

M E M O R A N D U M

DATE: January 13, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0488-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 10, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(9410 Park Heights Avenue)

3rd Election District

2nd Council District

Richard M. and Carolyn P. Susel

Legal Owners

Petitioners

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2019-0488-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Richard and Carolyn Susel, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 1A04.3.2.b of the Baltimore County Zoning Regulations (“BCZR”) to permit an existing principal dwelling building with a front yard setback of 30 ft. in lieu of the required 50 ft. A site plan was marked as Petitioners’ Exhibit 1.

Landscape architect, Matt Bishop, appeared in support of the petition on behalf of the Petitioners. Timothy M. Kotroco, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”).

The site is approximately 12.31 acres in size and is zoned RC-5. Petitioners are in the process of a minor subdivision of this estate property. This subdivision necessitates the variance relief requested. The site is approximately 12.31 acres in size and is zoned RC-5. Petitioners are in the process of a minor subdivision of this estate property into three parcels.

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

ORDER RECEIVED FOR FILING

Date

12/11/19

By

Sen

- (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 lot is irregularly shaped and its perimeter is in floodplain and forest buffers. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to meet the setback requirements for the existing main residence. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This relief will maintain the integrity of the estate and have no adverse impact on the surrounding properties or the environment.

THEREFORE, IT IS ORDERED, this 11th day of **December, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations to permit an existing principal dwelling building with a front yard setback of 30 ft. in lieu of the required 50 ft., be and is hereby GRANTED.

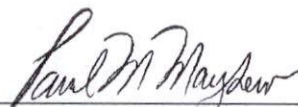
The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits, Petitioners must comply with the ZAC comments made by the DEPS, a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 12/11/19
By sen

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/sln

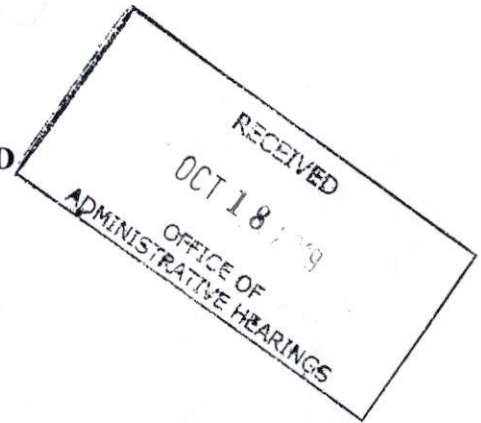
ORDER RECEIVED FOR FILING

Date 12/11/19

By sln

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: October 18, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0488-A
Address 8410 Park Heights Avenue
(Susel Property)

Zoning Advisory Committee Meeting of **October 11, 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:

1. All conditions of the March 4, 2019 Forest Buffer Variance must be met.
2. Any Forest Buffer Easements, Forest Conservation Easements, and Forest Buffer & Forest Conservation Easements must be recorded in Baltimore County Land Records with their appropriate Declarations of Protective Covenants and in accordance with the approved Forest Conservation Plan & Forest Buffer Protection Plan prior to any permit approval.

Reviewer: Libby Errickson

ORDER RECEIVED FOR FILING

Date 12/11/19

By sen



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 8410 Park Heights Avenue, Pikesville, MD 21208 which is presently zoned RC 5
Deed References: J.L.E. 38505 / 42 10 Digit Tax Account # 1 6 0 0 0 1 4 3 2 3
Property Owner(s) Printed Name(s) Richard M. Susel and Carolyn P. Susel

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s)

See Attachment A

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Timothy M. Kotroco
Name- Type or Print _____
Signature _____
305 Washington Ave, Ste. 502 Towson MD
Mailing Address _____ City _____ State _____
21204 / 410-299-2943 / tkotroco@gmail.com
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Richard M. Susel / Carolyn P. Susel
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
8410 Park Heights Ave Pikesville, MD 21208
Mailing Address _____ City _____ State _____
21208 / 410-484-0514 / rmsusel@gmail.com
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Matthew Bishop
Name - Type or Print _____
Signature _____
2835 Smith Ave. Ste. G Pikesville MD
Mailing Address _____ City _____ State _____
21209 / 410-653-3838 / mbishop@cmengineers.com
Zip Code _____ Telephone # _____ Email Address _____

