



JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
Department of Permits,
Approvals & Inspections

December 27, 2018

Little Pond, LLC
44 Springhill Farm Court
Cockeysville, MD 21030

RE: Case Number: 2019-0159-SPHA, Address: 11526 Falls Road

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 November 9, 2018. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

BALTIMORE COUNTY, MARYLAND

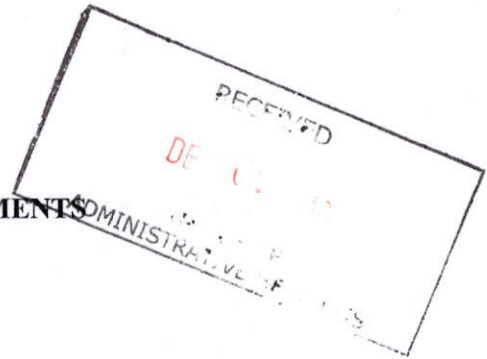
INTER-OFFICE MEMORANDUM

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

DATE: 12/5/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-159



INFORMATION:

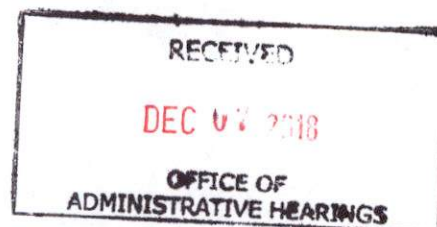
Property Address: 11526 Falls Road
Petitioner: Little Pond, LLC
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an existing dwelling to be utilized as an occasional guest dwelling and to amend the 4th Amended Final Development Plan (Castanea, Phase I- Lot 40) The Department also reviewed the petition for variances as identified on the attachment submitted in support of the petition.

A site visit was conducted on August 9, 2017. Staff observed five structures in this location. The Department understands three structures are to be retained including a two story brick tenant house. The tenant house was part of a farm called "Grove Farm" or "The Groves" that was originally part of the Brooklandwood Estate owned by the Carroll/Caton family located to the south of the property. The Baltimore County Master Plan 2020 establishes a policy to "preserve and protect cultural resources" (Page 97).

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The tenant house is of historic interest and the Department recommends its retention. The Department supports practical adaptive reuse of the structure. If plans are to demolish, staff would recommend relocation first and if that is not possible, prior to demolition, staff requests the opportunity to document the features of the structure. If the structure is to be demolished, the occasional guest dwelling status, if granted through the instant case, should be extinguished.

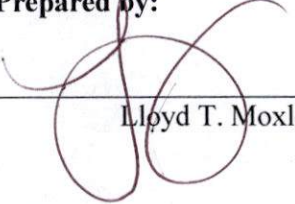


ADMINISTRATIVE REVIEW
OFFICE OF

RECEIVED

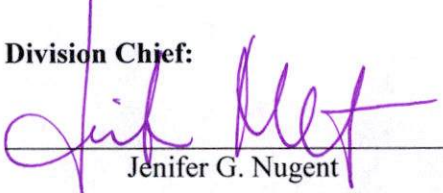
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

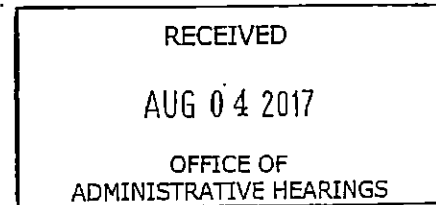


JAB 8-24-17
10 Am

KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE, Director
Department of Planning

July 31, 2017



Mr. John Beverungen
Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21204

Re: Castanea Phase 1, 2, & 3 Major Subdivision Development Plan, PAI #: 8-886

Dear Judge Beverungen:

Pursuant to MD Code Ann. Environmental Art., § 9-206 (g) (1)(iv) and Land Use Art. § 5-104 (c) through (f), Castanea Phase 1, 2, & 3, a residential major subdivision served by on-site sewage disposal system in a Growth Tier III mapped area, was the subject of a public hearing before the Planning Board on July 20, 2017.

At its July 20, 2017 meeting, the Planning Board voted on a resolution to approve the development plan. The following motion was unanimously approved by the Planning Board:

Be it moved, that the Baltimore County Planning Board, upon conducting a public hearing on the matter on July 20, 2017, resolves that the residential development proposal does not present any undue environmental issues and is supportive of the Baltimore County Growth Tiers designation. This Board recommends the Castanea Phase 1, 2, & 3 Major Subdivision Development Plan be approved pursuant to the authority given it within the Annotated Code of Maryland, Land Use Article, Section 5-104 (c) through (f).

If you have any questions regarding the Castanea Phase 1, 2, & 3 development plan or the above motion please, contact Jessie Bialek or Lloyd Moxley at 410-887-3480.

Sincerely,

Andrea Van Arsdale
Secretary to the Board

AVA:JDD:JAB:rk

c: Patricia Malone, Esquire
c: Arnold Jablon, Deputy Administrative Officer and Director, Permits, Approvals and Inspections

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: August 8, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0037-A
Address 11700 Falls Road
(CR Golf Club, LLC Property)

Zoning Advisory Committee Meeting of August 14, 2017.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Forest Buffer Easement area in close proximity to any of the buildings to remain must be left undisturbed regardless of prior long standing disturbances.

Reviewer: Glenn Shaffer Date: August 7, 2017

Comments 1-4 are from Miranda Livas, GWM.

1. The existing septic system must be pumped and back-filled or removed by a licensed sewage disposal contractor who must submit an abandonment report to DEPS.
2. The existing well must be back-filled by a licensed Master Well Driller who must submit a well abandonment report to DEPS.
3. Any buildings to remain may not have plumbing. Fixtures must be removed.
4. Indicate the future intentions for all buildings to remain.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: December 19, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 26, 2018
Item No. 2019-0150-A, 0151-SPHA, 0158-A, 0159-SPHA, 0160-A, 0161-
SPHA and 0162-SPHA

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

*

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*

*

*

VKD: can
cc: file

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 11/20/18

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

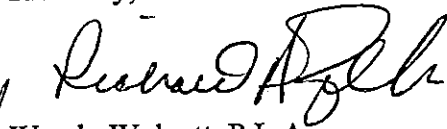
Dear Ms. Lewis:

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. 2019-0159 - SPHA

*Special Hearing, Variance
Little Pond, LLC
11526 Falls 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

MEMORANDUM

DATE: February 8, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0159-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on February 7, 2019. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: **PETITIONS FOR SPECIAL HEARING** *

AND VARIANCE

(11526 Falls Road) *

8th Election District *

2nd Council District *

Little Pond, LLC *

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0159-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Little Pond, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to permit an existing dwelling to be utilized as an occasional guest dwelling upon the construction of a primary dwelling (second dwelling on an RC-5 lot). A petition for variance seeks: (1) to permit an existing accessory structure (barn/garage) to be located in the front yard in lieu of the required rear yard; (2) to permit an existing accessory structure (barn/garage) with a height of 36' in lieu of the required 15'; (3) to permit a proposed accessory structure (barn) with a height of 24' in lieu of the required 15'; and (4) to permit a proposed accessory structure (barn) to be located in the front yard in lieu of the required rear yard. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

David Dunn and surveyor Bruce Doak appeared in support of the requests. J. Neil Lanzi, 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 Department of Planning ("DOP").

ORDER RECEIVED FOR FILING

Date 1-8-19

By low

That agency did not oppose the requests and in particular expressed support for the reuse of the cottage/tenant house, which the DOP noted is of "historic interest."

SPECIAL HEARING

The special hearing request concerns the brick cottage/tenant house which has existed at the site for many years. Petitioner proposes to use the structure to house on an occasional basis visiting family and friends. This is a reasonable request, especially considering that the subject property is in excess of 24 acres in size. Appropriate restrictions will be included in the Order below concerning the proposed use of this structure.

VARIANCE

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 subject property has an irregular shape and the available building envelope is greatly constrained by environmental easements and features. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to retain the existing accessory structures. Finally, I find that the variances 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 lack of County and/or community opposition.

ORDER RECEIVED FOR FILING

Date 1-8-19

By lw

THEREFORE, IT IS ORDERED this 8th day of **January, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the BCZR to permit an existing dwelling to be utilized as an occasional guest dwelling upon the construction of a primary dwelling (*i.e.*, a second dwelling on an RC-5 lot), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit an existing accessory structure (barn/garage) to be located in the front yard in lieu of the required rear yard; (2) to permit an existing accessory structure (barn/garage) to exceed the maximum permitted height of 15'; (3) to permit a proposed accessory structure (barn) to exceed the maximum height of 15'; and (4) to permit a proposed accessory structure (barn) to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. The existing tenant house/cottage may not be used as an accessory apartment unless approved pursuant to BCZR Section 400.4 following a public hearing.
3. A rental housing license may not be sought or issued for the tenant house/cottage and that structure may not be leased or rented for compensation.

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:sln

ORDER RECEIVED FOR FILING

Date 1-8-19

By lwj



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 11526 FALLS ROAD which is presently zoned RC5
 Deed References: 40687 / 196 10 Digit Tax Account # 2500014592
 Property Owner(s) Printed Name(s) LITTLE POND LLC

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

SEE ATTACHED PAGE

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 PAGE

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 THE 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:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

LITTLE POND LLC
 Name #1 - Type or Print _____ Name #2 - Type or Print _____

X _____
 Signature #1 _____ Signature #2 _____

X 44 SPRINGHILL FARM COURT COCKEYSVILLE MD
 Mailing Address _____ City _____ State _____

X 21030 / 410.366-0909
 Zip Code _____ Telephone # _____ Email Address _____

DAVID @ SHOTCAP.COM
Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC

Name - Type or Print _____

Signature _____

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address _____ City _____ State _____

21053 / 410-419-4906
 Zip Code _____ Telephone # _____ Email Address _____

BDOAK @ BRUCEEDOAKCONSULTING.COM

Do Not Schedule Dates: _____ Reviewer JS

CASE NUMBER 2019 0159-SP41 Filing Date 11/9/18

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 1-8-19

By [Signature]

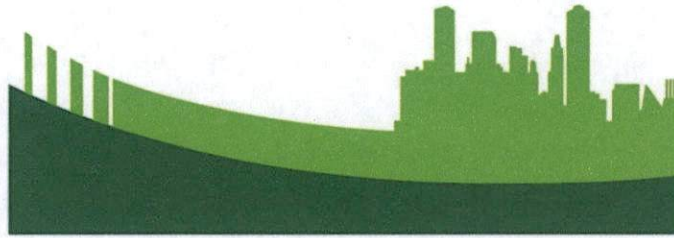
11526 Falls Road

Case# 2018-0159-SP4A

Partitions Requested

Special Hearing:

- 1) To permit an existing dwelling to be utilized as an occasional guest dwelling upon the construction of a primary dwelling
- 2) *To AMEND THE 4TH AMENDED FINAL DEVELOPMENT PLAN, REMOVING THE "TBR" (TO BE REMOVED) DESIGNATION ON THE EXISTING DWELLING WHICH IS TO REMAIN AND PROPOSED TO BE A GUEST HOUSE AND ON THE EXISTING ACCESSORY STRUCTURE (BARN/GARAGE) WHICH IS PROPOSED TO REMAIN.*
Variances: *STRUCTURE (BARN/GARAGE) WHICH IS PROPOSED TO REMAIN.*
- 1) To permit an existing accessory structure (barn/ garage) to be located in the front yard in lieu of the required rear yard per Section 400.1 BCZR
- 2) To permit an existing accessory structure (barn/ garage) with a height of 36 feet in lieu of the required 15 feet per Section 400.3 BCZR
- 3) *To PERMIT A PROPOSED ACCESSORY STRUCTURE (BARN) WITH A WITH A HEIGHT OF 24 FEET IN LIEU OF THE REQUIRED 15 FEET PER SECTION 400.3 BCZR*
- 4) *To PERMIT A PROPOSED ACCESSORY STRUCTURE (BARN) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION 400.1 BCZR*



Zoning Description

11526 Falls Road- 24.16 Acre Parcel
8th Election District 3rd Councilmanic District
Baltimore County, Maryland

Beginning at a point on the outline of the subject lot in the center of the existing driveway, said point being located from the centerline of Falls Road and Padonia Road, the two following courses and distances, viz.

- 1) Southerly 980 feet +_ and
- 2) Westerly & Southerly 1100 feet +_

Being Lot 40 as shown on the plat entitled " Second Amended Plat 2 of 7 Castanea" which is recorded in the Land Records of Baltimore County in PB 79, page 724.

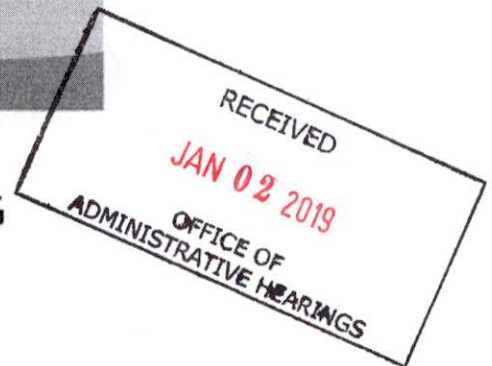
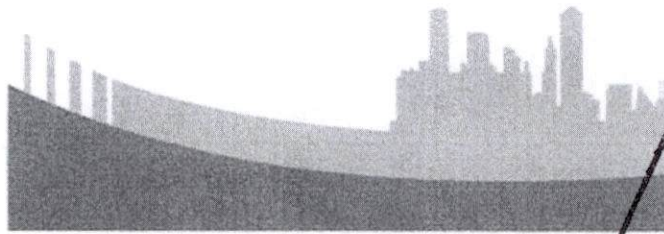
Containing 24.16 acres of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

2019-0159-SP4A



CERTIFICATE OF POSTING

December 16, 2018
January 1, 2019 Amended for second inspection

Re:
Zoning Case No. 2019-0159-SPHA
Legal Owner: Little Pond LLC
Hearing date: January 4, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 11526 Falls Road.

The signs were posted on December 14, 2018.

The signs were inspected again on December 31, 2018.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0159-SPHA

11526 Falls Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Friday January 4, 2019 1:30 PM

REQUESTS: SPECIAL HEARING 1) TO PERMIT AN EXISTING DWELLING TO BE
UTILIZED AS AN OCCASIONAL GUEST DWELLING UPON THE CONSTRUCTION
OF A PRIMARY DWELLING. 2) TO AMEND THE 4TH AMENDED FINAL DEVELOPMENT
PLAN, REMOVING THE "TDR" (TO BE REMOVED) DESIGNATION ON THE EXISTING
DWELLING WHICH IS TO REMAIN AND PROPOSED TO BE A GUEST HOUSE AND
ON THE EXISTING ACCESSORY STRUCTURE (BARN/GARAGE) WHICH
IS PROPOSED TO REMAIN.

VARIANCE 1) TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(BARN/GARAGE) TO BE LOCATED IN THE FRONT YARD IN LIEU OF
THE REQUIRED REAR YARD. 2) TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(BARN/GARAGE) WITH A HEIGHT OF 36 FEET IN LIEU OF THE REQUIRED 15 FEET. 3)
TO PERMIT A PROPOSED ACCESSORY STRUCTURE (BARN) WITH A HEIGHT OF 24
FEET IN LIEU OF THE REQUIRED 15 FEET. 4) TO PERMIT A PROPOSED ACCESSORY
STRUCTURE (BARN) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE
REQUIRED REAR YARD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-807-1301.

DO NOT NEGLECT THIS NOTICE AND FORGET UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE.

ZONING NOTICE

CASE NO. 2019-0159-SPHA

11526 Falls Road

**A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Friday January 4, 2019 1:30 PM

**REQUESTS: SPECIAL HEARING 1) TO PERMIT AN EXISTING DWELLING TO BE
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OF A PRIMARY DWELLING. 2) TO AMEND THE 4TH AMENDED FINAL DEVELOPMENT
PLAN, REMOVING THE "TDR" (TO BE REMOVED) DESIGNATION ON THE EXISTING
DWELLING WHICH IS TO REMAIN AND PROPOSED TO BE A GUEST HOUSE AND
ON THE EXISTING ACCESSORY STRUCTURE (DARNIGARAGE) WHICH
IS PROPOSED TO REMAIN.**

**VARIANCE 1) TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(DARNIGARAGE) TO BE LOCATED IN THE FRONT YARD IN LIEU OF
THE REQUIRED REAR YARD. 2) TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(DARNIGARAGE) WITH A HEIGHT OF 36 FEET IN LIEU OF THE REQUIRED 15 FEET. 3)
TO PERMIT A PROPOSED ACCESSORY STRUCTURE (DARN) WITH A HEIGHT OF 24
FEET IN LIEU OF THE REQUIRED 15 FEET. 4) TO PERMIT A PROPOSED ACCESSORY
STRUCTURE (DARN) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE
REQUIRED REAR YARD.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM THE HEARING CALL 410-587-3301.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS NOT STAFFED ACCESSIBLE**

IN THE MATTER OF	*	BEFORE THE ADMINISTRATIVE
11526 Falls Road	*	LAW JUDGE
Intersection of Falls Road and	*	FOR
Padonia Road	*	BALTIMORE COUNTY
8 th Election District	*	
2nd Councilmanic District	*	
Legal Owners:	*	Case No. 201-0159-SPHA
Little Pond, LLC		

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Wright, Constable & Skeen, LLP and J. Neil Lanzi,
Esquire on behalf of Little Pond, LLC in the above captioned matter.



J. Neil Lanzi
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue
Suite 406
Towson, Maryland 21204
(443) 991-5917

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 20th day of December, 2018, a copy of
the foregoing Entry of Appearance was mailed, postage prepaid, to Peter Max Zimmerman,
People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue
Towson, MD 21204.



J. Neil Lanzi

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11660099
Case #: 2019-0159-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0159-SPHA

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/14/2018



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0159-SPHA

11626 Falls Road

Intersection of Falls Road and Padonia Road

8th Election District - 2nd Councilmanic District

Legal Owners: Little Pond, LLC

Special Hearing to permit an existing dwelling to be utilized as an occasional guest dwelling upon the construction of a primary dwelling. To amend the 4th Amended Final Development Plan, removing the "TBR" (to be removed) designation on the existing dwelling which is to remain and proposed to be a guest house and on the existing accessory structure (barn/garage) which is proposed to remain. Variance to permit an existing accessory structure (barn/garage) to be located in the front yard in lieu of the required rear yard. To permit an existing accessory structure (barn/garage) with a height of 36 ft. in lieu of the required 15 ft. To permit a proposed accessory structure (barn) with a height of 24 ft. in lieu of the required 15 ft. To permit a proposed accessory structure (barn) to be located in the front yard in lieu of the required rear yard.

Hearing: Friday, January 4, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3863.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

d14

Sherry Nuffer

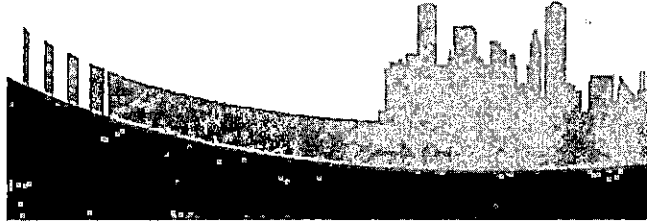
From: Bruce Doak <doakfarm@gmail.com>
Sent: Friday, December 28, 2018 10:02 AM
To: Sherry Nuffer
Subject: Case #2019-0159-SPHA posting cert
Attachments: Posting cert 12 28 18.pdf

Good morning and Happy New Year,

I have enclosed the follow up posting certification.

Thanks,
Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com





CERTIFICATE OF POSTING

December 16, 2018
December 28, 2018 Amended for second inspection

Re:
Zoning Case No. 2019-0159-SPHA
Legal Owner: Little Pond LLC
Hearing date: January 4, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **11526 Falls Road**.

The signs were posted on **December 14, 2018**.

The signs were inspected again on **December 28, 2018**.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0159-SPHA

11526 Falls Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Friday January 4, 2019 1:30 PM

REQUESTS: SPECIAL HEARING 1) TO PERMIT AN EXISTING DWELLING TO BE
UTILIZED AS AN OCCASIONAL GUEST DWELLING UPON THE CONSTRUCTION
OF A PRIMARY DWELLING; 2) TO AMEND THE 4TH AMENDED FINAL DEVELOPMENT
PLAN, REMOVING THE "TBR" (TO BE REMOVED) DESIGNATION ON THE EXISTING
DWELLING WHICH IS TO REMAIN AND PROPOSED TO BE A GUEST HOUSE AND
ON THE EXISTING ACCESSORY STRUCTURE (BARN/GARAGE) WHICH
IS PROPOSED TO REMAIN.

