



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

August 19, 2019

Howard L. Alderman, Jr., Esq.
Levin & Gann PA
502 Washington Avenue, Suite 800
Towson, Maryland 21204-4525

RE: **MOTION FOR RECONSIDERATION** –
Development Plan & Zoning
HOH Case No. 03-0519 & **Zoning Case No. 2019-0356-SPH**
Project: TOWNES AT PAHL'S FARM
Address: 4223 Bedford Road

Dear Mr. Alderman:

Enclosed please find a copy of the Order on Motion for Reconsideration 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,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Darryl Putty & Jan Cook, Development Processing, PAI
Maryann M. & Jerome T. Ferguson, 7227 Pahls Farm Way, Pikesville, MD 21208
Valerie Pretlow, 7223 Pahls Farm Way, Pikesville, MD 21208
Chet M. & Robin Howard, 4208 Buckingham Road, Pikesville, MD 21207
Hattie L. Peartree, 7236 Early Golden Lane, Pikesville, MD 21208

MOTION FOR RECONSIDERATION –

HOH Case No. 03-0519 & Zoning Case No. 2019-0356-SPH

Project: TOWNES AT PAHL'S FARM

Address: 4223 Bedford Road

Page 2

Mr. & Mrs. George White, 1 Red Jonathan Court, Pikesville, MD 21208

Ernestine Scott, 3908 Buckingham Road, Pikesville, MD 21207

Monica Scott, 7215 Rockridge, Pikesville, MD 21207

Kristance Coates, 7211 Pahls Farm Way, Pikesville, MD 21208

Mr. & Mrs. Michael Salisbury, 7250 Early Golden Lane, Pikesville, MD 21208

Laura Benson, Chase Green & Tyquece Randolph, 4210 Campfield Place,
Pikesville, MD 21208

Michele Snell, 7209 Pahls Farm Way, Pikesville, MD 21208

Henry & Glinda Jackson, 7306 Prince George Road, Pikesville, MD 21207

Sandra Parobeck, 4101 Villa Nova Road, Pikesville, MD 21207

Jackie Belt, 8 Red Jonathan Court, Pikesville, MD 21208

Deirdre Elvis-Peterson, 4123 Bedford Road, Pikesville, MD 21207

IN RE: DEVELOPMENT PLAN HEARING &	*	BEFORE THE OFFICE OF
PETITION FOR SPECIAL HEARING	*	ADMINISTRATIVE HEARINGS
(4223 Bedford Road)	*	
3 rd Election District	*	FOR
2 nd Council District	*	
(TOWNES AT PAHL'S FARM)	*	BALTIMORE COUNTY
Pahl Farm, LLC, c/o CHAI, <i>Legal Owner</i>	*	HOH Case No. 03-0519 &
Developer		Zoning Case 2019-0356-SPH

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by the Developer in the above-captioned case. Developer seeks reconsideration of the denial of the Special Hearing request in this case, in which the development and zoning cases were combined for hearing as permitted by the Baltimore County Code ("BCC").

In the zoning petition, the Developer requested an order declaring that the density anomaly policy was applicable in this case which involves a split-zoned property. In essence, the Developer requested an order which would approve the density and house locations on the development plan ("Plan"), which it contended were in compliance with the "long-standing" density anomaly policy.

In support of its argument, the Developer references a 1988 restrictive covenant agreement entered into by and between the former owners of the subject property and several communities. See Motion for Reconsideration, pp. 2-3. I believe the Developer is correct that the Plan and use/density proposed are not in violation of that agreement. But that is beside the point since Baltimore County ("County") is not a party to that agreement and a contractual agreement cannot bind the County in zoning matters. More importantly, as stated in the order dated August 1, 2019, I believe the proposed density shown on the Plan is not in compliance with the Baltimore County Zoning Regulations ("BCZR").

ORDER RECEIVED FOR FILING

Date 8-19-19

By Sen

The Developer also contends the density anomaly policy is a binding County regulation. See Motion for Reconsideration, ¶ 16. I disagree. The BCC specifies that all regulations must be adopted by a procedure which includes a public notice and hearing requirement. BCC § 3-7-101 et. seq. There is no indication the density anomaly policy was adopted in such a fashion, and for the reasons previously stated I do not believe that policy is binding or authoritative in this matter.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 19th day of August, 2019, that the Motion for Reconsideration 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 8-19-19

By sen



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

August 1, 2019

Howard L. Alderman, Jr., Esq.
Levin & Gann PA
502 Washington Avenue, Suite 800
Towson, Maryland 21204-4525

RE: Development Plan & Zoning
HOH Case No. 03-0519 & Zoning Case No. 2019-0356-SPH
Project: TOWNES AT PAHL'S FARM
Address: 4223 Bedford Road

Dear Mr. Alderman:

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,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Darryl Putty & Jan Cook, Development Processing, PAI
Maryann M. & Jerome T. Ferguson, 7227 Pahls Farm Way, Pikesville, MD 21208
Valerie Pretlow, 7223 Pahls Farm Way, Pikesville, MD 21208
Chet M. & Robin Howard, 4208 Buckingham Road, Pikesville, MD 21207
Hattie L. Peartree, 7236 Early Golden Lane, Pikesville, MD 21208

HOH Case No. 03-0519 & Zoning Case No. 2019-0356-SPH
Project: TOWNES AT PAHL'S FARM
Address: 4223 Bedford Road
Page 2

Mr. & Mrs. George White, 1 Red Jonathan Court, Pikesville, MD 21208
Ernestine Scott, 3908 Buckingham Road, Pikesville, MD 21207
Monica Scott, 7215 Rockridge, Pikesville, MD 21207
Kristance Coates, 7211 Pahls Farm Way, Pikesville, MD 21208
Mr. & Mrs. Michael Salisbury, 7250 Early Golden Lane, Pikesville, MD 21208
Laura Benson, Chase Green & Tyquece Randolph, 4210 Campfield Place,
Pikesville, MD 21208
Michele Snell, 7209 Pahls Farm Way, Pikesville, MD 21208
Henry & Glinda Jackson, 7306 Prince George Road, Pikesville, MD 21207
Sandra Parobeck, 4101 Villa Nova Road, Pikesville, MD 21207
Jackie Belt, 8 Red Jonathan Court, Pikesville, MD 21208
Deirdre Elvis-Peterson, 4123 Bedford Road, Pikesville, MD 21207

IN RE: DEVELOPMENT PLAN HEARING & * BEFORE THE OFFICE OF
PETITION FOR SPECIAL HEARING *
(4223 Bedford Road) * ADMINISTRATIVE HEARINGS
3rd Election District *
2nd Council District * FOR

(TOWNES AT PAHL'S FARM) * BALTIMORE COUNTY

Pahl Farm, LLC, c/o CHAI, Legal Owner * HOH Case No. 03-0519 &
Developer * Zoning Case 2019-0356-SPH

* * * * *

**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"). Howard L. Alderman, Esquire, on behalf of Pahl Farm, LLC, c/o CHAI, *Legal Owner* (hereinafter "the Developer"), submitted for approval a two-sheet redlined Development Plan ("Plan") prepared by Colbert, Matz & Rosenfelt, Inc., known as "Townes at Pahl's Farm".

The Developer is proposing 17 townhouses, six (6) semi-detached dwellings and one (1) existing single-family dwelling to be renovated on a 4.671 acre tract with 4.130 acres zoned DR 5.5 and 0.539 acres zoned BL. The property is currently improved with five (5) greenhouses, a 1-½ story single-family dwelling and one-story garage.

In addition, the Developer filed a Petition for Special Hearing seeking relief pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR"), as follows: (1) to the extent the same may be required, approve the density, house location, use areas and lot configurations for Lot Nos. 3, 4, and 5 shown on the Plan to Accompany the petition as an exception permitted and recognized by the Density Anomaly Policy; and (2) approve any and all such relief as the nature

ORDER RECEIVED FOR FILING

Date 8-1-19

By DW

of this case as presented at the time of the hearing on the Petition may require, within spirit and intent of the BCZR.

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 two-sheet Development Plan that was marked and accepted into evidence as Developer's Exhibits 1A and 1B. The property was posted with the Notice of Hearing Officer's Hearing ("HOH") on June 18, 2019 and Zoning Notice on June 19, 2019, in compliance with the regulations. The undersigned conducted a public hearing on July 18, 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 Ellen Jarrett. Also in attendance was Nick Linehan and Matthew Bishop, with Colbert, Matz & Rosenfelt, Inc., the firm that prepared the site plan. Howard L. Alderman, Esquire represented the Developer. Several neighbors attended the hearing and expressed opposition to and 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"): Darryl Putty, Project Manager, Vishnu Desai and Michael Viscarra (Development Plans Review ["DPR"]), Brad Knatz, Real Estate Compliance, and Jeff Perlow (Office of Zoning Review). Also appearing on behalf of the County were Stephen Ford from the Department of Environmental Protection and Sustainability ("DEPS"), and Brett M. Williams from the Department of Planning ("DOP").

Each County representative indicated the Plan addressed all comments submitted by their agency, and they each recommended approval of the Plan. Mr. Williams indicated none of the

ORDER RECEIVED FOR FILING

Date 8-1-19

By [Signature]

schools in the district exceed 115% of State Rated Capacity ("SRC") as shown in the school impact analysis admitted as Baltimore County Exhibit 1. Mr. Desai confirmed his agency approved a schematic landscape plan (Baltimore County Exhibit 4) and that the Developer will provide on-site more than the required amount of open space to satisfy County regulations.