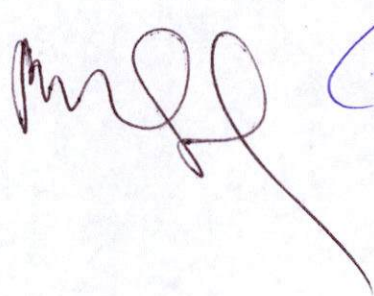
CASE NUMBER 2019-0434-A Filing Date 09.19

Do Not Schedule Dates: _____ Reviewer gh

Attachment A

Requested Variance Relief for Proposed Lot 2 - 8410 Park Heights Avenue

1. Variance from BCZR Section 1A04.3.2.b to permit an existing principal building with a front yard setback of 30 feet in lieu of the required 50 feet.

 Candace P. Sussel

PM 12-4-19
11 Am

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Tuesday, December 3, 2019 11:50 PM
To: Administrative Hearings
Subject: Certifications
Attachments: Fox Land Rd. Cert.jpeg; Fox Land Rd. Photos.docx; 8408 A Park Heights Ave. Cert.jpeg; 8408 A Park Heights Ave. Photos.docx; 8410 Park Heights Ave. Cert.jpeg; 8410 Park Heights Ave. Photos.docx

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 have several Certs and photos for you of Case # 2019-0495-SPHA @ Fox Land Road ~ Case # 2019-0487-A @ 8408 A Park Heights Avenue & Case #2019-0488-A @ 8410 Park Heights Avenue. 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: 12/3/2019

Case Number: 2019-0488-A

Petitioner / Developer: TIMOTHY KOTROCO, ESQ. ~

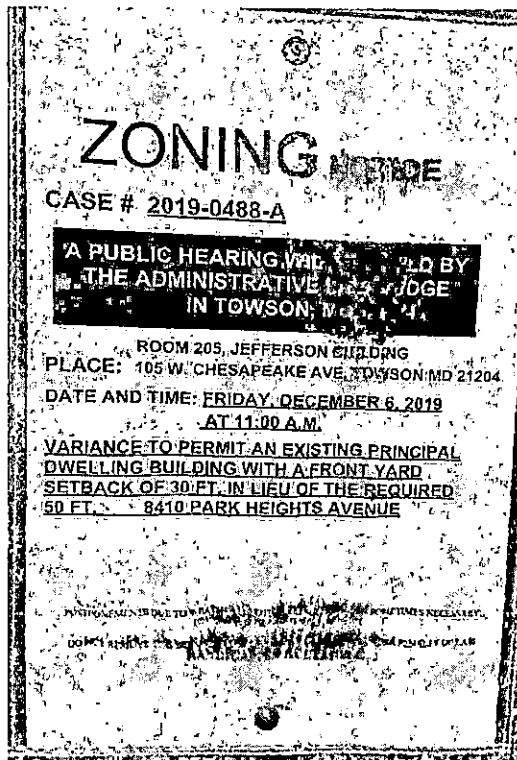
MR. & MRS. SUSEL ~ MATTHEW BISHOP

Date of Hearing: DECEMBER 6, 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:
8410 PARK HEIGHTS AVENUE

