M E M O R A N D U M

DATE: May 10, 2019

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2019-0194-A- Appeal Period Expired

The appeal period for the above-referenced case expired on May 9, 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.'

c: Case File
Office of Administrative Hearings

IN RE: DEVELOPMENT PLAN HEARING & PETITION FOR VARIANCE	*	BEFORE THE OFFICE OF
(8400 Park Heights Avenue)	*	ADMINISTRATIVE HEARINGS
3rd Election District		
2nd Council District	*	FOR
(TRINITY FATHERS PROPERTY)		
	*	BALTIMORE COUNTY
Sacred Heart Monastery and Holy Trinity Fathers, *Legal Owners* Owners/Developer	*	**HOH Case No. 03-0515 & Zoning Case 2019-0194-A**

* * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration ("Motion") filed by Dennis Schunick ("Movant"), a citizen who participated in the January 31, 2019 Hearing Officer's Hearing ("HOH") in the above matter. Movant describes in the Motion a "triangular portion of land" shown on the Development Plan which he contends is frequently "wet and saturated." The area described in the Motion is outside of the "limit of disturbance" shown on Sheet 2 of the Development Plan. In addition, much of the area described would appear to be within the boundaries of forest buffer and 100-year flood plain easements which will be granted to Baltimore County. The Developer (or others) will be prohibited from entering upon or disturbing this area. As such, I do not believe the proposed development will impact one way or another the wet and saturated area of concern identified by the Movant.

The Movant also raises a concern regarding mosquitoes, which is obviously a serious public health issue. The HOH held in the above case was merely the first step in a lengthy development process, as described by the court in Monkton Preservation Ass'n. v. Gaylor Brooks Realty Corp., 107 Md. App. 573, 585 ("development process is indeed an 'ongoing process,' and the hearing officer's affirmation of the plan is just the first step"). The Developer will need to obtain from Baltimore County grading and sediment control permits and more detailed stormwater

ORDER RECEIVED FOR FILING

Date 4-9-19

By

management plans will be required showing exactly how the proposed facilities will be designed. The County will only issue building permits if agency staff determine all development and environmental regulations are satisfied. As such, I believe this concern will be addressed during the construction phase of this project.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this **9th** day of **April, 2019**, that Dr. Schunick's Motion be and is hereby DENIED.

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

ORDER RECEIVED FOR FILING
Date 4-9-19
By dlw

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

April 9, 2019

Edward J. Gilliss, Esq.
Royston, Mueller, McLean & Reid, LLP
102 West Pennsylvania Avenue, Suite 600
Towson, MD 21204

Dennis Schunick, D.D.S.
3425 Terrapin Road
Pikesville, MD 21208

RE: **ORDER ON MOTION FOR RECONSIDERATION**
Development Plan and Zoning Hearing
HOH Case No. 03-0515 and Zoning Case No. 2019-0194-A
Project: TRINITY FATHERS PROPERTY
Address: 8400 Park Heights Avenue

Dear Gentlemen:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Jerry S. Chen, Patrick Williams & Jan Cook, Development Processing, PAI
Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087
Alan Zuckerberg, 7919 Long Meadow Road, Pikesville, MD 21208
Linda Rubin, 8418 Park Heights Avenue, Pikesville, MD 21208

Ellen Gold, 7 Hillchase Court, Pikesville, MD 21208
David Hoffman, 3404 Fallstaff Road, Baltimore, MD 21215
Richard Berkowitz, 511 Tristam Court, Pikesville, MD 21208
Teresa Moore, P.O. Box 5402, Towson, MD 21285
Laura Rosenfield, 8416 Park Heights Avenue, Pikesville, MD 21208
Delbert L. Adams, 6410 Pratt Avenue, Baltimore, MD 21212

IN RE: DEVELOPMENT PLAN HEARING & PETITION FOR VARIANCE	*	BEFORE THE OFFICE OF
(8400 Park Heights Avenue)	*	ADMINISTRATIVE HEARINGS
3rd Election District		
2nd Council District	*	FOR
(TRINITY FATHERS PROPERTY)		
	*	BALTIMORE COUNTY
Sacred Heart Monastery and Holy Trinity Fathers, *Legal Owners* Owners/Developer	*	**HOH Case No. 03-0515 & Zoning Case 2019-0194-A**

* * * * * * *

ADMINISTRATIVE LAW JUDGE'S COMBINED DEVELOPMENT PLAN AND ZONING OPINION AND 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 ("BCC"). Edward J. Gilliss, Esquire, on behalf of Sacred Heart Monastery and Holy Trinity Fathers, *Owners/Developer* (hereinafter "the Developer"), submitted for approval a three-sheet redlined Development Plan ("Plan") prepared by KCI Technologies, Inc., known as "Trinity Fathers Property".

The Developer is proposing 13 single family dwellings with one (1) existing monastery to remain, on 40.347 acres, more or less, zoned RC 5, DR 3.5 and DR 1. The Developer also has filed a Petition for Variance pursuant to Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("BCZR"), to permit a 70 ft. street setback (for proposed Lots 3, 4, and 12) from centerline of roadway in lieu of the required 100 ft. (for a collector road).

The development and zoning cases were considered at a combined hearing as permitted by BCC § 32-4-230. Details of the proposed development are more fully depicted on the redlined three-sheet Development Plan that was marked and accepted into evidence as Developer's Exhibit 1. The property was posted with the Notice of Hearing Officer's Hearing ("HOH") and

Zoning Notice, both on January 10, 2019 in compliance with the regulations. The undersigned conducted a public hearing on January 31, 2019, in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

In attendance at the HOH in support of the Plan on behalf of the Developer was Fr. Kurt Klismet, O.S.S.T, Fr. Albert Anuszewski, O.S.S.T., Raymond Hopkins, Chuck Phillips, and John Canoles. Also in attendance was Matthew S. Sichel, P.E., a professional engineer with KCI Technologies, Inc., the firm that prepared the site plan. Edward J. Gilliss, Esquire represented the Developer. Several neighbors attended the hearing and expressed concerns about various aspects of the project.

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, Approvals and Inspections ("PAI"): Jerry S. Chen, Project Manager, Michael Viscarra, Jim Hermann and Vishnu Desai (Development Plans Review ["DPR"]), LaChelle Imwiko, Real Estate Compliance, and Gary Hucik (Office of Zoning Review). Also appearing on behalf of the County were Stephen Ford from the Department of Environmental Protection and Sustainability ("DEPS"), and Marta Kulchytska from the Department of Planning ("DOP").

Each County agency representative indicated the Plan addressed all comments submitted by their agency, and they each recommended approval of the Plan. Ms. Kulchytska indicated none of the schools in the district are overcrowded, as shown in the school impact analysis admitted as Baltimore County Exhibit 3. Mr. Hermann confirmed his agency approved a schematic landscape plan (Baltimore County Exhibit 1) and that in lieu of providing the required 13,000 sq. ft. of open space, the Developer will pay a fee in the amount of $5,850.00. Baltimore County Exhibit 2.

DEVELOPER'S CASE

In the "formal" portion of the case, the Developer presented three (3) witnesses: First was Matthew S. Sichel, P.E., a professional engineer with KCI Technologies, Inc. Mr. Sichel was accepted as an expert and explained in detail the development proposal. He described the layout of the site and also explained and identified which of the proposed lots were included within the variance request.

Mr. Sichel opined that the redlined Development Plan (Developer's Exhibit 1) satisfied all requirements set forth in the development and zoning regulations. He described the stormwater management facilities planned for the site, which include a facility in the northern portion of the site to handle 100 year quantity management and a bioretention facility in the southwest portion of the property. Mr. Sichel testified DEPS granted a special variance to permit the removal of 27 of the 109 specimen trees on site. The witness testified the monastery would remain and be situated on a 2.6 acre RC 5 lot although that lot was not included in the density calculation for the overall tract.

The next witness in Developer's case was John Canoles, a natural resources specialist accepted as an expert. Mr. Canoles described the plan he prepared for this project, including a forest buffer analysis which identified wetlands and streams which would be protected inside the forest buffer easement deeded to Baltimore County. The witness testified he prepared a forest stand delineation and forest conservation variance request pursuant to BCC § 33-6-116. He explained DEPS granted the request to remove 27 of 109 specimen trees. Developer's Exhibit 2. Mr. Canoles testified he prepared an "alternatives analysis" which was approved by DEPS, which will permit the Developer to gain access to the site via a private road through the forest buffer area. Developer's Exhibit 3.

The final witness was Charles Phillips, a licensed surveyor accepted as an expert. Mr. Phillips testified his firm prepared a survey for this site, and he described in detail the method by which that project was undertaken. Mr. Phillips opined the Developer can obtain lawful access to the site from Greene Tree Road, pursuant to the deeds in the chain of title as well as a record plat for Grey Rock, which shows the precise location and width of the access drive in question. In response to a question on cross examination, the witness testified Developer does not have a fee simple right of access from the site to Park Heights Avenue.

Variances

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 large tract has an irregular shape and access to the project will be via a private road/cul-de-sac. Mr. Sichel also noted the orientation and curvature of the road was designed to minimize the impact to existing environmental features on the site. As such, the property is unique. If the regulations were strictly interpreted, Developer would experience a practical difficulty because it would be unable to construct three (3) of the dwelling units shown on the Plan. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. As shown on the Plan, the available density for the overall parcel would permit 19 dwellings, although the Developer proposes only 13 lots. As such, I believe granting the variance would be consistent

with the property's zoning classification(s) and would not have a detrimental impact upon the community.

PROTESTANTS' CASE

As noted above, several members of the community opposed this project. Several nearby residents were concerned with what impact the project might have upon their water wells. Mr. Ford of DEPS explained that while there are no guarantees, his agency reviews and approves well locations pursuant to state and county regulations. Those regulations contain setback requirements which are designed to ensure that drinking water wells are located a sufficient distance from septic areas and from other wells, and DEPS has approved the location of the wells shown on the Plan.

The other issue raised by the community concerned the private access road into the site. Several citizens contended the pertinent deed (Developer's Exhibit 4) does not provide the Developer with a lawful means of access to the site. Whether or not that is the case is irrelevant in the context of this proceeding. See, e.g., *Richard Roeser v. Anne Arundel Co.* 368 Md. 294, 305 (2002) ("ownership is normally irrelevant to zoning"). In addition, only the circuit court (not the OAH) can interpret deeds and resolve questions of title to real property. The development regulations only require the Plan to provide a street system to provide "safe and convenient vehicular circulation," and I believe the proposed roadway satisfies that requirement. BCC § 32-4-405. The regulations also require the tract to have access to a public street (i.e., Greene Tree Road) suitable for emergency vehicle access. Id. The Plan shows access to a public road and the Baltimore County Fire Department submitted on January 30, 2019 revised comments approving the project design.

Sustainable Growth Act

The subject property was mapped by Baltimore County as a Growth Tier III, as required

by § 9-206(f)(1) of the Md. Env. Code Ann. Pursuant to § 5-104 of the Md. Land Use Code Ann., a residential/major subdivision may be permitted in Growth Tier III only if approval is recommended by the Baltimore County Planning Board, which is required by statute to consider at a public hearing the "potential environmental issues or a natural resources inventory related to the proposed residential major subdivision." Id. At its meeting on February 21, 2019, the Planning Board voted to recommend approval of the development plan.

The BCC provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." BCC § 32-4-229. After considering the Planning Board's recommendation, testimony and evidence presented by the Developer, 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 the Plan.

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 BCC, the "Trinity Fathers Property" shall be approved.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 4th day of **March, 2019**, that the **"TRINITY FATHERS PROPERTY"** Plan marked and accepted into evidence as Developer's Exhibit 1, be and is hereby **APPROVED**.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief pursuant to Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("BCZR"), to permit a 70 ft. street setback from centerline of roadway in lieu of the required 100 ft. (for a collector road for Lots 3, 4, and 12 only), be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Special Variance to remove/impact 27 specimen trees on the subject property, be and is hereby **GRANTED**.

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

ORDER RECEIVED FOR FILING
Date 3-4-19
By

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

March 4, 2019

Edward J. Gilliss, Esq.
Royston, Mueller, McLean & Reid, LLP
102 West Pennsylvania Avenue, Suite 600
Towson, MD 21204

RE: Development Plan and Zoning Hearing
HOH Case No. 03-0515 and Zoning Case No. 2019-0194-A
Project: TRINITY FATHERS PROPERTY
Address: 8400 Park Heights Avenue

Dear Mr. Gilliss:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Jerry S. Chen, Patrick Williams & Jan Cook, Development Processing, PAI
Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087
Alan Zuckerberg, 7919 Long Meadow Road, Pikesville, MD 21208
Linda Rubin, 8418 Park Heights Avenue, Pikesville, MD 21208

Ellen Gold, 7 Hillchase Court, Pikesville, MD 21208
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Teresa Moore, P.O. Box 5402, Towson, MD 21285
D. Schunick, 3425 Terrapin Road, Pikesville, MD 21208
Laura Rosenfield, 8416 Park Heights Avenue, Pikesville, MD 21208
Delbert L. Adams, 6410 Pratt Avenue, Baltimore, MD 21212

ZAC AGENDA

Case Number: 2019-0194-A **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** INSTITUTIONAL
Type: VARIANCE
Legal Owner: Sacred Heart Monastery & Holy Trinity Fathers
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 8400 PARK HEIGHTS AVE
Location: N/s of Greene Tree Road, 83 ft. n/of Clifton Court

Existing Zoning: RC5, DR 5.5, DR 1 **Area:** 40.347 AC
Proposed Zoning:
VARIANCE:
To permit a 70 ft. street setback from centerline of roadway in lieu of the required 100 ft. (for a collector road).
Attorney: Edward J. Gillis, 102 W. Pennsylvania Avenue, #600, Towson 21204
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

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 8400 PARK HEIGHTS AVE. **which is presently zoned** RC-5

Deed References: 12860/244 10 Digit Tax Account # 0312000350

Property Owner(s) Printed Name(s) SACRED HEART MONASTERY & HOLY TRINITY FATHERS

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

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

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

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

3. X **a Variance** from Section(s) 1A04.3.B.2.b, Height & Area Regulations, Building Setbacks

In connection with Development Plan PAI# 03-0515, Trinity Fathers property, MAJ-2017-00006, petitioner requests a variance of the required 100-ft. setback from the ℄ of any road that leads to or connects with a collector road on Lots 3, 4 & 12. Variance to 70'.

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

ORDER RECEIVED FOR FILING
Date 3-4-19
By DJ

Legal Owners (Petitioners):

SACRED HEART MONASTERY & HOLY TRINITY FATHERS
Name #1 – Type or Print Name #2 – Type or Print

By: Rev. Kurt F. Klismet
Signature #1 FR. KURT KLISMET Signature #2

8400 PARK HEIGHTS AVE BALTIMORE MD
Mailing Address POB 5719 City State

21282-0719 / 410 486 5171 / TREASURER.PROVINCIAL@GMAIL.COM
Zip Code Telephone # Email Address

Attorney for Petitioner:

EDWARD J. GILLISS
Name- Type or Print

Signature ROYSTON, MUELLER

102 W. PENNSYLVANIA #600 TOWSON MD
Mailing Address City State

21204 / 410 823 1800 / egilliss@rmmr.com
Zip Code Telephone # Email Address

Representative to be contacted:

MATTHEW S. SICHEL P.E.
Name – Type or Print

Signature

936 RIDGEBROOK RD SPARKS MD 21152
Mailing Address City State

21152 / 410-316-7894 / msichel@kci.com
Zip Code Telephone # Email Address

CASE NUMBER 2019-0194-A **Filing Date** 12/18/18 **Do Not Schedule Dates:** _____ **Reviewer** gh

REV. 10/4/11

street setback

To permit a 70 ~~feet~~ from ℄ of roadway in lieu of the required 100 feet (for a collector road)

PE ION FOR ZONING HEA IG(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 8400 PARK HEIGHTS AVE. **which is presently zoned** RC-5

Deed References: 12860/244 10 Digit Tax Account # 0312000350

Property Owner(s) Printed Name(s) SACRED HEART MONASTERY & HOLY TRINITY FATHERS

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

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

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

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

3. X **a Variance** from Section(s) 1A04.3.B.2.b, Height & Area Regulations Building Setbacks In connection with Development Plan PAI #03-0515, Trinity Fathers Property, MAJ-2017-00006, petitioner requests a variance of the required 100-ft. setback from the ℄ of any road that leads to or connects with a collector road on Lots 3, 4 & 12. Variance to 70'.

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

ORDER RECEIVED FOR FILING
Date 3-4-19
By DW

Legal Owners (Petitioners):

SACRED HEART MONASTERY & HOLY TRINITY FATHERS

Name #1 – Type or Print Name #2 – Type or Print

By: Rev. Kurt K Klismet

Signature #1 FR. KURT KLISMET Signature #2

8400 PARK HEIGHTS AVE BALTIMORE MD

Mailing Address POB 5719 City State

21282-0719 410 486 5171 / TREASURER.PROVINCIA@GMAIL.COM

Zip Code Telephone # Email Address

Attorney for Petitioner:

EDWARD J. GILLISS

Name- Type or Print

Signature ROYSTON, MUELLER

102 W. PENNSYLVANIA #600 TOWSON MD

Mailing Address City State

21204 410 823 1800 / egilliss@rmmr.com

Zip Code Telephone # Email Address

Representative to be contacted:

MATTHEW G. SICHEL P.E.

Name – Type or Print

Signature

936 RIDGEBROOK RD SPARKS MD 21152

Mailing Address City State

21152 410-316-7894 / msichel@kci.com

Zip Code Telephone # Email Address

CASE NUMBER 2019-0194-A **Filing Date** 12/18/18 **Do Not Schedule Dates:** _____ **Reviewer** gk

REV. 10/4/11

KCI TECHNOLOGIES

ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

936 Ridgebrook Road • Sparks, MD 21152 • Phone 410-316-7800 • Fax 410-316-7817

Zoning Property Description for the Holy Trinity Fathers, Inc.
8400 Park Heights Avenue, Pikesville, MD 21208

Beginning at a point on the north side of Greene Tree Road, which is 60 feet wide at the distance of 83 feet north of the centerline of the nearest improved intersecting street, Clifton Court, which is 30 feet wide. Thence the following courses and distances: (1st Point of Call-"POC") S. 84 53'59" E. 12.51', (2nd POC) by a curve to the right with chord N.53 31'44"E. 191.71' radius 500.00 and length 192.90', (3rd POC) N. 5 45'50" W. 336.29', (4th POC) N. 86 21'16" E. 306.40', (5th POC) N. 3 55'18" W. 875.24', (6th POC) S. 78 47'56" E. 1091.26', (7th POC) S. 70 16'51" E. 236.69', (8th POC) N. 88 16'09" E. 299.89', (9th POC) N. 71 00'09" E. 94.04', (10th POC) S. 43 58'51" E. 54.95', (11th POC) S. 58 03'07" E. 59.09', (11th POC) S. 34 08'13" W. 170.94', (12th POC) S. 14 23'21" W. 249.99', (13th POC) S. 40 14'31" W. 300.26', (14th POC) S. 15 35'10" W. 221.32', (15th POC) S. 86 08'31" W. 1537.22', (16th POC) S. 86 04'10" W. 25.89', (17th POC) N 5 45'50" W 241.33', (18th POC) by a curve to the left with chord S. 51 21'48"W. 170.61' radius 450.00 and length 171.65', (19th POC) S. 5 56'06" W. 18.10', (20th POC) by a curve to the left with chord S. 29 35'38"E. 74.62' radius 855.00 and length 74.65', back to the point of beginning as recorded in Deed Liber 8468, Folio 736; Deed Liber 1286, Folio244 and Deed Liber 7769, Folio 369, containing 40.347 acres, located in the Third Election District and Second Councilmanic District.

2019-0194-A

JB 1-31-19
10 Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JAN 15 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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: January 15, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0194-A
Address 8400 Park Heights Avenue
(Sacred Heart Monastery & Holy Trinity Fathers Property)

Zoning Advisory Committee Meeting of **January 14, 2019.**

__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).

__X__ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The proposed development layout resulting from the requested zoning relief must be consistent with the recently approved forest conservation variance and preliminary forest conservation plan.

Reviewer: Glenn Shaffer

C:\Users\dwiley\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\DXWB6LKP\ZAC 19-0194-A 8400 Park Heights Avenue.doc

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Sunday, January 27, 2019 12:19 AM
To: Administrative Hearings; Jerry S Chen; Matthew Sichel; Raymond Hopkins
Subject: 2nd Certification Trinity Fathers 8400 Park Heights Ave. & Green Tree Rd.
Attachments: Park Heights Ave. 2nd Cert. .jpeg

Hi Sherry,

I have attached the 2nd Certification and photos for the combined Hearing of PAI # 03-0515 & Case # 2019-0194-A @ Park Heights Avenue & Green Tree Rd. I will be attaching the additional photos on the next e-mail since the file was too large.
Have a nice day,

Linda

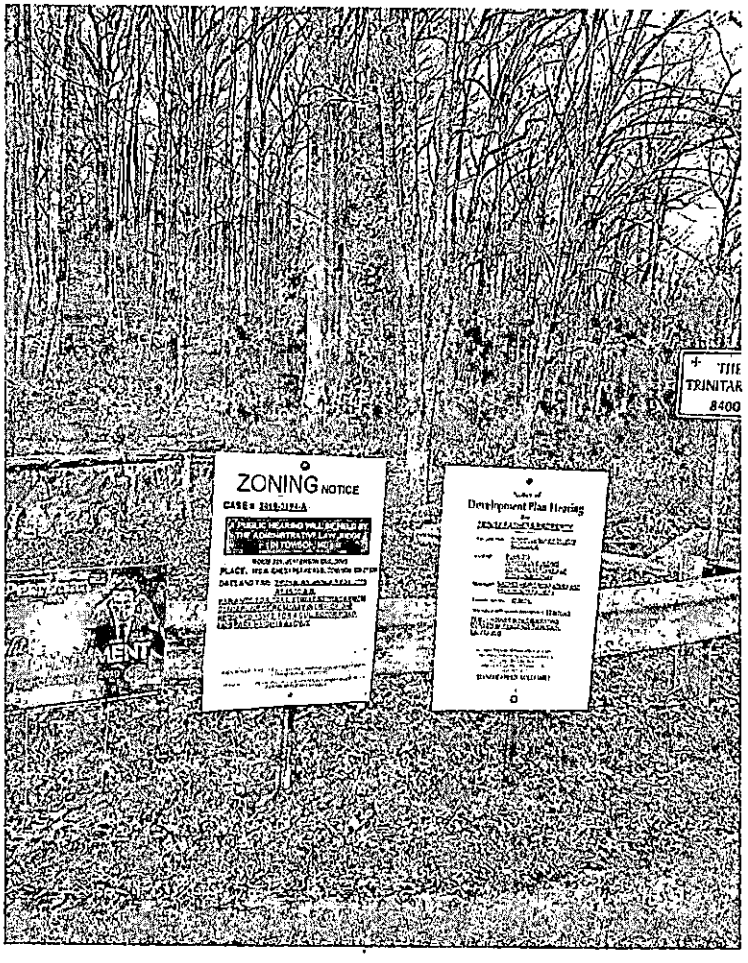
Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com

SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER
DATE: 1/26/2018
PAI Number: 03-0515
Case Number: 2019-0194-A
Petitioner / Developer: MATTHEW SICHEL of KCI TECHNOLOGIES, INC. ~ SACRED HEART MONASTARY AND HOLY TRINITY FATHERS
Date of Hearing: JANUARY 31, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
8400 PARK HEIGHTS AVENUE – (ON-STIE)
GREEN TREE ROAD – (ON-SITE)

The D.P.H. sign(s) were posted on: DECEMBER 30, 2018
The sign(s) for Case # 2019-0194-A were posted on: JAN. 10, 2019
The sign(s) were Re-Photographed: JANUARY 26, 2019



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Sunday, January 27, 2019 12:42 AM
To: Administrative Hearings; Jerry S Chen; Matthew Sichel; Raymond Hopkins
Subject: Additional photos for Combined Hearing 8400 Park Heights Ave. & Green Tree Rd.
Attachments: Park Heights & Green Tree Rd. Photos.docx

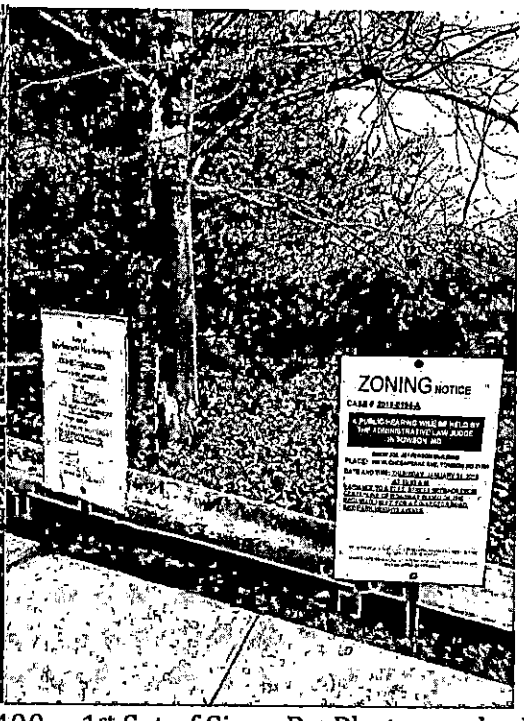
Hi Sherry,

I have attached additional photos of Trinity Fathers Combined Haring PAI# 03-0515 & Case # 2019-0194-A that were Re-Photographed on 1/26/2019 @ 8400 Park Heights Avenue & Green Tree Road. The file was too large to fit in the previous e-mail and I had to make it smaller. I will be sending one more e-mail that will complete these Certifications.
Thank you,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com

2nd Set of Signs Re-Photographed @ 8400 Park Heights Ave. on 1/26/2019



1st Set of Signs Re-Photographed @ Green Tree Rd. (On-Site) on 1/26/2019

COMBINED HEARING <u>PAI # 03-0515 & CASE # 2019-0194-A</u>

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Sunday, January 27, 2019 12:46 AM
To: Administrative Hearings; Jerry S Chen; Matthew Sichel; Raymond Hopkins
Subject: Green Tree Rd. Photo.
Attachments: 2nd Set of Green Tree Rd. .docx

Hi Sherry,

I have attached the final photo for Green Tree Road for PAI # 03-0515 & Case # 2019-0194-A
Thank you,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com

2nd Set of Signs Re-Photographed @ Green Tree Rd. (On-Site) on 1/26/2019

COMBINED HEARING PAI # 03-0515 & CASE # 2019-0194-A

RE:	PETITION FOR VARIANCE 8400 Park Heights Avenue; N/S of Greene Tree Road, 83' N of Clifton Court 3rd Election and 2nd Councilmanic Districts Legal Owner(s): Sacred Heart Monastery & Holy Trinity Fathers Petitioner(s)	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2019-194-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
JAN 09 2019

Carole S Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 2019, a copy of the foregoing Entry of Appearance was mailed to Matthew Sichel, P.E., 936 Ridgebrook Road, Sparks, Maryland 21152 and Edward Gilliss, Esquire, 102 West Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

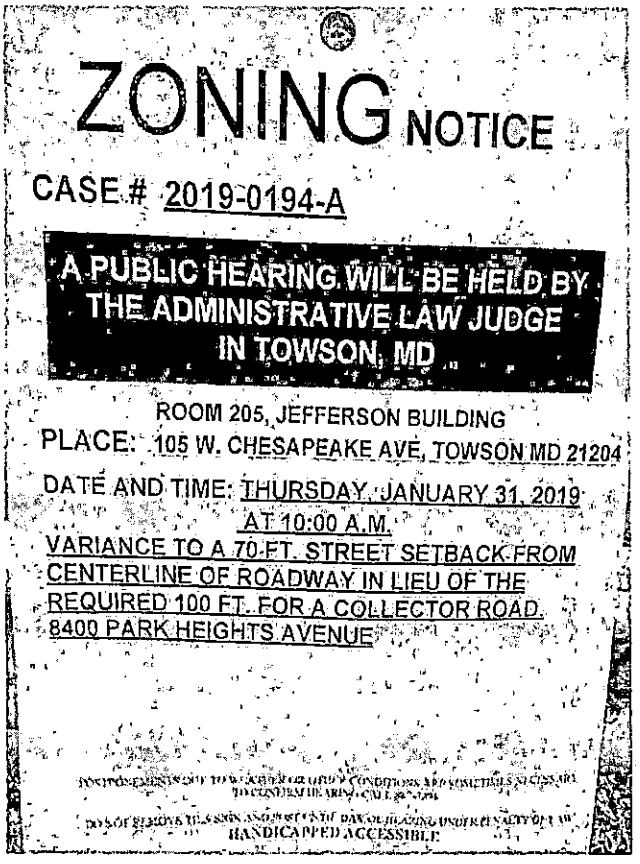
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 1/10/2019
Case Number: 2019-0194-A
Petitioner / Developer: MATTHEW SICHEL of KCI TECHNOLOGIES INC. ~ SACRED HEART MONASTARY AND HOLY TRINITY FATHERS
Date of Hearing: JANUARY 31, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
8400 PARK HEIGHTS AVENUE – (ON-SITE)
GREEN TREE ROAD – (ON-SITE)

