1, 2 and 3 of Phase 5 in the subdivision of The Preserve At Holly Neck as recorded in Baltimore County Plat Book 78, Folios 382 through 394, containing 152.8 Acres $\pm$ and located in the 15th Election District and 6th Council District.

2018-0310-SPH

**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: 2018-0310-SPH

Property Address: Holly Neck Road

Property Description: 152.8 Acres North & South Sides of Holly Neck Road

Legal Owners (Petitioners): Holly Neck Limited Partnership, LLLP

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T. Vettori

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

Revised 7/9/2015

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

No. **168044**

Date **5/11/2018**

PAID RECEIPT

BUSINESS ACTUAL TIME IRM
 5/14/2018 5/11/2018 10:26:49 1

REC WSO1 WALKIN LJR
 RECEIPT # 786002 5/11/2018 OFLN

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

5 528 ZONING VERIFICATION
 168044

Recpt Tot: \$500.00
 \$500.00 CK \$00.00 CA
 Baltimore County, Maryland

Total **500.00**

Rec From **Smith, Gildea & Schmidt, LLC**

For **Special Hearing - Holly Neck Road**
2018-0310-SPH (Holly Neck Limited Partnership)

DISTRIBUTION

WHITE CASHIER PINK AGENCY YELLOW CUSTOMER GOLD ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Debra Wiley

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Wednesday, June 27, 2018 2:41 PM
To: John E. Beverungen
Cc: Kristen L Lewis; Debra Wiley
Subject: Withdrawal of Petition for Zoning Hearing in Case No. 2018-0310-SPH

Mr. Beverungen:

As indicated in the below e-mail from Jaymee Crouch, the notice which was to be published in the Baltimore Sun re: the Petition for Zoning Hearing in Case No. 2018-0310-SPH was "killed" so there is no cost which is due for same. Therefore, all costs of advertising and posting have been satisfied as provided in Rule 4.F.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Kelly Benton
Sent: Wednesday, June 27, 2018 1:30 PM
To: Jason Vettori
Subject: FW: CU00433777 Smith Gildea & Schmidt LLC

See below. The ad for the Holly Neck hearing on 7/18 is cancelled. I don't know if there is sufficient time to get the ad already set to run on the 29th, moved up to tomorrow. I will find out.

Kelly Benton | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
kbenton@sgs-law.com | www.sgs-law.com

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From: Crouch, Jaymee [<mailto:jacrouch@tronc.com>]
Sent: Monday, June 25, 2018 2:00 PM
To: Kelly Benton; Baca, Juanita
Subject: RE: CU00433777 Smith Gildea & Schmidt LLC

This notice has been killed.

Thank you,

Jaymee Crouch

Inbound Advertising Representative

Baltimore City Paper, 443-452-1535 • Baltimore Sun, 410-539-7700 • Capital Gazette, 410-268-7000
Carroll County Times, 410-857-5581 • Chicago Tribune, 312-222-2222 • Courant Community, 860-875-3366
Daily Press, 757-247-4700 • Hartford Courant, 860-525-2525 • Los Angeles Times, 800-234-4444
Morning Call, 610-820-6565 • Orlando Sentinel, 407-420-5160 • San Diego Union-Tribune, 866-411-4140
Sun Sentinel, 800-250-2000 • Tidewater Review, 757-253-8126 • Virginia Gazette, 757-253-8126.



Formerly Tribune Publishing

Communication may be reviewed for quality & training purposes.

Great Customer Service is our top priority.

Share your feedback at excellence@tribpub.com

From: Kelly Benton [<mailto:kbenton@sgs-law.com>]
Sent: Monday, June 25, 2018 12:42 PM
To: Baca, Juanita
Cc: Crouch, Jaymee
Subject: RE: CU00433777 Smith Gildea & Schmidt LLC

Thank you for your help with this Juanita.

Hello Jaymee,

I would like to know if it is possible to cancel this legal ad, set to run on June 28. Please let me know.

Thank you,
Kelly

Kelly Benton | Paralegal

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

kbenton@sgs-law.com | www.sgs-law.com

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From: Baca, Juanita [<mailto:jbaca@tronc.com>]
Sent: Monday, June 25, 2018 1:41 PM
To: Kelly Benton
Cc: Crouch, Jaymee
Subject: RE: CU00433777 Smith Gildea & Schmidt LLC

You're welcome!