The sign(s) were posted on: **NOVEMBER 16, 2019**

The sign(s) were re-photographed on: **DECEMBER 2, 2019**



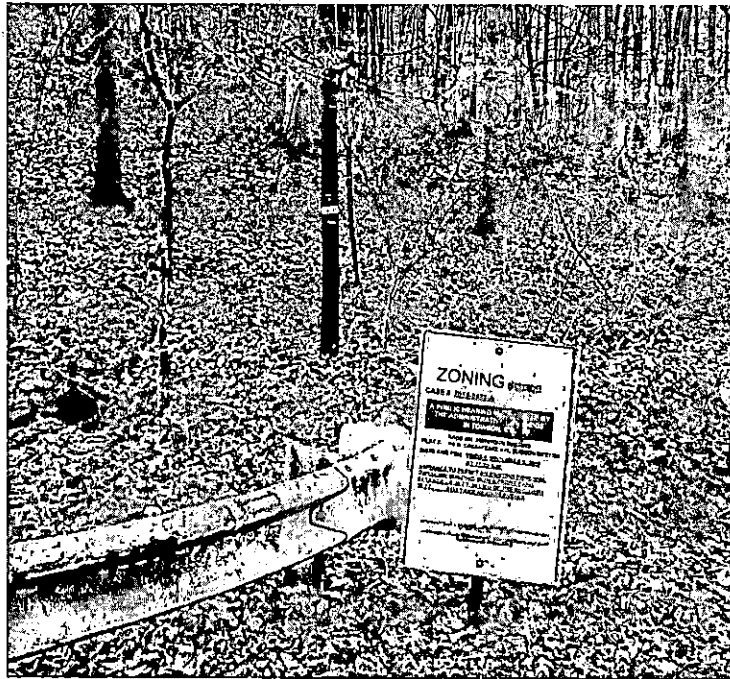
Linda O'Keefe
(Signature of Sign Poster)

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 @ 8410 Park Heights Avenue ~ 12/2/2019



Re-Photographed 2nd Sign @ 8410 Park Heights Avenue ~ 12/2/2019
CASE # 2019-0488-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/16/2019

Case Number: 2019-0488-A

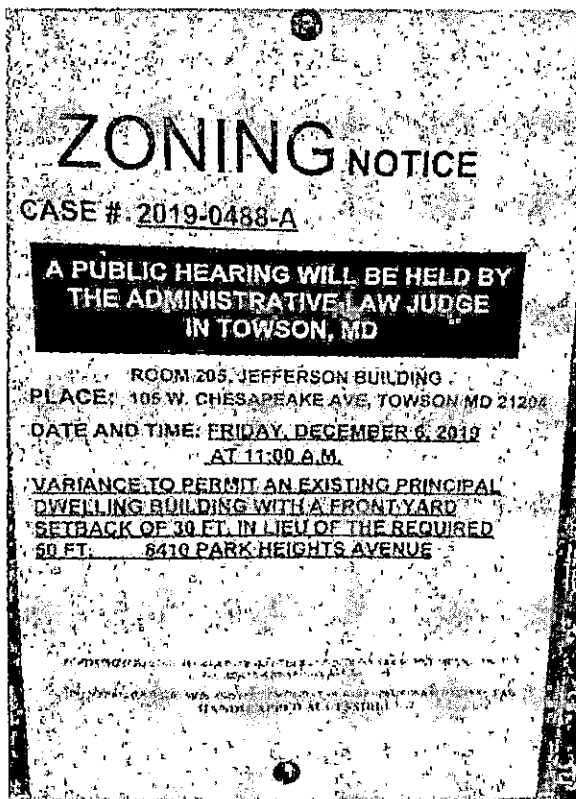
Petitioner / Developer: TIMOTHY KOTROCO, ESQ. ~

MR. & MRS. SUSEL ~ MATTHEW BISHOP

Date of Hearing: DECEMBER 6, 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:
8410 PARK HEIGHTS AVENUE

The sign(s) were posted on: NOVEMBER 16, 2019



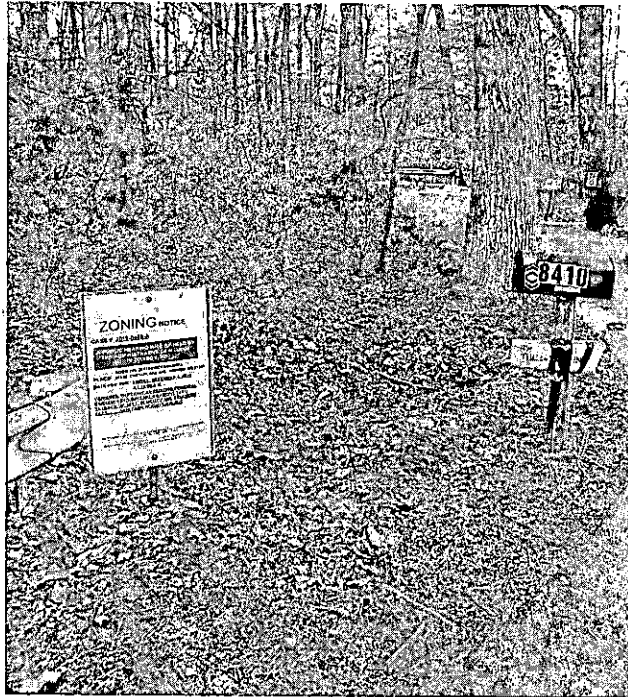
Linda O'Keefe
(Signature of Sign Poster)