The sign(s) were posted on: JANUARY 10, 2019



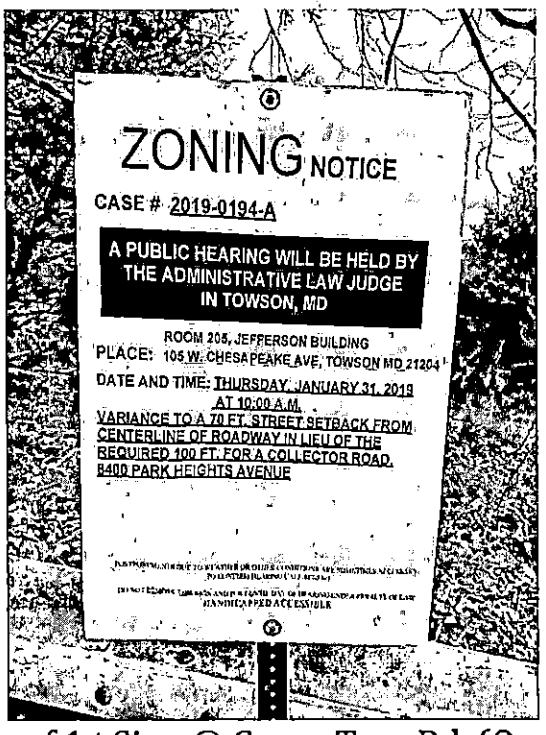
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

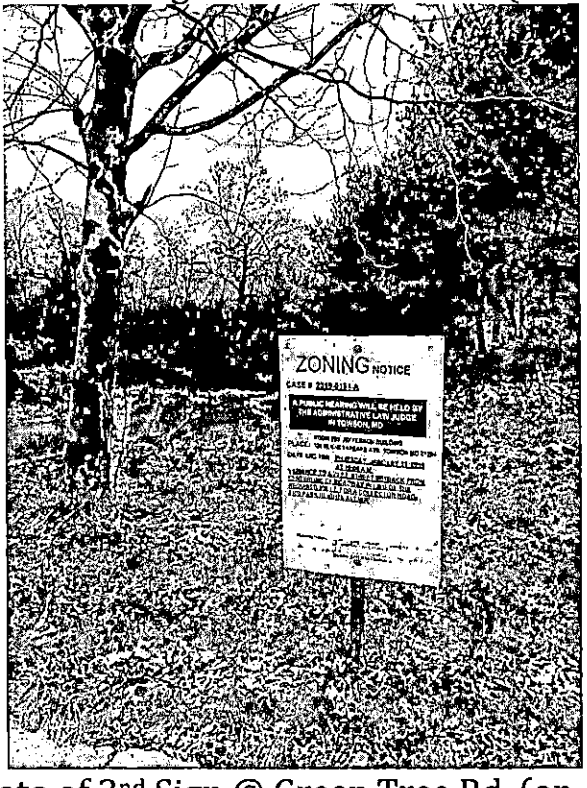
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

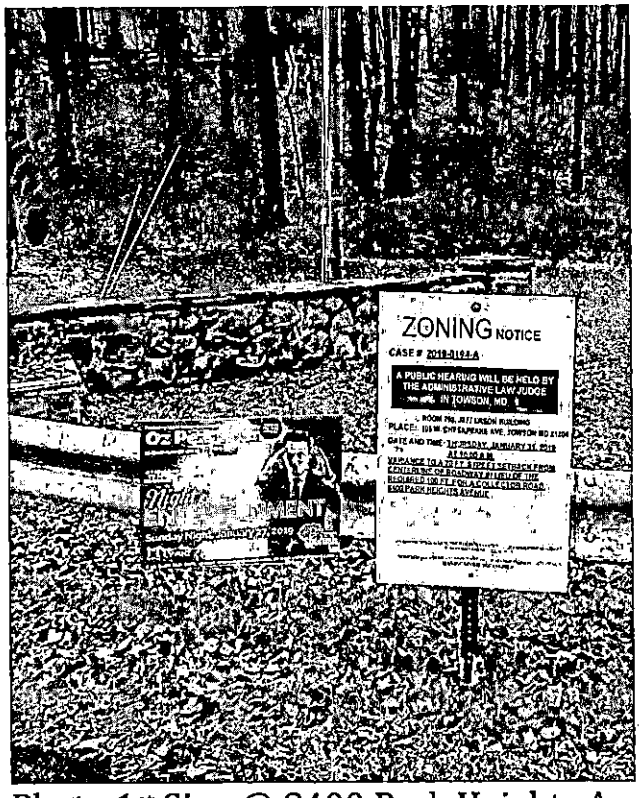


Background Photo of 1st Sign @ Green Tree Rd. (On-Site) posted 1/10/2019

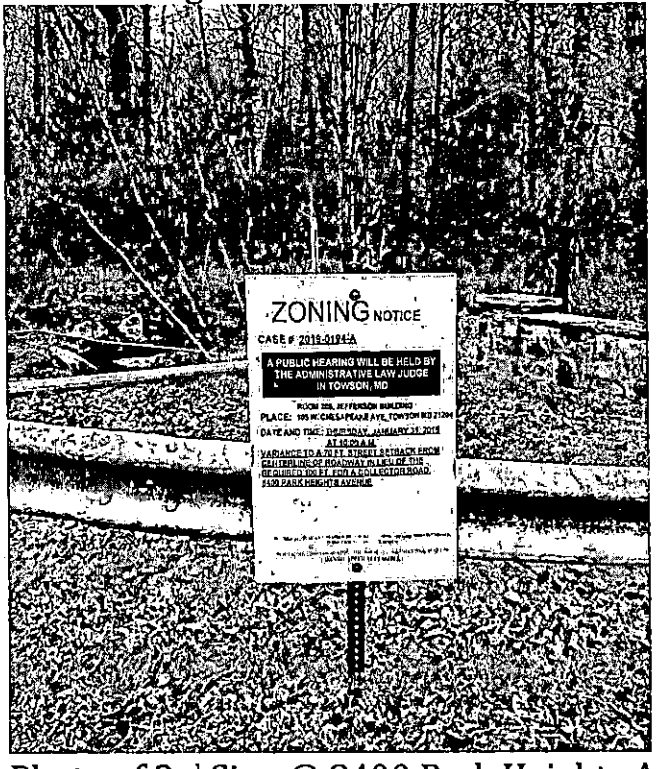


Background Photo of 2nd Sign @ Green Tree Rd. (on-Site) posted 1/10/2019

CASE # 2019-0194-A



Background Photo 1st Sign @ 8400 Park Heights Ave. posted 1/10/2019



Background Photo of 2nd Sign @ 8400 Park Heights Ave. posted 1/10/2019

CASE # 2019-0194-A

The Daily Record
11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
http://www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11672257
Case #: 2019-0194-A
Description:

CASE NUMBER: 2019-0194-A - NOTICE OF ZONING HEARING

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:

1/11/2019

Darlene Miller

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: 2019-0194-A
8400 Park Heights Avenue
N/s Greene Tree Road, 83 ft. north of Clifton Court
3rd Election District - 2nd Councilmanic District
Legal Owners: Sacred Heart Monastery &Holy Trinity Fathers

Variance to a 70 ft. street setback from centerline of roadway in lieu of the required 100 ft. for a collector road.

Hearing: Thursday, January 31, 2019 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.

ja11

JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
Department of Permits, Approvals & Inspections

December 31, 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: 2019-0194-A
8400 Park Heights Avenue
N/s Greene Tree Road, 83 ft. north of Clifton Court
3rd Election District – 2nd Councilmanic District
Legal Owners: Sacred Heart Monastery & Holy Trinity Fathers

Variance to a 70 ft. street setback from centerline of roadway in lieu of the required 100 ft. for a collector road.

Hearing: Thursday, January 31, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Fr. Kurt Klismet, 8400 Park Heights Avenue, Baltimore 21282
Matthew Sichel, 936 Ridgebrook Road, Sparks 21152

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 11, 2019.**
(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, January 11, 2019 - Issue

Please forward billing to:
Raymond Hopkins
KCI Technologies
936 Ridgebrook Road
Sparks, MD 21152

410-316-7848

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: 2019-0194-A
8400 Park Heights Avenue
N/s Greene Tree Road, 83 ft. north of Clifton Court
3rd Election District – 2nd Councilmanic District
Legal Owners: Sacred Heart Monastery & Holy Trinity Fathers

Variance to a 70 ft. street setback from centerline of roadway in lieu of the required 100 ft. for a collector road.

Hearing: Thursday, January 31, 2019 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.

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: 2019-0194-A

Property Address: 8400 PARK HEIGHTS AVENUE BALTIMORE, MD

Property Description: _____

_____

Legal Owners (Petitioners): SACRED HEART MONASTERY & HOLY TRINITY FATHERS

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: RAYMOND HOPKINS

Company/Firm (if applicable): KCI TECHNOLOGIES

Address: 936 RIDGEBROOK ROAD

SPARKS, MD 21152

_____

Telephone Number: (410) 316-7848

Revised 7/9/2015

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

No. 177774

Date: 12/12/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		6155				500.00
							Total:	500.00

Rec From: KCI

For: 3400 Park Heights Ave

2014-0144-A

CASHIER'S VALIDATION

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

JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits, Approvals & Inspections

January 24, 2019

Edward Gillis
Royston & Mueller
102 W. Pennsylvania Avenue, Ste. 600
Towson, MD 21204

RE: Case Number: 2019-0194-A, Address: 8400 Park Heights Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 18, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600., Towson 21204
Fr. Kurt Klismet, Sacred Heart Monastery, 8400 Park Heights Avenue, Baltimore 21282
Matthew Sichel, 936 Ridgebrook Road, Sparks 21152

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

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

Date: 1/9/19

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. 2019-0194-A

Variance
Sacred Heart Monastery & Holy Trinity Fathers
8400 Park Heights Avenue

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

Sincerely,

Richard Zeller

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

WW/RAZ

JB 1-31-19
10Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JAN 15 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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: January 15, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0194-A
Address 8400 Park Heights Avenue
(Sacred Heart Monastery & Holy Trinity Fathers Property)

Zoning Advisory Committee Meeting of **January 14, 2019**.

__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).

__X__ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The proposed development layout resulting from the requested zoning relief must be consistent with the recently approved forest conservation variance and preliminary forest conservation plan.

Reviewer: Glenn Shaffer

Debra Wiley

From: Debra Wiley
Sent: Friday, March 01, 2019 12:28 PM
To: Janice M Kemp
Cc: Jan Cook; Jerry S Chen; Patrick Williams; Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: FW: Web Posting (WITH ATTACHMENT)
Attachments: 03-0515 and Case No. 2019-0194-A TRINITY FATHERS PROPERTY HOH.docx

Now with attachment ... thanks.

From: Debra Wiley
Sent: Friday, March 01, 2019 12:26 PM
To: Janice M Kemp <JMKemp@baltimorecountymd.gov>
Cc: Jan Cook <jmcook@baltimorecountymd.gov>; Jerry S Chen <jchen@baltimorecountymd.gov>; Patrick Williams <pbwilliams@baltimorecountymd.gov>; Sherry Nuffer (snuffer@baltimorecountymd.gov) <snuffer@baltimorecountymd.gov>
Subject: Web Posting

Good Afternoon Janice,

Please post the following to the web as follows:

Development Plan Hearing and Petition for Variance
Case Nos. HOH Case No. 03-0515 & Zoning Case No. 2019-0194-A
Project: Trinity Fathers Property (8400 Park Heights Avenue)
Hearing: 1/31/19; Order: 3/4/19

Thanks and have a great weekend !

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: Feb 15, 2019

EFC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 14, 2018
Item No. 2019-0192-A, 0193-A, 0194-A, 0195-A, 0196-A, 0197-A, 0198-A, 0199-A, 0200-SPH, 0201-A, 0202-SPH & 0203-A

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: Feb 15, 2019

EFC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 14, 2018
Item No. 2019-0192-A, 0193-A, 0194-A, 0195-A, 0196-A, 0197-A, 0198-A, 0199-A, 0200-SPH, 0201-A, 0202-SPH & 0203-A

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

* * * * *

VKD: cen
cc: file

CASE NO. 2019- 0194-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
1-15	DEPS (if not received, date e-mail sent _____)	C
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
1-9	STATE HIGHWAY ADMINISTRATION	No objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 1-11-19 Daily Record

SIGN POSTING (1st) Date: 1-10-19 by O'Keefe

SIGN POSTING (2nd) Date: 1-27-19 by O'Keefe

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:
Exempt Class:
Special Tax Recapture: NONE

Account Identifier: **District - 03 Account Number -** 0319000350

Owner Information

Owner Name: SACRED HEART MONASTERY&HOLY TRINITY FATHERS
Use: EXEMPT COMMERCIAL
Principal Residence: NO
Mailing Address: PO BOX 5719 BALTIMORE MD 21282-0719
Deed Reference: /01286/ 00244

Location & Structure Information

Premises Address: PARK HEIGHTS AVE 0-0000
Legal Description: 36 AC WS PARK HEIGHTS AV N OLD COURT RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0068	0014	0471		0000				2017	Plat Ref:

Special Tax Areas:
Town:
Ad Valorem:
Tax Class:
NONE

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	47,236 SF		36 SF	01

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
		DORMITORY				

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	6,100,000	6,100,000		
Improvements	6,283,400	6,424,700		
Total:	12,383,400	12,524,700	12,477,600	12,524,700
Preferential Land:	0			0

Transfer Information

Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	790	12,477,600.00	12,524,700.00
State:	790	12,477,600.00	12,524,700.00
Municipal:	790	0.00|0.00	0.00|0.00

Tax Exempt:
Exempt Class:
Special Tax Recapture: NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Exhibits -- Originals are contained in file

Case No.: 03-0515 & 2019-019H-A

8400 Park Heights Avenue

Exhibit Sheet

Petitioner/Developer DW 3-4-19 Protestant BC

No. 1	Dev. Plan (3 sheet) redline		Schematic Landscape Plan
No. 2	12-28-2018 letter re: For. Con: Variance		LOS / Waiver
No. 3	1-30-2019 letter re: alternative analysis		School Analysis
No. 4	Deed - 7269/369		
No. 5			
No. 6			
No. 7			
No. 8			
No. 9			
No. 10			
No. 11			
No. 12			

PLEASE PRINT CLEARLY

CASE NAME TRINITY TATTERS
CASE NUMBER 03-0515 / 2019-0194A
DATE 11/31/19

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
EDWARD J GILLISS	102 W. PENNSYLVANIA #LC6	TOWSON 21204	egilliss@rmmr.com
FR. KURT KLISMET, O.S.S.T.	8400 PARK HEIGHTS AVENUE	PIKESVILLE, MD 21208	treasurer.provincial@gmail.com
FR ALBERT ANUSZEWSKI, OSS	8400 PARK Heights Avenue	Pikesville, MD. 21208	almiandm81@hotma[illegible]m
MATTHEW S. SICHEL	936 RIDGEBROOK RD	SPARKS, MD 21152	msichel@kci.com
RAYMOND J. HOPKINS	" "	"	raymond.hopkins@kci.com
Chuck Phillips	" "	" "	charles.phillips@kci.com
John Canoles	P.O. Box 5006	Glen Am MD 21057	espjc@aol.com

PLEASE PRINT CLEARLY

CASE NAME 03-0515 [redacted]
CASE NUMBER Trinity Fathers
DATE 1/31/19

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Mike Pierce	7448 Bradshaw Rd	Ringsville 21087	MPIERCE1@AOL.COM
ALAN ZILBERBERG	7919 LOPGMEADOW RD	PIKESVILLE 21208	AZ@ZLLP.COM
LINDA RUBIN	8418 PARK HEIGHTS	Pikesville 21208	rubinL93@yahoo.c
Ellen Gold	7 Hillchase Ct.	Pikesville 21208	ellenganded@comcast.n
David Hoffman	3404 Fallstaff Road Balt. MD 21215	Baltimore 21208	dhoffman@torah.org
RICHARD BERKOWITZ	511 TRISTAN CT	PIKESVILLE 21208	RBERKOWITZ@CRC REALTY.COM
Teresa Moore	PO Box 5402	Towson 21285	teresa@thevpc.org
Dana Schwenk	3425 TERRAPIN Rd 21209	PIKESVILLE MD 21208	DSCHUN5@Yahoo.com
LauraRosynfield	8416 Park Heights Ave	Pikesville MD 21208	lrosenfield@verizon.net
Delbert L. ADAMS	6410 Pratt Ave	Baltimore MD 21212	dadams@dacgllc.com

PLEASE PRINT CLEARLY

CASE NAME Trinity Fathers
CASE NUMBER 03-0515 / 2019-0191
DATE 1/31/19

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
J. Chen	PA- DM		
STEPHEN FORD	DEPS - D.C.		
Jim Herman	DPR + Rec & Parks		
MICHAEL VISCARRA	DPR & DPW		
LaChelle Imwiko	Real Estate Compliance		
MARTA Kulchytska	PLANNING		
Gary Huck	zoning		
(VISHNU DESAI)	DPR		

VENABLE LLP

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June 29, 2021

Adam M. Rosenblatt

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amrosenblatt@Venable.com

Via Email and Hand Delivery
Hon. Paul M. Mayhew
Office of Administrative Hearings
Jefferson Building, first floor
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No. 2018-194-X
632 Freeland Road
Request for Extension of Time

Judge Mayhew:

This firm represents the solar company developing a ground mounted solar facility on the above-referenced property located in the Freeland area of Baltimore County (the "Property"). On May 10, 2019, we successfully obtained a special exception in Case No. 2018-194-X to develop a portion of the Property with a solar facility. The Order is attached hereto for your convenience.

The Order did not specify a time by which the special exception must be utilized to prevent it from expiring. Pursuant to Section 502.3 of the Baltimore County Zoning Regulations ("BCZR"), when an order does not specify a time for expiration, a special exception which has not been utilized within a period of 2 years from the date of the final order shall thereafter be void. I am writing: (1) to confirm that this special exception is still valid due to an Executive Order passed by the Governor of Maryland, and (2) to request an extension of time of 1 year for the owner to utilize, and therefore vest, the special exception.

To say that the events of the past year have been unprecedented is an understatement. As you can imagine, the owner had no concept when we obtained his special exception that the world would essentially shut down a year after the relief was granted. Had we anticipated the events of 2020, it would have been easy to request an extension of time to utilize this special exception for a period of up to 5 years from the date of the original order. However, there were no signs of the impending global crisis, so we did not make any request at our hearing with respect to timing.

Fortunately, Governor Hogan took action through Executive Order to extend the time for utilization of all licenses, permits, and other authorizations issued by local governments such as Baltimore County. Order No. 21-03-09-03, which is attached hereto for your convenience,

extends the time for any such authorizations that would have expired on or after March 12, 2020 to June 30, 2021. In this case, the special exception, if not utilized, would have expired on May 10, 2021 two years from the date of the Order granting the relief. Governor Hogan's Executive Order extends the date to utilize the special exception until June 30, 2021.

While the owner is diligently working to utilize the special exception, we are respectfully requesting an extension of time of a period of one year to ensure that our client can finalize the approvals needed to begin site work and formally utilize the special exception. This request is consistent with Section 502.3 of the BCZR, which allows the Administrative Law Judge to issue one or more extensions of time to utilize a special exception, provided the total time is not extended for a period of more than 5 years from the date of the final order. Here, extending the time for utilization to June 30, 2022 would provide a total of approximately 3 years from the date of the final order, well within the time provided in BCZR Section 502.3.

If you are in agreement that the time for utilization of the special exception in Case No. 2018-194-X should be extended until June 30, 2022, we would greatly appreciate your countersigning this letter so that it can be provided as needed during the owner's permitting process. As suggested, we contacted the Office of People's Counsel, who, through their Deputy, consented to this requested extension.

Thank you for your time and consideration.

Sincerely

Adam M. Rosenblatt

AGREED AND ACCEPTED. THE TIME FOR UTILIZATION OF THE SPECIAL EXEPTION IN CASE NO. 2018-194-X IS HEREBY EXTENDED UNTIL JUNE 30, 2022.

Hon. Paul M. Mayhew
Managing Administrative Law Judge

Donna Mignon

From: Paul Mayhew
Sent: Wednesday, June 30, 2021 10:26 AM
To: Donna Mignon
Subject: FW: Letter Requesting Extension (632 Freeland)
Attachments: ONEENERGY OPINION AND ORDER.pdf; Hogan Permit License Extensions.pdf; Letter Requesting Extension (632 Freeland)(52697614.1).pdf

Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
pmayhew@baltimorecountymd.gov

From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Wednesday, June 30, 2021 9:43 AM
To: Paul Mayhew <pmayhew@baltimorecountymd.gov>; Carole Demilio <cdemilio@baltimorecountymd.gov>
Subject: Letter Requesting Extension (632 Freeland)

Last one from me. Same request for another solar project. Copying Ms. Demilio.

Apologies for grouping these together, after realizing that I needed to file the first request I searched my files and found these other cases in similar timing situations.

I really appreciate your consideration of these requests, thank you both for your time.

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Board of Appeals of Baltimore County

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May 10, 2019

Patricia A. Malone, Esquire
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H. Barnes Mowell, Esquire
H. Barnes Mowell, P.A.
16925 York Road
Monkton, Maryland 21111

RE: *In the Matter of: Charles Gary Atkinson and Stephen Gordon Atkinson – Legal Owners OneEnergy Development, LLC – Lessee*
Case No.: 18-194-X

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington-Hay

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: See Attached Distribution List

Charles Gary Atkinson
Stephen Gordon Atkinson
Travis Bryan, Chief Operating Officer/OneEnergy Development, LLC
Freeland Legacy Alliance, Inc.
Bobby Rohe
Don and Nadine Lentz
John M. Altmeyer
Ronald Danielson
Matt Hubbard
Connie Wood
Bob Clark
Slave Schener
Richard Ryan
Lois Jeanne Bowman
Scott Dykes
Beverly and Salvatore Scavone
Theresa and Christopher Norton
Kathleen and Christopher Marciniak
Christine Pignataro
Laverne Poe
Diana Householder
Theresa Sassier
Paul and Linda Hoeckel
Beverly Kram
Rhonda and William Rollins
Ed and Debra Myslinski
Lynne Jones
Debbie Frank
Patricia Trump
Kathleen Pieper
Robin Arrington
Teresa Moore
Lawrence M. Stahl, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN RE: PETITION FOR SPECIAL EXCEPTION	*	**BEFORE THE**
	*	**BOARD OF APPEALS OF**
(632 Freeland Road)	*	**BALTIMORE COUNTY**
7th Election District **3rd Council District**	*	**Case No. 18-194-X**
OneEnergy Development, LLC ***Petitioner***	*	
	*	
Charles Gary Atkinson and Stephen Gordon Atkinson ***Legal Owners***	*	

* * * * * * * * * * *

OPINION

This case comes before the Board on appeal of the final decision of the Administrative Law Judge ("ALJ") in which the ALJ granted a Petition for a Solar Facility by Opinion and Order dated April 3, 2018. The Petition was filed by Charles Gary Atkinson and Stephen Gordon Atkinson and OneEnergy Development, LLC, (collectively, the "Petitioner"). Protestants, Freeland Legacy Alliance, Inc., Bobby Rohe, Don and Nadine Lentz, John M. Altmeyer, Ronald Danielson, Matt Hubbard, Connie Wood, Bob Clark, Slave Schener, Richard Ryan, Lois J. Bowman, Scott Dykes, Beverly and Salvatore Scavone, Theresa and Christopher Norton, Kathleen and Christopher Marciniak, Christine Pignataro, Laverne Poe, Diana Householder, Theresa Sassler, Paul and Linda Hoeckel, Beverly Kram, Rhonda and William Rollins, Ed and Debra Myslinski, Lynne Jones, Debbie Frank, Patricia Trump, Kathleen Pieper, Robin Arrington, Teresa Moore (collectively the "Protestants") filed an appeal.

A *de novo* hearing took place before this Board over five days, on July 24 and 25, October 9, November 20, 2018 and January 15, 2019. Adam Rosenblatt, Esquire, Patricia A. Malone, Esquire and Venable, LLP represented the Petitioners. H. Barnes Mowell, Esquire, represented

the Protestants. People's Counsel also participated in the hearing. A public deliberation was held on March 7, 2019.

Factual Background

The subject property is located at 632 Freeland Road and consists of just under 100 acres+/- lying to the north of the intersection formed by the west side of Freeland Road and the north side of Oakland Road (the "Property"). It is zoned RC2. Both Freeland and Oakland Roads are designated scenic routes. The Property, which is improved by a single-family owner-occupied dwelling, was previously a farm but no farming activities presently take place there. The Petitioners are proposing to use 19 acres± for a solar facility on a relatively flat cleared area in the westernmost portion of the Property pursuant to Baltimore County Zoning Regulations ("BCZR"), Article 4F. The solar facility will generate no more than 2 Mw of AC electricity. The balance of the Property is largely cleared, with areas of slopes, wetlands, wooded areas and streams. These sensitive areas will be subject to protective environmental easements as required by Baltimore County regulations.

Solar Facilities Law

On July 17, 2017, the County Council enacted Bill 37-17 permitting solar facilities by special exception in certain zones, including RC2, RC4, RC5, and RC8. BCZR, §4F-102.A. The County Council imposed limits on the number of facilities per councilmanic district (*i.e.* 10 per district), and on the maximum area for each facility (*i.e.* the amount of acreage that produces no more than 2 megawatts alternating current (AC) of electricity). (BCZR, §4F-102.B.1 and 2.)

In addition to the special exception factors, there are 10 requirements set forth in BCZR, §4F-104.A:

1. The land on which a solar facility is proposed may not be encumbered by an agricultural preservation easement, an environmental preservation easement, or a rural legacy easement.

2. The land on which a solar facility is proposed may not be located in a Baltimore County historic district or on a property that is listed on the Baltimore County Final Landmarks List.

3. The portion of land on which a solar facility is proposed may not be in a forest conservation easement, or be in a designated conservancy area in an RC 4 or RC 6 Zone.

4. Above ground components of the solar facility, including solar collector panels, inverters, and similar equipment, must be set back a minimum of 50 feet from the tract boundary. This setback does not apply to the installation of the associated landscaping, security fencing, wiring, or power lines.

5. A structure may not exceed 20 feet in height.

6. A landscaping buffer shall be provided around the perimeter of any portion of a solar facility that is visible from an adjacent residentially used property or a public street. Screening of state and local scenic routes and scenic views is required in accordance with the Baltimore County Landscape Manual.

7. Security fencing shall be provided between the landscaping buffer and the solar facility.

8. A solar collector panel or combination of solar collector panels shall be designed and located in an arrangement that minimizes glare or reflection onto adjacent properties and adjacent roadways, and does not interfere with traffic or create a safety hazard.

9. A petitioner shall comply with the plan requirements of § 33-3-108 of the County Code.

10. In granting a special exception, the Administrative Law Judge, or Board of Appeals on appeal, may impose conditions or restrictions on the solar facility use as necessary to protect the environment and scenic views, and to lessen the impact of the facility on the health, safety, and general welfare of surrounding residential properties and communities, taking into account such factors as the topography of adjacent land, the presence of natural forest buffers, and proximity of streams and wetlands.

There are also provisions regarding maintenance of the facilities:

§ 4F-106. - Maintenance.

A. All parties having a lease or ownership interest in a solar facility are responsible for the maintenance of the facility.

B. Maintenance shall include painting, structural repairs, landscape buffers and vegetation under and around solar panel structures, and integrity of security measures. Access to the facility shall be maintained in a manner acceptable to the Fire Department. The owner, operator, or lessee are responsible for the cost of maintaining the facility and any access roads.

C. Appropriate vegetation is permitted under and around the solar collector panels, and the tract may be used for accessory agricultural purposes, including grazing of livestock, apiculture, and similar uses.

D. The provisions on this section shall be enforced in accordance with Article 3, Title 6 of the County Code.

A solar facility which has reached the end of its useful life must be removed in accordance with §4F-107.

In order to grant a request for a special exception under BCZR, §502.1, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;
E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
F. Interfere with adequate light and air;
G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

In *Schultz v. Pritts*, 291 Md. 1, 22-23, 432 A.2d at 1331 (1981), the Court of Appeals held that "the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and therefore should be denied, is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone."

The Court of Appeals in *People's Counsel for Baltimore County v. Loyola College in Md.* 406 Md. 54, 106, 956 A.2d 166 (2008) upheld that longstanding *Shultz* analysis, explaining that a special exception use has "certain [inherent] adverse effects....[which] are likely to occur". In its analysis, the *Loyola* Court observed that "[t]he special exception adds flexibility to a comprehensive legislative zoning scheme by serving as a 'middle ground' between permitted use and prohibited uses in a particular zone." *Id.*, 406 Md. at 71, 956 A.2d at 176 (2008).

The *Schultz* and *Loyola* Courts, and more recently in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 285 (2017) have expressly recognized that "[a] special exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity." (See also *Loyola*, 406 Md. at 84, 88; 105 *Schultz*, 291 Md. at 11). Based on this standard, once an applicant puts on its *prima facie* evidence in support of a special exception, the opponents must then "set forth sufficient evidence to indicate that the proposed [use] would have any adverse effects above and beyond those inherently associated with such use under the *Schultz* standard." *Attar*, 451 Md. at 287. (*See Montgomery County v. Butler*, 417 Md.271, 276-77 (2010) (opponent must show "non-inherent adverse effects" to "undercut the presumption of compatibility enjoyed by a proposed special exception use"). (*See also, Clarksville Residents Against Mortuary Defense Fund, Inc. v. Donaldson Properties*, 453 Md. 516, 543 (2017) ("there

is a presumption that the [special exception] use is in the interest of the general welfare, a presumption that may only be overcome by probative evidence of unique adverse effects").