I am not able to do that personally. You would need to reach out to your sales rep to get it stopped or cancelled. For that order I show the sales rep was Jaymee Crouch and I have copied Jaymee on this email to further assist.

Regards,

Juanita Baca | Collections Representative | Tronc (Tribune Online Content)

Email: jbaca@Tronc.com | (844) 348-2440



From: Kelly Benton [<mailto:kbenton@sgs-law.com>]
Sent: Monday, June 25, 2018 12:31 PM
To: Baca, Juanita
Subject: RE: CU00433777 Smith Gildea & Schmidt LLC

Thank you Juanita,

Is there any way to stop the ad since it has not yet run?

Kelly Benton | Paralegal

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

kbenton@sgs-law.com | www.sgs-law.com

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From: Baca, Juanita [<mailto:jbaca@tronc.com>]
Sent: Monday, June 25, 2018 1:29 PM
To: Kelly Benton
Subject: CU00433777 Smith Gildea & Schmidt LLC

Good Afternoon,

Please find attached is the copy of order 5657303 in the amount of \$83.00 for the Hollyneck road.

Regards,

Juanita Baca | Collections Representative | Tronc (Tribune Online Content)

Email: jbaca@Tronc.com



7/18
10 Am

Debra Wiley

From: John E. Beverungen
Sent: Monday, June 25, 2018 1:59 PM
To: Jason Vettori
Cc: Kristen L Lewis; Debra Wiley
Subject: RE: Withdrawal of Petition for Zoning Hearing in Case No. 2018-0310-SPH

Mr. Vettori,

Thanks for your e-mail, and I trust Ms. Lewis will remove the hearing date from the OAH calendar. My office does not have the file, so I would ask Ms. Lewis if she could please forward that to Ms. Wiley. After reviewing the file I will send to your attention an order dismissing the case without prejudice.

John Beverungen
ALJ

From: Jason Vettori [mailto:jvettori@sgs-law.com]
Sent: Monday, June 25, 2018 1:13 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>; Krystle Patchak <kpatchak@baltimorecountymd.gov>; David Gildea <dgildea@sgs-law.com>; Kelly Benton <kbenton@sgs-law.com>
Subject: Withdrawal of Petition for Zoning Hearing in Case No. 2018-0310-SPH

Mr. Beverungen,

I am formally requesting a withdrawal of the petition for zoning hearing in Case No. 2018-0310-SPH and that the petition be dismissed without prejudice.

As you are aware, all requests for withdrawals of petitions must be in writing and directed to the Zoning Commissioner as provided in Rule 4.F of the RULES OF PRACTICE AND PROCEDURE BEFORE THE ZONING COMMISSIONER/HEARING OFFICER OF BALTIMORE COUNTY. Any petitioner who desires to have his request withdrawn and dismissed without prejudice must do so in writing at least 10 business days prior to the hearing date. The hearing date for this case is scheduled for Wednesday, July 18, 2018 at 10:00 a.m. Therefore, today is 17 business days before the hearing.

The withdrawal is being requested because as fortune would have it the County Council passed a bill, Bill No. 51-18, that addresses the very issue for which special hearing relief was being sought. Attached please find a version of the bill that was signed by the County Executive in accordance with Charter § 308 and therefore will go into effect as of June 18, 2018 once it has been enrolled. While it will not be enrolled until July 2, 2018, the enrollment itself is merely a ministerial act. Therefore, the instant withdrawal has been requested now that I have received confirmation that the County Executive signed Bill No. 51-18.

Lastly, Rule 4.F further provides that all costs of advertising and posting will be satisfied. No request for an approved sign poster to post notice on the property has been made as of this date. Therefore, there is no cost of posting. With respect to the cost of advertising, I would suppose that Ms. Kristen Lewis was diligent in forwarding the advertising form to the Baltimore Sun based upon prior experience. We do not normally receive the bill from the newspaper for advertising until a few days/weeks after the advertising has taken place. I have Kelly Benton in my office trying to track that bill down but we have always paid those bills in a timely manner and will obviously be doing so in this case as well. Based upon timing issues, I wanted to make sure our withdrawal request was submitted as soon as possible in the event the hearing date/time could be used for another matter and so representatives of County agencies such as Ms.