DEVELOPER'S CASE

In the "formal" portion of the case, the Developer presented one (1) witness: Matthew Bishop, a landscape architect with Colbert, Matz & Rosenfelt, Inc. Mr. Bishop was accepted as an expert and explained in detail the development proposal. He described the layout of the site and reviewed each sheet of the development plan. Mr. Bishop opined that the redlined Development Plan (Developer's Exhibit 1) satisfied all requirements set forth in the development and zoning regulations.

Several neighbors expressed opposition to the Plan, citing concerns with storm water drainage, traffic, property values and the design of the proposed homes. See Protestants' Exhibit 1. While many of the points raised by protestants are valid, I cannot deny the request on that basis. Under the Baltimore County Code, when all County agencies recommend approval of a development plan it is "deemed Code-compliant in the absence of evidence to the contrary." People's Counsel v. Elm Street Dev., Inc., 172 Md. App. 690, 703 (2007). The court in Elm Street held that once county agencies recommend approval of a plan "it was then up to [protestants] to provide evidence rebutting the Director's recommendations." Id. at 703. I do not believe protestants presented sufficient evidence to rebut the agency recommendations.

While I do not believe the concerns identified by protestants are sufficient as a matter of law to prevent plan approval, I do believe certain conditions should be included to address certain of those issues. Most significant is the storm water drainage from the site. As with many areas of

ORDER RECEIVED FOR FILING

Date 8-1-19

By [Signature]

the County this is an older community and much of the infrastructure is in dire need of repair or replacement. Strictly speaking, drainage of storm water is a nondelegable duty of Baltimore County, and thus the County (and not a private developer) must remedy these defects. See, e.g., Eisenstein v. City of Annapolis, 177 Md. 222 (1939) (Maryland's highest court confirmed a municipality is required to construct and maintain drains and outlets to carry off all surface water).

But, the law does allow a local government to require a developer to construct certain infrastructure improvements provided the scope of the request bears a reasonable nexus to the proposed impact of the new development project. Dolan v. City of Tigard, 512 US 374 (1994). Here 24 new dwellings are proposed, and a large amount of impervious surface will be added to the site. While I am confident the Developer will comply with current storm water regulations and Baltimore County has approved a conceptual storm water management plan (Baltimore County Exhibit 3) invariably some of the drainage from the site will reach the adjoining roadways.

One citizen showed a video on her phone of flooding conditions during a recent storm event, with extremely high levels of runoff in roadways bordering this site. Many other residents described flooding conditions which have existed for years, and apparently County staff has inspected the drains in the area and informed residents that many of the pipes or inlets are clogged and/or broken. As noted above, while I believe the onus (to a large extent) is upon Baltimore County to remedy this situation, I believe the Developer should be responsible for repairing or replacing the storm drain inlets along the roadway frontage of this project, and a condition to that effect will be included below.

Traffic Signal

Several residents suggested a traffic signal should be installed at the intersection of Chai

Court (the proposed new road entering the subdivision) and Bedford Road. Neighbors advised

ORDER RECEIVED FOR FILING

Date 8-1-19

By [Signature]

cars routinely exceed the speed limit on Bedford Road, which I am sure is the case. Even so, the Developer's engineer noted on the Plan there is 390 feet of sight distance to the left or right for a motorist turning from Chai Court onto Bedford Road. The sight distance exceeds the standards required by American Association of State Highway and Transportation Officials ("AASHTO"), and thus I do not believe the Developer or Baltimore County is obligated to install a traffic signal at this intersection.

Fence

Several neighbors requested that the Developer install a fence enclosing its project. Citizens said crime is increasing in the area and they believed a fence would restrict the flow of foot traffic and prevent the new residents, their guests and others from trespassing upon their property. I am sympathetic to this concern but cannot require the Developer to install a fence surrounding the community.

The Developer proposes to install attractive landscaping in connection with the project, and the Baltimore County Landscape Architect has approved that proposal. Baltimore County Exhibit 4. The County's Landscape Manual does include fencing as an option for screening in certain circumstances, but I have not in the past insisted upon a fence enclosing a development and if that somewhat unorthodox option was chosen the decision would need to be made by Mr. Hermann (a registered landscape architect) and not the undersigned.

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 testimony and evidence presented by the Developer and the positive recommendations of all County reviewing agencies, I find that the Developer has satisfied its burden of proof and is entitled to approval of the Plan.

ORDER RECEIVED FOR FILING

Date 8-1-19

By ISW

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 plan known as "Townes at Pahl's Farm" shall be approved, subject to the resolution of the zoning petition, discussed below.

ZONING REQUEST

The Developer has also requested zoning relief to approve the density and lot configurations for Lot Nos. 3, 4 and 5 as shown on the Development Plan. Developer cites the "Density Anomaly Policy" as the authority and justification for the special hearing request.

Having reviewed the document Developer submitted in support of this argument (Developer's Exhibit 4), I am not inclined to grant the request. The policy, which was apparently adopted in 1992, purports to provide a degree of "flexibility" which would allow the undersigned to calculate density for a split-zoned tract in a manner that is "not strictly zone specific." Id.

As an initial matter, this would appear to be an internal policy of the Office of Zoning Review and I was unable to locate any reference to "Density Anomalies" in either the BCZR and/or Zoning Commissioner's Policy Manual. As such, I do not believe the policy is binding or authoritative. Furthermore, I believe the policy essentially allows one to disregard zoning lines, which by definition are meant to be rigid and immutable, not "flexible." Village of Euclid v. Ambler Realty Co., 272 US 365 (1926).

The denial of the petition for special hearing means the density for this overall tract is zone-specific. The Development Plan contains a density chart which shows the DR 5.5 zone (approximately 4.094 acres) would permit 22 dwellings, although the Plan proposes only 19 new homes and one (1) existing single-family dwelling. Developer's Exhibit 1B. The B.L. zone (0.539 acre) would permit two (2) dwellings while the Plan proposes four (4) due to the "density anomaly." In light of the denial of the petition for special hearing, only two (2) dwellings can be

ORDER RECEIVED FOR FILING

Date 8-1-19

By DW

constructed in the B.L. zone, and the Plan must be amended accordingly.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 1st day of August, 2019, that the "TOWNES AT PAHL'S FARM" Plan marked and accepted into evidence as Developer's Exhibit 1A and 1B, be and is hereby **APPROVED**, subject to the ruling below on the zoning petition.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve the density, house location, use areas and lot configurations for Lot Nos. 3, 4, and 5 shown on the Plan to Accompany the petition as an exception permitted and recognized by the Density Anomaly Policy, be and is hereby **DENIED**.

IT IS FURTHER ORDERED that Waiver Request No. 3 (shown on Developer's Exhibit 1B) concerning the length of the sidewalk on the side of the street opposite the new homes, be and is hereby **GRANTED**.

The relief is subject to the following condition:

- Prior to issuance of building permits for the dwelling units shown on the Plan, Developer must repair or replace (as determined in the sole discretion of the Bureau of DPR and/or Department of Public Works) at its sole cost all storm drain inlets along the public roadway frontage bordering the subject property.

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 8-1-19

By [Signature]



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 4223 Bedford Road which is presently zoned D.R.5.5/B.L.

Deed References: 41002/100

10 Digit Tax Account # 0316002470, 0316002471, 2200014384

Property Owner(s) Printed Name(s) Pahl Farm LLC

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

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

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

SEE ATTACHED REQUESTED RELIEF

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

3. a **Variance** from Section(s)

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

**A COMBINED HEARING IS REQUESTED PURSUANT TO
BCC SEC. 32-4-221(c) & 32-4-230(a)**

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

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

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

Contract Purchaser/Lessee:

N/A

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Howard L Alderman Jr Esq

Name- Type or Print

Signature Levin & Gann, P.A.

502 Washington Avenue, STE 800 Towson, MD

Mailing Address

City

21204

410-321-0600

halderman@levingann.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Pahl Farm LLC Ellen Jarrett, VP

Name #1 - Type or Print

Signature #1

5809 Park Heights Ave., Baltimore, Maryland

Mailing Address

City

State

21215

(410) 500-5311

ejarrett@chaibaltimore.org

Zip Code

Telephone #

Email Address

Representative to be contacted:

Richard E. Matz, PE

Name - Type or Print

Signature

2835 Smith Ave. Suite G Baltimore

Mailing Address

City

State

21209

410-653-3838

rmatz@cmrengineers.com

Zip Code

Telephone #

Email Address

MBER 2019-0356-SPH

Filing Date 6/7/2019

Do Not Schedule Dates:

Reviewer, JNP

COMBINED HEARING IS REQUESTED PURSUANT TO BCC SEC. 32-4-221(c) & 32-4-230(a)

REV. 10/4/11

Colbert Matz Rosenfelt

Civil Engineers • Surveyors • Planners



ATTACHMENT TO PETITION FOR SPECIAL HEARING

4223 Bedford Road
2nd Councilmanic District
3rd Election District

REQUESTED RELIEF:

"why the Administrative Law Judge/Deputy Zoning Commissioner should" [1] to the extent the same may be required, approve the density, house location, use areas and lot configurations for Lot Nos. 3, 4, & 5-shown on the Plan to Accompany this Petition as an exception permitted and recognized by the Density Anomaly Policy; and [2] approve any and all such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR."