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)



Background Photo 1st Sign @ 8410 Park Heights Avenue ~ 11/16/2019



Background Photo 2nd Sign @ 8410 Park Heights Avenue ~ 11/16/2019
CASE # 2019-0488-A

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

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:

11/15/2019

Order #: 11813624
Case #: 2019-0488-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0488-A



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: 2019-0488-A

8410 Park Heights Avenue

W/s of Park Heights Avenue, South side of Greenspring Avenue

3rd Election District - 2nd Councilmanic District

Legal Owners: Richard & Carolyn Susel

Variance to permit an existing principal dwelling building with a front yard setback of 30 ft. in lieu of the required 50 ft.

Hearing: Friday, December 6, 2019 at 11:00 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.

n16

RE: PETITION FOR VARIANCE
8410 Park Heights Ave; W/S of Park Heights
Ave, S/S of Greenspring Valley Rd
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): Richard & Carolyn Susel
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-488-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

Carole S Demilio

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

RECEIVED

OCT 22 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 2019, a copy of the foregoing Entry of Appearance was mailed to Matthew Bishop, 2835 Smith Avenue, Suite G, Pikesville, MD 21209 and Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2019-0488-A

Property Address: 8410 Park Heights Ave

Property Description: _____

Legal Owners (Petitioners): Richard M Susel & Carolyn D Susel

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Richard Susel

Company/Firm (if applicable): ✓

Address: 8410 Park Heights Avenue
Pikesville, MD 21208

Telephone Number: 410-484-0514



JOHN A. OLSZEWSKI, JR.
County Executive

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

November 25, 2019

Timothy M. Kotroco
305 Washington Ave Ste 502
Towson MD 21204

RE: Case Number: 2019-0488-A, 8410 Park Heights

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 October 09, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", with a large, stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

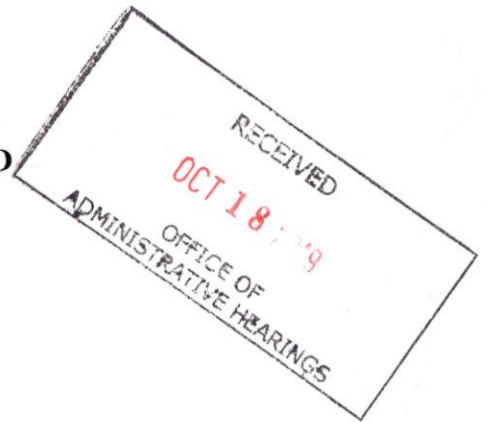
WCR/kl

Enclosures

c: People's Counsel
Richard M. Susel & Carolyn P. Susel 8410 Park Heights Avenue Pikesville MD 21208
Matthew Bishop 2835 Smith Ave Ste. G Pikesville MD 21209

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: October 18, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0488-A
Address 8410 Park Heights Avenue
(Susel Property)

Zoning Advisory Committee Meeting of **October 11, 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:

1. All conditions of the March 4, 2019 Forest Buffer Variance must be met.
2. Any Forest Buffer Easements, Forest Conservation Easements, and Forest Buffer & Forest Conservation Easements must be recorded in Baltimore County Land Records with their appropriate Declarations of Protective Covenants and in accordance with the approved Forest Conservation Plan & Forest Buffer Protection Plan prior to any permit approval.

Reviewer: Libby Errickson

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

DATE: 11/15/19

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 11, 2019
Item No. 2019-0463-SPHA, 0484-A, 0485-SPHA, 0487-A & 0488-A

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

* * * * *

VKD: cen
cc: file

12-6-19 11AM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 11/4/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-488



INFORMATION:

Property Address: 8410 Park Heights Avenue
Petitioner: Richard M. Susel, Carolyn P. Susel
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to determine whether or not the administrative law judge should permit an existing principle building with a front yard setback of 30 feet in lieu of the required 50 feet.