• Krystle Patchak who are eager to issue zoning Advisory Comments can refrain from doing so. I apologize for any inconvenience this may have caused anyone but am happy that an amicable resolution has been reached that no longer necessitates the Zoning Commissioner to hold a public hearing.

Thank you for your consideration of this most important matter.

Jason T. Vettori

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

jvettori@sgs-law.com | www.sgs-law.com

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From: Chris Hewitt [<mailto:chewitt@baltimorecountymd.gov>]

Sent: Monday, June 25, 2018 12:34 PM

To: Jason Vettori

Subject: Emailing - 3028_001.pdf

Attached per your request.

Chris



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 4, 2018
Item No. 2018-0310-SPH

DATE: June 21, 2018

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

DPR recommends that the one-year extension not be approved. Construction Plans submitted to DPR in April 2018 did not qualify as "SUBSTANTIAL CONSTRUCTION"

* * * * *

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: June 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0310-SPH
Address Holly Neck Road
(Holly Neck Limited Partnership,
LLLP Property)

Zoning Advisory Committee Meeting of **June 4, 2018**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. The proposal must minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands.

The proposed development concept will minimize adverse impacts on water quality by avoiding all impacts to tidal wetlands, non-tidal wetlands, and tributary streams; and by clustering units to retain existing natural vegetation on site. As previously noted, easement setback reductions will facilitate this clustering. Sensitive buffers immediately adjacent to water resources will be remain undisturbed, except that buffer functions will be restored in many areas by removal of existing structures and replanting historically impacted areas. Revetment has already been installed to stabilize an eroding shoreline, which was heavily impacted by Hurricane Isabel. The developer will also install water quality facilities and implement other non-structural stormwater management measures on the site to manage runoff from developed areas. The above measures will exceed water quality protection goals of the County's Critical Area program; and will reduce sediment, nutrient and pollutant runoff from the property.

2. The proposal must conserve fish, wildlife, and plant habitat.

The applicant's proposal will conserve wildlife and plant habitat on site by avoiding direct impacts to existing Habitat Protection Areas, and by clustering dwelling units to retain most existing vegetation. Wildlife corridor habitat, plant habitat, and habitat for Forest Interior Dwelling Birds (i.e., birds that require large, contiguous forests in order to breed successfully) will be enhanced by planting buffers, and the open fields in the southwestern part of the site.

3. The proposal must be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to cluster dwelling units concentrates human activity in fewer areas on the site and, thus, reduces the potential for adverse environmental impacts. Additionally, the installation of permanent markers/monuments to demarcate the buffers will reduce potential impacts of human activity on protected resource areas.

Reviewer: Paul Dennis



KEVIN KAMENETZ
County Executive

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

June 7, 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: 2018-0310-SPH

Holly Neck Road
N/s Sides of Holly Neck Road
15th Election District – 7th Councilmanic District
Legal Owners: Leonard Berger

Special Hearing to approve a one year extension of the Development Plan approved period provided; for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Wednesday, July 18, 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: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Leonard Berger, 10100 Coastal Highway, Ocean City 21840

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 28, 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, June 28, 2018 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2018-0310-SPH

Holly Neck Road
N/s Sides of Holly Neck Road
15th Election District – 7th Councilmanic District
Legal Owners: Leonard Berger

Special Hearing to approve a one year extension of the Development Plan approved period provided; for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Wednesday, July 18, 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 SPECIAL HEARING * BEFORE THE OFFICE
Holly Neck Road; N & S sides of Holly Neck Rd *
15th Election & 7th Councilmanic Districts * OF ADMINSTRATIVE
Legal Owner(s): Holly Neck Limited *
Partnership LLLP by Leonard Berger * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2018-310-SPH

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAY 31 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 31st day of May, 2018, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 5/25/18

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.

2018-0310-SPH
Special Hearing
Holly Neck Limited Partnership LLP.
Holly Neck 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

7-18

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

RECEIVED
JUL 03 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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

DATE: 6/28/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-310

INFORMATION:

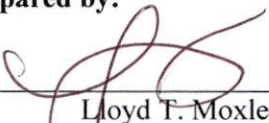
Property Address: Holly Neck Road
Petitioner: Dr. Leonard Berger, Holly Neck Limited Partnership
Zoning: RC 5, RC 20
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a one year extension of the development plan approval period.