ZONING DESCRIPTION

Townes at Pahl's Farm Baltimore, Maryland

Beginning at a point on the south side of Bedford Road which is a 35' width right of way at the distance of 402'+/- north east of the centerline of the nearest improved intersecting street Campfield Road which is a 60' width right of way. Thence the following courses and distances:

1. North 64 degrees 38 minutes 14 seconds East 114.36 feet,
2. North 49 degrees 23 minutes 14 seconds East 174.90 feet,
3. North 74 degrees 38 minutes 14 seconds East 18.48 feet,
4. South 15 degrees 51 minutes 46 seconds East 639.15 feet,
5. North 74 degrees 08 minutes 13 seconds East 40.00 feet,
6. South 52 degrees 39 minutes 05 seconds East 105.00 feet,
7. North 47 degrees 27 minutes 53 seconds East 82.00 feet,
8. South 60 degrees 15 minutes 20 seconds East 75.00 feet
9. South 27 degrees 00 minutes 37 seconds West 146.17 feet
10. South 59 degrees 29 minutes 19 seconds West 124.42 feet
11. North 28 degrees 25 minutes 30 seconds West 40.43 feet
12. South 61 degrees 29 minutes 55 seconds West 123.68 feet
13. North 28 degrees 12 minutes 18 seconds west 792.59 feet, back to the point of beginning as recorded in Deed Liber 41002, Folio 100 containing 4.418 of Acres more or less. Located in the 3rd Election District and 2nd Councilmanic District. Known as Townes at Pahl's Farm.

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. 13203

Expiration Date: 11/02/20





JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

June 14, 2019

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: 2019-0356-SPH

4223 Bedford Road

S/east side of Campfield Place, northeast of Campfield Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Pahl Farm, LLC

Special Hearing to the extent the same may be required, approve the density, house location, use areas and lot configurations for Lot Nos. 3, 4, and 5 shown on the Plan to Accompany the petition as an exception permitted and recognized by the Density Anomaly Policy; and approve any and all such relief as the nature of this case as presented at the time of the hearing on the Petition may require, within spirit and intent of the BCZR.

Hearing: Thursday, July 18, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Michael Mallinoff
Director

MM:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Ellen Jarrett, 5809 Park Heights Avenue, Baltimore 21208
Richard Matz, 2835 Smith Avenue, Ste. G, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 28, 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, June 28, 2019 - Issue

Please forward billing to:

Ellen Jarrett
Pahl Farm, LLC
5809 Park Heights Avenue
Baltimore, MD 21215

410-500-5311

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: 2019-0356-SPH

4223 Bedford Road

S/east side of Campfield Place, northeast of Campfield Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Pahl Farm, LLC

Special Hearing to the extent the same may be required, approve the density, house location, use areas and lot configurations for Lot Nos. 3, 4, and 5 shown on the Plan to Accompany the petition as an exception permitted and recognized by the Density Anomaly Policy; and approve any and all such relief as the nature of this case as presented at the time of the hearing on the Petition may require, within spirit and intent of the BCZR.

Hearing: Thursday, July 18, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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/neighbor 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: 2019-0356-SPH

Property Address: 4223 Bedford Road, Pikesville, MD 21208

Property Description: The 4.633 ac. property is zoned DR 5.5 and B.L.; accessed from Bedford/
Campfield Road

Legal Owners (Petitioners): Pahl Farm LCC

Contract Purchaser/Lessee: NA

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ellen Jarrett, V.P. CHAI

Company/Firm (if applicable): Pahl Farm, LLC

Address: _____

5809 Park Heights Ave. Baltimore, MD 21215

Telephone Number: 410-500-53

Revised 7/9/2015

JB 7-18-17
10 am

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Tuesday, July 16, 2019 11:48 PM
To: Administrative Hearings
Subject: Cert. Case # 2019-0356-SPH
Attachments: Bedford Rd. Cert..jpeg; Bedford Rd. Photos.docx

Zoning case

CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Debbie,

I am attaching the second Certification for Case # 2019-0356-SPH @ 4223 Bedford Rd. & Phals Farm Way. I will have to send the photos for Phals Farm Way in 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: 7/16/2019

Case Number: 2019-0356-SPH

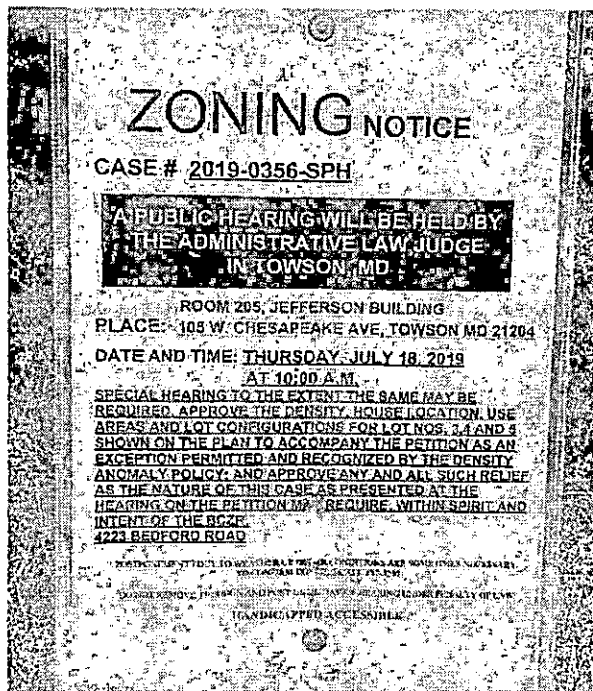
Petitioner / Developer: HOWARD ALDERMAN, JR. ~ ELLEN JARRETT~
RIHARD MATZ

Date of Hearing: JULY 18, 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:
4223 BEDFORD ROAD & PHAL FARMS WAY-(ON-SITE)

The sign(s) were posted on: JUNE 19, 2019

The sign(s) were re-photographed on: JULY 16, 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)



Re-Photographed 1st Sign @ 4223 Bedford Road ~ 7/16/2019



Re-Photographed 2nd Sign @ 4223 Bedford Rd. ~ 7/16/2019

CASE # 2019-0356-SPH

JB 7-18-19
10 Am

Debra Wiley

From: Linda Okeefe <lucky linda1954@yahoo.com>
Sent: Tuesday, July 16, 2019 11:51 PM
To: Administrative Hearings
Subject: Phals Farm Way Photos
Attachments: Phals Farm Way Photos .docx

Zoning case

CAUTION: This message from lucky linda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

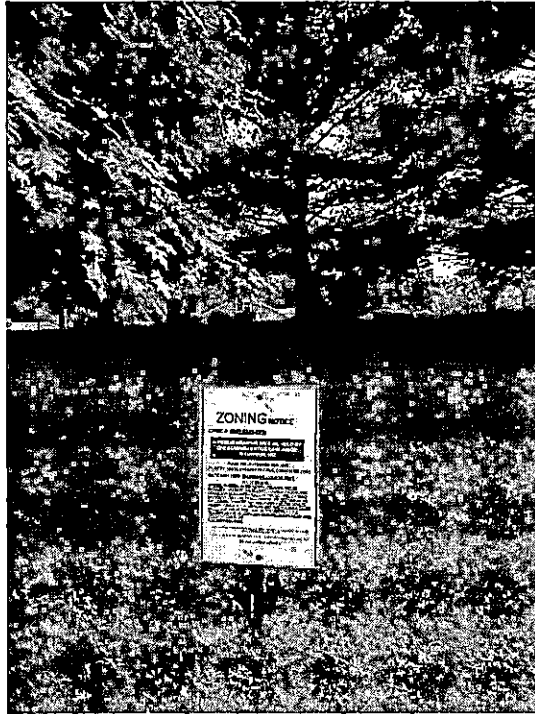
Hi Debbie,

I am attaching the photos of Phals Farm Way for Case # 2019-0356-SPH. Sorry I had to send it separately.

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
lucky linda1954@yahoo.com



Re-Photographed 1st Sign @ Phals Farms Way (On-Site) ~ 7/16/2019



Re-Photographed 2nd Sign @ Phals Farms Way (On-Site) ~ 7/16/2019

CASE # 2019-0356-SPH

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/19/2019

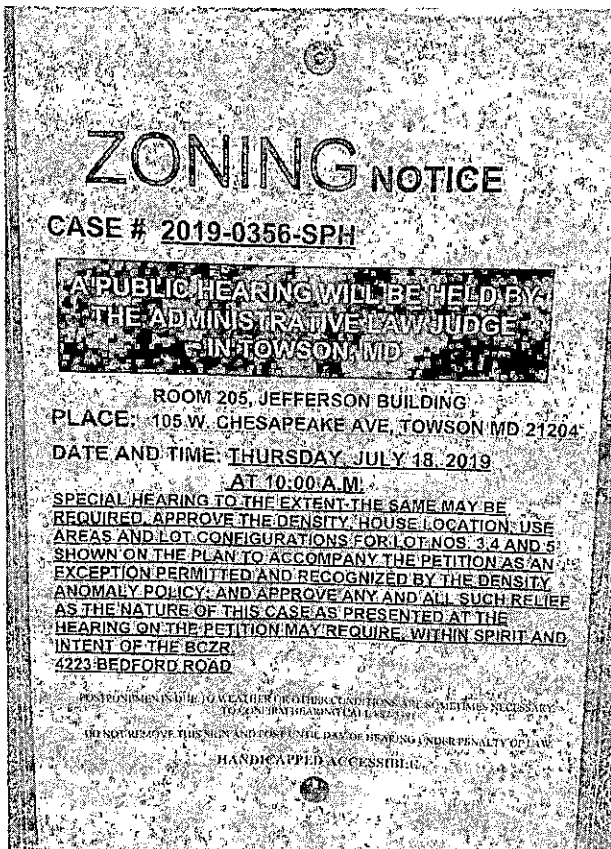
Case Number: 2019-0356-SPH

Petitioner / Developer: HOWARD ALDERMAN, JR. ~ ELLEN JARRETT ~ RICHARD MATZ

Date of Hearing: JULY 18, 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:
4223 BEDFORD ROAD & PHAL FARMS WAY-(ON-SITE)