A site visit was conducted on October 22, 2019.

The Department of Planning has no objections to granting the requested relief

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

Division Chief:

A handwritten signature in purple ink, appearing to read "Jenifer G. Nugent", written over a horizontal line.

Jenifer G. Nugent

CPG/JGN/LTM/

c: Bill Skibinski
Matthew Bishop
Timothy Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 10/17/19

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

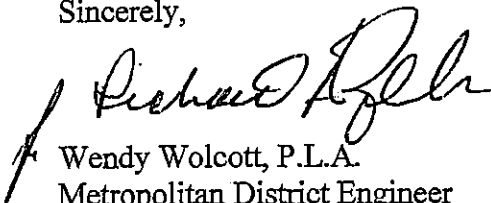
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 10/17/19. A field inspection and internal review reveals that an entrance onto MD129 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2019-0488-14.

Richard M. & Carolyn P. Susel
9410 Park Heights Avenue
MD129

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 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

CASE NAME _____
CASE NUMBER C 2019-0488-A
DATE _____

[illegible]

Attachment A

Requested Variance Relief for Proposed Lot 2 - 8410 Park Heights Avenue

1. Variance from BCZR Section 1A04.3.2.b to permit an existing principal building with a front yard setback of 30 feet in lieu of the required 50 feet.

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment11/15DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No Comment10/18DEPS
(if not received, date e-mail sent _____)Comment11/4

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)No Objection10/17

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 11/15/19SIGN POSTING (1st)Date: 11-16-19 by O'KeefeSIGN POSTING (2nd)Date: 12-2-19 by "

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: None		Special Tax Recapture: None							
Exempt Class: None									
Account Identifier:		District - 03 Account Number - 1600014323							
Owner Information									
Owner Name:	SUSEL RICHARD M TRUSTEE SUSEL CAROLYN P TRUSTEE				Use:	RESIDENTIAL			
Mailing Address:	8410 PARK HEIGHTS AVENUE PIKESVILLE MD 21208-1716				Principal Residence:	YES			
					Deed Reference:	/38505/ 00042			
Location & Structure Information									
Premises Address:	8410 PARK HEIGHTS AVE PIKESVILLE 21208-1716				Legal Description:	12.318 AC WS PARK HEIGHTS AV 2550 N HOOKS LA			
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0068	0014	0265	3030029.04	0000				2020	Plat Ref:
Special Tax Areas: None					Town:		None		
					Ad Valorem:		None		
					Tax Class:		None		
Primary Structure Built	Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1940	6,342 SF				12.3100 AC		04		
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
2	YES	STANDARD UNIT	BRICK/	7	5 full/ 2 half	1Att/2Det			
Value Information									
	Base Value		Value		Phase-in Assessments				
			As of		As of		As of		
			01/01/2017		07/01/2019		07/01/2020		
Land:	588,200		588,200						
Improvements	630,400		630,400						
Total:	1,218,600		1,218,600		1,218,600				
Preferential Land:	0								
Transfer Information									
Seller: SUSEL RICHARD M TRUSTEE				Date: 01/11/2017		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /38505/ 00042		Deed2:			
Seller: SUSEL RICHARD M				Date: 01/11/2017		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /38505/ 00032		Deed2:			
Seller: SUSEL RICHARD M				Date: 01/11/2017		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /38505/ 00022		Deed2:			
Exemption Information									
Partial Exempt Assessments:	Class				07/01/2019		07/01/2020		
County:	000				0.00				
State:	000				0.00				
Municipal:	000				0.00		0.00		
Tax Exempt: None		Special Tax Recapture: None							
Exempt Class: None									