The Department of Planning has received a request for withdraw of the petition from the petitioners attorney dated June 25, 2018 and has no comment.

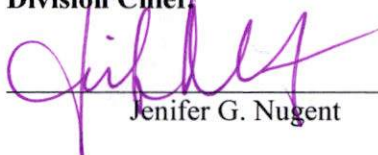
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd F. Moxley

Division Chief:



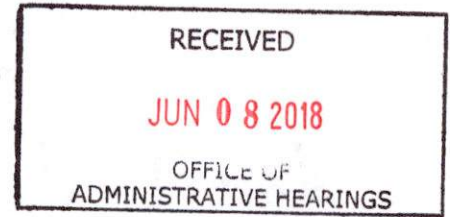
Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
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: June 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0310-SPH
Address Holly Neck Road
(Holly Neck Limited Partnership,
LLLP Property)

Zoning Advisory Committee Meeting of **June 4, 2018.**

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. The proposal must minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands.

The proposed development concept will minimize adverse impacts on water quality by avoiding all impacts to tidal wetlands, non-tidal wetlands, and tributary streams; and by clustering units to retain existing natural vegetation on site. As previously noted, easement setback reductions will facilitate this clustering. Sensitive buffers immediately adjacent to water resources will be remain undisturbed, except that buffer functions will be restored in many areas by removal of existing structures and replanting historically impacted areas. Revetment has already been installed to stabilize an eroding shoreline, which was heavily impacted by Hurricane Isabel. The developer will also install water quality facilities and implement other non-structural stormwater management measures on the site to manage runoff from developed areas. The above measures will exceed water quality protection goals of the County's Critical Area program; and will reduce sediment, nutrient and pollutant runoff from the property.

2. The proposal must conserve fish, wildlife, and plant habitat.

The applicant's proposal will conserve wildlife and plant habitat on site by avoiding direct impacts to existing Habitat Protection Areas, and by clustering dwelling units to retain most existing vegetation. Wildlife corridor habitat, plant habitat, and habitat for Forest Interior Dwelling Birds (i.e., birds that require large, contiguous forests in order to breed successfully) will be enhanced by planting buffers, and the open fields in the southwestern part of the site.

3. The proposal must be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to cluster dwelling units concentrates human activity in fewer areas on the site and, thus, reduces the potential for adverse environmental impacts. Additionally, the installation of permanent markers/monuments to demarcate the buffers will reduce potential impacts of human activity on protected resource areas.

Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 6/28/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-310

INFORMATION:

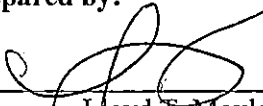
Property Address: Holly Neck Road
Petitioner: Dr. Leonard Berger, Holly Neck Limited Partnership
Zoning: RC 5, RC 20
Requested Action: Special Hearing

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Prepared by:



Lloyd F. Moxley

Division Chief:

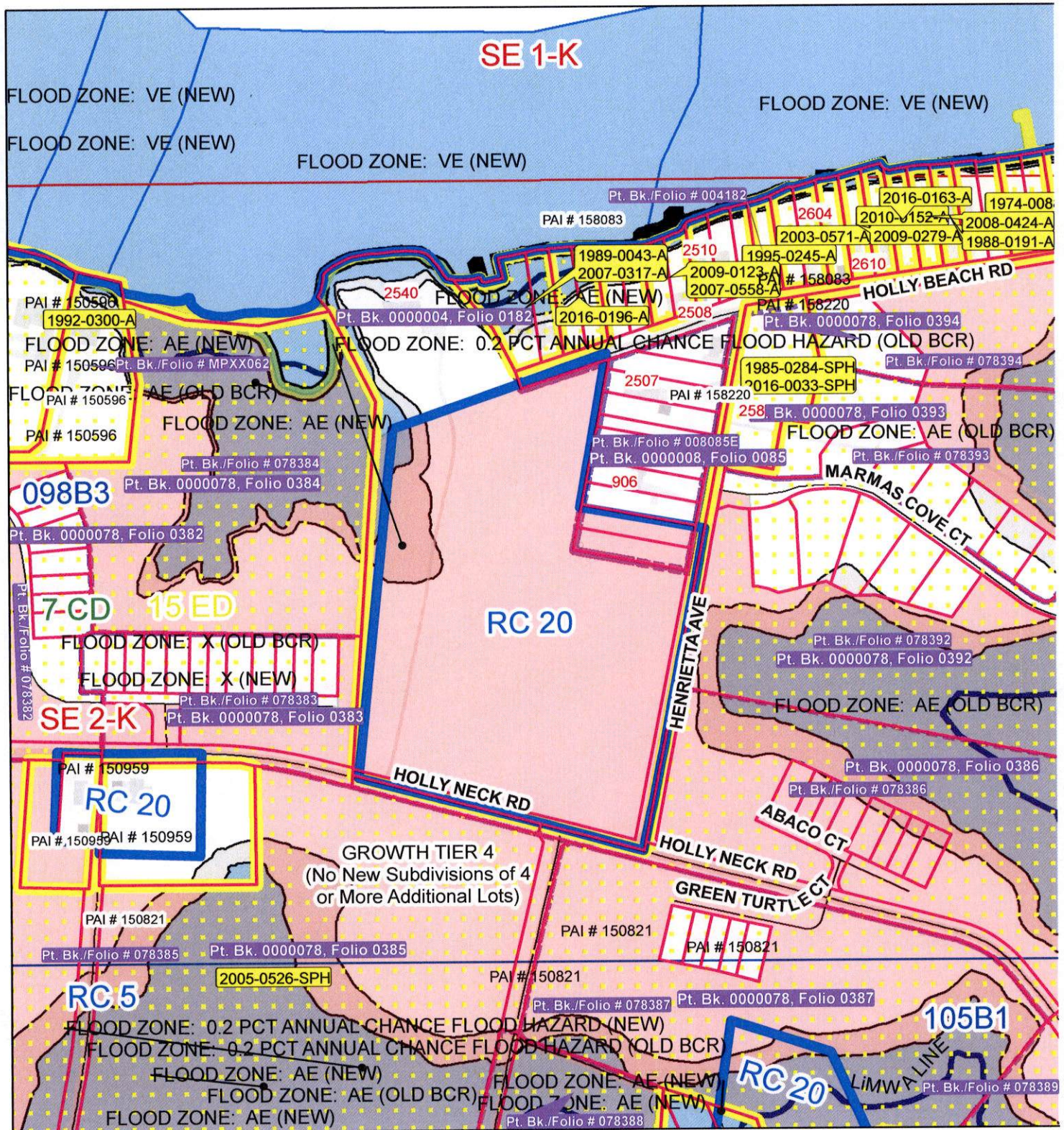


Jennifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

Flood Hazard Areas



Publication Date: 5/11/2018



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



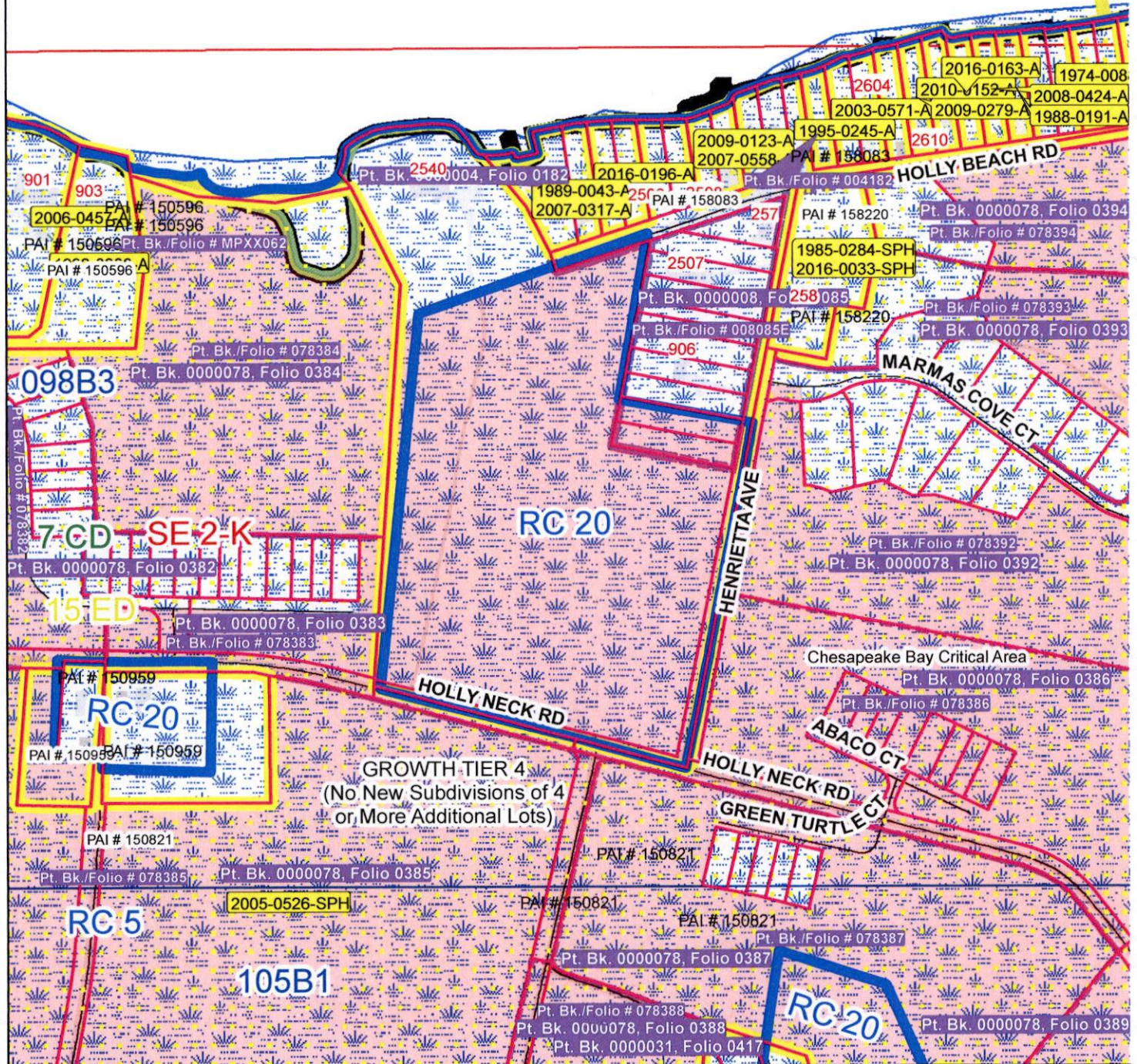