VARIANCE 1) TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(BARN/GARAGE) TO BE LOCATED IN THE FRONT YARD IN LIEU OF
THE REQUIRED REAR YARD. 2) TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(BARN/GARAGE) WITH A HEIGHT OF 36 FEET IN LIEU OF THE REQUIRED 15 FEET. 3)
TO PERMIT A PROPOSED ACCESSORY STRUCTURE (BARN) WITH A HEIGHT OF 24
FEET IN LIEU OF THE REQUIRED 15 FEET. 4) TO PERMIT A PROPOSED ACCESSORY
STRUCTURE (BARN) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE
REQUIRED REAR YARD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-987-3391.

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

ZONING NOTICE

CASE NO. 2019-0159-SPHA

11526 Falls Road

**A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD. 21204**

DATE & TIME: Friday January 4, 2019 1:30 PM

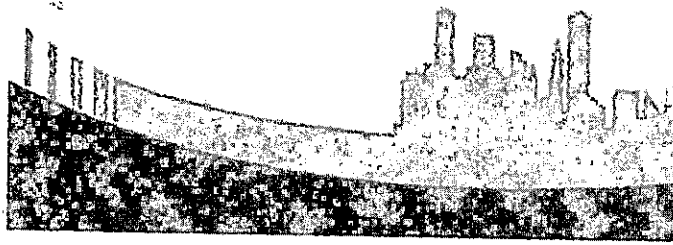
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(BARN/GARAGE) TO BE LOCATED IN THE FRONT YARD IN LIEU OF
THE REQUIRED REAR YARD. 2) TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(BARN/GARAGE) WITH A HEIGHT OF 30 FEET IN LIEU OF THE REQUIRED 15 FEET. 3)
TO PERMIT A PROPOSED ACCESSORY STRUCTURE (BARN) WITH A HEIGHT OF 24
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STRUCTURE (BARN) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE
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**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

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





CERTIFICATE OF POSTING

December 16, 2018

_____ amended for second inspection

Re:

Zoning Case No. 2019-0159-SPHA

Legal Owner: Little Pond LLC

Hearing date: January 4, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 11526 Falls Road.

The signs were initially posted on December 14, 2018.

The subject property was also inspected on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0159-SPHA
11526 Falls Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Friday January 4, 2019 1:30 PM

REQUESTS: SPECIAL HEARING 1) TO PERMIT AN EXISTING DWELLING TO BE UTILIZED AS AN OCCASIONAL GUEST DWELLING UPON THE CONSTRUCTION OF A PRIMARY DWELLING. 2) TO AMEND THE 4TH AMENDED FINAL DEVELOPMENT PLAN, REMOVING THE "TBR" (TO BE REMOVED) DESIGNATION ON THE EXISTING DWELLING WHICH IS TO REMAIN AND PROPOSED TO BE A GUEST HOUSE AND ON THE EXISTING ACCESSORY STRUCTURE (BARN/GARAGE) WHICH IS PROPOSED TO REMAIN.

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THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO 2019-0159-SPHA

11526 Falls Road

**A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Friday January 4, 2019 1:30 PM

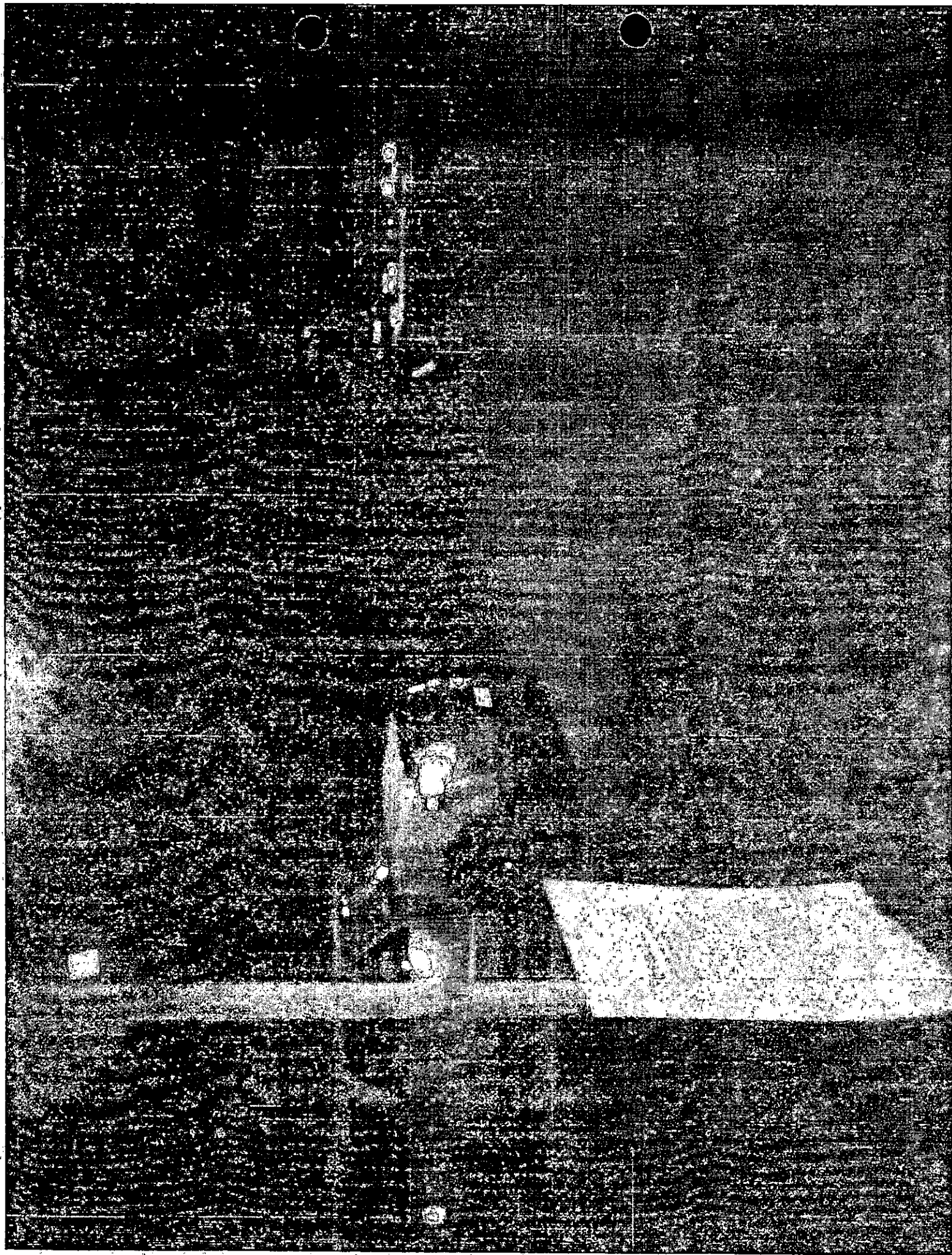
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**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
11526 Falls Road; c/line intersection of Falls	*	OF ADMINISTRATIVE
Road & Padonia Road, 980' SE		
8 th Election & 2 nd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Little Pond, LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2019-159-SPHA

* * * * *

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
NOV 20 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 20th day of November, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



DONALD I. MOHLER III
County Executive
December 3, 2018

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

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: 201-0159-SPHA

11526 Falls Road
Intersection of Falls Road and Padonia Road
8th Election District – 2nd Councilmanic District
Legal Owners: Little Pond, LLC

Special Hearing to permit an existing dwelling to be utilized as an occasional guest dwelling upon the construction of a primary dwelling. To amend the 4th Amended Final Development Plan, removing the "TBR" (to be removed) designation on the existing dwelling which is to remain and proposed to be a guest house and on the existing accessory structure (barn/garage) which is proposed to remain. Variance to permit an existing accessory structure (barn/garage) to be located in the front yard in lieu of the required rear yard. To permit an existing accessory structure (barn/garage) with a height of 36 ft. in lieu of the required 15 ft. To permit a proposed accessory structure (barn) with a height of 24 ft. in lieu of the required 15 ft. To permit a proposed accessory structure (barn) to be located in the front yard in lieu of the required rear yard.

Hearing: Friday, January 4, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053
Little Pond, LLC, 44 Springhill Farm Court, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 15, 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: THE DAILY RECORD
Friday, December 14, 2018 - Issue

Please forward billing to:

David Dunn
Little Pond, LLC
44 Springhill Farm Court
Cockeysville, MD 21030

410-366-0909

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: 2019-0159-SPHA

11526 Falls Road
Intersection of Falls Road and Padonia Road
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Hearing: Friday, January 4, 2019 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.
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**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 fifteen (15) 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: 2019-0159-SPHA

Property Address: 11526 Falls Road

Property Description: LOT 40 "SECONO AMENDED PLAT 2 OF 7 CASTANEA"
PB 79/724

Legal Owners (Petitioners): LITTLE POND LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID DUNN

Company/Firm (if applicable): _____

Address: 44 SPRINGHILL FARM COURT
COCKEYSVILLE MD 21030

Telephone Number: 410-366-0909

Revised 5/20/2014

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

12/19

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

N/C

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

FIRE DEPARTMENT

12/5

PLANNING
(if not received, date e-mail sent _____)no obj
w/condition

11/20

STATE HIGHWAY ADMINISTRATION

NO Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2018-0637-A)

NEWSPAPER ADVERTISEMENT Date: 12/14/18

SIGN POSTING (1st) Date: 12/14/18

by Doak

SIGN POSTING (2nd) Date: 12/28/18

by Doak

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	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 08 Account Number - 2500014592			
Owner Information					
Owner Name:		LITTLE POND LLC		Use:	RESIDENTIAL
Mailing Address:		44 SPRINGHILL FARM CT COCKEYSVILLE MD 21030-		Principal Residence:	NO
				Deed Reference:	/40687/ 00196
Location & Structure Information					
Premises Address:		11526 FALLS RD LUTHERVILLE 21093-		Legal Description:	24.16 AC 11526 FALLS RD WS CASTANEA
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0059	0006	0005		9724	
					Block:
					40
					Assessment Year:
					2017
					Plat No:
					Plat Ref: 0079/ 0724
Special Tax Areas:		TOWN:			
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				24.1600 AC	
				County Use	
				04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value		Value	
				As of	
				01/01/2017	
				Phase-In Assessments	
				As of	
				07/01/2018	
				As of	
				07/01/2019	
Land:		262,100		262,100	
Improvements		0		0	
Total:		262,100		262,100	
Preferential Land:		0		262,100	262,100
					0
Transfer Information					
Seller: ROOTS MANOR LLC		Date: 09/20/2018		Price: \$1,642,875	
Type: ARMS LENGTH IMPROVED		Deed1: /40687/ 00196		Deed2:	
Seller: CR GOLF CLUB LLC		Date: 10/20/2017		Price: \$1,500,000	
Type: ARMS LENGTH IMPROVED		Deed1: /39535/ 00010		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2018	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
Tax Exempt:		Special Tax Recapture:		07/01/2019	
Exempt Class:		NONE		0.00 0.00	
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

L MS 8-24-17

IN RE: DEVELOPMENT PLAN HEARING & *	BEFORE THE OFFICE OF
PETITION FOR VARIANCE	
(CASTANEA PHASE 1 – LOT 40) *	ADMINISTRATIVE HEARINGS
8 Election District	
2 nd Council District *	FOR
(11700 Falls Road) *	BALTIMORE COUNTY
CR Golf Club, LLC *	HOH Case No. 08-0886 and
Owner/Developer	Zoning Case No. 2018-0037-A
*	

* * * * *

ADMINISTRATIVE LAW JUDGE'S
DEVELOPMENT PLAN OPINION & ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code ("B.C.C."). CR Golf Club, LLC, the owner/developer of the subject property, (hereinafter "the Developer"), submitted for approval a five-sheet redlined Development Plan ("Plan") prepared by KCI Technologies, Inc., known as "Castanea Phase I – Lot 40."