The sign(s) were posted on: JUNE 19, 2019



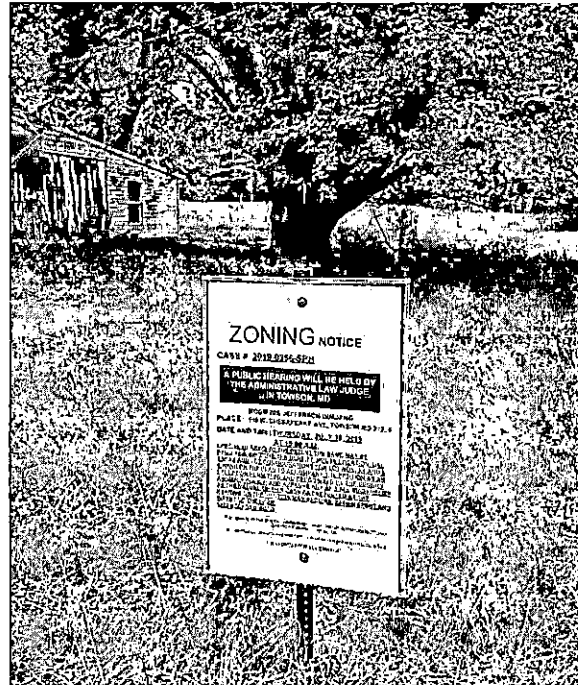
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

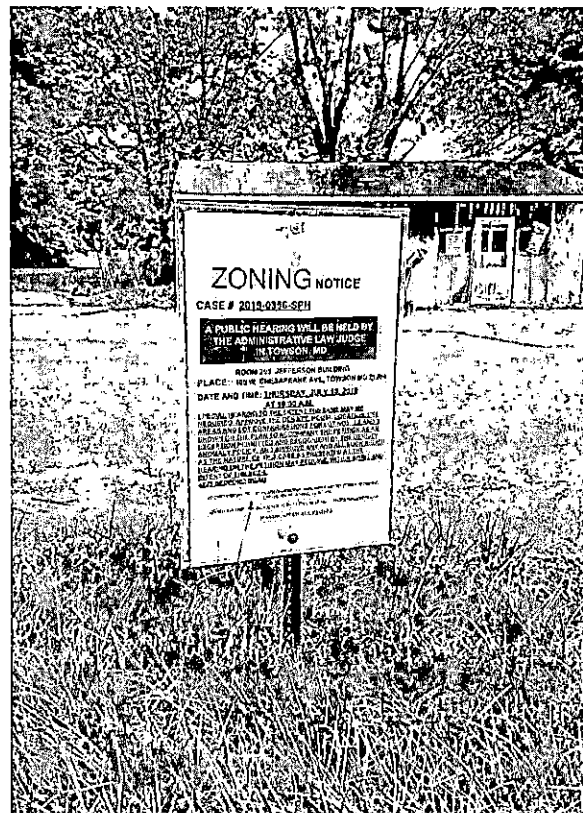
523 Penny Lane
(Street Address of Sign Poster)

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

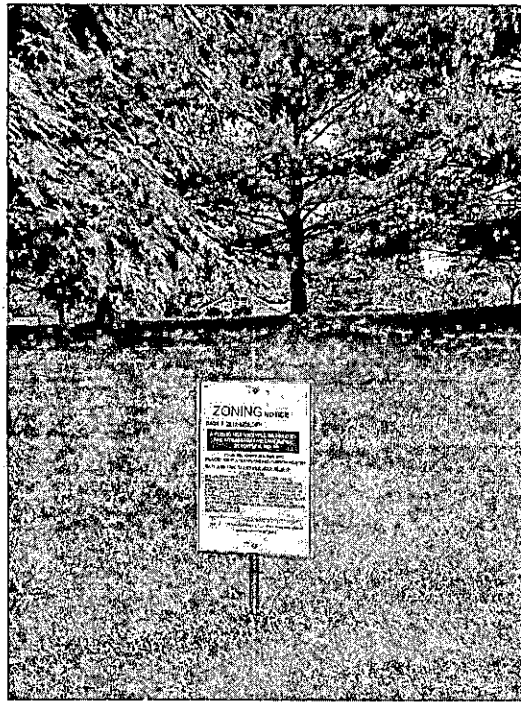
410 - 666 - 5366
(Telephone Number of Sign Poster)



Background Photo 1st Sign @ 4223 Bedford Road ~ 6/19/2019



Background Photo 2nd Sign @ 4223 Bedford Road ~ 6/19/2019
CASE # 2019-0356-SPH



Background Photo 1st Sign @ Phal Farms Way (On-Site) ~ 6/19/2019



Background Photo 2nd Sign @ Phal Farms Way (On-Site) ~ 6/19/2019

CASE # 2019-0356-SPH

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

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

6/28/2019

Order #: 11759455
Case #: 2019-0356-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0356-SPH



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: 2019-0356-SPH

4223 Bedford Road

S/east side of Campfield Place, northeast of Campfield Road

3rd Election District- 2nd Councilmanic District

Legal Owners: Pahl Farm, LLC

Special Hearing to the extent the same may be required, approve the density, house location, use areas and lot configurations for Lot Nos. 3, 4, and 5 shown on the Plan to Accompany the petition as an exception permitted and recognized by the Density Anomaly Policy; and approve any and all such relief as the nature of this case as presented at the time of the hearing on the Petition, may require, within spirit and intent of the BCZR.

Hearing: Thursday, July 18, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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

je28



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

July 12, 2019

Howard L. Alderman
502 Washington Avenue Ste 800
Towson MD 21204

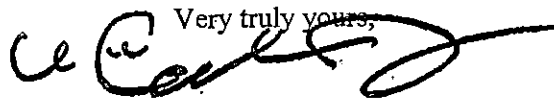
RE: Case Number: 2019-0356-SPH, 4223 Bedford Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 2, 2019. 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
Pahl Farm LLC Ellen Jarrett 5809 Park Heights Ave, Baltimore MD 21215
Richard E. Matz 2835 Smith Avenue Suite G Baltimore MD 21209

Date: 6/19/19

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

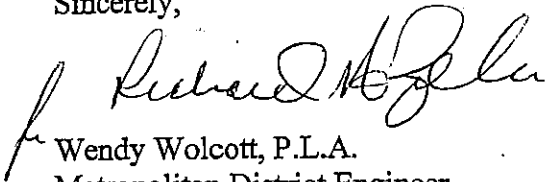
Dear Ms. Lewis:

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. 2019-0356-SPH

*Special Hearing
Dahl Farm, LLC, Ellen Jarrett, V. P.
4223 Bedford Road.*

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

Sincerely,



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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

DATE: July 05, 2019

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

SUBJECT: Zoning Advisory Committee Meeting
For June 24, 2019
Item No. 2019-0343-A, 0356-SPH, 0357-SPH, 0360-A, 0361-A, 0363-A,
0365-A, 0366-SPH, 0367-A, 0368-A & 0369-A

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

*

*

*

*

*

VKD: cen
cc: file

7-18

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

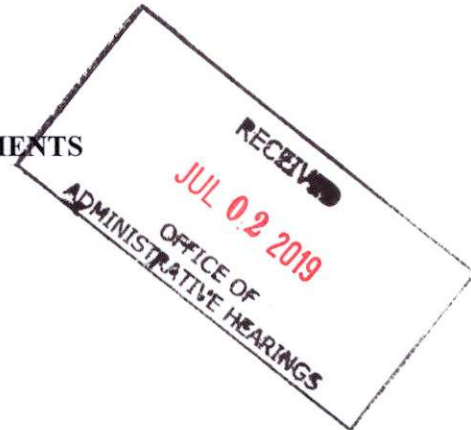
DATE: 7/1/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-356

INFORMATION:

Property Address: 4223 Bedford Road
Petitioner: Pahl Farm, LLC
Zoning: DR 5.5, BL
Requested Action: Special Hearing



The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the density anomalies as identified on the attachment submitted in support of the petition.

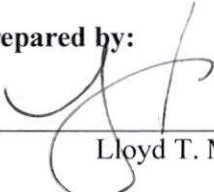
A site visit was conducted on June 24, 2019.

The site is currently vacant and is the subject of a development plan titled "Townes at Pahl's Farm" PAI No. 03-0519 currently under review.