0 80 160 320 480 640 Feet

1 inch = 300 feet

2018-0310-SPH

Chesapeake Bay Critical Area

SE 1-K



Publication Date: 5/11/2018



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

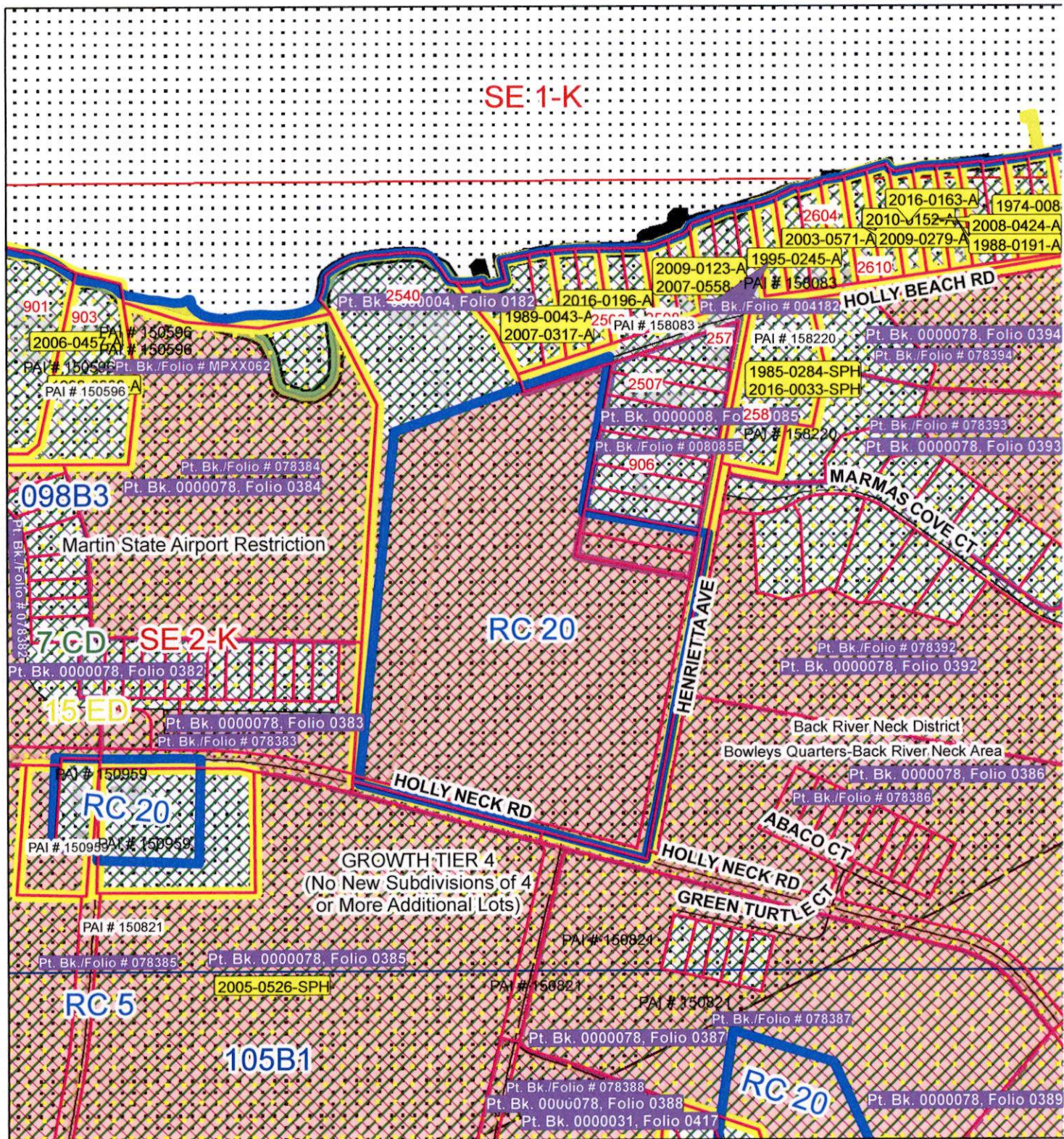