This proceeding concerns just one lot shown on the Plan, identified as Lot 40. The proposed lot is 24.166 acres, more or less, and is zoned RC 5. The dwelling to be erected thereon would be known as 11526 Falls Road.

The Developer also has filed a Petition for Variance pursuant to §§ 307.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit three (3) existing structures to remain on Lot 40 and to permit these to be located in the proposed front and/or side yard in lieu of the required rear yard and to exceed the maximum permitted height of 15 ft.

The development and zoning cases were considered at a combined hearing as permitted by Baltimore County Code ("B.C.C.") § 32-4-230. Details of the proposed development are

more fully depicted on the redlined six-sheet Development Plan that was marked and accepted into evidence as Developer's Exhibit 1A-1F. The property was posted with the Notice of Hearing Officer's Hearing on July 26, 2017 and on August 4, 2017 with the Zoning Notice, in compliance with the regulations, in order to inform all interested citizens of the date and location of the hearing. The undersigned conducted the hearing on August 24, 2017, at 10:00 AM, Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

The property is located in a "Tier III" area as designated by the County pursuant to the requirements of § 1-501 et seq. of the Maryland Annotated Code Land Use Article. "A residential 'major subdivision' in a Tier III area may not be approved unless the planning board has reviewed and recommended approval ...". Maryland Annotated Code Land Use § 5-104(e). The proposed development was approved on July 20, 2017 by the Baltimore County Planning Board. Baltimore County Exhibit 3.

In attendance at the Hearing Officer's Hearing (HOH) in support of the Plan on behalf of the Developer and property owner were Mark Keeley, Ray Hopkins, John Canoles, Joe Maranto, Tom Faust, and Matthew S. Sichel, P.E., with KCI Technologies, the consulting firm that prepared the site plan. Patricia A. Malone, Esquire and Robert A. Hoffman, Esq., both with Venable, LLP, appeared and represented the Developer. Several citizens from the area also attended the hearing and their names are reflected on the sign-in sheets.

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the hearing, including the following individuals from the Department of Permits and Development Management: Darryl Putty, Project Manager, Vishnu Desai and Jim Hermann (Development Plans Review ["DPR"]), and Jun R. Fernando (Office of Zoning Review). Also appearing on behalf of the County were Steve Ford from the Department of

Environmental Protection and Sustainability ("DEPS"), and Lloyd Moxley from the Department of Planning ("DOP").

With two exceptions (as noted below), all County agency representatives indicated the Plan addressed all comments submitted by their agency, and they each recommended approval of the Plan. Mr. Moxley indicated the Developer satisfied the RC 5 performance standards (Baltimore County Exhibit 2) and also presented a School Impact Analysis (Baltimore County Exhibit 1) indicating that the elementary and high schools in the district are not overcrowded. Mr. Moxley noted that while Ridgley Middle School was at 115.23% of State Rated Capacity, sufficient capacity exists at adjacent middle schools. Following the hearing, the County's landscape architect indicated his office has approved a schematic landscape plan for Lot 40. Mr. Hermann also submitted a copy of an approved waiver of Local Open Space ("LOS"), permitting Developer to pay a fee of \$1,100.00 in lieu of providing the required LOS. Baltimore County Exhibit 4. In addition, by memorandum dated August 28, 2017, Mr. Ford indicated the Plan has now been approved by all sections of DEPS.

In its case, the Developer presented one (1) witness: Matthew S. Sichel, P.E., a licensed professional engineer who was accepted as an expert. The witness described the proposed building lot and also discussed the zoning request, as detailed in a subsequent portion of this Order. Mr. Sichel explained Developer was at this time seeking approval of only one lot (i.e., Lot 40), and that Developer would seek approval for the other lots shown on the Plan in future phases, which would require additional public hearings. Mr. Sichel opined Developer satisfied all Baltimore County development rules and regulations.

The neighbors in attendance did not question the County agency representatives or Mr. Sichel. Ms. Schulman, an attorney, testified and also presented several exhibits concerning "Lot

12" which is shown on the development plan. Protestants' Exhibit 1. Ms. Schulman testified Lot 12 as shown on the Plan encompasses within its boundaries a tract of land known as "Parcel 551." According to the witness, Parcel 551 was the subject of judicial and administrative proceedings wherein it was held the parcel was "not for residential use."

As explained at the hearing, the Developer is not at this time seeking approval of Lot 12, and the order below will not address the issue raised (and preserved) by Ms. Schulman. Sheet 3 of the Plan contains a note concerning a portion of proposed Lot 12 (shown with leader arrows): "Area Not for Residential Use Per 9049/279." Developer' Exhibit 1C. Should Developer in the future seek approval of Lot 12 as shown on the Development Plan submitted herein (Developer's Exhibit 1A-1F), the protestants will be able to renew their objections concerning the use and/or inclusion of Parcel 551.

The Baltimore County Code provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." B.C.C. § 32-4-229. After due consideration of the testimony and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the Plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of Lot 40 as shown on the Development Plan.

ZONING REQUEST

The variance request seeks to permit three (3) existing structures to remain on Lot 40 and to be located in the front and/or side yard of the proposed dwelling in lieu of the required rear yard and to exceed the maximum permitted height of 15 ft. A substantive Zoning Advisory Committee ("ZAC") comment was received from the DEPS, dated August 8, 2017. That agency

did not oppose the requests but indicated that development of the property must comply with Regulations for the Protection of Water Quality, Streams, Wetland and Floodplains (Sections 33-3-101 through 33-3-120 of the B.C.C.).

Variance

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

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

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

The property is irregularly shaped and is therefore unique. If the regulations were strictly interpreted, Developer would experience a practical difficulty because it would be unable to retain the existing structures. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, "Castanea Phase I – Lot 40" as shown on the Development Plan shall be approved.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 30th day of August, 2017, that the "CASTANEA PHASE I – LOT 40" redlined Development Plan, marked and accepted into evidence as Developer's Exhibit 1, be and is hereby **APPROVED**, subject to the conditions noted below.

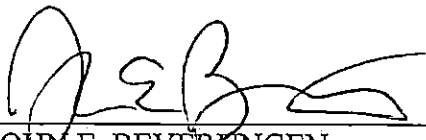
IT IS FURTHER ORDERED that the Petition for Variance pursuant to §§ 307.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three (3) existing structures to remain on Lot 40 and to permit these to be located in the front and/or side yard of the proposed dwelling in lieu of the required rear yard and to exceed the maximum permitted height of 15 ft., be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Planning Board dated July 20, 2017 (a copy of which is attached hereto) be and is hereby incorporated as a part of this final order.

The relief granted herein shall be subject to the following condition(s):

1. Only Lot 40 as shown on the Plan marked as Developer's Exhibit 1A-1F is approved at this time. None of the other proposed lots shown on the Plan are approved by virtue of this order.
2. Developer must comply with the DEPS ZAC comment, dated August 8, 2017; a copy of which is attached hereto and made a part hereof.
3. The three (3) existing detached structures on Lot 40 shall not contain any kitchens, bathroom facilities, and may not be used for commercial purposes.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, § 32-4-281.


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

CASE NAME Little Pemo, LLC
CASE NUMBER 201-0159-SP+HA
DATE 1/4/19

[illegible]

Case No.: 2019-0159-SPHA

11/4
1:30 PM

Exhibit Sheet

Petitioner/Developer

Protestants

DW
1-8-19

DW
2-8-19

No. 1	Sitz plan	
No. 2	Plat - Castanea	
No. 3	Dunn Property - GIS Exhibit	
No. 4	4A+4B Aerial photos	
No. 5	Elevations - proposed SFD	
No. 6	Proposed Shed Elevations	
No. 7	Portions of Castanea Dev. Plan	
No. 8	Plan showing environmental easements	
No. 9	Plan w/ photos A-I	
No. 10		
No. 11		
No. 12		



DUNN RESIDENCE
LUTHERVILLE-TIMONIUM, MARYLAND



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LUTHERVILLE-TIMONIUM, MARYLAND