Motions to Dismiss

1. Improper Notice of Hearing Before the Administrative Law Judge.

The Protestants' argued in their Post Hearing Memorandum that the Petition should be dismissed or remanded based on alleged improper notice of the hearing before the Administrative Law Judge, because the petition was filed prior to the effective date of Bill No. 6-18, which strengthened the notice requirements set forth in the Baltimore County Code. The Board found that there had been substantial compliance with notice requirements, finding that there was notice in fact, based on the *de novo* hearing that took multiple days over several months and as evidenced by Protestants' attendance at those hearings, consistent with *Cassidy v. County Board of Appeals*, 218 Md. 418, 146 A.2d 896 (1958).

Evidence

Petitioner presented testimony from six expert witnesses, who testified on its behalf in the merits of the case as to every element required for a special exception for a solar facility in Baltimore County.

The first witness, Marni Carroll, the Director of Project Development for OneEnergy Renewables, was qualified as an expert in community solar facilities, site selection, site production, site management, and maintenance of solar facilities;

Ms. Carroll gave the Board an understanding of OneEnergy and its experience operating facilities, including its prior experience in Maryland and in locations across the country. Ms. Carroll submitted a PowerPoint presentation that provided information about the company and its relationship to the proposed lessee of the subject facility. She also described the materials and

panels that will be installed, and the studies performed to assist in finding a suitable location and to ensure that any impacts to surrounding properties will be minimized. She also provided testimony about the detailed analysis that takes place when choosing potential locations for solar facilities. The selection process involves screening potential site through a variety of criteria and maps, including historical status, glare studies, existence of wetlands, species of concern, topography, forest cover, and consultation with the Department of Natural Resources and the Federal Aviation Administration, and U.S. Fish and Wildlife Service. Only after identifying feasible sites does OneEnergy approach landowners with the offer of an arrangement, normally a lease, that would allow the landowner a stable means of supplemental income while allowing the continued ability to farm the remaining land if the landowner so desired.

As Ms. Carroll explained, the solar panels are nontoxic, nonflammable, and do not contain any cadmium. Through an industry-standard glare study, she was able to confirm that the proposed facility will not cause any glare on surrounding roads and properties. In terms of installation, the panels are mounted on galvanized steel posts and have an aluminum and steel frame to which they clip "like legos." The supporting posts are driven into the ground without any cement or permanent impact to the land. She explained that the land beneath the panels will be planted with pollinator habitat that absorbs runoff and provides the possibility for the production of agricultural products, such as honey. Ms. Carroll presented the Board with a small jar of honey produced at one her company's other facilities. The panels rotate with the sun and are approximately nine feet tall at the point of maximum rotation. The inverter makes a very low hum not audible at the property line, the facility does not have any smell, and only a handful of trips to the site per year are required for maintenance. Ms. Carroll explained that at the end of the lease, OneEnergy is required to remove all equipment to three feet below the ground and to

restore the ground to its previous condition. All of the materials can either be recycled or reused by the solar industry.

Ms. Carroll also stated that a seven-foot tall fence will enclose the site, and all equipment will be stored and housed inside the fence. A gravel road will provide access to the area, and all equipment is expected to be delivered during the first two weeks that installation commences on the site. Maintenance will occur on a regular basis, at least quarterly each year.

Petitioner then called David Martin, a vice-president of DMW, a licensed landscape architect in Maryland and Pennsylvania, who was admitted as an expert in landscape architecture and site planning with particular knowledge of the requirements for landscape plans and special exceptions in Baltimore County. Mr. Martin introduced photographs of the site, keyed to a copy of the site plan indicating where each was taken.

Mr. Martin testified that the goals for landscaping the site are to screen adjacent residential properties. Mr. Martin explained that the Department of Planning representative wanted to preserve select views from Oakland Road into the Property and instructed him not to propose an unnatural wall of vegetation along the road that could block any view. Much of the landscaping is concentrated around the seven-foot-tall fence that surrounds the proposed solar panels. Additional landscaping is proposed at the access road to the facility. Mr. Martin stated that initially, 2 ½ to 3" trees and 6' evergreens will be planted along Oakland Road, and these size trees exceed the plantings required under the Baltimore County Landscape Manual. Existing forested area provides screening from residential homes to the north of the Property, and Petitioner will install additional landscaping along the northern boundary of the Property to further screen the view from neighboring homes.

Matt Durette, a professional engineer, working for OneEnergy next testified in support of the special exception. Mr. Durette was accepted as an expert in mechanical engineering, solar design and siting of solar facilities.

Mr. Durette testified that the facility will consist of just under 14.5 acres within a special exception area approximately 19± acres in size. Specifically, the facility will consist of: (i) galvanized steel posts driven directly into the ground in a north to south orientation; (ii) an aluminum racking system placed on top of the posts; (iii) photovoltaic solar panels with an antireflective coating that are connected to the racking system; (iv) wiring connecting the panels to an inverter, transformer, and, ultimately, to external power lines; (v) fencing placed around the facility for security, and (vi) additional landscaping. No barbed wire will be installed on the fencing.

Petitioner is proposing a "single-axis tracker" panel array that is designed to move with the position of the sun to provide maximum exposure of the panels to the sun and decrease the area needed to generate the permitted amount of electricity. The panels are 3' by 6' in size, are no taller than 9' when they are tilted towards the sun, and are constructed of an aluminum frame and a glass top designed to minimize glare. Mr. Durette confirmed that there are no fossil fuels, toxic chemicals, or radiation associated with the solar facility. Rainwater is sufficient to clean the panels, so no chemicals or other substances are used on them. Mr. Durette also testified that the risk of fire from the panels is "unlikely". On being questioned on cross-examination, Mr. Durette explained that the tracker motors are also solar powered.

Eric Hadaway, also of DMW, appeared on behalf of Petitioner, and was accepted as an expert in environmental regulation, analysis and evaluation of soils in Baltimore County. Mr. Hadaway testified that there are no environmentally protective buffers on the Property, but if the

solar facility is approved, Petitioner would subject sensitive areas to forest and stream buffers. He confirmed that there are non-tidals wetlands on areas of the Property outside the special exception area. Mr. Hadaway explained that Petitioner performed and obtained approval of a wetland and forest stand delineation and a steep and erodible soils analysis. There are streams that generate a forest buffer on the eastern half of the Property 740 feet away from the proposed facility. The newly established buffers and additional landscaping will offer protection that does not currently exist for these resources.

Mr. Hadaway also stated that there would be a stormwater management plan and measures installed on the site, as required by Baltimore County, and that Baltimore County had already approved the concept stormwater management plan for this project. Final approval of stormwater management will take place at the permitting stage of this project.

Mr. Hadaway opined that the various environmental measures being added on-site and the extent of undisturbed vegetated areas outside the special exception area would protect the Property from any negative environmental impacts.

Mr. Hadaway also provided testimony regarding an offsite stream located approximately 1,000 feet south of the proposed facility, which, at that distance, would not be negatively impacted.

On cross-examination Mr. Hadaway explained that the extent of soils analysis was limited to wetlands delineation. He also explained the multiple techniques available to control storm water management stabilize soils and increase absorption, including non-rooftop disconnects, new grasses, pollinator planting and seed mixtures that provide persistent vegetation throughout the seasons.

Mitch Kellman testified on behalf of Petitioner, and was accepted as an expert in Baltimore County land planning and zoning, with particular knowledge of the requirements for seeking and obtaining special exceptions in Baltimore County.

Mr. Kellman testified about the site location, size and zoning of R.C. 2. He confirmed that the only relief Petitioner sought was for a special exception. Mr. Kellman explained that the solar field will not be visible from Freeland Road because of a nearly 100' rise in elevation from that road with an intervening stand of existing trees. He also testified to specific zoning requirements for a solar facility in the R.C. 2 zone: that the use is permitted by special exception; that there were fewer than ten such facilities in the Third Councilmanic District where the Property is located; that there are no agricultural or rural legacy easements encumbering the Property; that the Property does not have an historic designation; that the proposed facility is not in a forest conservation easement; that the above ground components are at least fifty feet from the tract boundary; that all structures are less than twenty feet in height; that Oakland Road, a scenic road, will be screened.

Mr. Kellman also explained that on May 2, 2018, the plan had been submitted to the Development Review Committee and granted a limited exemption under Baltimore County Code §32-4-106(a).

Mr. Kellman provided additional testimony that the proposed facility meets the requirements of BCZR § 502.1. Specifically,

The solar facility will not tend to create congestion in roads, streets or alleys, since it will be unmanned and will only generate a handful of trips to the Property per year.

The solar facility will not create a potential hazard from fire, panic or other danger. As Mr. Durette testified, there is a strict electrical code governing the installation and the inverters

have a ground fault detection interruption system that would detect any fires and shut the equipment down, so there is little likelihood of fire. Additionally, Mr. Kellman confirmed that the Property is in close proximity (less than 1.5 miles) to a fire station in the unlikely event of a fire.

The facility will not overcrowd land and cause undue concentration of population. This requirement does not apply to a solar facility as it does not have any density. Because this use does not generate traffic or attract people, there is no overcrowding of the land or undue concentration of population.

The solar facility will not interfere with adequate provisions for schools, parks, waters, sewerage, transportation or other public requirements, conveniences, or improvements. The solar facility does not generate a need for public facilities of any kind. In fact, it assists with the provision of public services to the extent it adds electric power into the grid.

The solar facility will not interfere with adequate light and air. The components of the solar facility, which are approximately 10 feet in height and set back over 50 feet from any property line, will have no impact on adequate light and air.

The solar facility will not be inconsistent with the purposes of the property's zoning classification or the spirit and intent of the BZCR. Mr. Kellman opined that the use is expressly permitted by special exception.

The solar facility will not be inconsistent with the impermeable surface or vegetative retention provisions of the BCZR. Mr. Kellman noted that there are no impermeable surface or vegetative retention provisions applicable to the RC 2 zone. No clearing will be done in conjunction with the installation of the solar facility, additional plantings will be added, storm water management will be in place, and existing vegetation will remain. The special exception

area is the cleared area which was previously used for farming. There is no permanent disturbance of the soil because, after removal of the poles supporting the solar facility, the land may be used for farming or other purposes.

The solar facility will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers, and floodplains in the RC 2 zone. Mr. Kellman cited Mr. Hadaway's testimony that there are now no delineated or recorded wetlands or forest buffers to protect streams or other environmental resources on the Property. If the proposed solar facility is approved, however, buffers will be established and covenants recorded to protect the environmental and natural resources on the Property. Mr. Kellman noted that the facility will occupy only about 20% of the total acreage.

Mr. Kellman finally opined that the use at this location would have no greater negative impact than at another location in the R.C.2 zone than those inherent to the use.

After Protestants case closed, Petitioner offered David Straitman as a rebuttal witness. Mr. Straitman, a residential real estate appraiser was accepted as an expert in property valuation. He offered only one example of a solar facility (in Howard County) to demonstrate that the value of adjoining homes did not decline after the installation of the solar panels.

Mr. Kellman also testified in rebuttal, essentially affirming his opinion that the proposed facility met the requirements of the zoning regulation, both under Sections 502.1 and 4F.

Protestants' Case.

Protestants presented several witnesses whose testimony was directed at particular issues:

Theaux Le Gardeur testified as an expert in water quality, and serves as the Riverkeeper and Executive Director of the Gunpowder Riverkeeper, an organization devoted to monitoring and conserving the Gunpowder River watershed. He raised concerns that the Property drains

into the headwater of Bee Tree Run, a brook trout stream. Mr. Le Gardeur feared that the run off from the panels would change the hydrology of the stream and raise the temperature of the stream such as to threaten the brook trout. His testimony was that the cumulative impacts of the installation would degrade the trout stream since the panels don't allow water to infiltrate as slowly and would allow runoff to heat up the stream. Upon questioning, Mr. Le Gardeur could not identify any studies addressing nor could he quantify a safe distance from any stream on which to locate a solar array.

Ann Holmes Jones was offered but not accepted as an expert in agricultural preservation, the Board having found her substantial expertise as an independent consultant in agricultural and conservation easements not relevant to the issues before the Board. Nonetheless, Ms. Jones presented factual testimony regarding Agricultural Priority Preservation Areas and factors considered for easement purchase.

Meaghan Billingsley, the Assistant Director of the Valleys Planning Council ("VPC"), testified that even though the site is not within the geographic area of the organization, VPC had voted to appear in opposition to this facility as inconsistent with the R.C. 2 zone. She offered a resolution adopted by the VPC to that effect along with the requisite Rule 8 documents.

Nadine Lentz, a neighbor who resides on Orwig Road whose property adjoins the subject site, voiced her concerns that the installation would have a negative impact on the abundant wildlife in the area, such as snapping turtles, coyote, deer and eagles. She also feared increased lightning strikes because of the elevation of her property and the subject Property, though her house is some 300' from the proposed installation. Ms. Lentz also raised concerns that there would be chemical runoff from the panels that could degrade wells, that property values may be affected and that the installation may be visible from her home.

Lynne Jones lives at 815 State Church Rd., Parkton, MD. Her home is a 150 acre farm where her family has lived for 7 generations beginning in 1745. Ms. Jones testified individually and as President of Sparks-Glencoe Community Planning Council ("Sparks-Glencoe Council"). Sparks-Glencoe Council has 400 members and its boundaries run in a heart-shaped pattern from Hunt Valley in the south, to the Harford County/Baltimore County line in the east, to the Carroll County/Baltimore County line in the west. Not only is Sparks-Glencoe Council not a party to this case, more importantly, the Property, though near to, is not located within its boundaries. Those facts notwithstanding, Sparks Glencoe Council submitted a letter, signed by Ms. Jones, which described general opposition to solar facilities on farmland in northern Baltimore County. Ms. Jones' farm is located over five miles from the Property. She expressed her concerns about water runoff, flooding, impairment of scenic views and the negative impact on Targeted Ecological Areas and on the agriculture industry created by using farmland for solar facilities. Ms. Jones provided photographs of areas south of the Property on Heathecoate Road that are prone to flooding in heavy storms, but had no evidence if or how the solar facility would affect this existing condition. In support of her views, Ms. Jones attempted to introduce many articles she found on the internet, whose provenance the Board questioned. She also voiced some concerns regarding wildlife becoming entangled in fencing. Ms. Jones believes that solar facilities should be located in business and manufacturing zones. She is worried that the language in Bill 37-17 is not strong enough with regard to the issuance of a bond for maintenance and dismantling of the facility.

Lastly, Ms. Jones raised concerns that Petitioner's submission did not comport with Baltimore County Code §33-3-108.

Robert Rohe, Sr., a neighbor who resides on Orwig Road whose property abuts the subject site, testified that he maintains a Christmas tree farm on his property. As his trees are cut and sold over the next three years, he is concerned that the panels will affect the view from his deck. Mr. Rohe voiced concerns that the solar panels would be installed on prime agricultural soils and that, though his property sits at a higher elevation and upstream from the proposed solar array, the installation could create runoff that would affect wildlife and plantings in sensitive areas. He further voiced concerns that property values could be affected.

Kathleen Pieper lives at 4310 Beckeysville Rd., Hampsted, MD, which is 10 miles from the Property. Ms. Pieper presented Rule 8 papers for the North County Community Group, LLC for which she is the President ("North County"). North County is a volunteer organization of 500 members formed in 2015 with boundaries from the Maryland-Pennsylvania line in the north, York Rd. in the east, the Baltimore/Carroll County line in the west and Mt. Carmel Rd. in the south. The Property is within the boundaries of North County.

Ms. Pieper testified that she is familiar with the Property as a result of having worked with her former husband who farmed the Property at one time.

Ms. Pieper expressed concern that the special exception area is composed of prime and productive soils, and that solar facilities in general remove available farmland and crop production. Much of her testimony focused on 'Targeted Ecological Areas' or 'TEAs' which are designated as such because the land contains: forests; wildlife and rare habitats; non-tidal streams and fisheries; wetland adaptation areas; and tidal fisheries, bay and coastal ecosystems. Having done so, she explained when land is designated as having a TEA designation; it has the opportunity to receive state funding from Project Open Space ("POS"). Ms. Pieper testified that this Property is an unprotected TEA, and without any recorded conservation easement.

Ms. Pieper also testified that there are other sites available in Baltimore County that, in her opinion, might be more suitable for a solar facility because of their particular soil composition. She also suggested that Petitioner was seeking more acreage than it needs to produce 2 Mw of energy, based solely on other special exception cases in the County.

Ms. Pieper also felt that the security required by Baltimore County was not adequate and did not provide for soil remediation.

Paul Solomon was called by People's Counsel to testify, and was accepted, as an expert in planning, with a focus on rural zoning and land use planning. Mr. Solomon served as environmental planner for Baltimore County, retiring in 1992. He resides in New Freedom, Pennsylvania, approximately three miles from the Property. Mr. Soloman testified to the history of the R.C. 2 zone while he was employed by Baltimore County, his involvement in planning for the north part of the county, and in part, on his experience as a farm owner. He talked about the regional farming character and the quality of the farm land in the area, extending from Baltimore County into Pennsylvania and the effect of interrupting a 'critical mass' of farm land. It was Mr. Soloman's opinion that the solar facility conflicts with the legislative findings and purposes of the R.C. 2 zone as well as with certain provisions of the Master Plan 2020 concerned with farmland. He admitted on cross-examination that the Baltimore County statute does not prohibit solar facilities on prime agricultural soils. On cross-examination, he conceded that there is no prohibition to placing a solar facility on prime agricultural soils, and on re-direct conceded that the use is permitted by special exception in the zone.

John Altmeyer lives at 21722 Orwig Rd., Freeland, MD 21053 and adjoins the Property. He is a retired building inspector who worked for Baltimore County for 32 years. He was not offered as an expert in this case. Mr. Altmeyer calculated slope percentages for areas on the

Property using a topographical map to determine to his satisfaction whether the Petitioner's proposal complied with recommended grading for solar facilities.

Relying on Maryland Department of Environment ("MDE") Stormwater Design Guidance for Solar Panel Installations, Mr. Altmeyer testified that, in his opinion, if a slope is greater than 5% but less than 10%, the Petitioner would need "level spreaders" to catch the water runoff from the solar panels. He stated that if the slope is more than 10%, a full engineering study would have to be conducted and submitted to EPS. Mr. Altmeyer expressed his concern that the Site Plan does not show any stormwater management facilities.

Mr. Altmeyer also raised a concern that the panels would be visible from his house, and that the panels may contain carcinogens. He suggested that the proposed planting of Leland cypress would not survive winter weather.

Decision

As set forth above in BCZR, §4F-102.A, solar facilities are only permitted by special exception under the factors set forth in BCZR §502.1. The testimony of Mr. Martin, Mr. Durette, Mr. Hadaway, and Mr. Kellman support the Petitioner's position that the proposed solar facility would not be detrimental to the health, safety or general welfare of the locality involved. To the contrary, the Protestants' collective concerns are impacts, which are inherent with this particular use. The crux of Protestants' case rest on the fact that the facility will be located on farmland with soils highly desirable for agricultural use, an element that was not adopted by the County Council's enactment of Bill 37-17 which is codified in BCZR, Article 4F. Understandably, the Protestants want the land in RC zones to remain farmland.

However, it is beyond the jurisdiction of this Board to rewrite Bill 37-17 or Article 4F. Applying the standard in *Shultz*, *Loyola* and *Attar*, the Protestants were required to present

evidence that the adverse effects stemming from this solar facility, at this location, are unique and different than the inherent impacts associated with this use in general. We did not have such evidence here.

As described in detail above, Petitioner's experts, Mr. Kellman and Mr. Durette provided cumulative testimony that the solar facility would not create congestion in the roads, as it is not a use that generates traffic into or out of the Property. (BCZR, §502.1.B.) Further, Mr. Durette confirmed that there are no flammable materials used in this solar facility. There is fire station on Middletown Rd. (BCZR, §502.1.C.) As with the lack of traffic, Mr. Kellman repeated that this use does not generate people and therefore it would not tend to overcrowd the land or cause and undue concentration of population. (BCZR, §502.1.D.) Additionally, Mr. Kellman confirmed that this use does not interfere with schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. (BCZR, §502.1.E.) To the contrary, the Board finds that it produces electricity, which benefits the surrounding community.

Mr. Martin confirmed that the height of the facility will be under 10 feet and would therefore not interfere with adequate light or air. (BCZR, §502.1.F.) The facility will stand in the cleared area of the Property, removed from any adjacent homes. Accordingly, the Board finds that shadowing and air circulation are not areas of concern.

As to the consistency of this use with the purposes of the RC zones and with the spirit and intent of the BCZR, solar facilities are consistent uses because they are temporary and are removed at the end of a lease term. There was much testimony and argument about removing 'prime and productive' soil from the agriculture industry. However, the evidence showed that the soil type remains the same before, during and after removal.

The County Council deemed solar facilities are uses consistent with the RC zone, provided they meet the special exception standard, as explained in *Shultz*, *Loyola* and *Attar*. The Protestants' argument that farming is the primary use and therefore is consistent with the RC zones, is an argument which should be directed to the County Council. This Board is not required to determine whether a solar facility is detrimental to agricultural uses. Our authority to approve this use is contained in Article 4F and §502.1 factors. Moreover, even if this Property contains 'prime and productive' soil (an alleged fact, which we are not deciding), the owner cannot be compelled to farm or to lease the Property to a farmer.

Mr. Hadaway explained that the use is consistent with impermeable surface and vegetative retention provisions of the BCZR because there will not be any clearing or grading of land, or no tree removal. Rain will propel off the solar panels and soak into the ground between the rows. Ms. Carroll noted that there would be pollinator species planted under the panels and year round vegetation. Even so, Mr. Hadaway added that the Department of Environmental Protection and Sustainability ("EPS") will determine whether any further storm water management retention measures are needed.

Finally, Mr. Kellman testified that this use, at this location, would not be detrimental to the environmental or natural resources of the Property, including the forest, streams, wetlands, aquifers and floodplains. Sensitive areas of the Property will be subject to protective forest buffer easements and forest conservation easements where none now exist, and the facility will not be placed within, or disturb, those areas.

Having analyzed the special exception factors, the requirements of BCZR, §4F-102.B.1 and BCZR, §4F-104.A. 1-9, must also be satisfied by the Petitioner. Mr. Durett testified that the

19 ± acre special exception area and 14.5 acre solar panel array is the minimum acreage needed to produce 2.0 megawatts AC of electricity. (BCZR, §4F-102.B.1.)

Based on the evidence presented to the Board, we find that there was no compelling evidence by the Protestants here, which contradicts the Petitioner's plan that 19± acre special exception area is the minimum area needed to produce less than 2 megawatts AC electricity. The Protestants did not have an expert testify on this issue. Accordingly, we find that the Petitioner has met this burden.

Mr. Kellman testified that the Property is not encumbered by an agricultural preservation easement, an environmental preservation easement or rural legacy easement, nor is it in a Baltimore County historic district or on the Baltimore County Final Landmarks list. BCZR, §§4F-104.A.1 and 2. In addition, as with the special exception factors, Mr. Kellman testified that the solar facility will not be located in the forest conservation easement or designated conservancy area. (BCZR, §§4F-104.A.3.) There was no evidence by the Protestants that contradicted either of these requirements.

As to the setback and height requirements, Mr. Kellman made clear that the facility at its highest peak will not exceed 10 ft. and will be located at least 50 ft. from the tract boundary. (BCZR, §§4F-104.A.4 and 5.) Accordingly, both the height and setback requirements have been met. There was no evidence by the Protestants that contradicted either of these requirements.

With regard to the requirement for a landscape buffer on the perimeter, Mr. Martin worked with the Department of Planning to preserve views from Oakland Road and to concentrate planting around the fence surrounding the panels. In addition, Petitioner will install additional landscaping at the access road to the facility and along the northern boundary of the Property to screen neighboring homes. We find that these requirements have been satisfied.

Additionally, there is a requirement that the solar panels minimize glare in order to prevent vehicle collisions and safety hazards. (BCZR, §4F-104.8). Ms. Carroll testified that Petitioner conducted a glare study applying industry standards and methodology developed by the Federal Aviation Administration. The glare study indicated that there would be no glare produced by the solar panels here. The Protestants did not present an expert to contradict this testimony. Thus, we find that requirement is satisfied.

Finally, the Site Plan must comply with BCC, §33-3-108. (BCZR, §4F-104.A.9). The Protestants argued that the Petition should be dismissed because the Site Plan failed to list each of the 18 elements in Subsection (c). In our review of BCC, §33-3-108, we find the language in Subsection (a) is unambiguous. That Subsection requires the Department of Environmental Protection and Sustainability ("EPS") (as defined in §33-3-101(f)), to approve the Site Plan. Further, Subsection (b) directs that the Site Plan shall generally include such information (graphs, charts, etc.) to enable EPS to "make a reasonably informed decision regarding the proposed activity." Additionally, a plan submitted to EPS for approval must also contain the information listed in Subsection (c).

In our view, the specific items listed in Subsection (c) must be considered by EPS when it reviews and approves the Plan under that Section, not this Board. The testimony of Mr. Kellman was that EPS' policy is that they will not approve a site plan until after the special exception relief is granted. We find his testimony to be consistent with the language in Section 33-3-105 (1) and (2) which provides that EPS is "responsible for enforcing the provisions of [Title 33]" and the Director of EPS "may adopt policies and regulations as necessary to implement the provisions of [Title 33]."

On this issue, there was no expert testimony presented by the Protestants to counter the evidence presented by the Petitioner. Given the express wording of Section 33-3-108 that EPS shall approve the Site Plan, and that EPS is responsible for ensuring that the Site Plan comply with both the general and specific requirements of Subsections (b) and (c), we find that the appropriate resolution for this Board is to place a condition in the Order reiterating the words of §4F-104.A.9, that the Petitioner shall comply with Section 33-3-108. To do otherwise would be to overstep this Board's statutory authority.

Conclusion

After reviewing all of the testimony and evidence presented, the Board finds that Petition for Special Exception pursuant to BCZR, Article 4F is granted.

ORDER

THEREFORE, IT IS THIS 10th day of May, 2019, by the County Board of Appeals of Baltimore County,

ORDERED, that the Protestants' Motion to Dismiss the Petition on the basis of inadequate notice, be and the same is hereby **DENIED** for the reasons set forth herein, and it is further,

ORDERED, that the Petition for Special Exception for a solar facility pursuant to BCZR, Article 4F as set forth on the Site Plan and the Schematic Landscape Plan be, and the same is hereby **GRANTED,** subject to the following conditions under the Board's authority in §4F-104.A.10:

1. Petitioner shall submit for approval by Baltimore County a landscape plan for the Property demonstrating appropriate screening and vegetation as required by the Landscape Manual and as set forth in the Zoning Advisory Committee Comments from the Department of Planning dated March 27, 2018.

The Landscape Plan shall take into consideration the residential properties adjoining the Property on the North and East, in an effort to minimize the visual impact of the solar facility on those residences.

2. The area occupied by the solar panel array shall not exceed 14.5 acres;

3. Petitioner shall utilize panels that minimize glare to prevent traffic or safety hazards; the height of the panels shall not exceed ten feet (10');

4. Petitioner shall install a 7 ft. high, security fence, without barbed wire, between the landscaping buffer and the solar facility as required by BCZR, §4F-104.A.7. Attached to the fence in a conspicuous place, while the solar facility is in operation, shall be the current contact information (name, address, telephone number, website and email address) of the operator of the solar facility.

5. Prior to the issuance of a building permit, Petitioner must satisfy the environmental regulations set forth in BCC, §33-3-108 pertaining to the protection of water quality, streams, wetlands and floodplains and obtain approval of the Site Plan from the Department of Environmental Protection and Sustainability as required in that Section.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Andrew M. Belt, Panel Chairman

Deborah C. Dopkin

Kendra Randall Jolivet

The State of Maryland

Executive Department

ORDER

OF THE

GOVERNOR OF THE STATE OF MARYLAND

No. 21-03-09-03

AMENDING AND RESTATING THE ORDER OF JUNE 19, 2020, EXTENDING CERTAIN LICENSES, PERMITS, REGISTRATIONS, AND OTHER GOVERNMENTAL AUTHORIZATIONS, AND AUTHORIZING SUSPENSION OF LEGAL TIME REQUIREMENTS

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, April 10, May 6, June 3, July 1, July 31, August 10, September 8, October 6, October 29, November 25, and December 23, 2020, and January 21 and February 19, 2021, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, The U.S. Centers for Disease Control and Prevention ("CDC") has advised employers, such as the State of Maryland, to prepare for increased employee absence and alternative working arrangements (such as teleworking) in response to an outbreak of COVID-19;

WHEREAS, Increased employee absence and alternative working arrangements within the State of Maryland's workforce may impact the State's ability to timely process renewals of expiring permits, licenses, registrations, and other governmental authorizations;

WHEREAS, The CDC and the Maryland Department of Health ("MDH") recommend social distancing to reduce the spread of COVID-19;

WHEREAS, Renewal of expiring permits, licenses, registrations, and other governmental authorizations often requires the public to enter public buildings and interact with State employees and other persons, which may be contrary to prudent social distancing; and

WHEREAS, To reduce the threat to human health caused by transmission of COVID-19 in Maryland, and to protect and save lives, it is necessary and reasonable that permits, licenses, registrations, and other governmental authorizations be extended until after the state of emergency and catastrophic health emergency has ended;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Amendment and Restatement. The Order of the Governor of the State of Maryland, dated March 12, 2020, entitled "Extending Certain Licenses, Permits, Registrations, and Other Government Authorizations, and Authorizing Suspension of Legal Time Requirements" (the "Original Order"), as amended and restated on June 19, 2020 by Order Number 20-06-19-01 (together with the Original Order, the "Prior Versions"), is further amended and restated in its entirety as set forth herein.