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1 inch = 300 feet

2018-0310-SPH

Enter Property Address Here



Publication Date: 5/11/2018



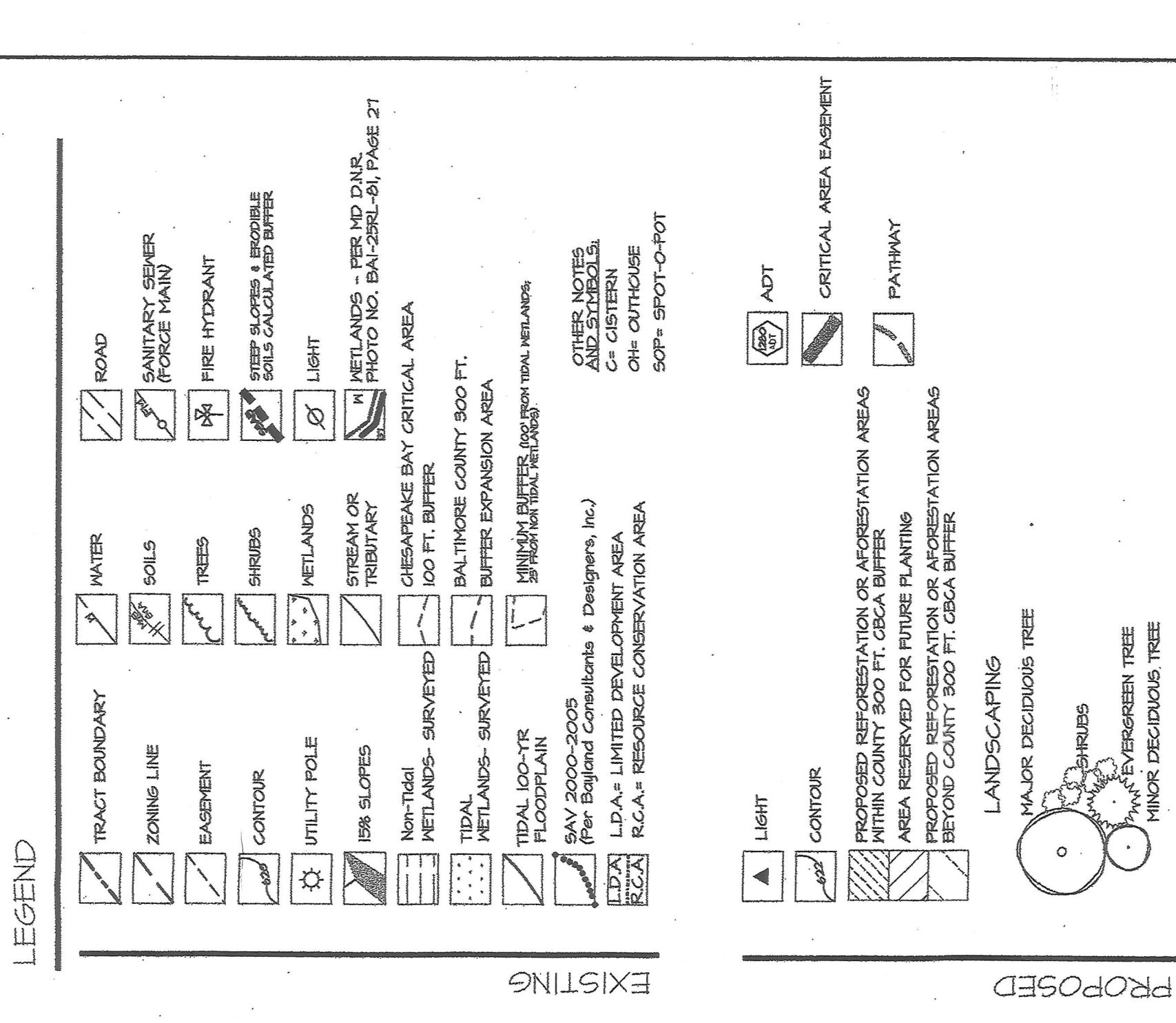
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 80 160 320 480 640 Feet