DUNN RESIDENCE
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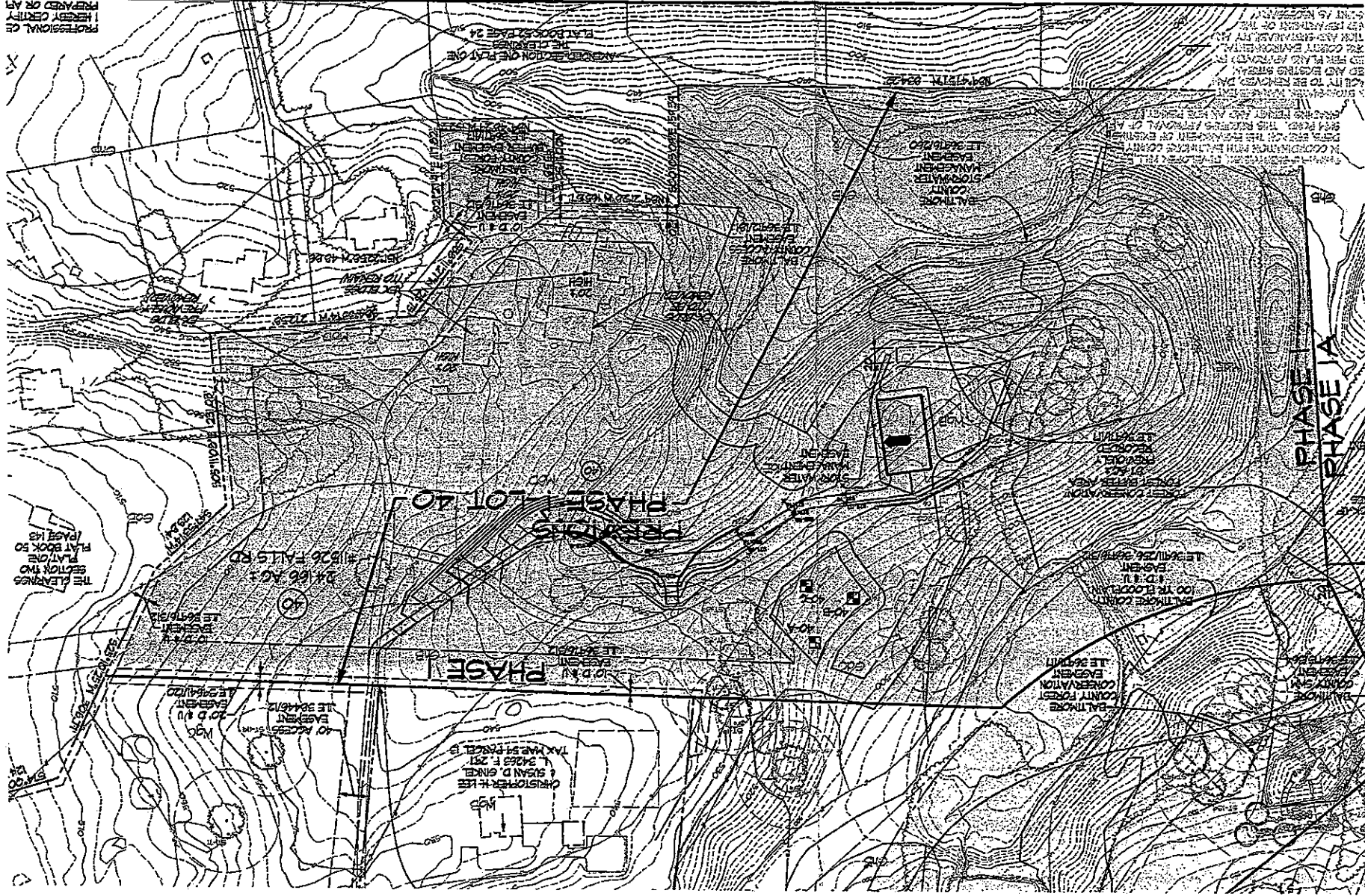
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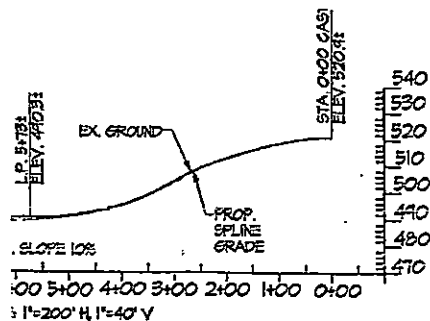


DUNN RESIDENCE
LUTHERVILLE-TIMONIUM, MARYLAND

745,190,219







HANDLE PROFILE LOTS 16 & 17

1"=40' V
5500'

PHASING PLAN

SCALE: 1"=500'

PARKING NOTE

NO PARKING SIGNS TO BE POSTED
ALONG THE ENTIRE LENGTH OF CERVO
AND VOLPE COURTS

SUBDIVISION NOTE

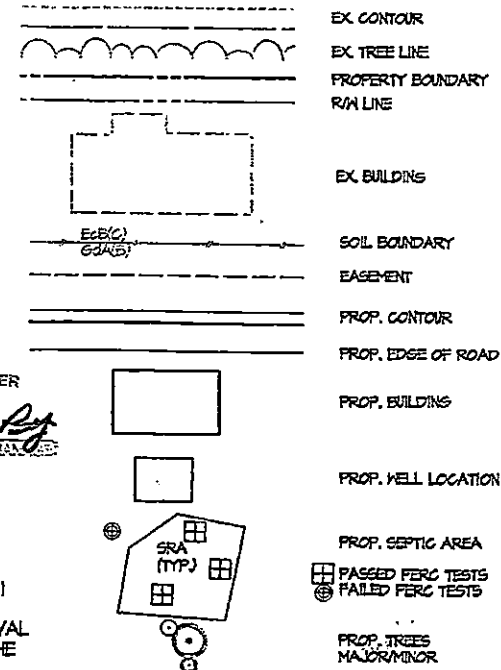
DEVELOPER INTENDS TO SUBDIVIDE PARCEL A INTO 32 LOTS.
WITH THE 8 LOTS PREVIOUSLY APPROVED, THE CASTANEA
DEVELOPMENT WILL CONSIST OF A TOTAL OF 40 LOTS.
DEVELOPER HAS CHOSEN TO PROCESS THE DEVELOPMENT
OF THE 32 LOTS IN PHASES. DEVELOPER FILED A DEVELOPMENT
PLAN REQUESTING SUBDIVISION APPROVAL FOR ONE LOT (PHASE 1
- LOT 40). THAT PLAN WAS APPROVED 4-15-17. WITH THIS
DEVELOPMENT PLAN, DEVELOPER REQUESTS SUBDIVISION APPROVAL
FOR THE REMAINING 31 LOTS (PHASE 1A, 2, AND 3 - LOTS 9-39). THE
PLANS ARE CONSISTENT WITH EACH OTHER AND REFLECT A
COHESIVE DEVELOPMENT.

PLAN TO ACCOMPANY
HEARING OFFICER'S ORDER

3/8/2018
DATE PROJECT MANAGER

PREVIOUS PHASE

LEGEND



PAI #08-0886

 KCI TECHNOLOGIES 936 RIDGEBROOK ROAD SPARKS, MARYLAND 21152 TELEPHONE: (410) 316-7800 FAX: (410) 316-7818	ENGINEERS PLANNERS SCIENTISTS CONSTRUCTION MANAGERS				REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1-24-18</td> <td></td> <td>PER DFC COMMENTS</td> <td>KCI</td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION	BY	1-24-18		PER DFC COMMENTS	KCI	DATE 6/19/2017 SCALE 1" = 100' DESIGNED BY MS DRAWN BY FFM	DEVELOPMENT PLAN CASTANEA PHASES 1A-3 BALTIMORE COUNTY, MD	DRAWING NO. C03 SHEET 3 OF 3 KCI JOB NUMBER 27121984
	NO.	DATE	DESCRIPTION	BY													
1-24-18		PER DFC COMMENTS	KCI														
BALTIMORE COUNTY, MD ELECTION DISTRICT 8, C-2																	