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

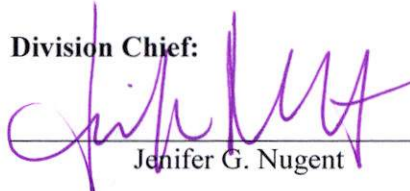
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

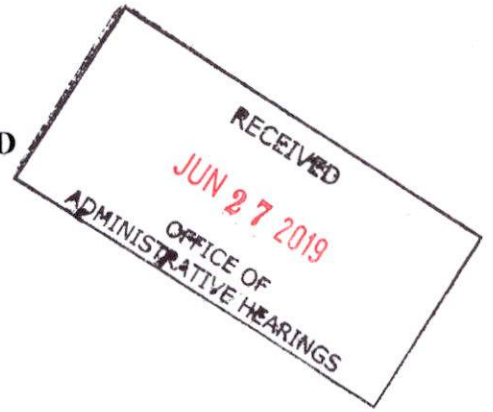
CPG/JGN/LTM/

c: Bill Skibinski
Richard E. Matz, PE
Howard L. Alderman, Jr. Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

7-18

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 27, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0356-SPH
Address 4223 Bedford Road
(Pahl Farm, LLC Property)

Zoning Advisory Committee Meeting of **June 24, 2019**.

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

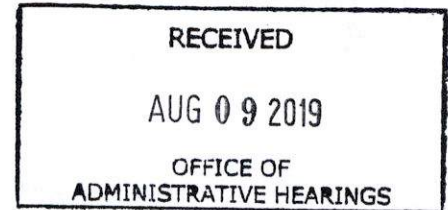
Reviewer: Steve Ford



LEVIN & GANN, P.A.
ATTORNEYS AT LAW

85 7-18-19
Howard L. Alderman, Jr., Esquire | Principal
D: 410.321.4640 | halderman@levingann.com

August 9, 2019



HAND DELIVERED

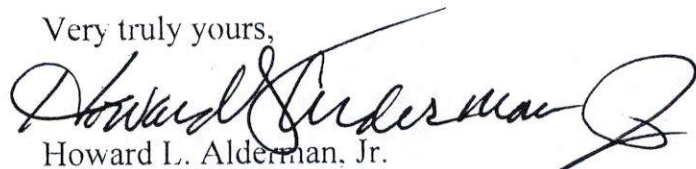
The Honorable John E. Beverungen,
Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RE: Development Plan Hearing & Petition
for Special Hearing
(4223 Bedford Road)
Townes at Pahl's Farm
HOH Case No. 03-0519 & Zoning
Case No. 2019-0356-SPH
Motion for Reconsideration and to Alter/Amend Order

Dear Judge Beverungen:

Enclosed, for your consideration and action, please find an original and one copy of the Owner's Motion for Reconsideration and to Alter/Amend your *Combined Development Plan and Zoning Opinion and Order*, dated August 1, 2019, in the above-referenced cases. Should you need any additional information in support of this motion, please do not hesitate to contact me.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

Enclosures

c (w/encl.): Pahl Farm, LLC
Baltimore County Office of People's Counsel

IN RE: DEVELOPMENT PLAN
HEARING & PETITION FOR
SPECIAL HEARING
(4223 Bedford Road)
3rd Election District
2nd Council District

(TOWNES AT PAHL'S FARM)

Pahl Farm, LLC c/o CHAI,

Legal Owner/Developer

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY

HOH Case No.: 03-0519 &
Zoning Case No.: 2019-0356-SPH

RECEIVED

AUG 09 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

MOTION FOR RECONSIDERATION
AND TO ALTER/AMEND ORDER

Pahl Farm, LLC (“Owner”, “Petitioner” or “Developer”) by and through its undersigned legal counsel, in accordance with the *Code of Baltimore County Regulations*, Title 2, Chapter 1, Rule 4K., hereby moves that the *Administrative Law Judge's Combined Development Plan and Zoning Opinion and Order*, dated August 1, 2019 (the “Order”), be reconsidered, altered and/or amended. In support of its request, the Owner states as follows:

1. The Administrative Law Judge for Baltimore County (“ALJ”) denied the Owner’s requested special hearing relief seeking application of the long-standing “Density Anomaly Policy” (the “Policy”) permitting certain calculation and location of density for a split-zoned property.

2. Prior to 1988, the property at 4223 Bedford Road (the “subject property”) was zoned DR 5.5 in its entirety, identical to the neighborhood in which it is located.

3. Comprised of approximately 4.6 acres +/-, the subject property contained one residential dwelling, with the majority of the land being farmed and the farm products were sold from a produce stand located on the subject property, a use which had commenced in 1956.

4. Following a formal zoning complaint about the produce stand being an illegal use in the DR zone, the then owners of the subject property filed an application during the 1988 Comprehensive Zoning Map Process ("CZMP") to rezone approximately 0.539 acres to a classification of Business Local (BL) to permit continued operation of the produce stand sales.

5. To address community concerns about this enclave of proposed commercial zoning in an otherwise completely residentially zoned area (*See Petitioner's Exhibit No. 5*, Baltimore County "My Neighborhood" Zoning Map), the then owners worked with members of several communities in the development of a Restrictive Covenant Agreement (the "**Covenant Agreement**").

6. To address the community's desire that the area around the subject property retain its residential character without commercial encroachment, the Covenant Agreement contained strict and specific limitations on the use of the area requested for rezoning.

7. Moreover, to ensure that only a produce stand would be allowed if the requested area was rezoned, the then owners of the subject property and community members agreed that if the produce stand activity was abandoned or terminated in the future, the uses

on the property requested for rezoning “shall be limited to those uses permitted in a DR 5.5 zone as presently constituted or whatever zone is then in effect on the immediately adjacent residential property if it is not DR 5.5.” **Petitioner’s Exhibit No. 3, Restrictive Covenant Agreement**, dated October 4, 1988 and recorded among the Land Records of Baltimore County in Liber 7989 at page 108.

8. During the 1988 CZMP, the Baltimore County Council changed the zoning on the area of the subject property as requested from DR 5.5 to BL.

9. Uncontradicted testimony at the ALJ’s hearing was that the produce stand use had been abandoned years ago, thus invoking the Covenant Agreement’s limitation on uses on the BL zoned land to only those allowed in the DR 5.5 zone.

10. Residential density in the BL Zone is calculated based on the residential zoning of the adjoining land. *Baltimore County Zoning Regulations* § 230.1.A.1.

11. The total residential density allowed on the subject property is 24 units, 22 in the DR 5.5 zone and 2 in the BL zone.

12. To provide for a more compatible pattern of homes on the subject property, the Developer proposed to spread out the units with 4 located in the BL zoned area and 20 in the DR 5.5 zoned area, under the auspices and authority of the Policy.

13. The ALJ concluded *sua sponte* the Policy was “**an internal policy** of the Office of Zoning Review” determining the Policy was neither binding or authoritative. Order at 6. [Emphasis Supplied.]

14. In adopting the *Baltimore County Code* (“**Code**”), the County Council has drawn a bright and distinct line between a “Rule” and a “Regulation”. A “Rule” means a statement, **policy**, directive or operating procedure of county government that:

- (1) concerns only **internal** management of the county government;
- (2) requires compliance by county employees with provisions relating to attendance, conduct, training, discipline, and procedure; or
- (3) **does not affect directly the rights of the public or the procedures available to the public.** Code §3-7-101(c) [Emphases supplied.]

15. Conversely, a “Regulation” means a statement of county government that:

- (1) has general application;
- (2) has future effect;
- (3) **details or carries out a law that the County government administers;** and
- (4) **is in any form including:**
 - (i) a requirement;
 - (ii) a standard;
 - (iii) a statement of interpretation; **or**
 - (iv) **a statement of policy.** Code § 3-7-101(b) [Emphases supplied.]

16. It cannot be gainsaid that the County’s Density Anomaly Policy is a County Regulation as compared to an internal policy used by the Office of Zoning.

17. The Policy has been applied in decisions on public Development and Zoning Hearings for many years by more than one Zoning Commissioner/Deputy Zoning Commissioner. A small sample of such cases includes:

A. *In Re: Development Plan Hearing and Petitions for Special Hearing*

and Variance, Calverton Court, Case Nos.: 3-463 & 98-44-SPHA [Kotroco];

- B. *In Re: Petitions for Special Hearing and Variance*, 9321 Old Harford Road, Case No. 99-264-SPH [Kotroco];
- C. *In Re: Development Plan Hearing and Petition for Special Hearing*, Holly Ridge, Case Nos. VIII-270 & 03-307-SPH [Schmidt]; and
- D. *In Re: Development Plan Hearing*, Peter Berger Property, Case Nos.: IV-657 & 07-456-SPH [Bostwick].

18. In the Peter Berger Property cases, then Deputy Zoning Commissioner Bostwick, summarizing part of the evidence submitted, stated “Mr. Alderman submitted a copy of the **relevant part of the Code of County Regulations dated October 22, 1922 entitled ‘Policy: Density Anomalies.’**” Order in Case No. 07-456-SPH at 10. [Emphasis supplied.]

19. After determining that the application of the Density Anomaly Policy “will not increase the density calculation otherwise allowable for this property”, Deputy Zoning Commissioner Bostwick found “**that the granting of relief is within** the spirit and intent of the Zoning Regulations, and **in particular the Code of Baltimore County Regulations.**” Order in Case No. 07-456-SPH at 12. [Emphases supplied.]

20. In the instant case, without knowledge of the restrictions of the Covenant Agreement, all reviewing County agencies, including without limitation the Department of Planning, recommended approval of the Development Plan which distributed the dwelling density across the subject property with four dwelling units in the BL zoned portion of the subject property.

21. The application of the long-standing Density Anomaly Policy to the subject

property will not result in any additional density. Rather, it permits the density to be distributed across the subject property, in conformance with other residential development in the area and what the surrounding communities demanded in the Covenant Agreement.