1 inch = 300 feet

2018-0310-SPH



1. SEE SHEET 5 FOR LANDSCAPING AREAS NOT LABELED OTHERWISE ARE HOA COMMON AREAS.
- 2.
3. Any Critical Area Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
4. There shall be no clearing, grading, construction or other activities in the Critical Area Easement except as permitted by Baltimore County Department of Environmental Protection and Resource Management.

REASON FOR FIRST REFINEMENT:

PER DRC #040708G
-MINOR LOT LINE ADJUSTMENTS
-CHANGE ARUBA CIRCLE TO A PUBLIC ROAD
-MODIFICATIONS TO STORMWATER MANAGEMENT FACILITY
-ROTATION OF CLUBHOUSE TO IMPROVE DRAINAGE
-CHANGES TO UTILITIES AND GRADING AS NEEDED FOR

A & S
D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
LAND PLANNERS

7115 AMBASSADOR ROAD
P.O. BOX 41428
BALTIMORE, MARYLAND 21244-7428

PROJECT NAME:	THE PRESERVE AT HOLLY NECK
REVISIONS:	

PLAN TITLE:
1st REFINED DEVELOPMENT PLAN
AND SCHEMATIC LANDSCAPE PLAN

FORM NUMBER: XV-821
CIB: 2.15.05 & 9.10.05
PLANNING BOARD MEETING: 5.19.05, 6.16.05, 7.7.05,
1.30.05, 2.2.06
BOARD OF APPEALS: 2.8.05

APPLICANT:
HOLLY NECK LIMITED PARTNERSHIP LLLP
10100 COASTAL HIGHWAY
OCEAN CITY, MARYLAND 21842
ATTENTION: LEONARD P. BERGER

MORRIS & RITCHIE ASSOCIATES, INC.



MRA
ENGINEERS, PLANNERS

THIS 1st REFINED DEVELOPMENT PLAN
SEALED AND CERTIFIED AS BEING IN
CONFORMANCE WITH THE RELEVANT
CIVIL SERVICE ORDER NUMBER 21/1/2008

DATE: 6/01/08

SCALE: 1" = 50'

Cut: 2'

PROJ. NO.: 14970.01

3 OF 6



PREVIOUSLY APPROVED

SC. AL F. 1"=50'

FIRST REFINED DEVELOPMENT
PLAN AND
SCHEMATIC LANDSCAPE PLAN