II. Extension of Certain Licenses, Permits, Registrations and Authorizations.

a. This Order applies to all licenses, permits, registrations, and other authorizations issued by the State of Maryland, any agency of the State of Maryland, or any political subdivision of the State of Maryland, including, without limitation, driver's licenses, vehicle registrations, and professional licenses (collectively, the "Covered Authorizations"), that would otherwise:

i. expire prior to June 30, 2021 during the state of emergency and catastrophic health emergency; and

ii. be renewable during the state of emergency and catastrophic health emergency under applicable laws and regulations.

b. The expiration date of each Covered Authorization (other than Covered Authorizations excluded pursuant to paragraph II.c below) is hereby extended to June 30, 2021.

c. The head of each unit of State or local government may opt to exclude any Covered Authorization from paragraph II.b above; provided, that the unit head shall provide reasonable public notice of each exclusion pursuant to this paragraph II.c.

III. Suspension of Legal Time Requirements.

a. Paragraph III.a of the Prior Versions of this Order, which authorized the head of each unit of State or local government to suspend the effect of any legal or procedural deadline, due date, time of default, time expiration, period of time, or other time of an act or event described within any State or local statute, rule, or regulation (each, a "Timeframe Suspension"), is no longer in effect.

b. Notwithstanding anything herein to the contrary, each Timeframe Suspension in effect immediately prior to this Order shall continue in effect until the earlier of (i) the date the applicable unit head elects to end the Timeframe Suspension, or (ii) June 30, 2021. The applicable unit head shall provide reasonable public notice regarding the end of each Timeframe Suspension.

c. For avoidance of doubt, no new Timeframe Suspensions may be made on or after the date of this Order.

IV. Virtual Hearings and Meetings.

a. To the extent any statute or rule or regulation of an executive branch agency of the State or a political subdivision requires a hearing or meeting to be conducted in-person or at a particular physical location, such statute, rule, or regulation is suspended to the extent necessary to permit the applicable unit of State or local government to elect to conduct such hearing or meeting, in whole or in part, using videoconferencing, teleconferencing, or other communication technology ("Virtual Meeting Technology"); *provided* that for each such hearing or meeting that is conducted, in whole or in part, using Virtual Meeting Technology, the applicable unit shall:

i. give notice of, and conduct such hearing or meeting in a manner that satisfies the due process requirements and/or other relevant constitutional requirements applicable to the hearing or meeting, if any; and

ii. conduct the hearing or meeting in a manner that allows for an exchange of information among the participants that is substantially equivalent to the exchange of information that would reasonably be expected to occur if the hearing or meeting was conducted in the manner prescribed by the applicable statute, rule, or regulation.

b. For avoidance of doubt, nothing in this Order:

i. requires any unit of State or local government to conduct a hearing or meeting using Virtual Meeting Technology; or

ii. relieves any unit of State or local government of its obligations to comply with the Open Meetings Act.

V. General Provisions.

a. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this Order is hereby suspended to the extent of the inconsistency.

b. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

c. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED UNDER MY HAND THIS 9TH DAY OF MARCH, 2021, AND EFFECTIVE IMMEDIATELY.

Lawrence J. Hogan, Jr.
Governor

DONALD I. MOHLER III
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection and Sustainability

January 30, 2019

Mr. John Canoles
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

RE: Holy Trinity Fathers Monastery
Alternatives Analysis

Dear Mr. Canoles:

The subject alternatives analysis for proposed road upgrades within a Forest Buffer Easement (FBE), including a stream crossing, was received by Environmental Impact Review (EIR) on January 15, 2019 in accordance with Section 33-3-112 (c) of Baltimore County's Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. That Section essentially states that roads, bridges, trails and utilities are permitted in a FBE provided no feasible alternative exists and that minimal impact to water quality will result, as clearly demonstrated by an alternatives analysis. A 15-ft. wide private road from public Greene Tree Road currently exists to serve the monastery, but would require improvement to meet the County's road standards to serve the thirteen single family dwelling lots proposed around the monastery, which is to remain. A secondary private access from Park Heights Avenue would be abandoned and its paving removed and area reforested.

Four alternatives for road construction through the buffer were analyzed in the initial submission along with evaluation of a bridge crossing versus a replacement culvert. However, no consideration of a bottomless arch was provided, and no calculation of net impact to the buffer was included. The development team subsequently submitted additional information on January 30, 2019 indicating that approximately 3,760 square feet (sf) of paving exists in the buffer near the proposed road improvement. Adding that to the removal of approximately 1,450 sf of paving at the Park Heights Avenue buffer and subtracting the total 5,210 sf from the 5,165 of proposed paving in the buffer actually results in a net decrease of about 45 sf of paving in the buffer. The addendum also evaluated the bottomless arch alternative for the replacement stream crossing. That analysis concluded that due to discharge and velocity of flows through this reach of stream and its low entrenchment, grade control structures installed instream may fail or cause draining of the contiguous wetlands. Furthermore, there is an insufficient length of channel above the crossing to warrant fish passage concerns in the design of this

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replacement crossing. EIR has reviewed the entire alternatives analysis and agrees with the conclusions regarding the stream crossing method.

Consequently, this Department finds that the preferred alternative, Alternate 4, adequately minimizes impacts to water quality while meeting County road design requirements. We further find that these impacts can be further minimized by providing the mitigation prescribed below. Therefore, that alternative is hereby approved in accordance with Section 33-3-112 (c) of the Baltimore County Code with the following conditions:

1. Approximately 3,200 sf of existing paved road outside the footprint of the proposed road shall be removed from the FBEs on each side of the property and those areas reforested as directed in condition 2 herein. The current FBPP does not reflect all of this reforestation, specifically the area northeast of the proposed stream crossing where existing paving would be removed.

2. 0.4 acre of FBE shall be planted in accordance with a final Forest Buffer Protection and Forest Conservation Plan (FBP/FCP) approved by EIR.

3. All onsite planting shall be secured in an amount approved by EPS via an Environmental Agreement prior to issuance of any grading permit.

4. The twin culverts shall be designed to provide a suitable low flow channel inasmuch as possible while maintaining wetland hydrology. EIR must review and approve the culvert design drawings.

5. The following note must be on all plans for the project:

   "An alternatives analysis was approved by Baltimore County EPS on January 30, 2019 to improve the existing access road from Greene Tree Road and its stream crossing. Conditions were placed on this approval including removal of paving from the Forest Buffer onsite and reforesting 0.4 acre of this buffer."

6. All Forest Conservation Easements and Forest Buffer & Forest Conservation Easements shall be recorded along with their respective Declarations of Protective Covenants in Baltimore County Land Records prior to reduction or return of any forest conservation or forest buffer protection security.

7. The aforementioned FBP/FCP reflecting the conditions of both this approval and the companion forest conservation variance shall be submitted to EPS and approved prior to approval of the grading and sediment control plan for this project. An itemized cost estimate for implementation of the FBP/FCP shall be included for EIR review and approval.

It is the intent of this Department to approve this alternatives analysis subject to the above conditions. Any changes to site layout or road design may require submittal of revised plans and new alternatives analysis.

Please have the developer and/or party responsible for meeting the conditions of this variance sign the statement below and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please call me at (410) 887-3980.

Sincerely yours,

Glenn Shaffer, Supervisor
Environmental Impact Review

c. Mr. Raymond Hopkins, KCI, Inc.

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

_____

Owner/Representative's Signature Date

_____

Printed Name & Affiliation

_____

Developer's Signature Date

_____

Printed Name & Company

DONALD I. MOHLER III
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection and Sustainability

JAN - 7 2019

December 28, 2018

Mr. John Canoles
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

RE: Holy Trinity Fathers Monastery
Forest Conservation Variance
Tracking # 02-18-2730

Dear Mr. Canoles:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) on May 17, 2018. If granted, the variance would authorize the removal of 28 of 109 specimen trees to develop 14 single family detached dwelling lots around a monastery to remain on a 39-acre site. However, EPS staff comments on the preliminary forest conservation plan (FCP) accompanying the variance application resulted in a revised FCP being submitted to EPS on November 7, 2018 that reduced the number of native specimen trees and forest to be cleared. The revised FCP proposes removal of 27 specimen trees instead of 28 and 0.1-acre less forest clearing to develop 13 instead of 14 lots. Twelve of the 26 specimens to be removed are native species in fair to good condition outside of forest. Moreover, only 0.2 of the over 12 acres of forest onsite would be cleared with 1.2 acres of reforestation proposed in open portions of the Forest Buffer Easement to meet the project's 0.4-acre reforestation requirement and mitigate for specimen tree removal.

The Director of EPS may grant a special variance to the Forest Conservation law in accordance with criteria outlined in Section 33-6-116 of the Baltimore County Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One of the three criteria under Subsection 33-6-116 (d) must be met, and all three of the criteria under Subsection 33-6-116 (e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116 (d)(1) of the Code) requires that the petitioner show that the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of his property. The applicant is seeking to develop 13

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residential lots. However, the property has and will continue to be a monastery. Therefore, denying this variance would not deprive the petitioner of all beneficial use of the property. Consequently, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions in the neighborhood. The petitioner's plight necessitating the requested variance is largely due to the number and wide distribution of the 109 specimen trees onsite coupled with other design constraints rather than general conditions in the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116 (d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The size and density of the proposed houses that would result, should the variance be granted, will be commensurate with the surrounding residential community. Therefore, we find that the variance, as requested, will not alter the essential character of the neighborhood and that this criterion has been met.

The fourth criterion (Subsection 33-6-116 (e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. While two of the viable specimens to be removed are in the Forest Buffer, they are along an existing drive to be improved, and their loss will be mitigated in accordance with any conditions of alternatives analysis approval. Moreover, adequate water quality management of storm runoff will be provided where none currently exists. Therefore, we find that granting of the special variance will not adversely affect water quality; thus, this criterion has been met.

The fifth criterion (Subsection 33-6-116 (e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance which is the result of actions taken by the petitioner. The variance request arises from the presence of numerous specimen trees throughout the site rather than from circumstances or conditions resulting from any action taken by the petitioner. Therefore, we find that this criterion has been met.

The sixth criterion (Subsection 33-6-116 (e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Forest clearing and impacts to specimen trees have been minimized inasmuch as possible through redesign of the development project to result in only 0.2 acre of forest clearing and removal of 12 native, viable, specimen trees. Furthermore, onsite specimen tree mitigation by way of 0.8 acre of priority planting area is proposed. Therefore, we find that this criterion has been met.

Based on our review, this Department finds that the required criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code contingent upon the following conditions:

1. 0.8 acre of open Forest Buffer area shall be planted in accordance with a final FCP. This is in addition to the 0.4 acre of reforestation required. All onsite planting shall be secured in an amount approved by EPS via an Environmental Agreement prior to issuance of any grading permit.

2. The following note must be on all plans for the project:

   "A special variance to the Forest Conservation Law was approved by Baltimore County EPS on December 28, 2018 to allow removal of 27 specimen trees. Conditions were placed on this approval including 0.8 acre of reforestation in open Forest Buffer Easement on the property to mitigate the loss of 12 native specimen trees."

3. A final FCP reflecting the conditions of this variance shall be submitted to EPS and approved prior to approval of the grading and sediment control plan for this project. The final FCP must clarify tree protection measures, especially fence locations, to adequately protect all specimen trees to remain.

4. All Forest Conservation Easements and Forest Buffer & Forest Conservation Easements shall be recorded along with their respective Declarations of Protective Covenants in Baltimore County Land Records prior to reduction or return of any forest conservation or forest buffer protection security.

5. Removal or critical impact to any additional specimen trees will require a separate variance request which will be reviewed on its own merits.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the developer or party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please call Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

David V. Lykens
Acting Director

DVL/ges

c. Mr. Matt Sichel, KCI, Inc.
Ms. Marian Honeczy, Dept. of Natural Resources

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

Developer's Signature Date

Printed Name & Affiliation

THIS DEED, made this 4 day of January in the year one thousand nine hundred and eighty-eight by and between HOLY TRINITY FATHERS, INC., OF MARYLAND, a body corporate of the State of Maryland, Grantor and party of the first part, and GREY ROCK, INC., a body corporate of the State of Maryland, Grantee and party of the second part.

WITNESSETH, that in consideration of the sum of $6,390,000.00, the actual consideration paid or to be paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said party of the second part, its successors and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

FOR LEGAL DESCRIPTION, SEE SCHEDULE A ATTACHED HEREWITH AND MADE A PART HEREOF

BEING the same parcel of land which by Deed dated May 20, 1965 and recorded among the Land Records of Baltimore County in Liber RRG No. 4461, folio 401, were granted and conveyed by E. K. Jacobs, et al, Trustees under the Last Will and Testament of A. Ray Katz, deceased, and Ethel E. K. Jacobs, widow, unto Holy Trinity Fathers, Inc., of Maryland, the Grantor herein.

BEING ALSO the same parcel of land which by Deed dated July 28, 1986 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 7222, folio 233, were granted and conveyed by Szymon Zajdel and Helena Zajdel, his wife, unto Holy Trinity Fathers, Inc., of Maryland, the Grantor herein.

THE Grantor hereby certifies that this conveyance is not part of a transaction in which there is a sale, lease, exchange, or other transfer of all or substantially all the property or assets of the Grantor.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lots of ground and premises to the said party of the second part, its successors and assigns, in fee simple.

3191
3191
34

AGRICULTURAL TRANSFER TAX
IS NOT APPLICABLE
SIGNATURE JR DATE 1-14-88

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JR 1-14-88
By Date

B 8229**102240D0:a 5138A

Dev. 4

SO LONG as the Grantor retains title to a 36 acre parcel of property described in a Deed from Jean Nancy Keyser to Grantor dated May 11, 1943 and recorded among the Land Records of Baltimore County in Liber 1286, folio 244, (the "36 acre parcel"), Grantee shall not construct any building or make any improvements to an area within two hundred (200) feet of the easternmost boundary of the 56.0752 acre parcel conveyed hereby. The easternmost boundary is the first call of the 56.0752 acre parcel or the South 3 degrees 32 minutes 26 seconds East 267.00 feet. The 200 foot area is hereinafter referred to as the "Buffer Area."

THE GRANTOR herein, reserves unto itself for as long as it retains ownership of said 36 acre parcel an easement for ingress and egress, recreation, roadways and other uses related to Grantor's use of the 36 acre parcel as a monastery, convent, and retreat center across said buffer area.

THE 56.0752 acre parcel is subject to a right of way from Reisterstown Road servicing the 36 acre parcel. Grantee shall have the right to relocate said right of way or terminate said right of way if such is required by Baltimore County, but if said right of way is closed or relocated, Grantee, its successors and/or assigns, shall provide Grantor with access to a public road by granting a right of way which meets the minimum width requirements of Baltimore County for a public road and shall construct any public improvements in such a way as to allow the connection of the existing private driveway (located on the 56.0752 acre parcel) to the new public road.

GRANTOR, so long as it holds title to the 36 acre parcel, reserves the right to erect and maintain an entrance sign not larger than ten (10) square feet at the intersection of Reisterstown Road and the existing driveway, or, if a new public road is constructed on the 56.0752 acre parcel, then at the intersection of the new public road and Grantor's access to the 36 acre parcel. Grantee shall have the right to require Grantor to reduce the size of such sign if it constitutes more than one-third (1/3) of the entire signage allowed on the entire property conveyed hereby.

AND the said party of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

WITNESS the name and corporate seal of said body corporate and the signatures of Rev. Anthony O. D'Errico, O.S.S.T., the President thereof and Rev. Ward Baker, O.S.S.T., the Treasurer thereof.

ATTEST as to both signatures:

HOLY TRINITY FATHERS, INC., OF MARYLAND

By: Rev. Anthony O. D'Errico, O.S.S.T. (SEAL)
Rev. Anthony O. D'Errico, O.S.S.T.,
President

Rev. John L. Dorn, O.S.S.T.
Assistant Secretary

By: Rev. Ward Baker, O.S.S.T. (SEAL)
Rev. Ward Baker, O.S.S.T.,
Treasurer

STATE OF MARYLAND, County of Baltimore, to wit:

I HEREBY CERTIFY, that on this 4 day of January, in the year one thousand nine hundred and eighty eight, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Rev. Anthony O. D'Errico, O.S.S.T., who acknowledged himself to be the President of Holy Trinity Fathers, Inc. of Maryland, a corporation, and that he as such President being authorized so to do, executed the aforegoing instrument for the purposes therein contained, by signing in my presence, the name of the corporation by himself as such President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission expires: July 1, 1990.

STATE OF MARYLAND, Balto. County, to wit:

I HEREBY CERTIFY, that on this 4 day of January, in the year one thousand nine hundred and eighty eight, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Rev. Ward Baker, O.S.S.T. who acknowledged himself to be the Treasurer of Holy Trinity Fathers, Inc. of Maryland, a corporation, and that he as such Treasurer being authorized so to do, executed the aforegoing instrument for the purposes therein contained, by signing in my presence, the name of the corporation by himself as such Treasurer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission expires: July 1, 1990.

C RC/F 14.00
C T TX $1950.00
C DOCS $1950.00
DEED 0 #
SM CLERK 63934.00
#36395 C001 R02 T11:09

01/14/88

0375d

EXHIBIT A
TO
DEED OF TRUST AND SECURITY AGREEMENT

DESCRIPTION

56.0752 ACRE PARCEL AND 4.8419 ACRE PARCEL,
TRINITARIAN TRACTS, NORTHEAST SIDE OF REISTERSTOWN ROAD,
NORTHWEST SIDE OF KELLER AVENUE, BALTIMORE COUNTY, MARYLAND

BEGINNING at the beginning point of the first parcel of land described in the deed from Ethel E.K. Jacobs and others to Holy Trinity Fathers, Inc. of Maryland, dated May 20, 1965 and recorded among the Land Records of Baltimore County in Liber R.R.G. 4461 Page 401, running thence binding on the first through the twelfth lines of said land twelve courses (1) South 03 degrees 32 minutes 26 seconds East 267.00 feet, (2) South 86 degrees 28 minutes 40 seconds West 124.90 feet and (3) South 03 degrees 18 minutes 20 seconds East 199.40 feet to a concrete monument found, (4) South 36 degrees 02 minutes 42 seconds West 500.13 feet to a concrete monument found (5) South 25 degrees 27 minutes 00 seconds West 716.22 feet to a stone found, (6) South 89 degrees 24 minutes 15 seconds West 100.00 feet to a stone found, (7) South 42 degrees 58 minutes 03 seconds East 342.51 feet to a stone found, (8) South 47 degrees 08 minutes 03 seconds West 224.34 feet to stone found, (9) North 41 degrees 01 minutes 40 seconds West 343.82 feet to a stone found, (10) South 51 degrees 09 minutes 54 seconds West 82.53 feet to a stone found, (11) North 42 degrees 21 minutes 33 seconds West 46.03 feet to a stone found and (12) South 47 degrees 15 minutes 35 seconds West 94.75 feet to a point in the center of a 12 foot

Description
56.0752/4.8419 Acre Parcel
Page 2

right of way referred to in said first parcel and now known as Keller Road, thence binding on the center line of said Keller Road and also binding on the thirteenth line of said land (13) South 47 degrees 15 minutes 35 seconds West 598.27 feet to the northeast right of way line of Reisterstown Road, 66 feet wide, thence binding on said right of way, (14) North 42 degrees 09 minutes 10 seconds West 513.15 feet thence binding on the fifteenth through the twentieth lines of said first parcel six courses (15) North 23 degrees 01 minutes 47 seconds East 390.35 feet to a concrete monument found (16) North 23 degrees 01 minutes 47 seconds East 471.81 feet to a granite monument found (17) North 58 degrees 07 minutes 12 seconds West 64.08 feet to a stone found, (18) North 02° 28' 54" West 380.66 feet (19) North 02 degrees 24 minutes 57 seconds West 523.58 feet to granite monument found and (20) North 86 degrees 44 minutes 08 seconds East 1683.61 feet to the place of beginning.

Containing 56.0752 acres of land.

BEGINNING for the second on the northeast right of way line of Reisterstown Road, 66 feet wide at the beginning of the second parcel of land described in the deed from Ethel E.K. Jacobs and others to Holy Trinity Fathers, Inc. of Maryland, dated May 20, 1965 and recorded among the Land Records of Baltimore County in Liber R.R.G. 4461 Page 401, running thence binding on said

Description
56.0752/4.8419 Acre Parcel
Page 3

Northeast right of way line (1) North 42 degrees 09 minutes 10 seconds West 468.18 feet to the beginning of the first parcel of land described in the deed from Szymon Zajdel and wife to Holy Trinity Fathers, Inc. of Maryland dated July 28, 1986 and recorded among said land records in Liber E.H.K. Jr. 7222 Page 233, thence binding reversely on the seventh or last line and on the sixth line of said first parcel two courses (2) North 47 degrees 12 minutes 23 seconds EAst 109.83 feet and (3) North 27 degrees 01 minutes 30 seconds West 349.06 feet to the south side of Stone Chapel Road thence binding thereon and binding reversely on the fifth line of said first parcel and continuing to binding reversely on the first line of the seconds parcel of land described in said last mentioned deed and continuing said line binding reversely on a part of the first line of the third parcel of land described in said Liber 7222 Page 233, in all (4) North 86 degrees 22 minutes 12 seconds East 403.15 feet to a concrete monument found at the beginning of the second line of the land described in the deed from William A. Howard and wife to Louis F. Gebhart, dated August 3, 1937 and recorded among said Land Records in Liber Z.W.B. Jr. 1006 Page 502, thence binding on the second through the fifth lines of said last mentioned land four courses

Description
56.0752/4.8419 Acre Parcel
Page 4

(5) South 01 degrees 08 minutes 03 seconds West 113.70 feet to a concrete monument found (6) South 08 degrees 07 minutes 40 seconds West 189.98 feet to a concrete monument found, (7) South 60 degrees 05 minutes 33 seconds East 197.45 feet to a point distant North 60 degrees 05 minutes 33 seconds West 4.03 feet from a concrete monument found, and (8) South 23 degrees 01 minutes 47 seconds West 388.98 feet to the place of beginning.

Containing 4.8419 acres of land.

HSM Job No.: 40120 January 4, 1987

RWB/raz

PLEASE RETURN TO:
BAY STATE TITLE COMPANY
1 EAST REDWOOD STREET
SUITE 401
BALTIMORE, MD. 21202
301 - 539-5878

PLEASE RETURN TO:
BAY STATE TITLE COMPANY
1 EAST REDWOOD STREET
SUITE 401
BALTIMORE, MD. 21202
301 - 539-5878

BALTIMORE COUNTY, MARYLAND

Inter - Office Memorandum

To: Mike Mohler Date: January 29, 2019
From: Jim Hermann
Subject: ~~Local~~ Open Space Waiver Request
Name: Trinity Fathers Property (PAI No. 03-0515)
Owner: Sacred Heart Monastery and Holy Trinity Fathers
Developer: Sacred Heart Monastery and Holy Trinity Fathers
Location: 8400 Park Heights Avenue
Election District: 3 Council District: 2
Area of County: West Central
Gross Acreage: 40.379 Acres Zoning: RC 5, DR-1 & DR-3.5
Units Allowed: 21 Units Proposed: 13 new (1 existing)
~~Active Local~~ Open Space Required: 13,000 sq. ft. Provided: 0 sq. ft.
~~Passive Local Open Space Required: 0 sq. ft. Provided: 0 sq. ft.~~
Fee in Lieu of Open Space: Open Space - OS-Tier 1 (Outside the URDL) - $0.45/SF
Waiver Request: 13,000 sq. ft.
Fee Required: $5,850.00 (OS-Tier 1 (Outside the URDL) 13,000 sq.ft. X $0.45 = $5,850.00)

Factors Influencing Department Recommendation

__ Project is located in a RAE zone or CT district

__ Project is (___) an elderly housing facility as defined in the zoning regulations or (___) dormitories for the housing of not less than 50 students attending an accredited higher education institution; and

__ The Department of Recreation and Parks determines that there is no suitable land to meet the open space requirements

✓ Local Open Space required is less than 20,000sf

✓ There are no contiguous public recreational or educational lands

✓ There is no Master Plan and/or other County plan conflict (i.e., Community Plan, Greenway issue, etc.)

Department Recommendation

Approve Request.
JMH 1/28/19

Mike Mohler
Director, Department of Permits, Approvals and Inspections

BC#2

REQUEST FOR WAIVER OF LOCAL OPEN SPACE

Date: 1.14.19

Project: TRINITY FATHERS PROPERTY

Location: 8400 PARK HEIGHTS AVE

Election District: 3

Councilmanic District: 2

Local Open Space Coordinator
Baltimore County Dept. of Rec. & Parks
111 West Chesapeake Avenue, Room 119
Towson, Maryland 21204

Gross Acreage: 40.347 Zoning: ~~DR-5.5~~ RC5, DR1 Number of Proposed Units: 13

~~Active L.~~O.S. Required: 13,000 sf (No. of units x ~~650~~ 1000 sf) Proposed: 0 sf

~~Passive L.O.S. Required: _____ sf (No. of units x 350 sf) Proposed: _____ sf~~

Fee in Lieu of Acreage: $ 5850.00 (See attached calculation sheet)
(O.S. TIER 1 - OUTSIDE URDL - 13,000 SF x $0.45/SF = $5850.00)

REASONS FOR REQUESTING A WAIVER (Check all that apply):

_____ Project is located in a RAE zone or CT district

_____ Project is (___) an elderly housing facility as defined in the zoning regulations or (___) dormitories for the housing of not less than 50 students attending an accredited higher education institution; and

_____ The Department of Recreation and Parks determines that there is no suitable land to meet the open space requirements

✓ Local Open Space required is less than 20,000sf

✓ There are no contiguous public recreational or educational lands

✓ There is no Master Plan and/or other County plan conflict (i.e., Community Plan, Greenway issue, etc.)

[signature], OSST. Treasurer
Signature of Applicant

Please type or print name, address and phone number of applicant/representative below:

Name: SACRED HEART MONASTERY & HOLY TRINITY FATHERS

Address: P.O. BOX 5719

Phone: (410) 486-5171

City/State/Zip: BALTIMORE MD 21282-0719

G:\DevPlanRev\L.O.S\Waivers\110-99 Waiver Form C03ueb.doc Rev. 1/08

LOS WAIVER FEE CALCULATION WORK SHEET

Zoning			Proposed Units	sf	2019 Rate	Fee
OS-Tier 1			13	13000	$ 0.45	$ 5,850.00
OS-Tier 2			0	0	$ 3.51	$ -
OS-Tier 3						
	RAE-In-ComRevDis *	1-100 Units			$ -	
	RAE-Out-ComRevDis **	Each 25 Units thereafter			$ -	
	DT (CT)	1-100 Units			$ -	
	DT (CT)	Each 25 Units thereafter			$ 5,000.00	
OS-Tier 4				0	$ 5.05	$ -
OS-Tier 5						
	Student Dorms (4 beds per Unit)	1-100 Units			$ -	
		Each 25 Units thereafter			$ 5,000.00	
	Affordable Housing				$ -	
	Domiciliary & Nursing Care Centers				$ -	
	Elderly Housing Fac - meeting Sec 7-502(a)-Tax-Property Article				$ -	
	Eldery Housing Facility - All other					
		1-50 Units			$ -	
		Each 25 Units thereafter			$ -	
OS-Tier 6						
	BM-DT (CT) District of Towson ***	Per Residential Development Unit			$ 2,000.00	
	DT (Downtown Towson) District ***	Per Residential Development Unit			$ 2,000.00	
	BM (in the Towson Commercial Revitalization District, Excluding BM - (CT) DT Zoned area within District ***	Per Residential Development Unit			$ 3,800.00	
Totals:			13	13000		$ 5,850.00

Project Name:	Trinity Fathers Property
Proposed Unit Type	Outside URDL - SF Detached
Open Space Tier	OS-Tier 1
Number of Units:	13
OS Sq.Ft.	13000
OS Provided Onsite	0
Balance OS Required	13,000
Total Fee:	$ 5,850.00

* - RAE (in commercial revitalization district)
** - (outside a commercial revitalization district)
*** - The Downtown Towson District

SCHOOL IMPACT ANALYSIS

Form 1

Current Enrollment

Department of Planning

Project Name: Trinity Fathers Property

PAI Project Number: 03-0515

Filing Date: 11/9/2018

School District	State Rated Capacity (SRC)	Committed Seats	Net SRC	Actual September 30th Enrollment*	# of Pupils Above or (Below) Net SRC	Actual Enrollment as a Percentage of Net SRC
Fort Garrison ES	431	(99)	332	285	(47)	85.84%
Elementary School						
Pikesville MS	1,006	0	1,006	1,013	7	100.70%
Middle School						
Pikesville HS	1,006	0	1,006	875	(131)	86.98%
High School						

*Enrollment is defined by the full time equivalent enrollment.