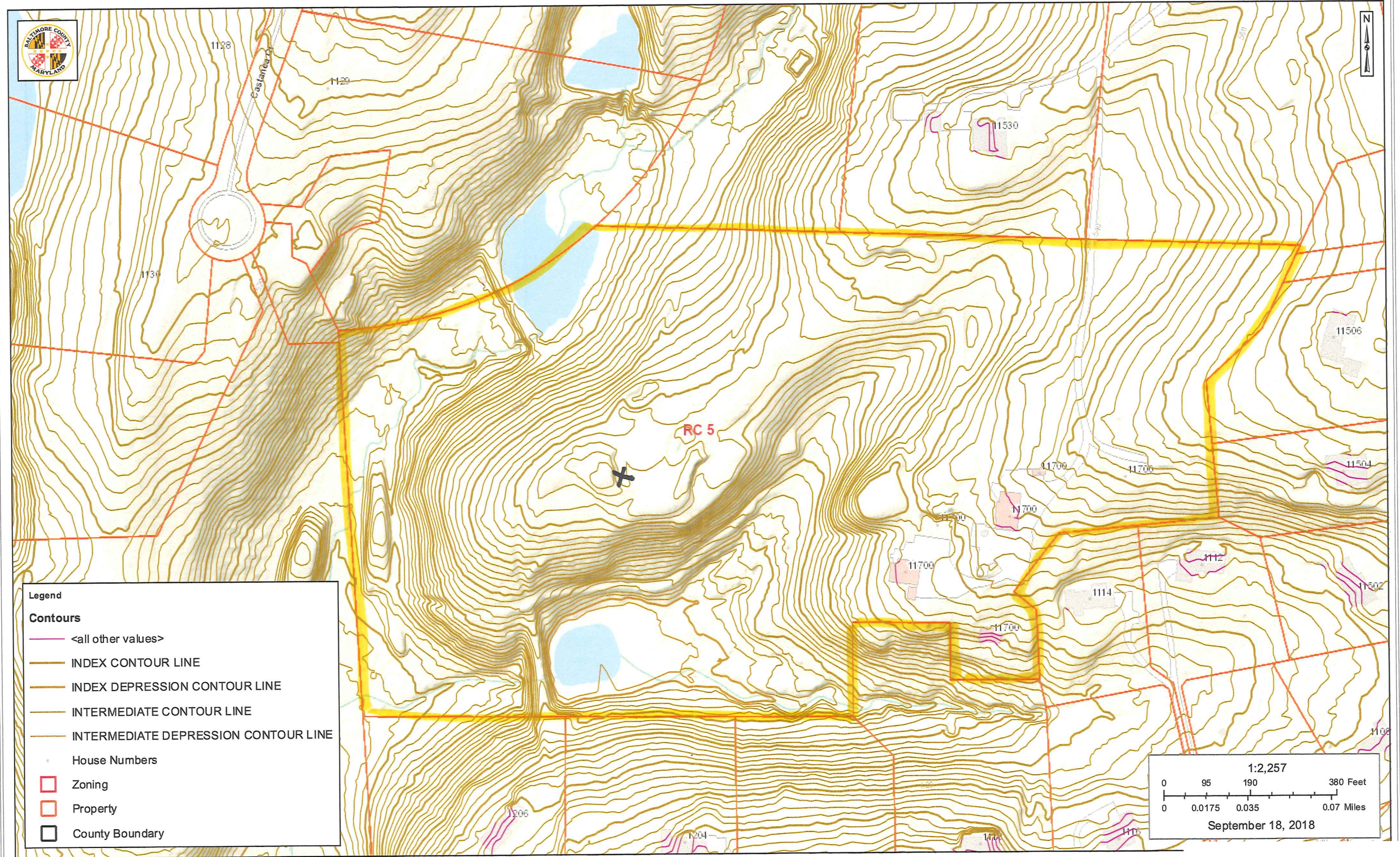


A





Dunn Property- GIS

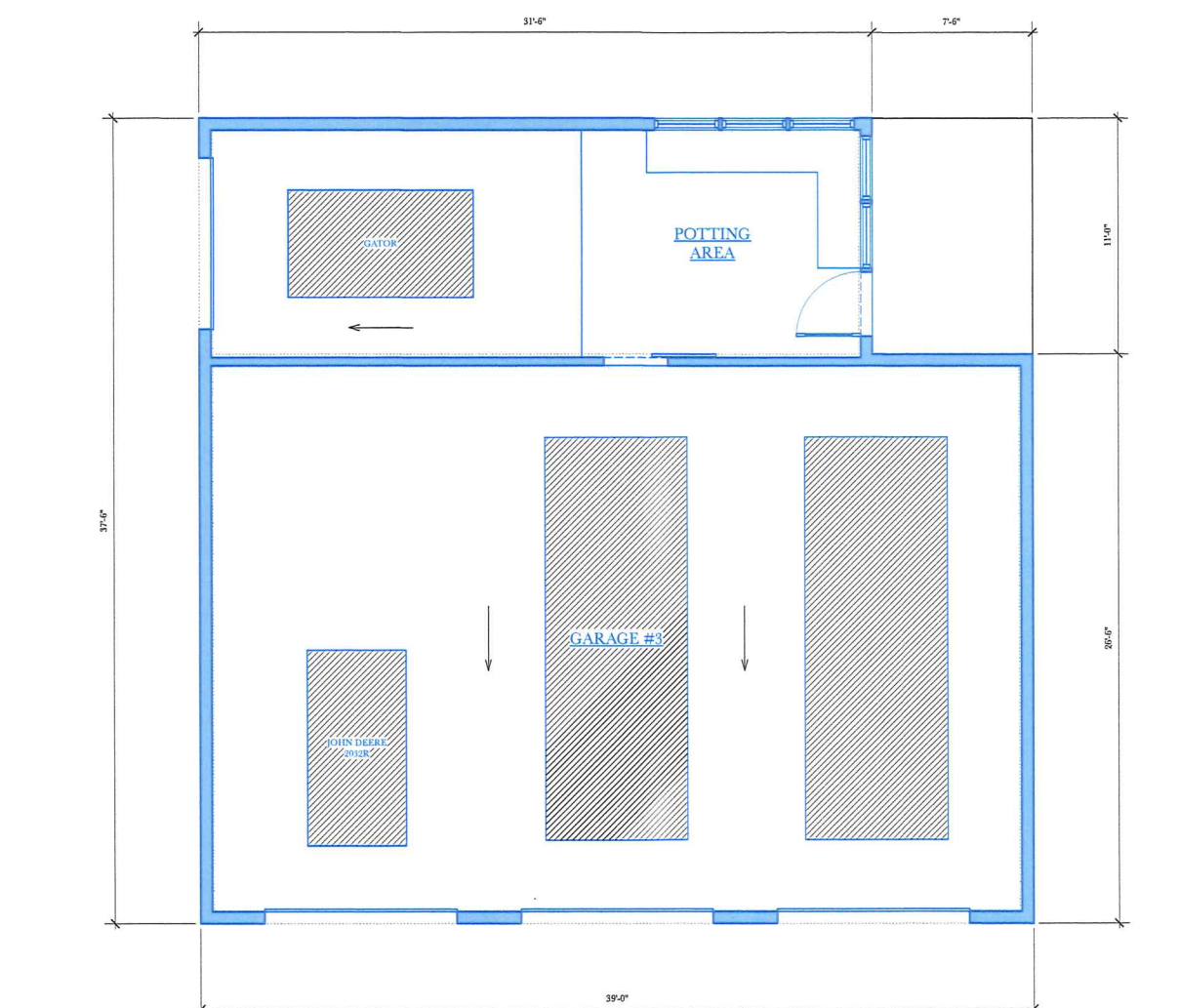


Title

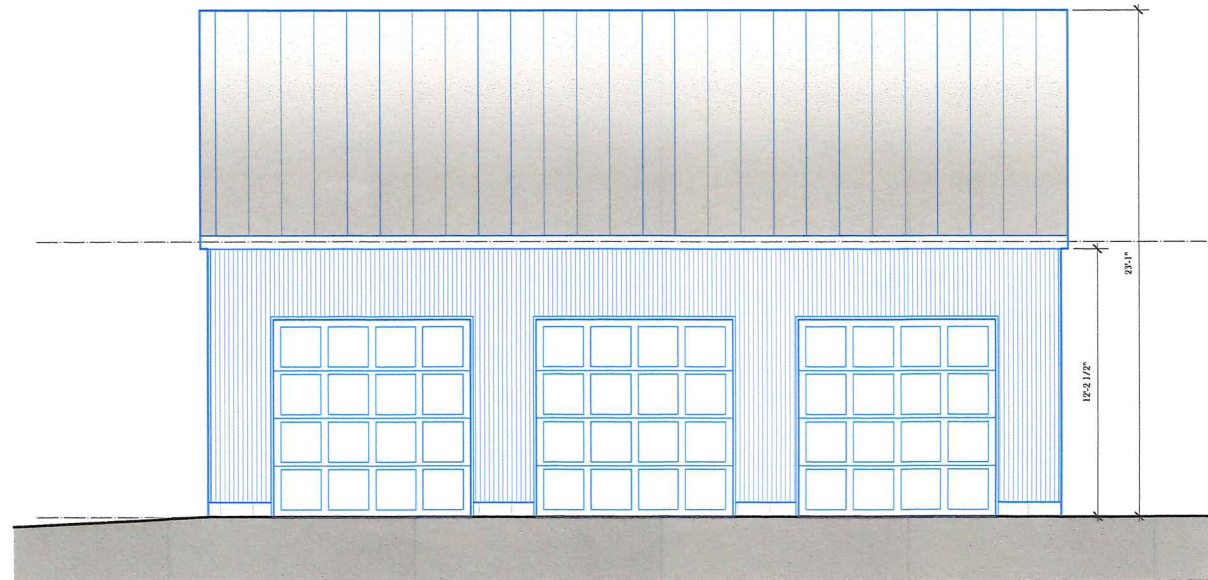


Baltimore County - My Neighborhood

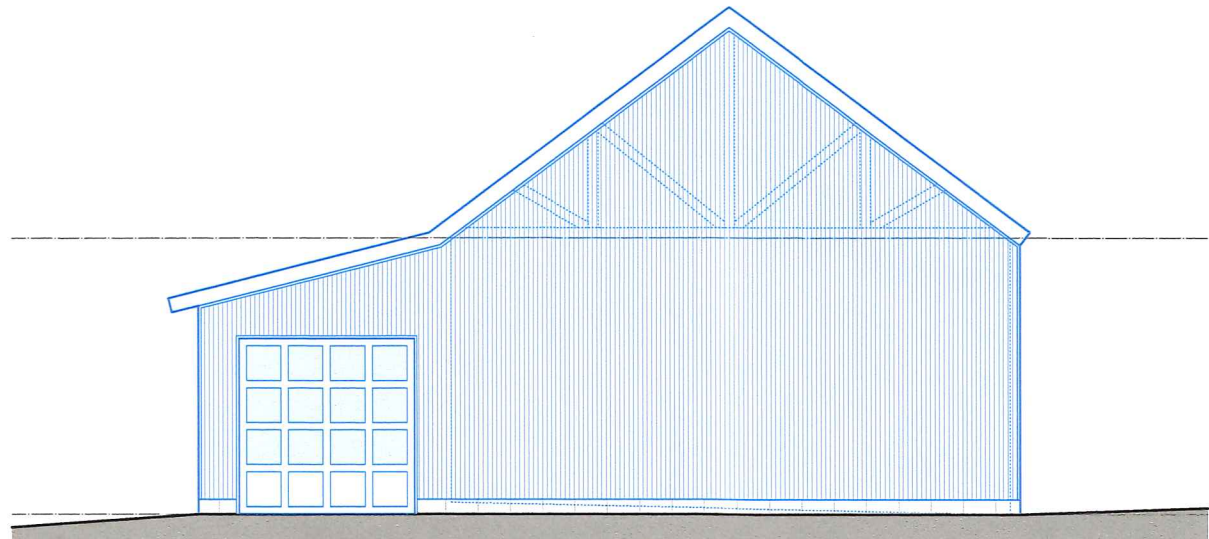




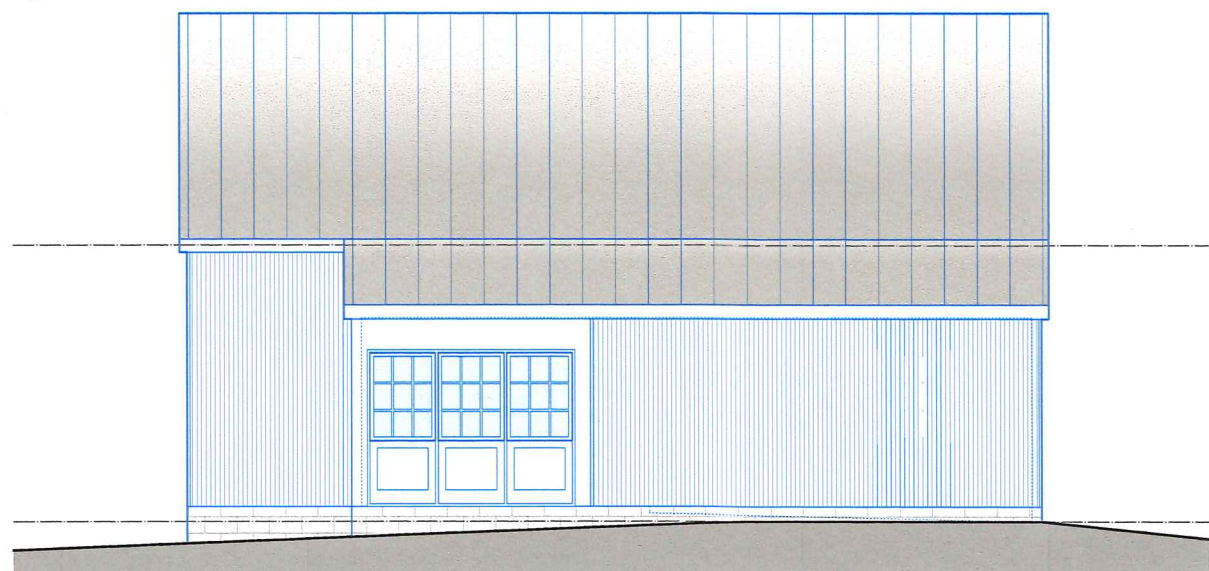
1 PROPOSED PLAN
Scale: 1/4" = 1'-0"