Homestead Application Information

Homestead Application Status: Denied

Homeowners' Tax Credit Application Information

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

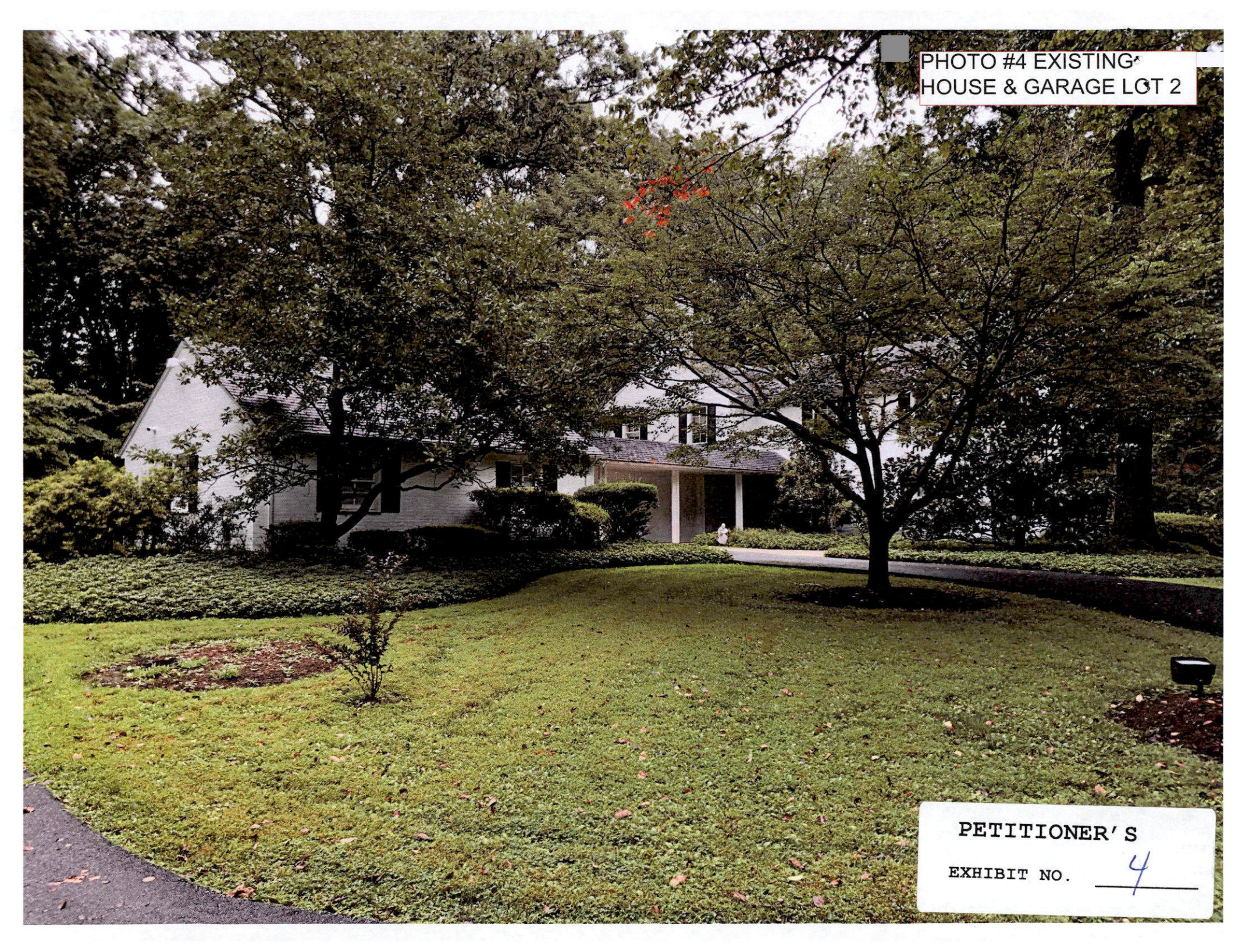


PHOTO #4 EXISTING
HOUSE & GARAGE LOT 2

PETITIONER'S

EXHIBIT NO.