BC# 3

SCHOOL IMPACT ANALYSIS

Form 2

Projected Pupil Yield by Development Type

Department of Planning

Project Name: Trinity Fathers Property

PAI Project Number: 03-0515

Filing Date: 11/9/2018

Election District: 3

	Number of Units	Pupil Yield		
		Elementary School	Middle School	High School
Single Family Detached (Own)	13	2.639	0.520	0.624
Single Family Detached (Rent)	0	0.000	0.000	0.000
Single Family Attached (Own)	0	0.000	0.000	0.000
Single Family Attached (Rent)	0	0.000	0.000	0.000
Multi- Family (Own)	0	0.000	0.000	0.000
Multi- Family (Rent)	0	0.000	0.000	0.000
Totals		2.639	0.520	0.624
Rounded Totals		3	1	1

*If the calculation of the number of pupils results in a number containing a fraction, the number of pupils shall be rounded to the next highest whole number

SCHOOL IMPACT ANALYSIS

Form 3

Projected Pupil Yield by Development Type

Department of Planning

Project Name: Trinity Fathers Property

PAI Project Number: 03-0515

Filing Date: 11/9/2018

Elementary School District Approved Development Plans

Name of Project	PAI Project Number	Approval Date	Projected* # of Pupils Elementary School
			2

Middle School District Approved Development Plans

Name of Project	PDM Project Number	Approval Date	Projected* # of Pupils Middle School
			3

High School District Approved Development Plans

Name of Project	PDM Project Number	Approval Date	Projected* # of Pupils High School
			0

*If the calculation of the number of pupils results in a number containing a fraction, the number of pupils shall be rounded to the next highest whole number

Elementary School Report

Elementary School Name: *Fort Garrison ES*

Approval Date	*Project Number*	*Project Name*	*Unit Type*				*Pupil Yield*
			SFD	*SFSD*	*SFA*	*MF*	
6/27/2011	030490	THE RIDGE AT OLD COURT	6	0	0	0	1 beyond the 4-year period
11/1/2017	040749	THE FIELDS AT WORTHINGTON	9	0	0	0	2

Summary for 'Elementary' = Fort Garrison ES (2 detail records) 3

Grand Total 3

-1

2 pupil yields from approved development in the past 4 years

Middle School Report

Middle School Name: *Pikesville MS*

Approval Date	*Project Number*	*Project Name*	*SFD*	*SFSD*	*SFA*	*MF*	*Pupil Yields*
10/17/2012	030291	PAIGE PROPERTY AT ROSLYN STATION	2	0	13	0	1
5/6/2016	040742	ASSOCIATED WAY	5	0	0	0	1
11/1/2017	040749	THE FIELDS AT WORTHINGTON	9	0	0	0	2

beyond the 4-year period

Summary for 'MIDDLE' = Pikesville MS (3 detail records) 4

Grand Total 4

−1

3 pupil yields from approved development in the past 4 years

High School Report

High School Name: *Pikesville HS*

Approval Date	*Project Number*	*Project Name*	*SFD*	*SFSD*	*SFA*	*MF*	*Pupil Yields*
10/17/2012	030291	PAIGE PROPERTY AT ROSLYN STATION	2	0	13	0	2 beyond the 4-year period

Summary for 'HIGH' = Pikesville HS (1 detail record)

Grand Total

2

2

-2

0 Pupil Yields from approved development in the past 4 years

SCHOOL IMPACT ANALYSIS

Form 4

Projected Pupil Yield by Development Type

Department of Planning

Project Name: Trinity Fathers Property

PAI Project Number: 03-0515

Filing Date: 11/9/2018

School District	Net SRC	Actual September 30th Enrollment	Projected # of Pupils for Specific Development	Projected # of Pupils for Approved Development	Total Projected Enrollment	# of Students Above or (Below) Net SRC	Projected* # of Pupils as a Percentage of Net SRC
Fort Garrison ES	332	285	3	2	290	(42)	87.35%
Elementary School							
Pikesville MS	1,006	1,013	1	3	1,017	11	101.09%
Middle School							
Pikesville HS	1,006	875	1	0	876	(130)	87.08%
High School							

*Projected Number of Pupils as a Percentage of State Rated Capacity must be shown as a number carried out to at least one decimal place.

SCHOOL IMPACT ANALYSIS

Form 1
Current Enrollment
Department of Planning

Project Name: Trinity Fathers Property

PAI Project Number: 03-0515

Filing Date: 11/9/2018

School District	State Rated Capacity (SRC)	Committed Seats	Net SRC	Actual September 30th Enrollment*	# of Pupils Above or (Below) Net SRC	Actual Enrollment as a Percentage of Net SRC
Fort Garrison ES. Elementary School	431	(99)	332	285	(47)	85.84%
Pikesville MS. Middle School	1,006	0	1,006	1,013	7	100.70%
Pikesville H.S. High School	1,006	0	1,006	875	(131)	86.98%

*Enrollment is defined by the full time equivalent enrollment.

SCHOOL IMPACT ANALYSIS

Form 2

Projected Pupil Yield by Development Type

Department of Planning

Project Name: Trinity Fathers Property

PAI Project Number: 03-0515

Filing Date: 11/9/2018

Election District:

	Number of Units	Pupil Yield: Elementary School	Pupil Yield: Middle School	Pupil Yield: High School
Single Family Detached (Own)	13	2.639	0.152	0.624
Single Family Detached (Rent)				
Single Family Attached (Own)				
Single Family Attached (Rent)				
Multi- Family (Own)				
Multi- Family (Rent)				
Totals		2.639	0.152	0.624
Rounded Totals		3.00	1.00	1.00

*If the calculation of the number of pupils results in a number containing a fraction, the number of pupils shall be rounded to the next highest whole number

SCHOOL IMPACT ANALYSIS

Form 3

Projected Pupil Yield by Development Type

Department of Planning

Project Name: Trinity Fathers Property

PAI Project Number: 03-0515

Filing Date: 11/9/2018

Elementary School District Approved Development Plans

Name of Project	PAI Project Number	Approval Date	Projected* # of Pupils Elementary School
The Fields at Worthington	040749	11/1/2017	2
			2

Middle School District Approved Development Plans

Name of Project	PDM Project Number	Approval Date	Projected* # of Pupils Middle School
Associated Way	040742	5/6/2016	1
The Fields at Worthington	040749	11/1/2017	2
			3

High School District Approved Development Plans

Name of Project	PDM Project Number	Approval Date	Projected* # of Pupils High School
N/A			
			0

*If the calculation of the number of pupils results in a number containing a fraction, the number of pupils shall be rounded to the next highest whole number

SCHOOL IMPACT ANALYSIS
Form 4
Projected Pupil Yield by Development Type
Department of Planning

Project Name: Trinity Fathers Property

PAI Project Number: 05 - 0515

Filing Date: 11/9/2018

School District	Net SRC	Actual September 30th Enrollment	Projected # of Pupils for Specific Development	Projected # of Pupils for Approved Development	Total Projected Enrollment	# of Students Above or (Below) Net SRC	Projected* # of Pupils as a Percentage of Net SRC
Fort Garrison ES Elementary School	332	285	3	2	290	(42)	87.35%
Pikesville MS Middle School	1,006	1,013	1	3	1,017	11	101.09%
Pikesville HS High School	1,006	875	1	0	876	(130)	87.08%

*Projected Number of Pupils as a Percentage of State Rated Capacity must be shown as a number carried out to at least one decimal place.

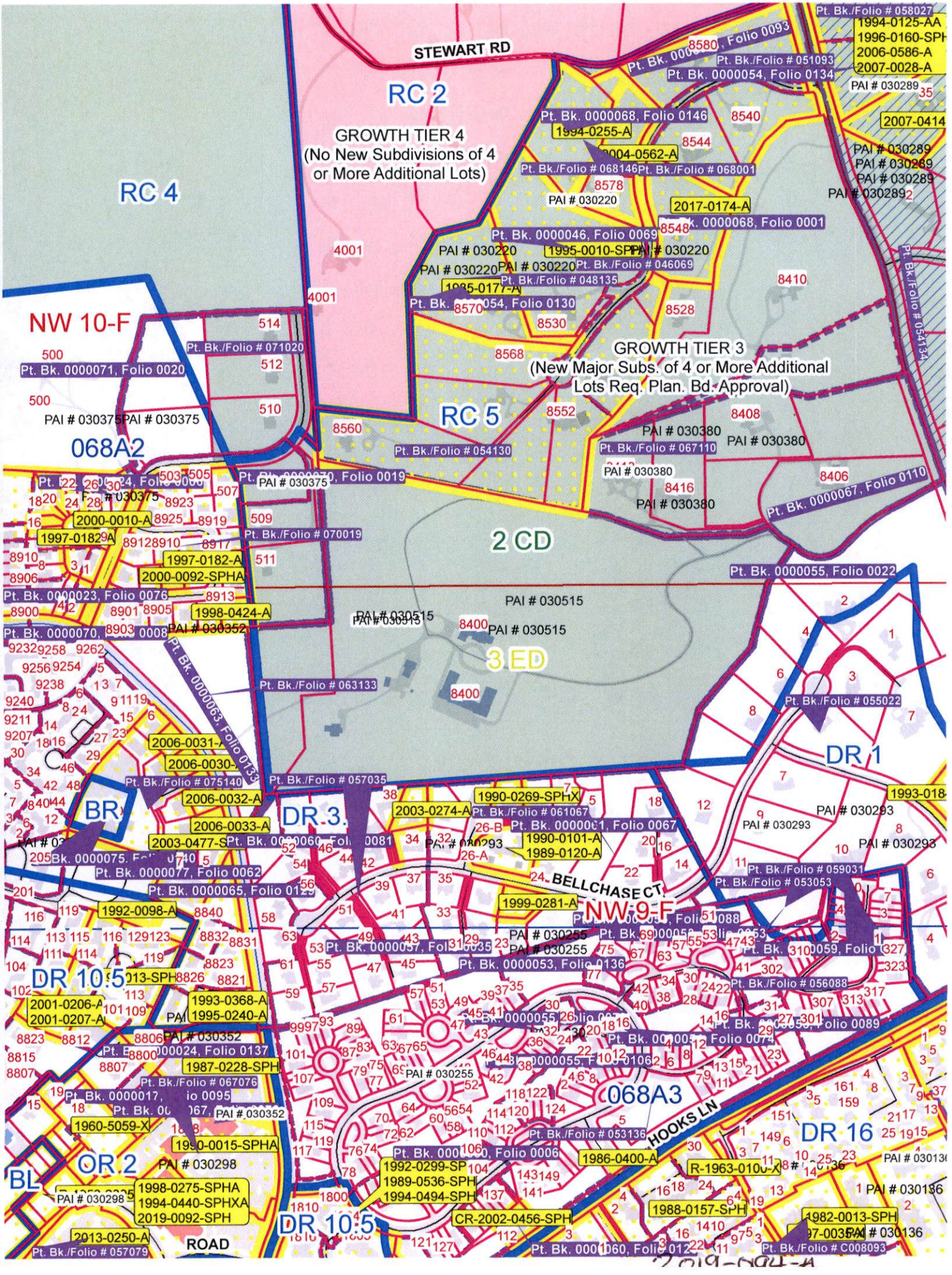
Case No.: 03-0515 & 2019-019H-A

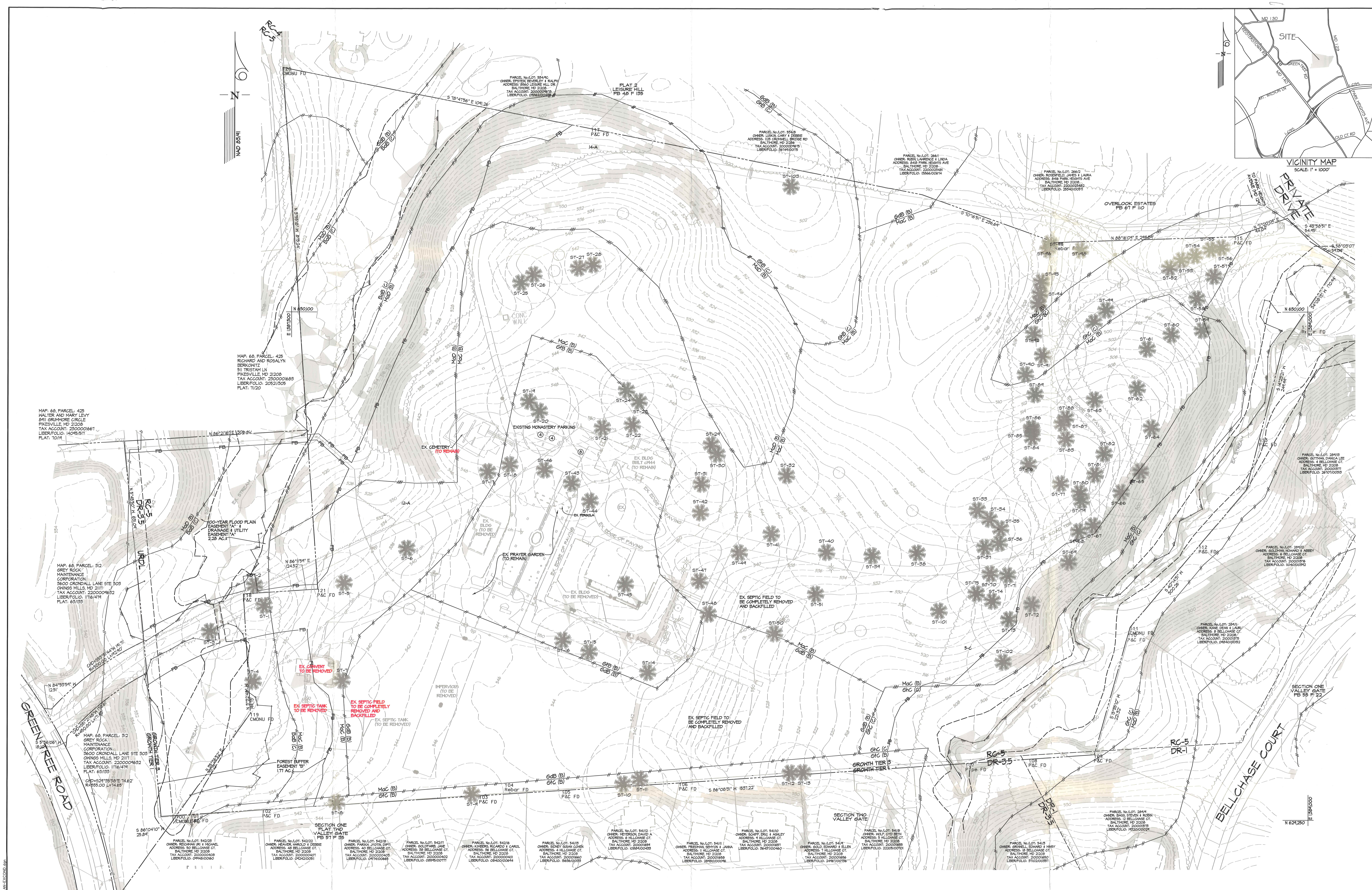
8400 Park Heights Avenue

Exhibit Sheet

Petitioner/Developer DW 3-4-19 Protestant BC

No. 1	Dev. Plan (3 sheet) redline		Schematic Landscape Plan
No. 2	12-28-2018 letter re: For. Con: Variance		LOS / Waiver
No. 3	1-30-2019 letter re: alternative analysis		School Analysis
No. 4	Deed - 7269/369		
No. 5			
No. 6			
No. 7			
No. 8			
No. 9			
No. 10			
No. 11			
No. 12			


STEWART RD
RC 2
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)
RC 4
NW 10-F
068A2
RC 5
GROWTH TIER 3
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)
2 CD
3 ED
DR 1
BR
DR 3
NW 9-F
DR 10.5
OR 2
BL
068A3
DR 16
BELLCHASE CT
HOOKS LN
ROAD
Pt. Bk./Folio # 058027
1994-0125-AA
1996-0160-SPH
2006-0586-A
2007-0028-A
Pt. Bk. 0000054, Folio 0134
Pt. Bk./Folio # 051093
PAI # 030289
2007-0414
Pt. Bk. 0000068, Folio 0146
1994-0255-A
Pt. Bk./Folio # 068146
Pt. Bk./Folio # 068001
PAI # 030220
2017-0174-A
Pt. Bk. 0000046, Folio 0069
1995-0010-SPH
Pt. Bk./Folio # 046069
Pt. Bk./Folio # 048135
Pt. Bk./Folio # 054134
Pt. Bk./Folio # 071020
Pt. Bk. 0000071, Folio 0020
PAI # 030375
Pt. Bk./Folio # 054130
PAI # 030380
Pt. Bk./Folio # 067110
Pt. Bk. 0000067, Folio 0110
Pt. Bk./Folio # 070019
2000-0010-A
1997-0182-A
2000-0092-SPHA
Pt. Bk. 0000023, Folio 0076
1998-0424-A
PAI # 030352
Pt. Bk. 0000063, Folio 0133
Pt. Bk./Folio # 063133
Pt. Bk. 0000055, Folio 0022
PAI # 030515
Pt. Bk./Folio # 055022
2006-0031-A
2006-0030-A
Pt. Bk./Folio # 075140
Pt. Bk./Folio # 057035
2006-0032-A
2003-0274-A
Pt. Bk./Folio # 061067
1990-0269-SPHX
2006-0033-A
2003-0477-SPH
1990-0101-A
1989-0120-A
PAI # 030293
Pt. Bk. 0000077, Folio 0062
Pt. Bk. 0000065, Folio 0129
1999-0281-A
Pt. Bk./Folio # 059031
Pt. Bk./Folio # 053053
1992-0098-A
PAI # 030255
Pt. Bk. 0000053, Folio 0136
Pt. Bk./Folio # 056088
2001-0206-A
2001-0207-A
1993-0368-A
1995-0240-A
1987-0228-SPH
Pt. Bk./Folio # 067076
1960-5059-X
1990-0015-SPHA
PAI # 030298
1998-0275-SPHA
1994-0440-SPHXA
2019-0092-SPH
2013-0250-A
Pt. Bk./Folio # 057079
1992-0299-SPH
1989-0536-SPH
1994-0494-SPH
Pt. Bk./Folio # 053136
1986-0400-A
1988-0157-SPH
CR-2002-0456-SPH
1982-0013-SPH
Pt. Bk./Folio # C008093



EXISTING CONDITIONS PLAN

SCALE: 1" = 50'

LEGEND

- EX. CONTOUR
- EX. TREE LINE
- PROPERTY BOUNDARY
- R/W LINE
- EX. BUILDING
- EX. SPECIMEN TREE & CRITICAL ROOT ZONE
- EcB(C) / GdA(B) — SOIL BOUNDARY
- FOREST BUFFER
- LIMIT OF DISTURBANCE
- RC-5 / DR-3.5 — ZONING LINE
- WETLANDS
- 25%+ SLOPES

SCALE: 1"= 50'

SEE SHEET 3 OF 3 FOR ALL NOTES

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28935 EXPIRATION DATE: 1/15/19

KCI TECHNOLOGIES
ENGINEERS
PLANNERS
SCIENTISTS
CONSTRUCTION MANAGERS
936 RIDGEBROOK ROAD
SPARKS, MARYLAND 21152
TELEPHONE: (410) 316-7800
FAX: (410) 316-7818

REVISIONS			
NO.	DATE	DESCRIPTION	BY
	1/31/19	PER BALTIMORE COUNTY DPC COMMENTS	KCI

DATE 10/8/2018
SCALE 1"=50'
DESIGNED BY JT/MS
DRAWN BY EG/MS

BALTIMORE COUNTY GIS TILE : 068A2, 2012 BALTIMORE COUNTY, 200 SCALE

PAI # 03-0515

PLAN TO ACCOMPANY VARIANCE REQUEST
DEVELOPEMENT PLAN
EXISTING CONDITIONS
for
TRINITY FATHERS PROPERTY RESIDENTIAL DEVELOPMENT

8400 PARK HEIGHTS AVE.
THIRD ELECTION DISTRICT, C2 BALTIMORE COUNTY, MARYLAND

DRAWING NO.
SHEET 1 OF 3
KCI JOB NUMBER 29159585

DEVELOPER'S EXHIBIT NO. 1

DISPOSITION OF EXISTING MONASTERY

EXISTING CEMETERY AND RESIDUAL PARCEL CONTAINING THE MONASTERY PROVINCIAL HOUSE TO CONTINUE TO BE OWNED AND MAINTAINED BY THE CURRENT PROPERTY OWNERS, THE SACRED HEART MONASTERY & HOLY TRINITY FATHERS. CEMETERY ACCESS TO BE CONTINUED ACROSS SAME.

BENCHMARK INFORMATION

HORIZONTAL AND VERTICAL INFORMATION BASED ON THE FOLLOWING SURVEY MONUMENTS

KCI CONTROL POINT N 629416.4317 E 1386900.3755 ELEV. 550.32
KCI CONTROL POINT N 629298.8641 E 1387166.8267 ELEV. 532.35

THE FOLLOWING RIGHTS-OF-WAY ARE TO BE CONVEYED TO BALTIMORE COUNTY BY THE DEVELOPER/OWNER OF THIS PROPERTY AS A CONDITION OF APPROVAL OF THESE PLANS.

DEDICATION TABLE

TYPE OF CONVEYANCE	QUANTITY	TOTAL AREA
FOREST BUFFER EASEMENT & FOREST CONSERVATION EASEMENT	4	11.2
BALTIMORE COUNTY ACCESS EASEMENT	2 X	~~1.97~~ 2.11
STORMWATER MANAGEMENT EASEMENT (SWM)	2	~~1.18~~ 1.17
DRAINAGE & UTILITY EASEMENT	~~6~~ 7	~~5.316~~ 4.23
FOREST CONSERVATION EASEMENT	3	4.03
100-YEAR FLOOD PLAIN EASEMENT	~~3~~ 4	~~4.99~~ 3.90

NOTE: TOTAL AREAS SHOWN IN THIS TABLE MAY BE APPROXIMATE. SEE RECORD PLAT OR CONSTRUCTION DRAWINGS FOR FINAL AREAS.

WATER/SEPTIC NOTES

1. ALL SEPTIC SYSTEMS, TANKS AND APPRUTENANCES SHOWN HEREON TO BE REMOVED, SHALL BE COMPLETELY REMOVED AND BACKFILLED PRIOR TO ISSUANCE OF BUILDING PERMITS ON LOTS 1, 3, 9, AND 12.
2. EXISTING WATERLINE SERVING LOT 14, THE PROVINCIAL HOUSE, TO BE RELOCATED BEFORE ISSUING BUILDING PERMITS FOR LOTS 9 & 13.
3. LOT 13 SHALL BE LIMITED TO A THREE BEDROOM HOUSE UNLESS BUILDER PRESENTS AN APPROPRIATE AND ACCEPTABLE SEPTIC SYSTEM DESIGN FOR MORE BEDROOMS TO BALTIMORE COUNTY GROUNDWATER MANAGEMENT AT THE TIME OF BUILDING PERMIT APPLICATION.
4. REPLACEMENT SYSTEM FOR LOT 14, THE PROVINCIAL HOUSE SHALL BE INSTALLED AND FUNCTIONING BEFORE ISSUANCE OF BUILDING PERMITS FOR ANY OTHER LOTS.

SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	PROPOSED UNITS	PARKING REQUIRED	PARKING PROVIDED	OPEN SPACE REQUIRED (AC.)	OPEN SPACE PROPOSED (AC.)	AVERAGE DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
SFD	13	2/UNIT	26	0.32 AC.	0.00 AC.	140	N/A	N/A
EX. MONASTERY	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	14	2/UNIT	26	0.32 AC.	N/A	140	N/A	N/A

NOTE: 0.00 AC. OPEN SPACE IS PROVIDED PER BALTIMORE COUNTY MANUAL WHICH STATES OPEN SPACE REQUIREMENTS UNDER 20,000 SF MAY OBTAIN WAIVER.
ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
NO AMENITIES ARE PLANNED WITHIN THE HOA AREAS.

VARIANCE REQUEST

~~PETITION FOR VARIANCE PURSUANT TO SECTION 1A04.3.B.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS, TO ALLOW A VARIANCE OF THE REQUIRED FRONT SETBACK FROM 100' FROM THE C/L OF A COLLECTOR ROAD TO 70' FROM THE C/L OF A COLLECTOR ROAD ON LOTS 3, 4 & 12 AND ANY FURTHER RELIEF DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.~~

TO ALLOW A VARIANCE OF THE REQUIRED FRONT SETBACK FROM 100' FROM THE C/L OF A ROAD LEADING TO A COLLECTOR ROAD TO 70' FROM THE C/L OF A ROAD LEADING TO A COLLECTOR ROAD ON LOTS 3, 4 & 12 AND ANY FURTHER RELIEF DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

CASE NUMBER #2019-0144-A

LEGEND

EX. CONTOUR
EX. TREE LINE
PROPERTY BOUNDARY
R/W LINE
EX. BUILDING
PROP. SEPTIC RESERVE AREA
SOIL BOUNDARY
FOREST CONSERVATION EASEMENT
FOREST BUFFER EASEMENT
LIMIT OF DISTURBANCE
PROP. LIGHT POLE
PROP. CONTOURS
PROP. DWELLING
EX. SPECIMEN TREE & CRITICAL ROOT ZONE
PERC TEST LOCATION
PROP. WELL
PROP. ROAD EDGE
PROP. SET BACK
PROP. STORM DRAIN
PROP. TREE LINE
+25% SLOPES
ZONING LINE
EX. SPECIMEN TREE & CRITICAL ROOT ZONE TO BE REMOVED
MAJOR DECIDUOUS TREE
MINOR DECIDUOUS TREE
EVERGREEN TREE
SHRUB
TREE/SHRUB RESTRICTION ZONE FOR SWM FACILITY
PROP. FCP PLANTING AREA
EX. WETLANDS
EX. WATER MAIN
EX. FENCE

SCALE: 1"= 50'

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28435 EXPIRATION DATE: 1/15/19

KCI TECHNOLOGIES
ENGINEERS PLANNERS SCIENTISTS CONSTRUCTION MANAGERS
936 RIDGEBROOK ROAD SPARKS, MARYLAND 21152 TELEPHONE: (410) 316-7800 FAX: (410) 316-7818

NO.	DATE	REVISIONS DESCRIPTION	BY
	1/31/19	PER BALTIMORE COUNTY DPC COMMENTS	KCI

DATE 10/8/2018
SCALE 1"=50'
DESIGNED BY JT/MS
DRAWN BY FW

PAI # 03-0515

PLAN TO ACCOMPANY VARIANCE REQUEST
DEVELOPMENT PLAN
PROPOSED CONDITIONS
for
TRINITY FATHERS PROPERTY
RESIDENTIAL DEVELOPMENT
THIRD ELECTION DISTRICT, C2 8400 PARK HEIGHTS AVE. BALTIMORE COUNTY, MARYLAND

DRAWING NO.
SHEET 2 OF 3
KCI JOB NUMBER 27170111

GENERAL NOTES

1. DEVELOPMENT NAME: TRINITY FATHERS
2. APPLICANT/DEVELOPER:

SACRED HEART MONASTARY AND HOLY TRINITY FATHERS
PO BOX 5119
BALTIMORE MD 21282-0119

3. PLAN PREPARED BY:

KCI TECHNOLOGIES, INC
936 RIDGEBROOK ROAD
SPARKS, MD 21152
(410) 316-7800
ATTN: MATTHEW SICHEL, PE

4. PROPERTY REFERENCE:

PARCEL	DEED	TAX ACCT. #	TAX MAP GRID	HELD SINCE	ADC MAP
471 561	1286/244	0319000350 2200002256	0068 0014	1943	4571C7

OWNER: SACRED HEART MONASTARY AND HOLY TRINITY FATHERS

BOUNDARY: KCI TECHNOLOGIES, INC.

TOPOGRAPHY: CIRCA 2015 BALTIMORE COUNTY GIS

ZONING: BALTIMORE COUNTY GIS TILE : 068A2
2012 BALTIMORE COUNTY, 200 SCALE

UTILITIES: BALTIMORE COUNTY KEY MAPS P-NE
BALTIMORE COUNTY UTILITY DRAWINGS AS NOTED

SOILS: U.S.D.A. WEB SOIL SURVEY (ACCESSED DEC. 2016)

GENERAL DATA:
ELECTION DISTRICT: 3RD
WATERSHED: JONES FALLS
CENSUS TRACT: 403701
REGIONAL PLANNING DISTRICT: 313 (PIKESVILLE)
COUNCILMANIC DISTRICT: 2ND

5. SITE INFORMATION 34,456
A. ACREAGE: 40.347 AC.± 35
B. EXISTING ZONING: RC-5, DR-~~5.5~~, DR-1
C. EXISITNG ZONING AND MAXIMUM DENSITY PERMITTED

ZONE	AREA	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
RC-5	~~37.083 AC.~~	0.5 UNITS/AC.	17.228 ~~18.542~~	13
RC-5 (EX. MONASTERY)	2.627 AC.	N/A	N/A	0
DR-~~5.5~~ 3.5	0.619 AC.	3.5 ~~5.5~~ UNITS/AC.	2.167 ~~3.405~~	~~13~~ 0
DR-1	0.018 AC.	1 UNIT/AC.	0.018	~~13~~ 0
TOTAL	40.347 AC.	N/A	20.727 ~~21.932~~ 19.413	13

NON CONFORMING

D. PARKING CALCULATIONS:
REQUIRED: 13 UNITS @ 2/UNIT = 26 SPACES
TOTAL SPACES PROPOSED: 26 SPACES
EXISTING PARKING SPACES FOR MONASTERY: ~~16~~ 15 SPACES, 15 REQ. @ 3.3/1000 SF
TOTAL SITE PARKING, PROPOSED AND EXISTING: ~~42~~ 41 SPACES

E. OPEN SPACE:
~~DEVELOPMENT WILL GENERATE SMALLER THAN 20,000sq.ft.~~
~~DEVELOPER WILL REQUEST A FEE-IN-LIEU FOR OPEN SPACE. 13 UNITS @ 1,000 sq.ft./UNIT @ $1.10/sf. = $14,300.00~~

OPEN SPACE REQUIRED: 13 PROPOSED UNITS x 1,000 sf/UNIT = 13,000 sf REQUIRED.
OPEN SPACE PROVIDED: 0 sf.