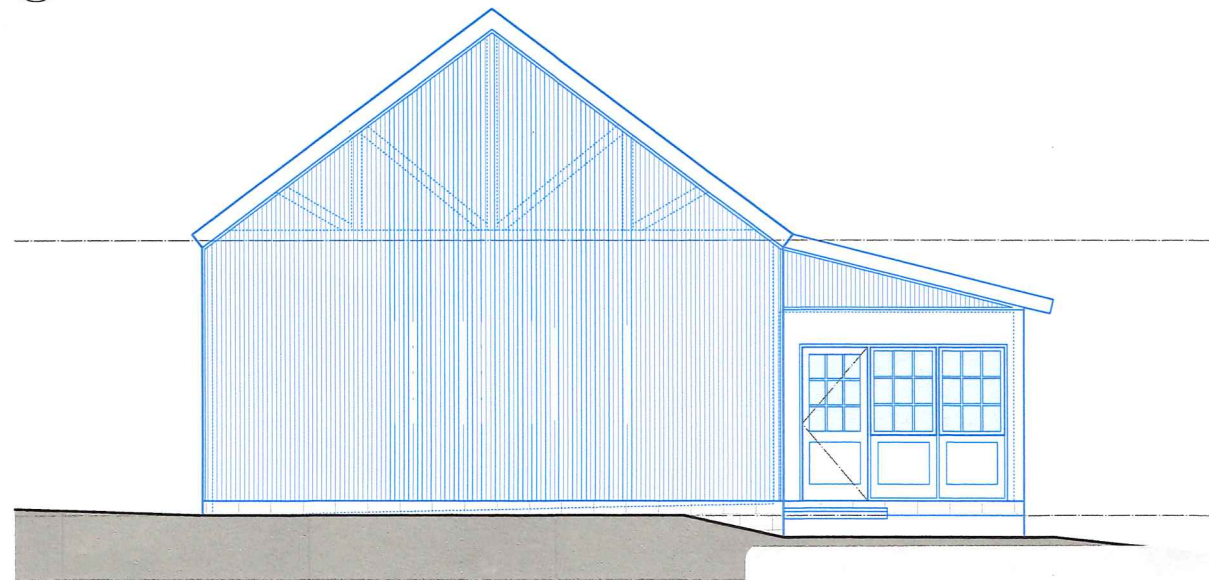
2 PROPOSED FRONT ELEVATION
Scale: 1/4" = 1'-0"



3 PROPOSED SIDE ELEVATION (SOUTH)
Scale: 1/4" = 1'-0"



4 PROPOSED REAR ELEVATION
Scale: 1/4" = 1'-0"



5 PROPOSED SIDE ELEVATION (NORTH)
Scale: 1/4" = 1'-0"

DUNN RESIDENCE
11526 FALLS ROAD
SPARKS, MARYLAND

PROPOSED SHED
PLAN AND ELEVATIONS

PROJECT NAME:

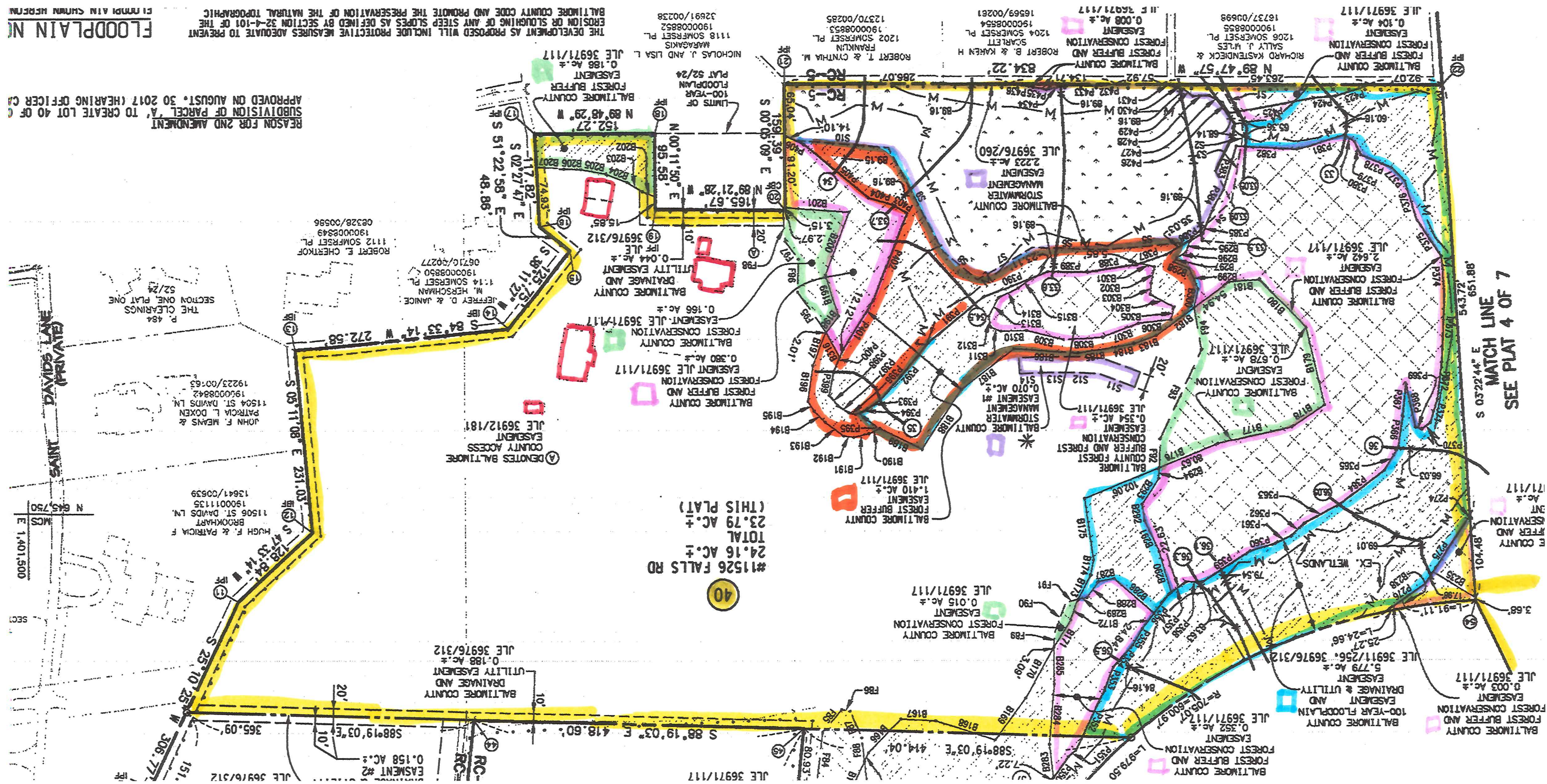
DRAWING TITLE:

DATE:	© 2018 GREENEARCH	SCALE: 1/4" = 1'-0"
CREATED:	11/06/18	11/07/18
REVISED:		

SEAL:

A-104

DRAWING #:



GENERAL SITE INFORMATION

1. Ownership: Little Pond LLC
2. Address: 11526 Falls Road Lutherville, MD 21093
3. Deed references: JLE 40687/196
4. Area: 24.16 acre (per PB 79/724)
5. Tax Map / Parcel / Tax account #: 59 / 05 / 25-00-014592
6. Election District: 8 Councilmanic District: 2
ADC Map: 4459K10 GIS tile: 059C1 Position sheet: 52NW14
Census tract: 408302 Census block: 24005408302
Schools: Mays Chapel ES/ Fort Garrison ES Ridgely MS/ Pikesville HS/ Pikesville HS/ Dulaney HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 059C1 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling & garage/ barn. The existing dwelling and garage/ barn will remain.

OFFICE OF ZONING

Zoning: R.C. 5 There are no previous zoning cases on the subject parcels.
Zoning Map: 059C1

Parking Calculations

Required parking spaces for a dwelling: 2
Parking spaces provided on site: 2+

R.C.5 Setbacks for Residential Buildings

Front: 150 feet from the centerline of a collector road
Side / Rear: 50 feet from any property line

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ENVIRONMENTAL IMPACT

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4. The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

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2. Growth Tier: 3 Large lot developments on septic
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The proposed improvements to the subject lot will meet the performance standards.

PROPOSED DEVELOPMENT

*To utilize the existing accessory dwelling as a guest house and construct a primary dwelling on the subject lot.

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(4)
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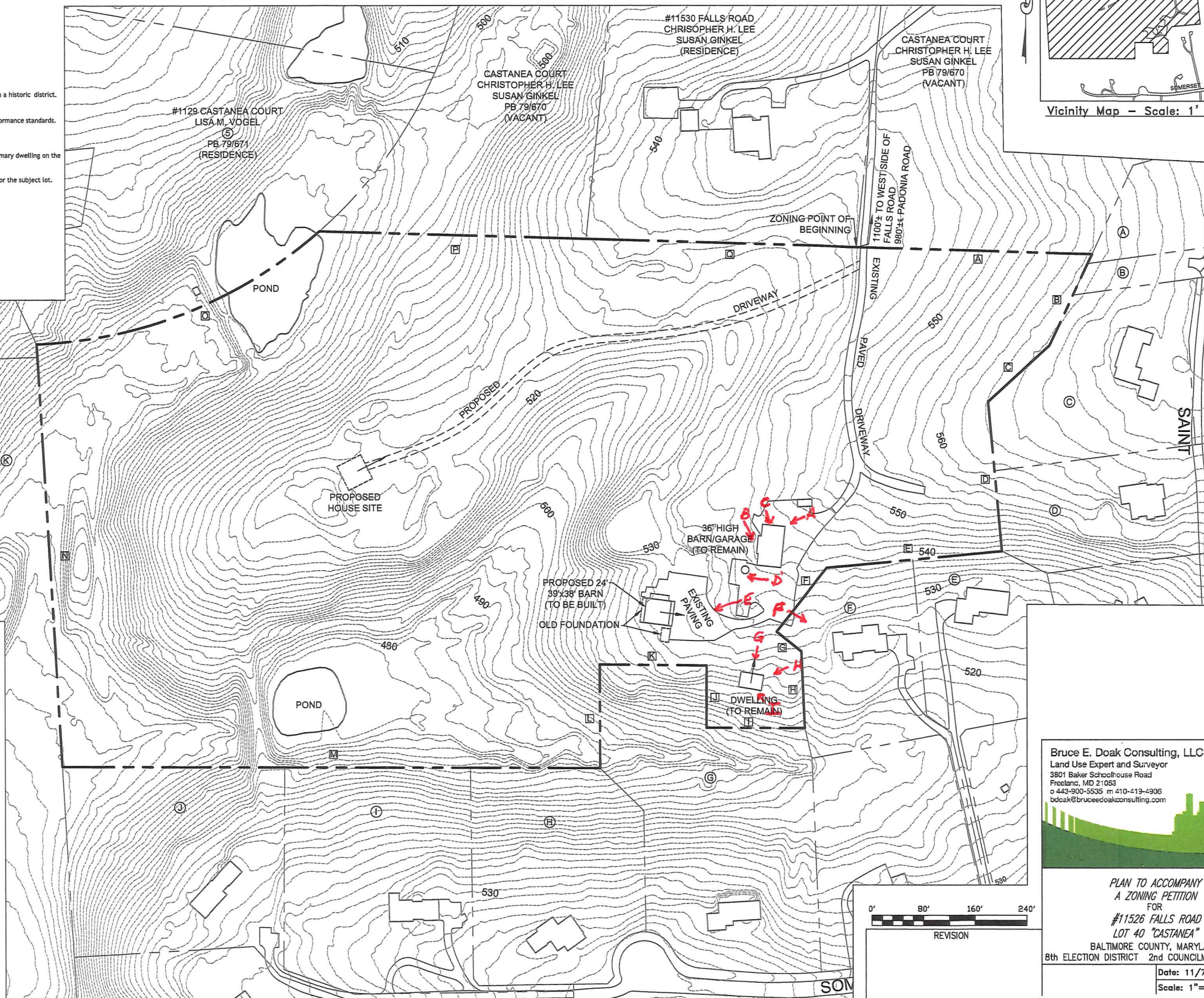
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PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#11526 FALLS ROAD
LOT 40 "CASTANEA"
BALTIMORE COUNTY, MARYLAND
8th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
Date: 11/7/2018
Scale: 1"= 80'