22. While members of the community who attended the Hearing Officer's Hearing had concerns about traffic, stormwater and a possible increase of interlopers passing through the subject property, no concern or objection was even mentioned regarding the number of dwellings in the BL zoned portion of the subject property pursuant to the Policy.

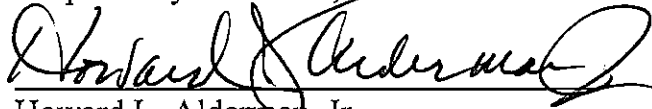
23. The requested Special Hearing relief is in accord with long-standing, long-applied, County Policy and Regulation and should be granted.

FOR ALL OF THE FOREGOING REASONS, the Owner respectfully requests that the ALJ:

- A. Reconsider the Order issued August 1, 2019; and
- B. Revise, alter and amend the Order, by finding that: (i) the Density Anomaly Policy can be applied to the subject property properly allowing distribution of the proposed dwellings across the subject property; (ii) a total of four (4) homes in the BL zoned portion of the subject property are approved; (iii) the application of the Density Anomaly Policy will not result in an increase of dwelling units otherwise allowable on the subject property; (iv) the Order should be modified at page 7 to read "for Lot Nos. 3, 4 and 5 shown on the Plan to Accompany the petition as an exception permitted and recognized by the Density Anomaly Policy, be and is hereby **GRANTED**"; (v) the Order

should be modified at page 7 to read “the “TOWNES AT PAHL’S FARM” Plan marked and accepted into evidence as Developer’s Exhibit 1A and 1B, be and is hereby **APPROVED.**”; and (vi) the Order should be modified by striking any and all portions of the Order that pertain to non-application of and/or denial of the Special Hearing relief based on the Density Anomaly Policy.

Respectfully submitted,



Howard L. Alderman, Jr.

Levin & Gann, P.A.

8th Floor, Nottingham Centre

502 Washington Avenue

Towson, Maryland 21204

410.321.0600 [voice]

410.296.2801 [fax]

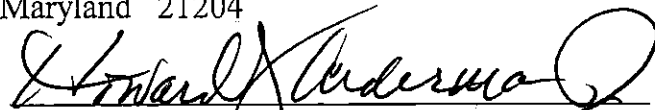
halderman@LevinGann.com [e-mail]

Attorneys for Owner/Petitioner/ Developer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of August, 2019 a copy of the foregoing Motion for Reconsideration and to Alter/Amend Order was mailed via First-Class, United States Mail to the following:

Peter Max Zimmerman, People’s Counsel for Baltimore County
Carole S. Demilio, Deputy People’s Counsel for Baltimore County
Jefferson Building, Suite 204
105 West Chesapeake Avenue
Towson, Maryland 21204



Howard L. Alderman, Jr.

Case No.: 03-0519 & 2019-0356-SPH

4223 Bedford Road

Exhibit Sheet

028119

Petitioner/Developer

Protestants

BALTO
CO.

No. 1	Dev. Plan (2 sheet) / 1A / 1B		School Analysis
No. 2	Bishop - resume	Original Exhibits are contained in Host Case file 03-0519	Pattern Book
No. 3	Restrictive Covenant		Memo re: SWM Plan
No. 4	Zoning Amended Policy		Schematic Landscape Plan
No. 5	My Neighborhood Map		7-11-19 Email re: DPW Waivers
No. 6	DOP ZAC Comment		
No. 7			
No. 8			
No. 9			
No. 10			
No. 11			
No. 12			

CASE NAME PAHLS HARM
CASE NUMBER 03-0519 & 2019-
DATE July 18, 2019 0356-
SPH

[illegible]

CASE NAME Yahis Tarec
CASE NUMBER 03-0519 + 2019-
DATE 18 July 19 0356-
SPH

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

EASE PRINT CLEARLY

CASE NAME TOWNES AT PAHLS FARM
CASE NUMBER 03-0519 & 2019-0356-
DATE July 18, 2019 SM

CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

Maryann M. Ferguson	7227 Pahl's Farm Way	Pikesville, MD 21208	Pahl's crossing president jtf@comcast.net & gmail.com
Serome T. Ferguson	7227 Pahl's Farm Way	" "	" "
VALERIE PRETLOW	7223 PAHLS FARM WAY	" "	VPRETLOW@gmail.com
Robin Howard	4208 Buckingham Rd.	Pikesville MD 21207	robin.howard1@verizon.net
DET M. HOWARD	4208 BUCKINGHAM RD	PIKESVILLE MD 21207	" "
Hattie L. Peartree	2236 Early Golden Lane	Pikesville MD 21208	HLPeartree@gmail.com
George Beckel White	1 Red Jonathan Ct	Pikesville, MD 21208	Georgewhite@msn.com
ELESTINE SCOTT	3908 Buckingham Rd	Pikesville 21207	" "
INDIRA SCOTT	7315 RANMIDGE	Pikesville 21207	" "
Kristance Coates	7211 Pahl's Farm Way	Pikesville, MD 21208	Krisscoa@yahoo.com
MARY MRS. Salisbury	7250 Early Golden Lane	Pikesville MD 21208	nettemyette@gmail.com
Laura Bernon	4210 CAMPFIELD PL	Pikesville, MD 21208	heart2pt@gmail.com
Michelle Shell	7209 Pahl's Farm Way	Pikesville MD 21208	shelmic@ad.com
Chae Green	4210 Campfield Pl	Pikesville, MD 21208	NOT SPEAKING
Yvonne Randolph	" "	" "	" "
Linda Jackson	7306 Prince George Rd	Pikesville 21207	Not Speaking
Henry Jackson	7306 Prince George Rd	Pikesville 21207	Not Speaking
SANDRA ARBERK	401 VILLA NOVA RD	PIKESVILLE 21207	Rome4101@gmail.com
Jackie Belt	8 Red Jonathan Ct	Pikesville, 21208	jackieb133@comcast.net
George White	1 Red Jonathan Ct	Pikesville, 21208	" "
Deirdre Elvis Peterson	4123 Bedford Rd Pikesville 11	Pikesville 21207	DECAELT@yahoo.com

JB 7-18-19
10 AM

Debra Wiley

From: John E. Beverungen
Sent: Wednesday, July 17, 2019 3:08 PM
To: Darryl D Putty
Cc: Patrick Williams; Debra Wiley
Subject: RE: Townes at Pahl's Farm

OK Thanks, I will put a copy of this email in the case file.

From: Darryl D Putty <DPutty@baltimorecountymd.gov>
Sent: Wednesday, July 17, 2019 2:09 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Subject: FW: Townes at Pahl's Farm
Importance: High

Hi John,

FYI
This came to me from a citizen in the Villa Nova Community.

Darryl

Darryl D. Putty
Project Manager
Development Management
111 W. Chesapeake Avenue, Rm. 123
Towson, Maryland 21204
Phone: 410-887-0716
E-mail: dputty@baltimorecountymd.gov

From: Sheila Lewis [<mailto:msheather12@hotmail.com>]
Sent: Wednesday, July 17, 2019 12:51 PM
To: Darryl D Putty <DPutty@baltimorecountymd.gov>
Subject: Fw: Townes at Pahl's Farm
Importance: High

CAUTION: This message from msheather12@hotmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

I was directed by your office to send my comments to you because Mr. Williams is not available.

Sent from Outlook

From: Sheila Lewis <msheather12@hotmail.com>
Sent: Wednesday, July 17, 2019 3:44 PM

→
over

To: PBWilliams@baltimorecountymd.gov

Subject: Townes at Pahl's Farm

Good Afternoon Mr. Williams,

I am resident of Villa Nova, my address is 3907 Buckingham Rd. I will be unable to attend the CIM on July 18 because of recent emergency surgery. Therefore I am submitting the following comments to be presented and added to the record.

---1) We agree that the development should be built as a cul de sac. This will prevent additional through traffic into Buckingham Road and make the residential homes and townhouse development streets safer for residents and enhance the walkability of both communities.

---2) Decorative fencing should be installed along the property lines of properties adjacent to the development to correctly identify and protect property rights. This will also help to prevent misunderstandings in open areas of adjacent properties and the development.

---3) There needs to be a complete review that includes a thorough analysis of where and how SW is diverted into the existing drainage system. This plan has the SW from the new development, which includes enlarged drains and additional runoff, being directed to the drainage system which runs through the Villa Nova portion of the Gwynns Fall Watershed. There is concern that low lying and downstream areas will be adversely impacted. The results of this analysis needs to identify potential issues and include remedial actions needed.

---4) The plan needs to more clearly identify the areas on adjacent properties which will or may be disrupted or affected by the entire construction process including in private and public roads and areas. This will help clarify responsibilities for repair, align expectations of property owners, and perhaps avoid misunderstandings.

---5) Trees and forest vegetation plantings should be increased to compensate for the impervious surfaces that are replacing the farmland. These plantings will help maintain the water table in this watershed, stabilize ecological balance, minimize SW runoff, and prevent soil erosion which could adversely impact this portion of the Gwynn Falls watershed. In addition, the increased trees and forest vegetation will improve air quality, help maintain temperatures, and enhance the aesthetics of the development.

---6) There needs to be a complete review that includes a thorough analysis regarding the adequacy of water pressure in the water service resulting from the construction of the new development. Remedial action needs to be taken to ensure adequate pressure in existing as well as new homes at all times.