FEE-IN-LIEU PROPOSAL - PROPOSE A FEE-IN-LIEU OF OPEN SPACE: 13,000 SF x $0.45/sf (OS-TIER 1 - PROJECTS OUTSIDE THE URDL - RC ZONES) = $5,850.00. FEE SHALL BE PAID PRIOR TO RECORDATION OF THE RECORD PLAT.

6. LANDSCAPE REQUIREMENTS:

LANDSCAPE REQUIREMENTS AS SPECIFIED IN THE BALTIMORE COUNTY LANDSCAPE MANUAL, ADOPTED AUGUST 7, 2000, AND AS AMENDED.

NOTE: SCHEMATIC LANDSCAPE PLAN SHOWN IS PRELIMINARY IN NATURE AND IS TO SHOW COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL. THE SCHEMATIC LANDSCAPE PLAN IS SUBJECT TO A FINAL LANDSCAPE PLAN. FINAL LANDSCAPING PLAN SHALL BE APPROVED PRIOR TO BUILDING PERMIT APPLICATION. SEE SCHEMATIC LANDSCAPE PLAN FOR DETAILED COMPUTATIONS AND LAYOUT.

PROPOSED LANDSCAPING IS FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE. LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 OF THE BALTIMORE COUNTY CODE.

VARIANCE REQUEST

PETITION FOR VARIANCE, PURSUANT TO SECTION 1A04.3.B.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS, TO ALLOW A VARIANCE OF THE REQUIRED FRONT SETBACK FROM 100' FROM THE C/L OF A COLLECTOR ROAD TO 70' FROM THE C/L OF A COLLECTOR ROAD ON LOTS 3, 4 & 12 AND ANY FURTHER RELIEF DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

THERE IS NO ZONING HISTORY ON RECORD FOR THIS PROPERTY

7. UTILITIES: WELL WATER AND ON-SITE SEPTIC
8. USE: THE PRIOR MONASTARY AND CEMETARY. THE PROPOSED USE IS RESIDENTIAL, EXISTING MONASTARY AND CEMETARY.
9. AVERAGE DAILY TRIPS (ADTS): AVERAGE DAILY TRIPS AS CALCULATED FROM THE BALTIMORE COUNTY COMPREHENSIVE MANUAL OF DEVELOPING POLICY. 13 UNITS @ 10 ADT / UNIT = 130
10. STORMWATER MANEGMENT: STORMWATER MANAGEMENT WILL CONFORM TO BALTIMORE COUNTY STANDARDS AND THE STORMWATER ACT OF 2007 REVISIONS ON ENVIRONMENTAL SITE DESIGN.

ON-SITE DRAINAGE SYSTEMS TO REMAIN AND / OR UPGRADE AS NECESARY TO CONFORM TO SWM REQUIREMENTS.

STORMWATER MANAGEMENT FACILITIES WILL OWNED AND MAINTAINED BY THE H.O.A.

CONCEPTUAL STORMWATER MANAGEMENT REPORT SUBMITTED PRIOR TO FILING OF DEVELOPMENT PLANS.

THE HYDROLOGY REPORT VERIFIES THAT THE OUFALLS ARE SUITABLE BASED ON CRITERIA PROVIDED BY THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS AND THE THE ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.

11. GRADING: SITE WILL BE GRADED PER ALL BALTIMORE COUNTY REGULATIONS.
12. VEGETATION: EXISTING VEGETATION WILL BE RETAINED IN AREAS NOT NEEDED FOR CONSTRUCTION OR GRADING. EXISTING VEGETATION CONSIST OF LAWN, SCRUB AND FOREST.
13. SIGHT LINES: SIGHT LINES WILL BE INVESTIGATED AND CLEARING OR GRADING WILL BE PROVIDED AS REQUIRED BY REGULATION.
14. STORAGE TANKS: THERE ARE NO KNOWN UNDEGROUND STORAGE TANK(S) ON SITE. THERE ARE EXISTING SEPTIC SYSTEMS ON SITE. PRIOR TO ISSUANCE OF A GRADING PERMIT EXISTING SEWAGE DISPOSAL SYSTEM COMPONENTS SERVING THE STRUCTURES MUST BE PUMPED AND BACKFILLED AND AN ABANDONMENT REPORT SUBMITTED TO DEPS/GWM. THIS WORK MUST BE DONE BY A SEWAGE DISPOSAL CONTRACTOR LICENSED IN BALTIMORE COUNTY.
15. LIGHTING: PROPOSED LIGHTING IS SHOWN AS SCHEMATIC AND SUBJECT TO CHANGE.
16. ENVIRONMENTAL: THERE ARE NO KNOWN CRITICAL AREAS, ARCHAEOLOGICAL SITES ENDANGERED SPECIES, OR HAZARDOUS MATERIALS * ON THE SITE.

* AS KNOWN TO THE APPLICANT; LOCATION AND DESCRIPTION OF HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED.

A PRELIMINARY FOREST CONSERVATION PLAN AND WORKSHEET HAVE BEEN FILED INDEPENDENTLY OF THIS PLAN IN ACCORDANCE WITH SECTION 33-6-109.

THIS SITE DOES NOT LIE WITHIN THE LIMITS OF THE CHESAPEAKE BAY CRITICAL AREA, NO ADDITIONAL INFORMATION IS REQUESTED BY THE DEPARMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY TO DETERMINE COMPLIANCE WITH THE CRITICAL AREA LOCAL PROTECTION PROGRAM PURSUANT TO SECTION 33-2-202(a).

~~ANY FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE CONVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS."~~

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN ANY ~~THE FOREST BUFFER EASEMENTS~~, FOREST CONSERVATION EASEMENTS, OR FOREST BUFFER AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIROMENTAL PROTECTION AND SUSTAINABILITY."

ANY ~~FOREST BUFFER EASMENT~~, FOREST CONSERVATION EASEMENT, OR FOREST BUFFER AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICTS DISTURBANCE AND USE OF THESE AREAS.

~~THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY."~~

17. THIS PROPERTY HAS BEEN HELD INTACT SINCE 1943 (SEE NOTE 4, ACCORDING TO DEEDS).
18. "THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO KNOWN PART OF THE GROSS AREA OF THIS TRACT AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, KNOWN, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLING OR PROPOERTIES".
19. SOIL AND SLOPE MITIGATION MEASURES: THE DEVELOPER SHALL DO THE FOLLOWING IN THOSE AREAS WHERE SEVERE OR MODERATE SOIL LIMITATIONS ARE INDICATED AND / OR STEEP SLOPES OCCUR:
    a. INSURE THAT GRADING PLANS CONSIDER PROTECTION OF THESE AREAS FROM INCREASE IN RUN-OFF. THIS MAY INCLUDE DRAINING ROOF DOWN SPOUTS AND DRIVES INTO STORM DRAINS.
    b. STABILIZATION OF DISTURBED AREAS IN ACCORDANCE WITH APPROVED SEDIMENT CONTROL PRACTICES.
    c. CONSIDER GEOTECHNICAL ASSISTANCE WITH ON-SITE INSPECTORS AS APPROPRIATE.
20. THERE ARE NO KNOWN LIMITATIONS ESTABLISHED BY THE COURTS, COUNTY BOARD OF APPEALS, PLANNING BOARD OR ZONING COMMISSIONER WHICH WOULD LIMIT PROPOSED DEVELOPMENT ON SITE. SEE ZONING HISTORY.
21. THERE ARE NO BUILDINGS, PROPERTIES OR SITES WITHIN OR CONTIGOUS TO THE PROPOSED DEVELOPMENT INCLUDED ON THE BALTIMORE COUNTY PRELIMINARY OR FINAL LANDMARKS LISTS, THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHAEOLOGICAL SURVEY, OR ANY BALTIMORE COUNTY HISTORIC DISTRICT.
22. "THERE ARE NO STATE OR FEDERAL RECORDS FOR RARE, THREATENED OR ENDANGERED SPECIES WITHIN THE BOUNDARIES OF THE PROJECT SITE AS DELINEATED" PER LORI A. BYRNE, ENVIRONMENTAL REVIEW COORDINATOR, WILDLIFE HERITAGE SERVICE, MARYLAND DEPARTMENT OF NATURAL RESOURCES, 6.24.13.
23. ALL DRAINAGE AND UTILITY EASEMENTS SHALL BE 20 FT. WIDE. IF DRAINAGE UTILITY AND / OR WALKWAY EASMENTS ARE FENCED, THEN AT LEAST 5 FEET MUST REMAIN OPEN FOR PEDESTRIAN ACCESS. (EASMENT TO BE 10 FT. WIDE FOR BORDERING PROPERTY LINES.) UNLESS AS NOTED ON PLAN.
24. ROADS AS WELL AS OTHER EASEMENTS OR RESERVATIONS INDIDCATED FOR DEDICATION TO BALTIMORE COUNTY WILL BE OFFERED FOR DEDICATION AT NO COST TO THE COUNTY.
25. REFUSE COLLECTION WILL BE PROVIDED BY BALTIMORE COUNTY.
26. UNITED STATES POSTAL SERVICE WILL PROVIDE MAIL DELIVERY.
27. "NO OBSTRUCTONS OF ANY KIND MAY BE PLACED IN ANY BALTIMORE COUNTY RIGHT-OF-WAY EXCEPT BY EXPRESS WRITTEN PERMISSION BY AN AUTHORIZED SIGNATORY FOR BALTIMORE COUNTY".
28. BUILDING ENVELOPES AND/OR FOOTPRINTS ARE FOR ILLUSTRATIVE PURPOSES AND MAY NOT REPRESENT THE FINAL LOCATION OF ANY PARTICULAR STRUCTURE. FINAL BUILDING LOCATION WILL BE SUBJECT TO THE VARIOUS STANDARDS AND LIMITATIONS ILLUSTRATED BY THE DETAILS AND CHARTS INCLUDED ON THIS PLAN, EXCEPT LOTS 3, 4 & 12, WHICH ARE SUBJECT TO A SETBACK VARIANCE.
29. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF PRINCIPLE BUILDINGS ONLY. ACCESSORY STRUCTURES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 301 AND 400.2 AND 400.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
30. ANY CHANGE TO A PROPOSED BUILDING LOCATION OR ORIENTATION, OR A PROPOSED DRIVEWAY LOCATION, AT THE TIME OF BUILDING PERMIT WILL REQUIRE AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN.
31. MAXIMUM BUILDING HEIGHT ALLOWED IS ~~50~~ 35' FEET. TWO STRORY HOMES ARE GENERALLY PROPOSED.
32. PARCELS DESIGNATED AS "H.O.A." SHALL BE DEDICATED TO THE HOMEOWNERS ASSOCIATION.
33. ALL LOTS ARE FOR SALE.
34. DRIVEWAYS AS SHOWN ARE FOR ILLUSTRATION PURPOSES ONLY AND ARE SUBJECT TO CHANGE. EXCEPT LOTS 3, 4 & 12, WHICH ARE SUBJECT TO A SETBACK VARIANCE.
35. THERE ARE NO RESIDENTIAL TRANSITION AREAS (RTAs) ON SITE.
36. THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA).

THE SITE IS NOT LOCATED WITHIN A KNOWN MORATORIUM AREA.

PER THE BALTIMORE COUNTY 2013 BASIC SERVICE MAPS (PER BILL 24-13, ADOPTED: 5.6.13):
- THE SITE IS NOT LOCATED IN AN "AREA OF SPECIAL CONCERN" PER THE SEWAGE AREA MAP
- THE SITE IS NOT WITHIN A "DEFICIENT ZONE" PER THE WATER SUPPLY AREA MAP.
- THE SITE IS NOT LOCATED IN A "F" COMMUTER SHED SERVICE LEVEL PER THE TRANSPORTATION MAP.

37. EXISTING BUILDINGS TO BE REMOVED (NOTED ON THE PLAN) WILL BE RAZED BY THE DEVELOPER PRIOR TO ANY NEW USE.
38. PER BALTIMORE COUNTY BUILDING CODE BILL #47-10, ALL NEW SINGLE FAMILY DWELLING UNITS SHALL PROVIDE SPRINKLER SYSTEM WHICH WILL REQUIRE A SEPERATE BUILDING PERMIT FOR INSTALLATION AND MUST BE INSPECTED BY THE BALTIMORE COUNTY FIRE MARSHAL'S OFFICE PRIOR TO OCCUPANCY.
39. PER BALTIMORE COUNTY FIRE PREVENTION CODE, SECTION ~~1:10:12.15~~ 1:10.11.15, ALL ADDRESS NUMBERS SHALL BE A MINIMUM OF 3 INCHES IN HEIGHT.
40. PRIOR TO OBTAINING BUILDING / OCCUPANCY PERMIT;
    a. STORMWATER MANAGEMENT WILL CONFORM TO BALTIMORE COUNTY STANDARDS AND THE STORMWATER ACT OF 2007 REVISIONS ON ENCIRONMENTAL SITE DESIGN.
    b. ON-SITE DRAINAGE SYSTEMS TO REMAIN AND / OR UPGRADE AS NECESSARY TO CONFORM TO SWM REQUIREMENTS.
41. OWNERS OF LOTS CONTAINING A STORM WATER MANAGEMENT EASEMENTS OR DRAINAGE AND UTILITY EASEMENTS SHALL GRANT TO AUTHORIZED BALTIMORE COUNTY PERSONAL A RIGHT OF ENTRY FOR THE PURPOSE OF INSPECTION AND/OR MONITORING SITE VISITS. SAID INSPECTIONS AND/OR MONITORING VISITS SHALL ONLY BE CONDUCTED DURING NORMAL BALTIMORE COUNTY WORKING HOURS (8:00 A.M. TO 4:00 P.M. MONDAY THROUGH FRIDAY). AUTHORIZED BALTIMORE COUNTY PERSONAL SHALL ALSO HAVE A RIGHT TO ENTRY THROUGH BOTH PROPOSED AND EXISTING ROADS.
42. THE APPROXIMATE DISTANCE OF PROPOSED LINES OF DIVISION ARE INDICATED. BEARINGS WILL BE INDICATED ON THE RECORD PLAT.
43. WHERE FIRE PROTECTION WATER SUPPLIES ARE REQUIRED TO BE PROVIDED THEY SHALL BE INSTALLED AND MADE AVAILABLE FOR USE NOT LATER THAT THE TIME WHEN CONSTRUCTION OF ANY INDIVIDUAL BUILDING IS UNDER ROOF. A CRUSHER RUN ROAD FOR ACCESS TO BUILDINGS AND REQUIRED WATER SUPPLIES SHALL BE AVAIBLE FOR USE BY EMERGENCY FIRE APPARATUS AND BE CAPABLE OF HANDLING EMERGENCY APPARATUS WEIGHING 70,000 LBS. WHEN CONSTRUCTION OF ANY BUILDING IS UNDER ROOF, IN ACCORDANCE WITH THE BALTIMORE COUNTY FIRE PREVENTION CODE, COUNTY BILL No. ~~63-13 SECTION 1:16.4.3.1.3~~ 3-17 SECTION 1:16.4.3.1.3
44. THE ROADWAY SHALL NOT BE OBSTRUCTED FOR EMERGENCY APPARATUS IN ANY MANNER, INCLUDING THE PARKING OF VEHICLES. ALSO ANY TREES PLANTED SHALL NOT BE THE TYPE THAT WOULD INTERFERE WITH EMERGENCY APPARATUS ACCESS WHEN THEY MATURE. ~~2009~~ 2015 NFPA 1 FIRE CODE SECTION 18.2.4.1.
45. ANY PROPOSED COMMUNITY SIGNAGE MUST COMPLY WITH SEC. 450 OF THE BCZR.
46. DRIVEWAYS MUST BE BUILT TO MEET THE BALTIMORE COUNTY DPW STANDARDS
47. THE DEVELOPMENT AS PROPOSED WILL INCLUDE PROTECTIVE MEASURES ADEQUATE TO PREVENT EROSION OR SLOUGHING OF ANY STEEP SLOPES AS DEFINED BY SECTION 32-4-101 OF THE BALTIMORE COUNTY CODE AND PROMOTE THE PRESERVATION OF THE NATURAL TOPOGRAPHIC FEATURES OF THE STEEP SLOPE. THIS WILL BE ACHIEVED BY PROVIDING EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT AND THE CURRENT STATE OF MARYLAND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.
48. STREET SIGNAGE WILL BE INSTALLED WHEN THE FIRST HOUSE IS UNDER ROOF.
49. A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE INSTALLATION OF RESIDENTIAL SPRINKLER SYSTEMS.
50. ALL RESIDENTIAL SPRINKLER SYSTEMS SHALL BE INSPECTED AND APPROVED BY THE BALTIMORE COUNTY FIRE MARSHALLS OFFICE PRIOR TO OCCUPANCY.
51. ACCESS TO THE SITE IS BY FEE-SIMPLE 50-FOOT RIGHT-OF-WAY AS SHOWN ON THE PLAN AND AS RECORDED ON PLAT 63/133
52. A SPECIAL VARIANCE TO THE FOREST CONSERVATION LAW WAS APPROVED BY BALTIMORE COUNTY EPS ON DECEMBER 28, 2018 TO ALLOW REMOVAL OF 27 SPECIMEN TREES. CONDITIONS WERE PLACED ON THIS APPROVAL INCLUDING 0.8 ACRE OF REFORESTATION IN OPEN FOREST BUFFER EASEMENT ON THE PROPERTY TO MITIGATE THE LOSS OF 12 NATIVE SPECIMEN TREES.
53. THERE IS NO PROPOSED COMMUNITY SIGN OR ENTRANCE FEATURE
54. BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFFICIENT AREA.
55. NO PARKING SIGNS SHALL BE POSTED AT DEVELOPER'S EXPENSE AND MAINTAINED ON ST. FELIX COURT IN ACCORDANCE WITH NFPA 1 FIRE CODE SECTION 18.2.4.1.1.
56. STREET SIGNAGE SHALL BE INSTALLED WHEN THE FIRST HOUSE IS UNDER ROOF PER THE BALTIMORE COUNTY FIRE MARSHAL'S OFFICE

SOILS DATA

SYMBOL	SOIL SERIES	SLOPE	HYDRIC	HIGHLY ERODIBLE?	HYDROLOGIC CLASSIFICATION
GhB	GLENVILLE SILT LOAM	3-8%	YES	YES	C
GdB	GLENELG LOAM	3-8%	NO	NO	B
GhC	GLENVILLE SILT LOAM	8-15%	NO	YES	C
GfC	GLENELG-URBAN LAND COMPLEX	8-15%	NO	YES	B
GfB	GLENELG-URBAN LAND COMPLEX	0-8%	NO	NO	B
MaC	MANOR LOAM	8-15%	NO	NO	B
BaB	BAILE SILT LOAM	3-8%	NO	YES	C
MaD	MANOR LOAM	15-25%	NO	NO	B
UdB	URBAN LAND UDORTHENTS	0-8%	NO	YES	D
UdC	URBAN LAND UDORTHENTS	8-15%	NO	YES	D

EXISTING MONASTERY IS SERVED BY PUBLIC WATER OVER A PRIVATE 8" WATER MAIN FROM GREENE TREE ROAD. SERVICE SHALL REMAIN FOR MONASTERY ONLY.

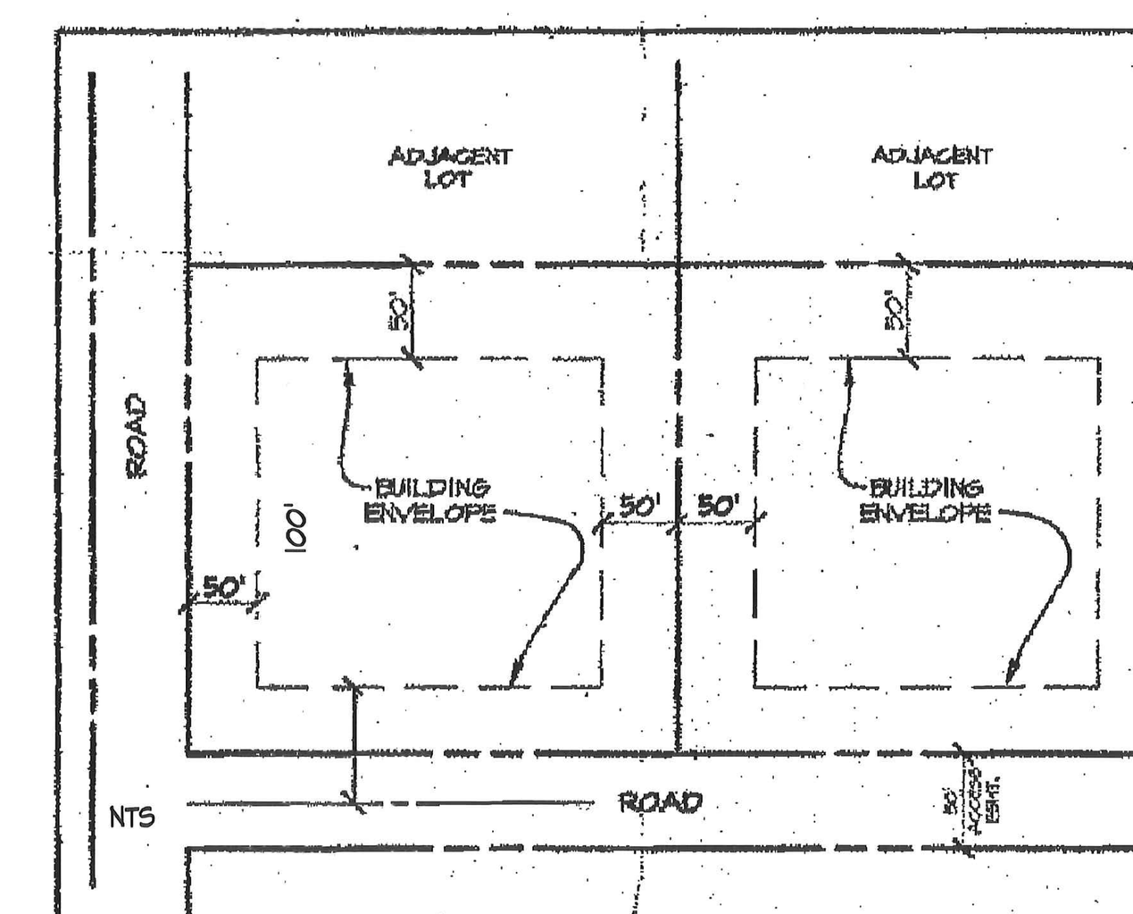
CERTIFICATION AS TO DELINQUENT ACCOUNTS

THIS CERTIFICATION IS SUBMITTED IN CONNECTION WITH THE DEVELOPMENT KNOWN AS TRINITY FATHERS PROPERTY RESIDENTIAL DEVELOPMENT AND IS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-55 (C) OF THE BALTIMORE COUNTY CODE, 1978, AS AMENDED.

I, Fr. KURT J. KLISMET, HEREBY CERTIFY UNDER OATH THAT THERE ARE NO DELIQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT OR A PERSON WHO SHAL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

Rev. Kurt J. Klismet, osst 5/1/18
Date

Rev. Kurt J. Klismet, osst 5/1/18
Printed Name
Date



R.C.-5 RURAL RESIDENTIAL HEIGHT & AREA REGULATIONS

P/O SECTION 1A04.3. HEIGHT AND AREA REGULATIONS. BCZR.
A. HEIGHT REGULATION. NO STRUCTURE HEREAFTER ERECTED IN AN R.C.5 ZONE SHALL EXCEED A HEIGHT OF 35 FEET, EXCEPT AS PROVIDED UNDER SECTION 300.
B. AREA REGULATIONS
1. LOT AREA; DENSITY CONTROL.
    a. A LOT HAVING AN AREA OF LESS THAN 1 1/2 ACRES MAY NOT BE CREATED IN AN R.C.5 ZONE. THE MAXIMUM GROSS RESIDENTIAL DENSITY IS 0.5 DWELLING PER ACRE.
    b. EXCEPTIONS TO MINIMUM LOT SIZE.
        (1) THE OWNER OF A SINGLE LOT OF RECORD THAT IS NOT A SUBDIVISION AND THAT IS IN EXISTENCE PRIOR TO SEPTEMBER 2, 2003, BUT DOES NOT MEET THE MINIMUM ACREAGE REQUIREMENT, OR DOES NOT MEET THE SETBACK REQUIREMENT OF PARAGRAPH 2, MAY APPLY FOR A SPECIAL HEARING UNDER ARTICLE 5 TO ALTER THE MINIMUM LOT SIZE REQUIREMENT. HOWEVER, THE PROVISIONS OF SECTION 1A04.4 MAY NOT BE VARIED.
        (2) THE DEPARTMENT OF PLANNING MAY AUTHORIZE A SMALLER LOT SIZE PER RESIDENTIAL UNIT, BUT IN NO EVENT LESS THAN ONE ACRE PER UNIT, FOR A TRACT OF PROPERTY FOR WHICH GROWTH ALLOCATION ACREAGE HAS BEEN AWARDED PRIOR TO JUNE 11, 2004, PURSUANT TO ARTICLE 32, TITLE 9 OF THE BALTIMORE COUNTY CODE, IF AT LEAST 50% OF THE TRACT IS DONATED TO AND ACCEPTED BY THE COUNTY FOR PUBLIC BENEFIT.
2. BUILDING SETBACKS.
    a. AS USED IN THIS SECTION, "COLLECTOR ROAD" MEANS A STREET OR ROAD THAT IS INTENDED FOR TRAVEL, INCLUDING COMMUTER TRAVEL, BETWEEN RESIDENTIAL NEIGHBORHOODS, BUT NOT FOR TRAVEL WITHIN NEIGHBORHOODS, AND IS NOT DESIGNATED AS A PRINCIPAL ARTERIAL.
    b. ANY PRINCIPAL BUILDING HEREAFTER CONSTRUCTED IN AN R.C.5 ZONE SHALL BE SITUATED AT LEAST 150 FEET FROM THE CENTER LINE OF ANY COLLECTOR ROAD, OR ANY SCENIC ROUTE IDENTIFIED IN THE BALTIMORE COUNTY MASTER PLAN, AND 100 FEET FROM THE CENTER LINE OF ANY ROAD THAT LEADS TO OR CONNECTS WITH A COLLECTOR ROAD, AND AT LEAST 75 FEET FROM THE CENTER LINE OF ANY OTHER STREET OR ROAD, AND AT LEAST 50 FEET FROM ANY LOT LINE OTHER THAN A STREET LINE, EXCEPT AS OTHERWISE PROVIDED IN BCZR SECTION 1A04.3.5
3. COVERAGE. NO MORE THAN 15% OF ANY LOT IN AN R.C.5 ZONE MAY BE COVERED BY BUILDINGS.

ALTERNATIVES ANALYSIS CONDITIONS

1. APPROXIMATELY 3,200 SF OF EXISTING PAVED ROAD OUTSIDE THE FOOTPRINT OF THE PROPOSED ROAD SHALL BE REMOVED FROM THE FBEs ON EACH SIDE OF THE PROPERTY AND THOSE AREAS REFORESTED AS DIRECTED IN CONDITION 2 HEREIN.
2. 0.4 ACRE OF FBE SHALL BE PLANTED IN ACCORDANCE WITH A FINAL FOREST BUFFER PROTECTION AND FOREST CONSERVATION PLAN (FBP/FCP) APPROVED BY EIR.
3. ALL ONSITE PLANTING SHALL BE SECURED IN AN AMOUNT APPROVED BY EPS VIA AN ENVIRONMENTAL AGREEMENT PRIOR TO ISSUANCE OF ANY GRADING PERMIT.
4. THE TWIN CULVERTS SHALL BE DESIGNED TO PROVIDE A SUITABLE LOW FLOW CHANNEL INASMUCH AS POSSIBLE WHILE MAINTAINING WETLAND HYDROLOGY. EIR MUST REVIEW AND APPROVE THE CULVERT DESIGN DRAWINGS.
5. AN ALTERNATIVES ANALYSIS WAS APPROVED BY BALTIMORE COUNTY EPS ON JANUARY 30, 2019 TO IMPROVE THE EXISTING ACCESS ROAD FROM GREENE TREE ROAD AND ITS STREAM CROSSING. CONDITIONS WERE PLACED ON THIS APPROVAL INCLUDING REMOVAL OF PAVING FROM THE FOREST BUFFER ONSITE AND REFORESTING 0.4 ACRE OF THIS BUFFER.
6. ALL FOREST CONSERVATION EASEMENTS AND FOREST BUFFER & FOREST CONSERVATION EASEMENTS SHALL BE RECORDED ALONG WITH THEIR RESPECTIVE DECLARATIONS OF PROTECTIVE COVENANTS IN BALTIMORE COUNTY LAND RECORDS PRIOR TO REDUCTION OR RETURN OF ANY FOREST CONSERVATION OR FOREST BUFFER PROTECTION SECURITY.
7. THE AFOREMENTIONED FBP/FCP REFLECTING THE CONDITIONS OF BOTH THIS APPROVAL AND THE COMPANION FOREST CONSERVATION VARIANCE SHALL BE SUBMITTED TO EPS AND APPROVED PRIOR TO APPROVAL OF THE GRADING AND SEDIMENT CONTROL PLAN FOR THIS PROJECT. AN ITEMIZED COST ESTIMATE FOR IMPLEMENTATION OF THE FBP/FCP SHALL BE INCLUDED FOR EIR REVIEW AND APPROVAL.