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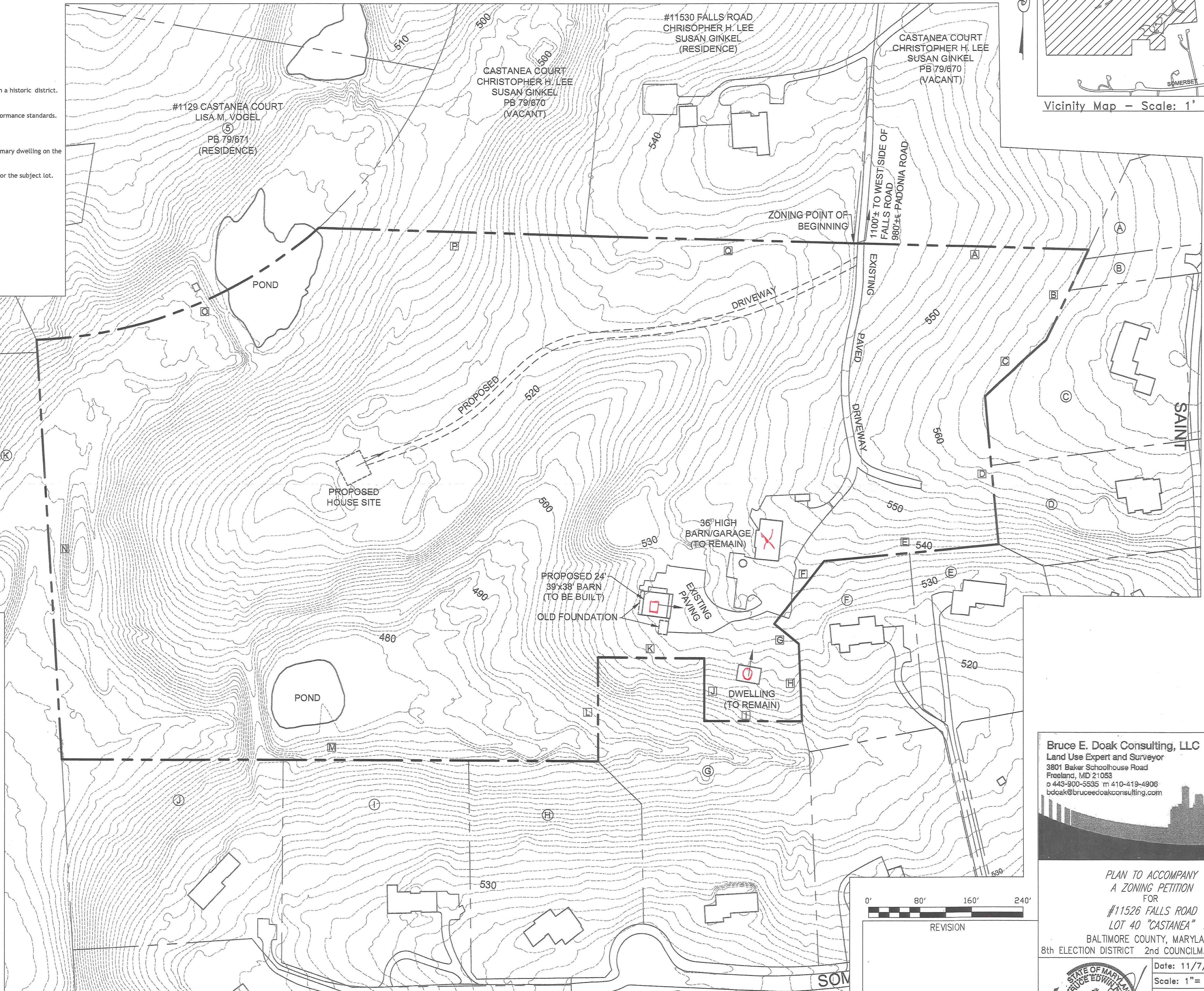
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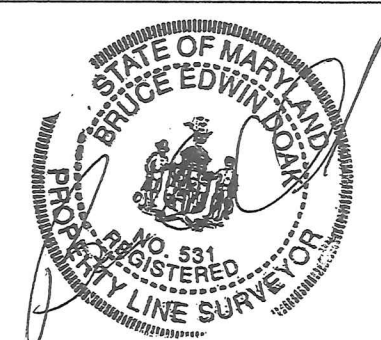
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A ZONING PETITION
FOR
#11526 FALLS ROAD
LOT 40 "CASTANEA"
BALTIMORE COUNTY, MARYLAND
8th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT



Date: 11/7/2018
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EXHIBIT NO. 1

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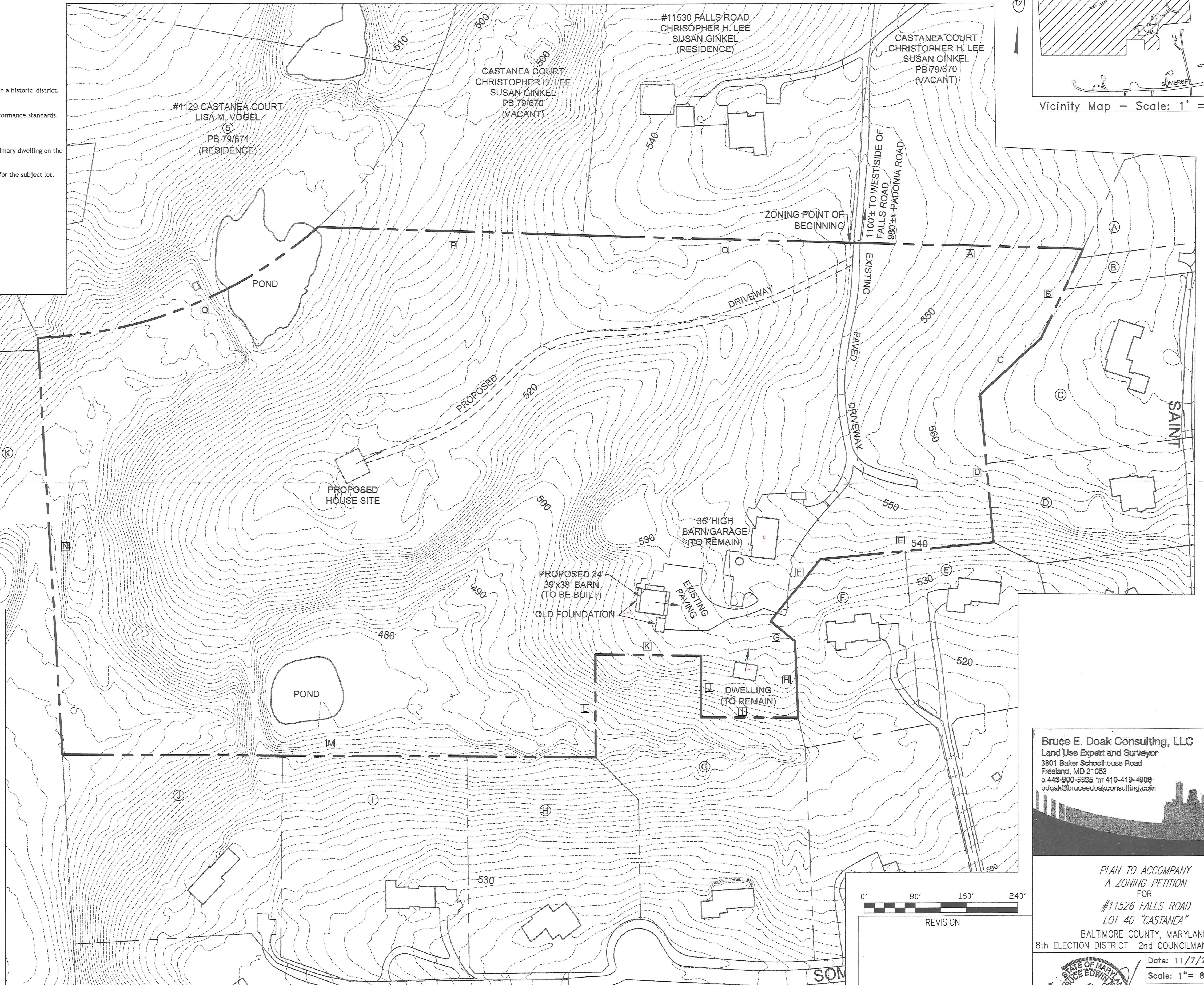
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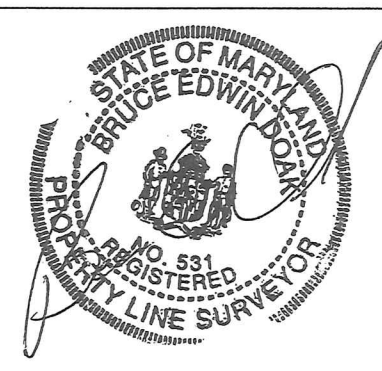
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