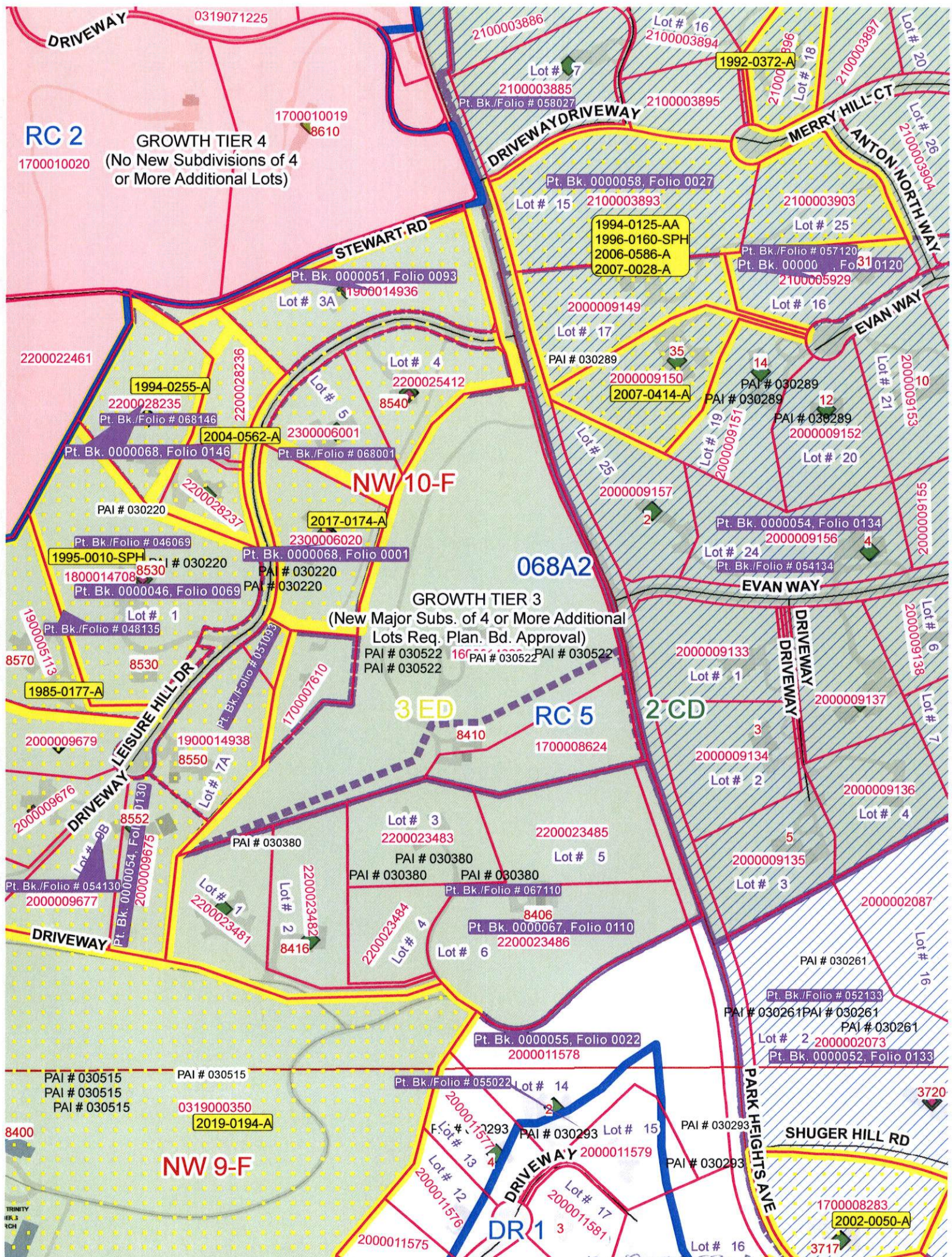
4



PHOTO #5 EX. HOUSE LOT 2

PHOTO #6 EX. GARAGE LOT 2





MEMORANDUM

DATE: March 9, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0489-X – Appeal Period Expired

The appeal period for the above-referenced cases expired on March 6, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c:  Case File
Office of Administrative Hearings

IN RE: DEVELOPMENT PLAN HEARING &	*	BEFORE THE OFFICE OF
PETITION FOR SPECIAL EXCEPTION		
8 th Election District	*	ADMINISTRATIVE HEARINGS
3 rd Council District		
(3 Roosevelt Street)	*	FOR
TIMONIUM TERRACE	*	BALTIMORE COUNTY
Roosevelt at Timonium, LLC	*	CASE NOS. 08-0912 & 2019-0489-X
Owner/Applicant		

* * * * *

ADMINISTRATIVE LAW JUDGE'S ("ALJ")
COMBINED DEVELOPMENT PLAN AND ZONING OPINION & ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code ("BCC"). Roosevelt at Timonium, LLC, *Owner/Applicant* (herein known as "Developer") submitted for approval a three-sheet redlined Development Plan ("Plan") prepared by D.S. Thaler & Associates, LLC, known as "Timonium Terrace".