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28435 EXPIRATION DATE: 1/15/19

THIS PLAN AGREES WITH THE LAST APPROVED DEVELOPMENT PLAN AS APPROVED ON 10/26/2017 AND ALL AGENCIES COMMENTS.

MAJ-2017-00006-03-0515-PAI

KCI TECHNOLOGIES
ENGINEERS
PLANNERS
SCIENTISTS
CONSTRUCTION MANAGERS
936 RIDGEBROOK ROAD
SPARKS, MARYLAND 21152
TELEPHONE: (410) 316-7800
FAX: (410) 316-7818

REVISIONS			
NO.	DATE	DESCRIPTION	BY
	1/31/19	PER BALTIMORE COUNTY DPC COMMENTS	KCI

DATE 10/8/2018
SCALE 1"=50'
DESIGNED BY JT/MS
DRAWN BY FW

PLAN TO ACCOMPANY VARIANCE REQUEST
DEVELOPEMENT PLAN
NOTES
for
TRINITY FATHERS PROPERTY
RESIDENTIAL DEVELOPMENT
THIRD ELECTION DISTRICT, C2 8400 PARK HEIGHTS AVE. BALTIMORE COUNTY, MARYLAND

PAI # 03-0515
DRAWING NO.
SHEET 3 OF 3
KCI JOB NUMBER 29159585

EXISTING CONDITIONS PLAN

SCALE: 1" = 50'

LEGEND

- EX. CONTOUR
- EX. TREE LINE
- PROPERTY BOUNDARY
- R/W LINE
- EX. BUILDING
- EX. SPECIMEN TREE & CRITICAL ROOT ZONE
- EcB(C) / GdA(B) — SOIL BOUNDARY
- FOREST BUFFER
- LIMIT OF DISTURBANCE
- RC-5 / DR-3.5 — ZONING LINE
- WETLANDS
- 25%+ SLOPES

50' 0 50' 100'
SCALE: 1" = 50'

SEE SHEET 3 OF 3 FOR ALL NOTES

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28935, EXPIRATION DATE: 1/15/19

KCI TECHNOLOGIES
ENGINEERS
PLANNERS
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936 RIDGEBROOK ROAD
SPARKS, MARYLAND 21152
TELEPHONE: (410) 316-7800
FAX: (410) 316-7818

REVISIONS			
NO.	DATE	DESCRIPTION	BY

DATE 10/8/2018
SCALE 1"=50'
DESIGNED BY JT/MS
DRAWN BY EG/MS

BALTIMORE COUNTY GIS TILE : 068A2, 2012 BALTIMORE COUNTY, 200 SCALE

PAI # 03-0515

PLAN TO ACCOMPANY VARIANCE REQUEST
DEVELOPEMENT PLAN
EXISTING CONDITIONS
for
TRINITY FATHERS PROPERTY
RESIDENTIAL DEVELOPMENT
8400 PARK HEIGHTS AVE.

THIRD ELECTION DISTRICT, C2 BALTIMORE COUNTY, MARYLAND

DRAWING NO.
SHEET 1 OF 3
KCI JOB NUMBER 29154585

2019-0194-A

PLOTTED: "11:14 AM on Friday, November 02, 2018"
BY: matthew.sichel
FILE: M:\2017\27170111\drawings\DEV00-DEV_PLAN-EXCOND.dgn

DISPOSITION OF EXISTING MONASTERY

EXISTING CEMETERY AND RESIDUAL PARCEL CONTAINING THE MONASTERY PROVINCIAL HOUSE TO CONTINUE TO BE OWNED AND MAINTAINED BY THE CURRENT PROPERTY OWNERS, THE SACRED HEART MONASTERY & HOLY TRINITY FATHERS. CEMETERY ACCESS TO BE CONTINUED ACROSS SAME.

BENCHMARK INFORMATION

HORIZONTAL AND VERTICAL INFORMATION BASED ON THE FOLLOWING SURVEY MONUMENTS

KCI CONTROL POINT N 629416.4317 E 1386900.3755 ELEV. 550.32
KCI CONTROL POINT N 629298.2641 E 1387166.8267 ELEV. 532.35

THE FOLLOWING RIGHTS-OF-WAY ARE TO BE CONVEYED TO BALTIMORE COUNTY BY THE DEVELOPER/OWNER OF THIS PROPERTY AS A CONDITION OF APPROVAL OF THESE PLANS.

DEDICATION TABLE

TYPE OF CONVEYANCE	QUANTITY	TOTAL AREA
FOREST BUFFER EASEMENT & FOREST CONSERVATION EASEMENT	4	11.2
BALTIMORE COUNTY ACCESS EASEMENT	1	1.97
STORMWATER MANAGEMENT EASEMENT	2	1.18
DRAINAGE & UTILITY EASEMENT	6	5.316
FOREST CONSERVATION EASEMENT	3	4.03
100-YEAR FLOOD PLAIN EASEMENT	3	4.99

NOTE: TOTAL AREAS SHOWN IN THIS TABLE MAY BE APPROXIMATE. SEE RECORD PLAT OR CONSTRUCTION DRAWINGS FOR FINAL AREAS.

LEGEND

EX. CONTOUR
EX. TREE LINE
PROPERTY BOUNDARY
R/W LINE
EX. BUILDING
PROP. SEPTIC RESERVE AREA
SOIL BOUNDARY
FCE — FOREST CONSERVATION EASEMENT
FB — FOREST BUFFER EASEMENT
LOD — LIMIT OF DISTURBANCE
PROP. LIGHT POLE
PROP. CONTOURS
PROP. DWELLING
EX. SPECIMEN TREE & CRITICAL ROOT ZONE
PERC TEST LOCATION (PASS / FAIL)
PROP. WELL
PROP. ROAD EDGE
PROP. SET BACK
PROP. STORM DRAIN
PROP. TREE LINE
+25% SLOPES
RC-5 / DR-3.5 ZONING LINE
EX. SPECIMEN TREE & CRITICAL ROOT ZONE TO BE REMOVED
MAJOR DECIDUOUS TREE
MINOR DECIDUOUS TREE
EVERGREEN TREE
SHRUB
TREE/SHRUB RESTRICTION ZONE FOR SWM FACILITY
EX. WETLANDS
EX. WATER MAIN
EX. FENCE

SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	PROPOSED UNITS	PARKING REQUIRED	PARKING PROVIDED	OPEN SPACE REQUIRED (AC.)	OPEN SPACE PROPOSED (AC.)	AVERAGE DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
SFD	13	2/UNIT	26	0.32 AC.	0.00 AC.	140	N/A	N/A
EX. MONASTERY	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	14	2/UNIT	26	0.32 AC.	N/A	140	N/A	N/A

NOTE: 0.00 AC. OPEN SPACE IS PROVIDED PER BALTIMORE COUNTY MANUAL WHICH STATES OPEN SPACE REQUIREMENTS UNDER 20,000 SF MAY OBTAIN WAIVER.

ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.

VARIANCE REQUEST

PETITION FOR VARIANCE, PURSUANT TO SECTION 1A04.3.B.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS, TO ALLOW A VARIANCE OF THE REQUIRED FRONT SETBACK FROM 100' FROM THE C/L OF A COLLECTOR ROAD TO 70' FROM THE C/L OF A COLLECTOR ROAD ON LOTS 3, 4 & 12 AND ANY FURTHER RELIEF DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28435 EXPIRATION DATE: 1/15/19

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TELEPHONE: (410) 316-7800
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NO.	DATE	REVISIONS DESCRIPTION	BY

DATE 10/8/2018
SCALE 1"=50'
DESIGNED BY JT/MS
DRAWN BY FW

PAI # 03-0515

PLAN TO ACCOMPANY VARIANCE REQUEST
DEVELOPMENT PLAN
PROPOSED CONDITIONS
for
TRINITY FATHERS PROPERTY
RESIDENTIAL DEVELOPMENT

THIRD ELECTION DISTRICT, C2 8400 PARK HEIGHTS AVE. BALTIMORE COUNTY, MARYLAND

DRAWING NO.
SHEET 2 OF 3
KCI JOB NUMBER 27170111

GENERAL NOTES

1. DEVELOPMENT NAME: TRINITY FATHERS
2. APPLICANT/DEVELOPER:

SACRED HEART MONASTARY AND
HOLY TRINITY FATHERS
PO BOX 5719
BALTIMORE MD 21282-0719

3. PLAN PREPARED BY:

KCI TECHNOLOGIES, INC
936 RIDGEBROOK ROAD
SPARKS, MD 21152
(410) 316-7800
ATTN: MATTHEW SICHEL, PE

4. PROPERTY REFERENCE:

PARCEL	DEED	TAX ACCT. #	TAX MAP GRID	HELD SINCE	ADC MAP
471 561	1286/244	0319000350 2200002256	0068	1943	4571C7

OWNER: SACRED HEART MONASTARY AND HOLY TRINITY FATHERS

BOUNDARY: KCI TECHNOLOGIES, INC.

TOPOGRAPHY: CIRCA 2015 BALTIMORE COUNTY GIS

ZONING: BALTIMORE COUNTY GIS TILE : 068A2
2012 BALTIMORE COUNTY, 200 SCALE

UTILITIES: BALTIMORE COUNTY KEY MAPS P-NE
BALTIMORE COUNTY UTILITY DRAWINGS AS NOTED

SOILS: U.S.D.A. WEB SOIL SURVEY (ACCESSED DEC. 2016)

GENERAL DATA:
ELECTION DISTRICT: 3RD
WATERSHED: JONES FALLS
CENSUS TRACT: 403701
REGIONAL PLANNING DISTRICT: 313 (PIKESVILLE)
COUNCILMANIC DISTRICT: 2ND

5. SITE INFORMATION
A. ACREAGE: 40.347 AC.±
B. EXISTING ZONING: RC-5, DR-5.5, DR-1
C. EXISTING ZONING AND MAXIMUM DENSITY PERMITTED

ZONE	AREA	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
RC-5	37.083 AC.	0.5 UNITS/AC.	18.542	13
RC-5 (EX. MONASTERY)	2.627 AC.	N/A	N/A	0
DR-5.5	0.619 AC.	5.5 UNITS/AC.	3.405	13
DR-1	0.018 AC.	1 UNIT/AC.	0.018	13
TOTAL	40.347 AC.	N/A	21.932	13

D. PARKING CALCULATIONS:
REQUIRED: 13 UNITS @ 2/UNIT = 26 SPACES
TOTAL SPACES PROPOSED: 26 SPACES
EXISTING PARKING SPACES FOR MONASTERY: 16 SPACES
TOTAL SITE PARKING, PROPOSED AND EXISTING: 42 SPACES

E. OPEN SPACE:
DEVELOPMENT WILL GENERATE SMALLER THAN 20,000sq.ft.
DEVELOPER WILL REQUEST A FEE-IN-LIEU FOR OPEN SPACE: 13 UNITS @ 1,000 sq.ft./UNIT @ $1.10/sf. = $14,300.00

6. LANDSCAPE REQUIREMENTS:

LANDSCAPE REQUIREMENTS AS SPECIFIED IN THE BALTIMORE COUNTY LANDSCAPE MANUAL, ADOPTED AUGUST 1, 2000, AND AS AMENDED.

NOTE: SCHEMATIC LANDSCAPE PLAN SHOWN IS PRELIMINARY IN NATURE AND IS TO SHOW COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL. THE SCHEMATIC LANDSCAPE PLAN IS SUBJECT TO A FINAL LANDSCAPE PLAN. FINAL LANDSCAPING PLAN SHALL BE APPROVED PRIOR TO BUILDING PERMIT APPLICATION. SEE SCHEMATIC LANDSCAPE PLAN FOR DETAILED COMPUTATIONS AND LAYOUT.

PROPOSED LANDSCAPING IS FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE. LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 OF THE BALTIMORE COUNTY CODE.

VARIANCE REQUEST

PETITION FOR VARIANCE, PURSUANT TO SECTION 1A04.3.B.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS, TO ALLOW A VARIANCE OF THE REQUIRED FRONT SETBACK FROM 100' FROM THE C/L OF A COLLECTOR ROAD TO 70' FROM THE C/L OF A COLLECTOR ROAD ON LOTS 3, 4 & 12 AND ANY FURTHER RELIEF DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

THERE IS NO ZONING HISTORY ON RECORD FOR THIS PROPERTY

7. UTILITIES: WELL WATER AND ON-SITE SEPTIC
8. USE: THE PRIOR MONASTARY AND CEMETARY.
THE PROPOSED USE IS RESIDENTIAL, EXISTING MONASTARY AND CEMETARY.
9. AVERAGE DAILY TRIPS (ADTS): AVERAGE DAILY TRIPS AS CALCULATED FROM THE BALTIMORE COUNTY COMPREHENSIVE MANUAL OF DEVELOPING POLICY.
13 UNITS @ 10 ADT / UNIT = 130
10. STORMWATER MANEGMENT: STORMWATER MANAGEMENT WILL CONFORM TO BALTIMORE COUNTY STANDARDS AND THE STORMWATER ACT OF 2007 REVISIONS ON ENVIRONMENTAL SITE DESIGN.

ON-SITE DRAINAGE SYSTEMS TO REMAIN AND / OR UPGRADE AS NECESARY TO CONFORM TO SWM REQUIREMENTS.

STORMWATER MANAGEMENT FACILITIES WILL OWNED AND MAINTAINED BY THE H.O.A.

CONCEPTUAL STORMWATER MANAGEMENT REPORT SUBMITTED PRIOR TO FILING OF DEVELOPMENT PLANS.

THE HYDROLOGY REPORT VERIFIES THAT THE OUFALLS ARE SUITABLE BASED ON CRITERIA PROVIDED BY THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS AND THE THE ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.

11. GRADING: SITE WILL BE GRADED PER ALL BALTIMORE COUNTY REGULATIONS.
12. VEGETATION: EXISTING VEGETATION WILL BE RETAINED IN AREAS NOT NEEDED FOR CONSTRUCTION OR GRADING. EXISTING VEGETATION CONSIST OF LAWN, SCRUB AND FOREST.
13. SIGHT LINES: SIGHT LINES WILL BE INVESTIGATED AND CLEARING OR GRADING WILL BE PROVIDED AS REQUIRED BY REGULATION.
14. STORAGE TANKS: THERE ARE NO KNOWN UNDEGROUND STORAGE TANK(S) ON SITE.
THERE ARE EXISTING SEPTIC SYSTEMS ON SITE. PRIOR TO ISSUANCE OF A GRADING PERMIT EXISTING SEWAGE DISPOSAL SYSTEM COMPONENTS SERVING THE STRUCTURES MUST BE PUMPED AND BACKFILLED AND AN ABANDONMENT REPORT SUBMITTED TO DEPS/GWM. THIS WORK MUST BE DONE BY A SEWAGE DISPOSAL CONTRACTOR LICENSED IN BALTIMORE COUNTY.
15. LIGHTING: PROPOSED LIGHTING IS SHOWN AS SCHEMATIC AND SUBJECT TO CHANGE.
16. ENVIRONMENTAL: THERE ARE NO KNOWN CRITICAL AREAS, ARCHAEOLOGICAL SITES ENDANGERED SPECIES, OR HAZARDOUS MATERIALS * ON THE SITE.

* AS KNOWN TO THE APPLICANT; LOCATION AND DESCRIPTION OF HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED.

A PRELIMINARY FOREST CONSERVATION PLAN AND WORKSHEET HAVE BEEN FILED INDEPENDENTLY OF THIS PLAN IN ACCORDANCE WITH SECTION 33-6-104.

THIS SITE DOES NOT LIE WITHIN THE LIMITS OF THE CHESAPEAKE BAY CRITICAL AREA, NO ADDITIONAL INFORMATION IS REQUESTED BY THE DEPARMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY TO DETERMINE COMPLIANCE WITH THE CRITICAL AREA LOCAL PROTECTION PROGRAM PURSUANT TO SECTION 33-2-202(a).

ANY FOREST CONSERVATION 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."

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENTS, FOREST CONSERVATION EASEMENTS, OR FOREST BUFFER AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIROMENTAL PROTECTION AND SUSTAINABILITY."

ANY FOREST BUFFER EASMENT, FOREST CONSERVATION EASEMENT, OR FOREST BUFFER AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICTS DISTURBANCE AND USE OF THESE AREAS.

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY."

17. THIS PROPERTY HAS BEEN HELD INTACT SINCE 1943 (SEE NOTE 4, ACCORDING TO DEEDS).
18. "THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO KNOWN PART OF THE GROSS AREA OF THIS TRACT AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, KNOWN, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLING OR PROPOERTIES".
19. SOIL AND SLOPE MITIGATION MEASURES: THE DEVELOPER SHALL DO THE FOLLOWING IN THOSE AREAS WHERE SEVERE OR MODERATE SOIL LIMITATIONS ARE INDICATED AND / OR STEEP SLOPES OCCUR:
    a. INSURE THAT GRADING PLANS CONSIDER PROTECTION OF THESE AREAS FROM INCREASE IN RUN-OFF. THIS MAY INCLUDE DRAINING ROOF DOWN SPOUTS AND DRIVES INTO STORM DRAINS.
    b. STABILIZATION OF DISTURBED AREAS IN ACCORDANCE WITH APPROVED SEDIMENT CONTROL PRACTICES.
    c. CONSIDER GEOTECHNICAL ASSISTANCE WITH ON-SITE INEPECTORS AS APPROPRIATE.
20. THERE ARE NO KNOWN LIMITATIONS ESTABLISHED BY THE COURTS, COUNTY BOARD OF APPEALS, PLANNING BOARD OR ZONING COMMISSIONER WHICH WOULD LIMIT PROPOSED DEVELOPMENT ON SITE. SEE ZONING HISTORY.
21. THERE ARE NO BUILDINGS, PROPERTIES OR SITES WITHIN OR CONTIGOUS TO THE PROPOSED DEVELOPMENT INCLUDED ON THE BALTIMORE COUNTY PRELIMINARY OR FINAL LANDMARKS LISTS, THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHAEOLOGICAL SURVEY, OR ANY BALTIMORE COUNTY HISTORIC DISTRICT.
22. "THERE ARE NO STATE OR FEDERAL RECORDS FOR RARE, THREATENED OR ENDANGERED SPECIES WITHIN THE BOUNDARIES OF THE PROJECT SITE AS DELINEATED" PER LORI A. BYRNE, ENVIRONMENTAL REVIEW COORDINATOR, WILDLIFE HERITAGE SERVICE, MARYLAND DEPARTMENT OF NATURAL RESOURCES, 6.24.13.
23. ALL DRAINAGE AND UTILITY EASEMENTS SHALL BE 20 FT. WIDE. IF DRAINAGE UTILITY AND / OR WALKWAY EASMENTS ARE FENCED, THEN AT LEAST 5 FEET MUST REMAIN OPEN FOR PEDESTRIAN ACCESS. (EASMENT TO BE 10 FT. WIDE FOR BORDERING PROPERTY LINES) UNLESS AS NOTED ON PLAN.
24. ROADS AS WELL AS OTHER EASEMENTS OR RESERVATIONS INDIDCATED FOR DEDICATION TO BALTIMORE COUNTY WILL BE OFFERED FOR DEDICATION AT NO COST TO THE COUNTY.
25. REFUSE COLLECTION WILL BE PROVIDED BY BALTIMORE COUNTY.
26. UNITED STATES POSTAL SERVICE WILL PROVIDE MAIL DELIVERY.
27. "NO OBSTRUCTONS OF ANY KIND MAY BE PLACED IN ANY BALTIMORE COUNTY RIGHT-OF-WAY EXCEPT BY EXPRESS WRITTEN PERMISSION BY AN AUTHORIZED SIGNATORY FOR BALTIMORE COUNTY".
28. BUILDING ENVELOPES AND/OR FOOTPRINTS ARE FOR ILLUSTRATIVE PURPOSES AND MAY NOT REPRESENT THE FINAL LOCATION OF ANY PARTICULAR STRUCTURE. FINAL BUILDING LOCATION WILL BE SUBJECT TO THE VARIOUS STANDARDS AND LIMITATIONS ILLUSTRATED BY THE DETAILS AND CHARTS INCLUDED ON THIS PLAN.
30. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF PRINCIPLE BUILDINGS ONLY. ACCESSORY STRUCTURES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 301 AND 400.2 AND 400.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).

ANY CHANGE TO A PROPOSED BUILDING LOCATION OR ORIENTATION, OR A PROPOSED DRIVEWAY LOCATION, AT THE TIME OF BUILDING PERMIT WILL REQUIRE AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN.

31. MAXIMUM BUILDING HEIGHT ALLOWED IS 50 FEET. TWO STRORY HOMES ARE GENERALLY PROPOSED.
32. PARCELS DESIGNATED AS "H.O.A." SHALL BE DEDICATED TO THE HOMEOWNERS ASSOCIATION.
33. ALL LOTS ARE FOR SALE.
34. DRIVEWAYS AS SHOWN ARE FOR ILLUSTRATION PURPOSES ONLY AND ARE SUBJECT TO CHANGE.
35. THERE ARE NO RESIDENTIAL TRANSITION AREAS (RTAs) ON SITE.
36. THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA).

THE SITE IS NOT LOCATED WITHIN A KNOWN MORATORIUM AREA.

PER THE BALTIMORE COUNTY 2013 BASIC SERVICE MAPS (PER BILL 24-13, ADOPTED: 5.6.13):
- THE SITE IS NOT LOCATED IN AN "AREA OF SPECIAL CONCERN" PER THE SEWAGE AREA MAP
- THE SITE IS NOT WITHIN A "DECICIENT ZONE" PER THE WATER SUPPLY AREA MAP.
- THE SITE IS NOT LOCATED IN A "F" COMMUTER SHED SERVICE LEVER PER THE TRANSPORTATION MAP.

37. EXISTING BUILDINGS TO BE REMOVED (NOTED ON THE PLAN) WILL BE RAZED BY THE DEVELOPER PRIOR TO ANY NEW USE.
38. PER BALTIMORE COUNTY BUILDING CODE BILL #47-10, ALL NEW SINGLE FAMILY DWELLING UNITS SHALL PROVIDE SPRINKLER SYSTEM WHICH WILL REQUIRE A SEPERATE BUILDING PERMIT FOR INSTALLATION AND MUST BE INSPECTED BY THE BALTIMORE COUNTY FIRE MARSHAL'S OFFICE PRIOR TO OCCUPANCY.
39. PER BALTIMORE COUNTY FIRE PREVENTION CODE, SECTION 1.10.12.1.5, ALL ADDRESS NUMBERS SHALL BE A MINIMUM OF 3 INCHES IN HEIGHT.
40. PRIOR TO OBTAINING BUILDING / OCCUPANCY PERMIT;
    a. STORMWATER MANAGEMENT WILL CONFORM TO BALTIMORE COUNTY STANDARDS AND THE STORMWATER ACT OF 2007 REVISIONS ON ENCIRONMENTAL SITE DESIGN.
    b. ON-SITE DRAINAGE SYSTEMS TO REMAIN AND / OR UPGRADE AS NECESSARY TO CONFORM TO SWM REQUIREMENTS.
41. OWNERS OF LOTS CONTAINING A STORM WATER MANAGEMENT EASMENTS OR DRAINAGE AND UTILITY EASEMENTS SHALL GRANT TO AUTHORIZED BALTIMORE COUNTY PERSONAL A RIGHT OF ENTRY FOR THE PURPOSE OF INSPECTION AND/OR MONITORING SITE VISITS. SAID INSPECTIONS AND/OR MONITORING VISITS SHALL ONLY BE CONDUCTED DURING NORMAL BALTMORE COUNTY WORKING HOURS (8:00 A.M. TO 4:00 P.M. MONDAY THROUGH FRIDAY). AUTHORIZED BALTIMORE COUNTY PERSONAL SHALL ALSO HAVE A RIGHT TO ENTRY THROUGH BOTH PROPOSED AND EXISTING ROADS.
42. THE APPROXIMATE DISTANCE OF PROPOSED LINES OF DIVISION ARE INDICATED. BEARINGS WILL BE INDICATED ON THE RECORD PLAT.
43. WHERE FIRE PROTECTION WATER SUPPLIES ARE REQUIRED TO BE PROVIDED THEY SHALL BE INSTALLED AND MADE AVAILABLE FOR USE NOT LATER THAT THE TIME WHEN CONSTRUCTION OF ANY INDIVIDUAL BUILDING IS UNDER ROOF. A CRUSHER RUN ROAD FOR ACCESS TO BUILDINGS AND REQUIRED WATER SUPPLIES SHALL BE AVAIBLE FOR USE BY EMERGENCY FIRE APPARATUS AND BE CAPABLE OF HANDLING EMERGENCY APPARATUS WEIGHING 70,000 LBS. WHEN CONSTRUCTION OF ANY BUILDING IS UNDER ROOF, IN ACCORDANCE WITH THE BALTIMORE COUNTY FIRE PREVENTION CODE, COUNTY BILL No. 63-13 SECTION 1: 16.4.3.1.3.
44. THE ROADWAY SHALL NOT BE OBSTRUCTED FOR EMERGENCY APPARATUS IN ANY MANNER, INCLUDING THE PARKING OF VEHICLES. ALSO ANY TREES PLANTED SHALL NOT BE THE TYPE THAT WOULD INTERFERE WITH EMERGENCY APPARATUS ACCESS WHEN THEY MATURE. 2009 NFPA 1 FIRE CODE SECTION 18.2.4.1.
45. ANY PROPOSED COMMUNITY SIGNAGE MUST COMPLY WITH SEC. 450 OF THE BCZR.
46. DRIVEWAYS MUST BE BUILT TO MEET THE BALTIMORE COUNTY DPW STANDARDS
47. THE DEVELOPMENT AS PROPOSED WILL INCLUDE PROTECTIVE MEASURES ADEQUATE TO PREVENT EROSION OR SLOUGHING OF ANY STEEP SLOPES AS DEFINED BY SECTION 32-4-101 OF THE BALTIMORE COUNTY CODE AND PROMOTE THE PRESERVATION OF THE NATURAL TOPOGRAPHIC FEATURES OF THE STEEP SLOPE. THIS WILL BE ACHIEVED BY PROVIDING EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT AND THE CURRENT STATE OF MARYLAND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.
48. STREET SIGNAGE WILL BE INSTALLED WHEN THE FIRST HOUSE IS UNDER ROOF.
49. A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE INSTALLATION OF RESIDENTIAL SPRINKLER SYSTEMS.
50. ALL RESIDENTIAL SPRINKLER SYSTEMS SHALL BE INSPECTED AND APPROVED BY THE BALTIMORE COUNTY FIRE MARSHALLS OFFICE PRIOR TO OCCUPANCY.
51. ACCESS TO THE SITE IS BY FEE-SIMPLE 50-FOOT RIGHT-OF-WAY AS SHOWN ON THE PLAN AND AS RECORDED ON PLAT 63/133

SOILS DATA

SYMBOL	SOIL SERIES	SLOPE	HYDRIC	HIGHLY ERODIBLE?	HYDROLOGIC CLASSIFICATION
GhB	GLENVILLE SILT LOAM	3-8%	YES	YES	C
GdB	GLENELG LOAM	3-8%	NO	NO	B
GhC	GLENVILLE SILT LOAM	8-15%	NO	YES	C
GfC	GLENELG-URBAN LAND COMPLEX	8-15%	NO	YES	B
GfB	GLENELG-URBAN LAND COMPLEX	0-8%	NO	NO	B
MaC	MANOR LOAM	8-15%	NO	NO	B
BaB	BAILE SILT LOAM	3-8%	NO	YES	C
MaD	MANOR LOAM	15-25%	NO	NO	B
UB	URBAN LAND UDORTHENTS	0-8%	NO	YES	D
UC	URBAN LAND UDORTHENTS	8-15%	NO	YES	D

EXISTING MONASTERY IS SERVED BY PUBLIC WATER OVER A PRIVATE 8" WATER MAIN FROM GREENE TREE ROAD. SERVICE SHALL REMAIN FOR MONASTERY ONLY.