---7) There is no adequate design or description of how the planned houses would look. The previously drawings showed housing designs and materials for use for low cost housing that would be inappropriate and detrimental to the characteristics, property values, financial stability, and aesthetics of the adjoining communities. The housing design for this development should be based on a market analysis of appropriate housing values.

I can also be reached at 410-653-2498. Thank you for your assistance.

Sheila Lewis, Pres.

Villa Nova Community Association

Patrick Williams

From: cynthia alexander-williams <cynthwill@hotmail.com>
Sent: Wednesday, July 03, 2019 4:37 PM
To: Patrick Williams
Subject: TOWNES AT PAHL'S FARM project

CAUTION: This message from cynthwill@hotmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

The following are the issued we (the Villa Nova Community) have identified with the plan:

---1) We agree that the development should be built as a cul de sac. This will prevent additional through traffic into Buckingham Road and make the residential homes and townhouse development streets safer for residents and enhance the walkability of both communities.

---2) Decorative fencing should be installed along the property lines of properties adjacent to the development to correctly identify and protect property rights. This will also help to prevent misunderstandings in open areas of adjacent properties and the development .

---3) There needs to be a complete review that includes a thorough analysis of where and how SW is diverted into the existing drainage system. This plan has the SW from the new development, which includes enlarged drains and additional runoff, being directed to the drainage system which runs through the Villa Nova portion of the Gwynns Fall Watershed. There is concern that low lying and downstream areas will be adversely impacted. The results of this analysis needs to identify potential issues and include remedial actions needed.

---4) The plan needs to more clearly identify the areas on adjacent properties which will or may be disrupted or affected by the entire construction process including in private and public roads and areas. This will help clarify responsibilities for repair, align expectations of property owners, and perhaps avoid misunderstandings.

---5) Trees and forest vegetation plantings should be increased to compensate for the impervious surfaces that are replacing the farmland. These plantings will help maintain the water table in this watershed, stabilize ecological balance, minimize SW runoff, and prevent soil erosion which could adversely impact this portion of the Gwynn Falls watershed. In addition, the increased trees and forest vegetation will improve air quality, help maintain temperatures, and enhance the aesthetics of the development.

---6) There needs to be a complete review that includes a thorough analysis regarding the adequacy of water pressure in the water service resulting from the construction of the new development. Remedial action needs to be taken to ensure adequate pressure in existing as well as new homes at all times.

---7) There is no adequate design or description of how the planned houses would look. The previously drawings showed housing designs and materials for use for low cost housing that would be inappropriate and detrimental to the characteristics, property values, financial stability, and

aesthetics of the adjoining communities. The housing design for this development should be based on a market analysis of compatible new housing in the area.

Thank you for your attention to this matter,

Mr. and Mrs. Richard Williams
4116 Buckingham Rd
Pikesville, MD 21208

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>7-5</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>6-27</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
	FIRE DEPARTMENT	
<u>7-2</u>	PLANNING (if not received, date e-mail sent _____)	<u>No object</u>
<u>6-19</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>6-28-19</u>	<u>The Daily Record</u>
SIGN POSTING (1 st)	Date: <u>6-19-19</u>	by <u>O'Keefe</u>
SIGN POSTING (2 nd)	Date: <u>6-28-19</u> <u>7-16-19</u>	by <u>The Daily Record</u> <u>O'Keefe</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

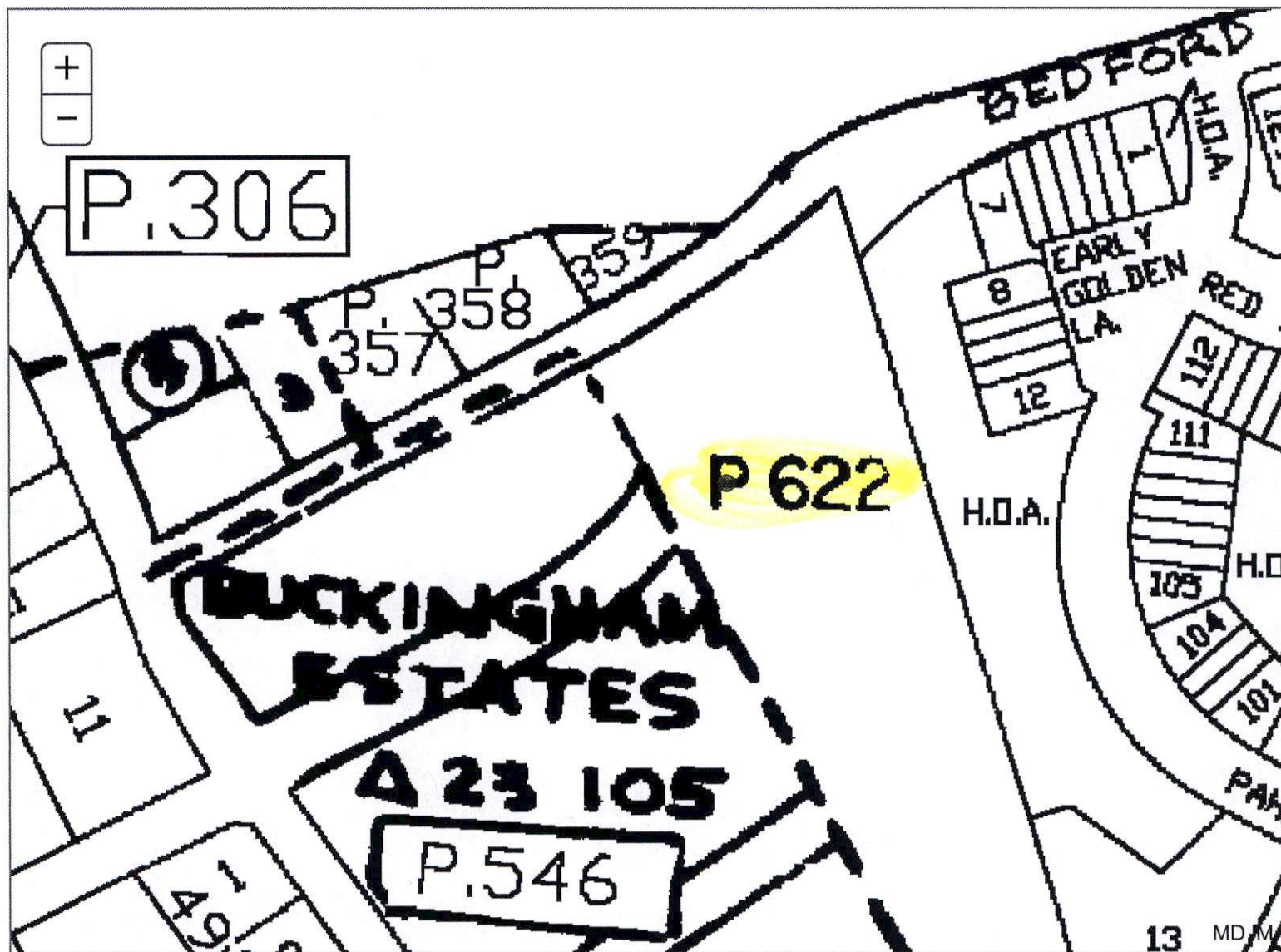
View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 03 Account Number - 0316002471			
Owner Information					
Owner Name:		PAHL FARM LLC		Use:	COMMERCIAL
				Principal Residence:	NO
Mailing Address:		C/O CHAI 5809 PARK HEIGHTS AVENUE BALTIMORE MD 21215-		Deed Reference:	/41002/ 00100
Location & Structure Information					
Premises Address:		4223 BEDFORD RD 00000-0		Legal Description: 440FT E OF CAMPFIELD RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0078	0020	0622		0000	2019
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1958	1216		2.8300 AC	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		STORAGE GARAGE			
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2019	07/01/2018	07/01/2019	
Land:	180,400	180,400			
Improvements	30,800	33,000			
Total:	211,200	213,400	211,200	211,933	
Preferential Land:	0			0	
Transfer Information					
Seller: PAHL FARM LIMITED PARTNERSHIP		Date: 12/28/2018		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /41002/ 00100		Deed2:	
Seller: PAHL LESLIE CHARLES SR		Date: 07/17/2017		Price: \$480,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /39195/ 00185		Deed2:	
Seller: PAHL CLARENCE H		Date:		Price: \$0	
Type:		Deed1: /04617/ 00589		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018		07/01/2019	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

District: **03** Account Number: **0316002471**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