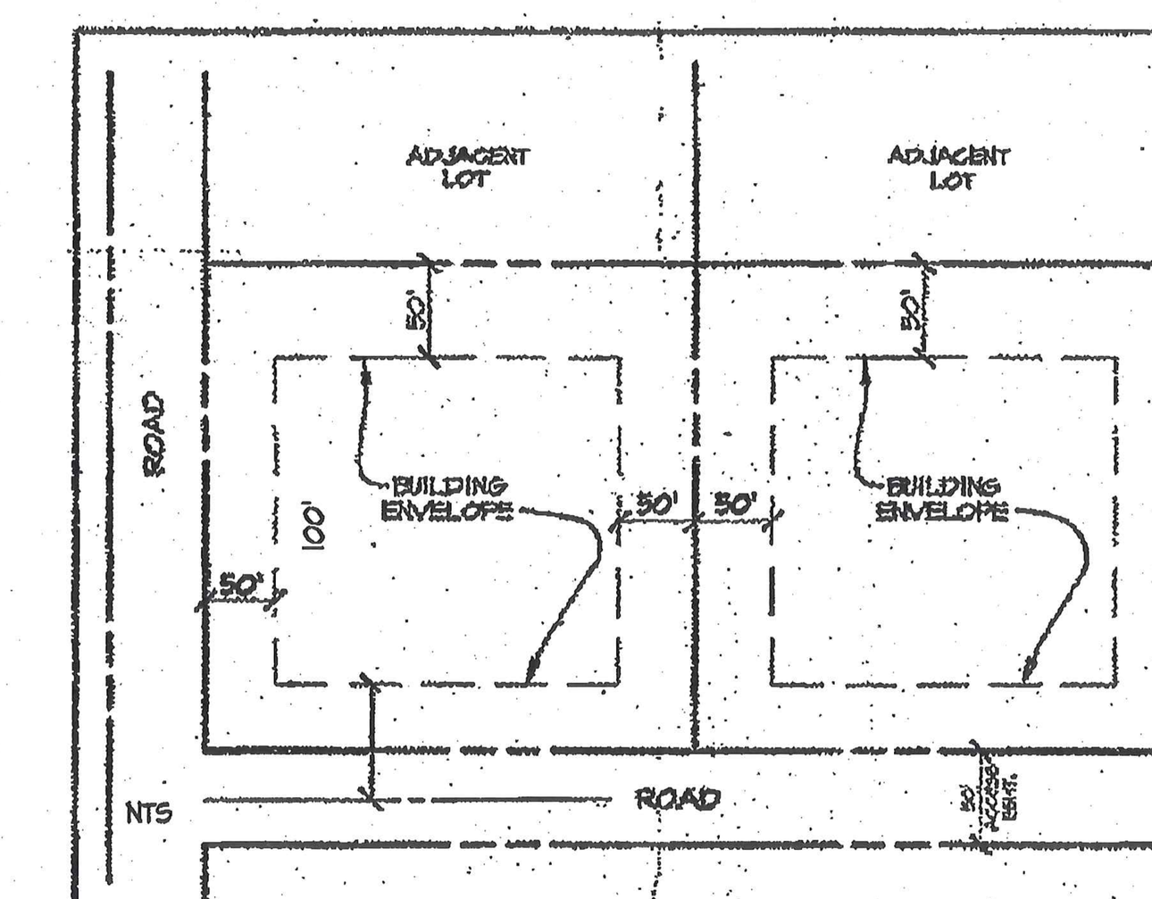
CERTIFICATION AS TO DELINQUENT ACCOUNTS

THIS CERTIFICATION IS SUBMITTED IN CONNECTION WITH THE DEVELOPMENT KNOWN AS TRINITY FATHERS PROPERTY RESIDENTIAL DEVELOPMENT AND IS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-55 (C) OF THE BALTIMORE COUNTY CODE, 1978, AS AMENDED.

I, Fr. KURT J. KLISMET, HEREBY CERTIFY UNDER OATH THAT THERE ARE NO DELIQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT OR A PERSON WHO SHAL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

Fr. Kurt J. Klismet, OSST 5/1/18
Date

Rev. Kurt J. Klismet, OSST 5/1/18
Printed Name Date



R.C.-5 RURAL RESIDENTIAL HEIGHT & AREA REGULATIONS

P/O SECTION 1A04.3. HEIGHT AND AREA REGULATIONS. BCZR
A. HEIGHT REGULATION. NO STRUCTURE HEREAFTER ERECTED IN AN R.C.5 ZONE SHALL EXCEED A HEIGHT OF 35 FEET, EXCEPT AS PROVIDED UNDER SECTION 300.
B. AREA REGULATIONS
1. LOT AREA; DENSITY CONTROL.
    a. A LOT HAVING AN AREA OF LESS THAN 1 1/2 ACRES MAY NOT BE CREATED IN AN R.C.5 ZONE. THE MAXIMUM GROSS RESIDENTIAL DENSITY IS 0.5 DWELLING PER ACRE.
    b. EXCEPTIONS TO MINIMUM LOT SIZE.
        (1) THE OWNER OF A SINGLE LOT OF RECORD THAT IS NOT A SUBDIVISION AND THAT IS IN EXISTENCE PRIOR TO SEPTEMBER 2, 2003, BUT DOES NOT MEET THE MINIMUM ACREAGE REQUIREMENT, OR DOES NOT MEET THE SETBACK REQUIREMENT OF PARAGRAPH 2, MAY APPLY FOR A SPECIAL HEARING UNDER ARTICLE 5 TO ALTER THE MINIMUM LOT SIZE REQUIREMENT. HOWEVER, THE PROVISIONS OF SECTION 1A04.4 MAY NOT BE VARIED.
        (2) THE DEPARTMENT OF PLANNING MAY AUTHORIZE A SMALLER LOT SIZE PER RESIDENTIAL UNIT, BUT IN NO EVENT LESS THAN ONE ACRE PER UNIT, FOR A TRACT OF PROPERTY FOR WHICH GROWTH ALLOCATION ACREAGE HAS BEEN AWARDED PRIOR TO JUNE 11, 2004, PURSUANT TO ARTICLE 32, TITLE 4 OF THE BALTIMORE COUNTY CODE, IF AT LEAST 30% OF THE TRACT IS DONATED TO AND ACCEPTED BY THE COUNTY FOR PUBLIC BENEFIT.
2. BUILDING SETBACKS.
    a. AS USED IN THIS SECTION, "COLLECTOR ROAD" MEANS A STREET OR ROAD THAT IS INTENDED FOR TRAVEL, INCLUDING COMMUTER TRAVEL, BETWEEN RESIDENTIAL NEIGHBORHOODS, BUT NOT FOR TRAVEL WITHIN NEIGHBORHOODS, AND IS NOT DESIGNATED AS A PRINCIPAL ARTERIAL.
    b. ANY PRINCIPAL BUILDING HEREAFTER CONSTRUCTED IN AN R.C.5 ZONE SHALL BE SITUATED AT LEAST 150 FEET FROM THE CENTER LINE OF ANY COLLECTOR ROAD, OR ANY SCENIC ROUTE IDENTIFIED IN THE BALTIMORE COUNTY MASTER PLAN, AND 100 FEET FROM THE CENTER LINE OF ANY ROAD THAT LEADS TO OR CONNECTS WITH A COLLECTOR ROAD, AND AT LEAST 75 FEET FROM THE CENTER LINE OF ANY OTHER STREET OR ROAD, AND AT LEAST 50 FEET FROM ANY LOT LINE OTHER THAN A STREET LINE, EXCEPT AS OTHERWISE PROVIDED IN BCZR SECTION 1A04.3.5
3. COVERAGE. NO MORE THAN 15% OF ANY LOT IN AN R.C.5 ZONE MAY BE COVERED BY BUILDINGS,

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28435 EXPIRATION DATE: 1/15/19

STATE OF MARYLAND
MATTHEW SHEA SICHEL
No. 28435
PROFESSIONAL ENGINEER

THIS PLAN AGREES WITH THE LAST APPROVED DEVELOPMENT PLAN AS APPROVED ON 10/26/2017 AND ALL AGENCIES COMMENTS.

MAJ-2017-00006-03-0515-PAI

KCI TECHNOLOGIES
ENGINEERS
PLANNERS
SCIENTISTS
CONSTRUCTION MANAGERS
936 RIDGEBROOK ROAD
SPARKS, MARYLAND 21152
TELEPHONE: (410) 316-7800
FAX: (410) 316-7818

REVISIONS			
NO.	DATE	DESCRIPTION	BY

DATE 10/8/2018
SCALE 1"=50'
DESIGNED BY JT/MS
DRAWN BY FW

PLAN TO ACCOMPANY VARIANCE REQUEST
DEVELOPEMENT PLAN
NOTES
for
TRINITY FATHERS PROPERTY
RESIDENTIAL DEVELOPMENT
THIRD ELECTION DISTRICT, C2 8400 PARK HEIGHTS AVE. BALTIMORE COUNTY, MARYLAND

PAI # 03-0515

DRAWING NO.

SHEET 3 OF 3
KCI JOB NUMBER 24154585

LEGEND

	EX. CONTOUR
	EX. TREE LINE
	PROPERTY BOUNDARY
	R/W LINE
	EX. BUILDING
	PROP. SEPTIC RESERVE AREA
EcB(C) / GdA(B)	SOIL BOUNDARY
FCE	FOREST CONSERVATION EASEMENT
FB	FOREST BUFFER EASEMENT
LOD	LIMIT OF DISTURBANCE
	PROP. LIGHT POLE
660 / 662	PROP. CONTOURS
	PROP. DWELLING
	EX. SPECIMEN TREE & CRITICAL ROOT ZONE
1-A FAIL / B PASS	PERC TEST LOCATION
	PROP. WELL
	PROP. ROAD EDGE
24'D	PROP. SET BACK
	PROP. STORM DRAIN
	PROP. TREE LINE
	+25% SLOPES
RC-5 / DR-3.5	ZONING LINE
	EX. SPECIMEN TREE & CRITICAL ROOT ZONE TO BE REMOVED
	MAJOR DECIDUOUS TREE
	MINOR DECIDUOUS TREE
	EVERGREEN TREE
	SHRUB
	TREE/SHRUB RESTRICTION ZONE FOR SWM FACILITY
oh	EX. OVERHEAD WIRES
w	EX. WATER MAIN
xx	EX. FENCE

SCALE: 1"= 50' (0, 50', 100')

REQUIRED PLANTING UNITS

CONDITION	CALCULATION	PLANTING UNITS
CONDITION A	2050 LF @ 1/20 LESS 420 LF OF EX. FOREST @ 1/20	102.5 P.U. -21.0 P.U. 81.5 P.U.
CONDITION 1	500 LF @ 1/15	33.3 P.U. (CI. A)
CONDITION O	290 LF LOTS 8,9,10 @ 1/20	14.5 P.U.
RETAINED TREES	LESS EX. SPECIMEN TREES TO REMAIN 16 @ 2/1	-32.0 P.U.
TOTAL P.U. REQUIRED		97.3 P.U. (33.3 CI. A)

PROPOSED PLANTING UNITS

CONDITION	CALCULATION	PLANTING UNITS
MAJOR DECIDUOUS TREE	40 @ 1/1	40 P.U.
MINOR DECIDUOUS TREE	30 @ 2/1	15 P.U.
EVERGREEN TREES	44 @ 2/1	22 P.U.
SHRUBS	110 @ 5/1	22 P.U.
TOTAL P.U. PROPOSED		99 P.U.

MAJ-2017-00006-03-0515-PAI

PAI # 03-0515

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28935 EXPIRATION DATE: 1/15/19

KCI TECHNOLOGIES
ENGINEERS
PLANNERS
SCIENTISTS
CONSTRUCTION MANAGERS
936 RIDGEBROOK ROAD
SPARKS, MARYLAND 21152
TELEPHONE: (410) 316-7800
FAX: (410) 316-7818

NO.	DATE	REVISIONS DESCRIPTION	BY

DATE 10/8/2018
SCALE 1"=50'
DESIGNED BY JT/MS
DRAWN BY FW

SCHEMATIC LANDSCAPE PLAN

for

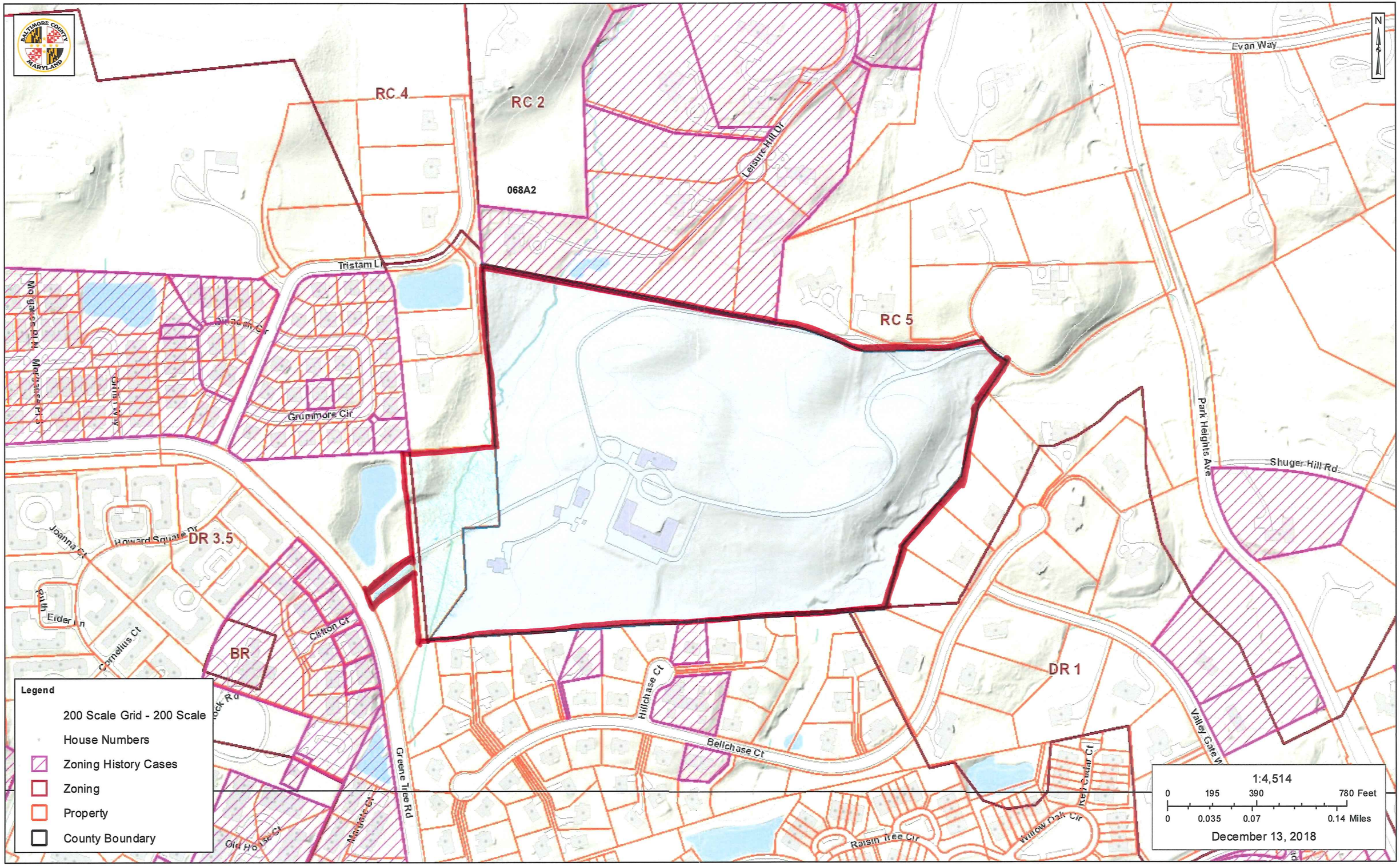
TRINITY FATHERS PROPERTY RESIDENTIAL DEVELOPMENT

8400 PARK HEIGHTS AVE.

THIRD ELECTION DISTRICT, C2 — BALTIMORE COUNTY, MARYLAND

DRAWING NO.
SHEET 1 OF 1
KCI JOB NUMBER 27170111

8400 Park Heights Avenue Zoning 068A2



Z2019-0194-A

GENERAL NOTES

1. DEVELOPMENT NAME: TRINITY FATHERS

APPLICANT/DEVELOPER:

2. SACRED HEART MONASTARY AND HOLY TRINITY FATHERS
PO BOX 5719
BALTIMORE MD 21282-0719

3. PLAN PREPARED BY:
KCI TECHNOLOGIES, INC
936 RIDGEBROOK ROAD
SPARKS, MD 21152
(410) 316-7800
ATTN: MATTHEW SICHEL, PE

4. PROPERTY REFERENCE:

PARCEL	DEED	TAX ACCT. #	TAX MAP GRID	HELD SINCE	ADC MAP
471 561	1286/244	0314000350 2200002256	0068 0014	1943	4571C7

OWNER: SACRED HEART MONASTARY AND HOLY TRINITY FATHERS

BOUNDARY: KCI TECHNOLOGIES, INC.

TOPOGRAPHY: CIRCA 2015 BALTIMORE COUNTY GIS

ZONING: BALTIMORE COUNTY GIS TILE : 068A2; 2012 BALTIMORE COUNTY, 200 SCALE

UTILITIES: BALTIMORE COUNTY KEY MAPS P-NE; BALTIMORE COUNTY UTILITY DRAWINGS AS NOTED

SOILS: U.S.D.A. WEB SOIL SURVEY (ACCESSED DEC. 2016)

GENERAL DATA:
ELECTION DISTRICT: 3RD
WATERSHED: JONES FALLS
CENSUS TRACT: 403701
REGIONAL PLANNING DISTRICT: 313 (PIKESVILLE)
COUNCILMANIC DISTRICT: 2ND

5. SITE INFORMATION
A. ACREAGE: 40.347 AC.±
B. EXISTING ZONING: RC-5, DR-3.5, DR-1
C. EXISTING ZONING AND MAXIMUM DENSITY PERMITTED

ZONE	AREA	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
RC-5	37.083 AC.	0.5 UNITS/AC.	18.542	13
RC-5 (EX. MONASTERY)	2.627 AC.	N/A	N/A	0
DR-3.5	0.619 AC.	3.5 UNITS/AC.	2.167	0
DR-1	0.018 AC.	1 UNIT/AC.	0.018	0
TOTAL	40.347 AC.	N/A	20.727	13

D. PARKING CALCULATIONS:
REQUIRED: 13 UNITS @ 2/UNIT = 26 SPACES
TOTAL SPACES PROPOSED: 26 SPACES
EXISTING PARKING SPACES FOR MONASTERY: 15 SPACES, 15 REQ. @ 3.3/1,000 SF
TOTAL SITE PARKING, PROPOSED AND EXISTING: 41 SPACES

E. OPEN SPACE:
OPEN SPACE REQUIRED: 13 PROPOSED UNITS x 1,000 sf/UNIT = 13,000 sf REQUIRED.
OPEN SPACE PROVIDED: 0 sf.
FEE-IN-LIEU PROPOSAL - PROPOSE A FEE-IN-LIEU OF OPEN SPACE: 13,000 SF x $0.45/sf (OS-TIER I - PROJECTS OUTSIDE THE URDL - RC ZONES) = $5,850.00. FEE SHALL BE PAID PRIOR TO RECORDATION OF THE RECORD PLAT.

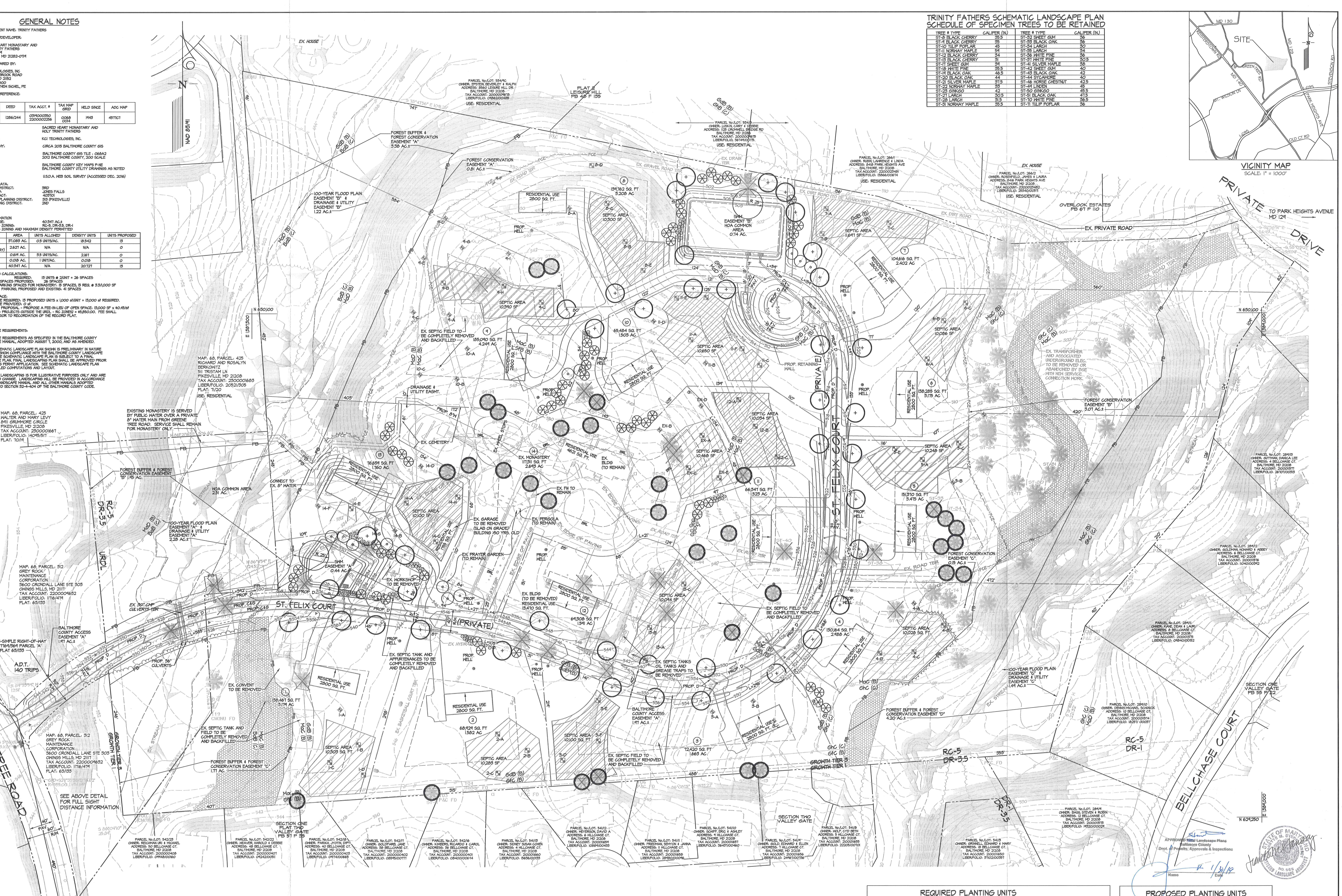
6. LANDSCAPE REQUIREMENTS:
LANDSCAPE REQUIREMENTS AS SPECIFIED IN THE BALTIMORE COUNTY LANDSCAPE MANUAL, ADOPTED AUGUST 7, 2000, AND AS AMENDED.

NOTE: SCHEMATIC LANDSCAPE PLAN SHOWN IS PRELIMINARY IN NATURE AND IS TO SHOW COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL. THE SCHEMATIC LANDSCAPE PLAN IS SUBJECT TO A FINAL LANDSCAPE PLAN. FINAL LANDSCAPING PLAN SHALL BE APPROVED PRIOR TO BUILDING PERMIT APPLICATION. SEE SCHEMATIC LANDSCAPE PLAN FOR DETAILED COMPUTATIONS AND LAYOUT.

PROPOSED LANDSCAPING IS FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE. LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 OF THE BALTIMORE COUNTY CODE.

TRINITY FATHERS SCHEMATIC LANDSCAPE PLAN
SCHEDULE OF SPECIMEN TREES TO BE RETAINED

TREE # TYPE	CALIPER (IN)	TREE # TYPE	CALIPER (IN)
ST-8 BLACK CHERRY	35.5	ST-32 SWEET GUM	36
ST-9 BLACK CHERRY	35	ST-33 BLACK OAK	36
ST-10 TULIP POPLAR	45	ST-34 LARCH	30
ST-11 NORWAY MAPLE	54	ST-35 LARCH	34
ST-12 BLACK CHERRY	34	ST-36 WHITE PINE	36
ST-13 BLACK CHERRY	31	ST-37 WHITE PINE	30.5
ST-17 SWEET GUM	39	ST-41 SILVER MAPLE	38
ST-18 WHITE PINE	35.5	ST-42 SWEET GUM	40
ST-19 BLACK OAK	46.5	ST-43 BLACK OAK	42
ST-20 BLACK OAK	44	ST-44 SYCAMORE	40
ST-21 SILVER MAPLE	37.5	ST-46 HORSE CHESTNUT	42.5
ST-22 NORWAY MAPLE	33	ST-49 LINDEN	45
ST-23 GINKGO	42	ST-50 GINKGO	45.5
ST-27 LARCH	30.5	ST-51 BLACK OAK	47.5
ST-28 LARCH	31.5	ST-70 WHITE PINE	36.5
ST-31 NORWAY MAPLE	35.5	ST-71 TULIP POPLAR	36



LEGEND

EX. CONTOUR	PROP. LIGHT POLE
EX. TREE LINE	PROP. CONTOURS
PROPERTY BOUNDARY	PROP. DWELLING
R/W LINE	EX. SPECIMEN TREE & CRITICAL ROOT ZONE
EX. BUILDING	PERC TEST LOCATION (1-A FAIL, PASS)
PROP. SEPTIC RESERVE AREA	PROP. WELL
SOIL BOUNDARY	PROP. ROAD EDGE
FCE — FOREST CONSERVATION EASEMENT	PROP. SET BACK
FB — FOREST BUFFER EASEMENT	PROP. STORM DRAIN
LOD — LIMIT OF DISTURBANCE	PROP. TREE LINE
	+25% SLOPES

RC-5 / DR-3.5	ZONING LINE
	EX. SPECIMEN TREE & CRITICAL ROOT ZONE TO BE REMOVED PER FCP
	MAJOR DECIDUOUS TREE
	MINOR DECIDUOUS TREE
	EVERGREEN TREE
	SHRUB
	TREE/SHRUB RESTRICTION ZONE FOR SWM FACILITY
	EXISTING SPECIMEN TREE TO BE RETAINED
—oh—	EX. OVERHEAD WIRES
	EX. WATER MAIN
—xx—	EX. FENCE

SCALE: 1" = 50'

REQUIRED PLANTING UNITS

CONDITION	CALCULATION	PLANTING UNITS
CONDITION A	2050 LF @ 1/20 LESS 420 LF OF EX. FOREST @ 1/20	102.5 P.U. -21.0 P.U. 81.5 P.U.
CONDITION I	500 LF @ 1/15 340 LF @ 1/15	33.3 P.U. (CI. A) 22.7 P.U. (CI. A) 56.0 P.U. (CI. A)
CONDITION O	290 LF LOTS 8,9,10 @ 1/20	14.5 P.U.
RETAINED TREES	LESS EX. SPECIMEN TREES TO REMAIN 32 @ 2/1	-64.0 P.U.
TOTAL P.U. REQUIRED		88.0 P.U. (33.3 CI. A)

PROPOSED PLANTING UNITS

CONDITION	CALCULATION	PLANTING UNITS
MAJOR DECIDUOUS TREE	42 @ 1/1	42 P.U.
MINOR DECIDUOUS TREE	12 @ 2/1	6 P.U.
EVERGREEN TREES	49 @ 2/1	24.5 P.U.
SHRUBS	135 @ 5/1	27 P.U.
TOTAL P.U. PROPOSED		99.5 P.U.

ZONING CASE NUMBER 2019-0194-A
TO ALLOW A VARIANCE OF THE REQUIRED FRONT SETBACK FROM 100' FROM THE C/L OF A ROAD LEADING TO A COLLECTOR ROAD TO 70' FROM THE C/L OF A ROAD LEADING TO A COLLECTOR ROAD ON LOTS 3, 4 & 12 AND ANY FURTHER RELIEF DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

THERE IS NO ZONING HISTORY ON RECORD FOR THIS PROPERTY

APPROVED Baltimore County Dept. of Permits, Approvals & Inspections — Landscape Plans — Name — Date 1/30/19

RECEIVED JAN 28 2019 DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

STATE OF MARYLAND — REGISTERED LANDSCAPE ARCHITECT — NO. 556

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28435 EXPIRATION DATE: 1/15/19

MAJ-2017-00006-03-0515-PAI

KCI TECHNOLOGIES — ENGINEERS PLANNERS SCIENTISTS CONSTRUCTION MANAGERS
936 RIDGEBROOK ROAD
SPARKS, MARYLAND 21152
TELEPHONE: (410) 316-7800
FAX: (410) 316-7818

NO.	DATE	REVISIONS DESCRIPTION	BY

DATE 1-24-19
SCALE 1"=50'
DESIGNED BY JT/MS
DRAWN BY FW

SCHEMATIC LANDSCAPE PLAN
for
TRINITY FATHERS PROPERTY RESIDENTIAL DEVELOPMENT
8400 PARK HEIGHTS AVE.
THIRD ELECTION DISTRICT, C2 — BALTIMORE COUNTY, MARYLAND

PAI # 03-0515

DRAWING NO.
SHEET 1 OF 1
KCI JOB NUMBER 27170111

BC #1