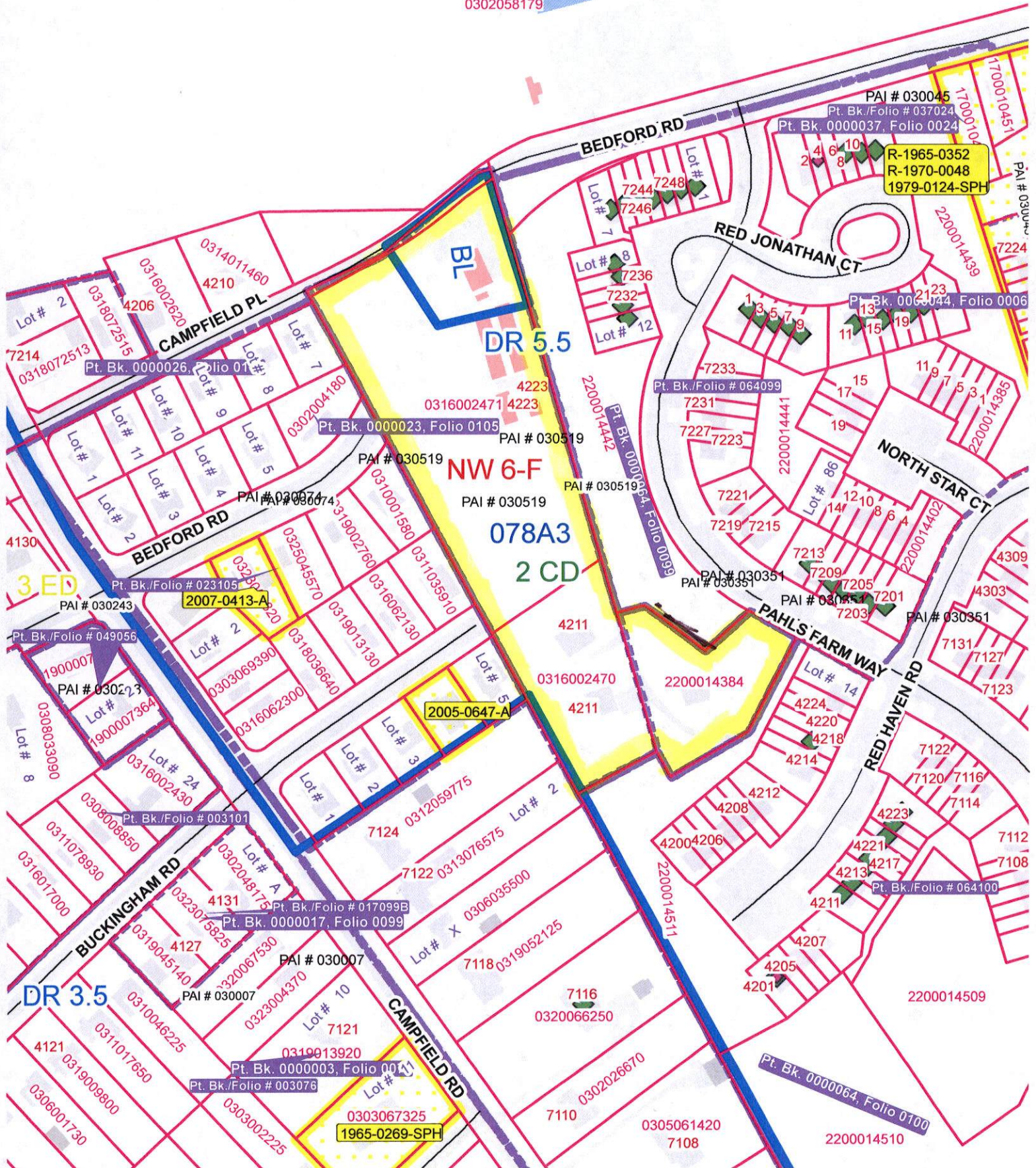
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

SUDBURY
MAGNET
MIDDLE
SCHOOL

0302058179



PAI # 030045

Pt. Bk./Folio # 037024

Pt. Bk. 0000037, Folio 0024

R-1965-0352
R-1970-0048
1979-0124-SPH

PAI # 030045

1700010451
1700010451

2200014439

7224

Pt. Bk. 0000044, Folio 0006

2123

11 15 19

11 9 7 5 3

2200014385

2200014402

4309

4303

7131

7127

7123

7122

7120

7116

7114

7112

7108

2200014509

2200014510

Pt. Bk. 0000064, Folio 0100

7108

0305061420

RED JONATHAN CT

NORTH STAR CT

PAHL'S FARM WAY

RED HAVEN RD

BEDFORD RD

CAMPFIELD PL

BEDFORD RD

BUCKINGHAM RD

CAMPFIELD RD

BL

DR 5.5

NW 6-F

078A3

2 CD

3 ED

DR 3.5

Pt. Bk. 0000026, Folio 01

Pt. Bk. 0000023, Folio 0105

Pt. Bk. 0000074

Pt. Bk./Folio # 023105

Pt. Bk./Folio # 049056

Pt. Bk./Folio # 003101

Pt. Bk./Folio # 017099B

Pt. Bk. 0000017, Folio 0099

Pt. Bk./Folio # 003076

Pt. Bk. 0000003, Folio 00

Pt. Bk./Folio # 003076

Pt. Bk. 0000064, Folio 0100

Pt. Bk. 0000064, Folio 0100

Pt. Bk. 0000064, Folio 0100

Pt. Bk. 0000064, Folio 0100

2007-0413-A

2005-0647-A

1965-0269-SPH

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

No. **184716**

PAID RECEIPT

Date:

6/7/2019

BUSINESS ACTUAL TIME DRN

RED W301 WALKIN LJR

>>RECEIPT # 011305 6/10/2019 OFLN

Dept 5 528 ZONING VERIFICATION

Ref No 184716

Receipt Tot \$ 300.00

300.00 CK .00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0060		6150						300.06
										300.00

Total:

Rec From: **CHAI**

For: **4223 Bedford Road 2019-0356-SPH**
Paul Fawn, LLC

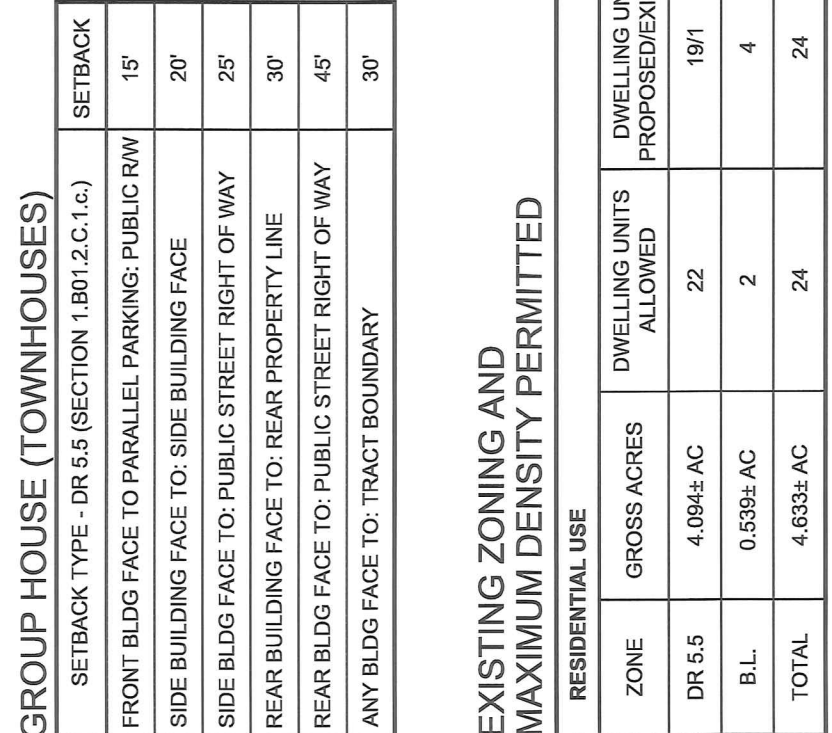
DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

SETBACK	
25'	FRONT BLDG FACE TO: PUBLIC R/W OR PROPERTY LINE
20'	FRONT BLDG FACE TO: EDGE OF PAV. OR PRIV. ROAD
20'	SIDE BLDG FACE TO: SIDE OF BUILDING FACE
25'	SIDE BLDG FACE TO: PUBLIC STREET RIGHT OF WAY
15'	SIDE BLDG FACE TO: TRACT BOUNDARY
25'	SIDE BLDG FACE TO: EDGE OF PAV. OR PRIV. ROAD
30'	REAR BLDG FACE TO: REAR PROPERTY LINE
30'	REAR BLDG FACE TO: PUBLIC STREET RIGHT OF WAY



THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY AREA TO SUPPORT ANY OFF-SITE DWELLING.*

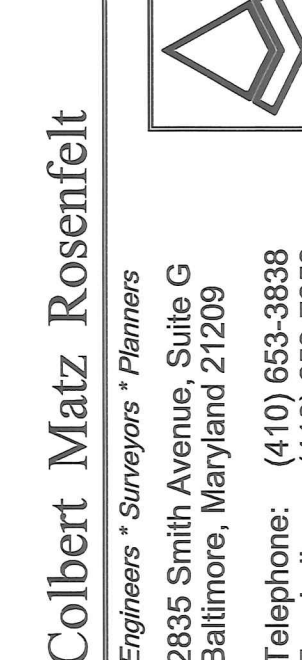
WAIVER REQUESTS

- [illegible]

WILL NEED TO OBTAIN A VARIANCE IN ORDER TO CONSTRUCT A REAR DECK IN EXCESS OF 7.5 DEEP. THE VARIANCE REQUEST MAY OR MAY NOT BE SUPPORTED BY THE

DEVELOPMENT PLAN AND PLAN TO COMPANY SPECIAL HEARING

TOWNES AT PAHL'S FARM
4223 BEDFORD ROAD
BALTIMORE COUNTY, MARYLAND 21208
PAI NUMBER: 03-0519

Colbert Matz Rosenfelt
Engineers * Surveyors * Planners

2835 Smith Avenue, Suite G
Baltimore, Maryland 21209

Telephone: (410) 653-3838
 Facsimile: (410) 653-7953

Professional Certification	SCALE: N/A
----------------------------	------------

DATE: 05/14/2019
JOB NO.: 2016395
DESIGNED: AJC/ANML
DRAWN: AJC
CHECKED: MAB
FILE: 16-2016395.dwg

[illegible]