The Developer proposes an Assisted Living Facility ("ALF") with 97 beds (88 units) on a 3.048 acre tract zoned OR-2 and RO. The site borders commercial uses to the west but vacant and low density residential uses on the other three (3) sides. It is mostly a wooded site with woods to the north and partially to the east. This area is characterized as low density with many parcels unbuilt in part due to the fragmentation of the parcel ownership and in part due to environmental constraints. The area of development is located within the Urban Rural Demarcation Line ("URDL").

The Developer has also filed a Petition for Special Exception from § 432A.1.A.4 of the Baltimore County Zoning Regulations ("BCZR") to allow an Assisted Living Facility ("ALF") III in the OR-2 zone.

ORDER RECEIVED FOR FILING

Date 2-5-2020

By LSW

Additionally, the Developer requested a Waiver of Public Works Standards involving the proposed development totaling 2.4 net acres, which the Department recommended.

Finally, a Special Variance was granted on May 31, 2019 to Baltimore County's Forest Conservation Law to allow critical impact to one specimen tree, and conditions were placed on this variance, including offsite reforestation and onsite protection of remaining forest resources.

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 1A-C. The property was posted with the Notice of Hearing Officer's Hearing ("HOH") and Zoning Notice, both on December 30, 2019 in compliance with the regulations. The undersigned conducted a public hearing on January 30, 2020, in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

In attendance at the HOH in support of the Plan were Douglas F. Eshelman, Dan Thies, Mickey Cornelius, Ray Giudice, Brian Rollyson, and Todd Bundren. Also in attendance were Brian Childress, Stacey McArthur, and David Thaler, with D.S. Thaler & Associates, Inc., the firm that prepared the site plan. Their *curriculum vitae* was admitted as Developer's Exhibits 4, 11 and 11A, respectively. Christopher D. Mudd, Esquire and Jennifer Frankovich, Esquire with Venable, LLP, represented the Developer. Several neighbors attended the hearing and expressed concerns about the prospect of increased pedestrian traffic on Roosevelt Avenue and about the noise associated with the servicing of the dumpster on the premises.

AGENCY WITNESSES

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,

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Date 2-5-2020

By [Signature]

Approvals and Inspections ("PAI"): Patrick B. Williams, Project Manager, Jim Hermann and Jos Venturina (Development Plans Review ("DPR"), LaChelle Imwiko from Real Estate Compliance, and Jason Seidelman, Office of Zoning Review ("OZR"). 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 agency representative indicated the Plan addressed all comments submitted by their agency, and they each recommended approval of the Plan. On behalf of DEPS Steve Ford testified that the stormwater and groundwater management plans had been approved, and that the project had passed the environmental impact review. In addition, he submitted an approved forest conservation variance (Developer's Exhibit 10) which permits the Developer to remove one specimen tree and to impact the critical root zone impact of another specimen tree upon payment of an in lieu fee of \$924.50.

Mr. Hermann confirmed that DPR had approved a schematic landscape plan (County Exhibit 5) and an open space waiver (County Exhibit 6). He explained that in lieu of providing the required 88,000 sq. ft. (2.02 acres) of open space the Developer will pay an in lieu fee in the amount of \$5,000.00. Mr. Seidelman testified that the proposed Development meets all zoning requirements. He stated that his agency does not oppose this requested special exception relief.

Mr. Brett Williams testified that the Department of Planning has determined that the proposed development is compatible with the surrounding neighborhood and he submitted the DOP Compatibility Report (County Exhibit 4). He also submitted an approved Pattern Book for the project that was admitted as County Exhibit 2. On behalf of the DOP he recommended approval of the Development Plan.

ORDER RECEIVED FOR FILING

Date 2-5-2020

By [Signature]

Finally, Mr. Venturina testified that DPR also recommends approval of the project, including a waiver of public works standards concerning the paving width requirements on Roosevelt Street. He further testified that the Developer's flood plain study had confirmed that the proposed development falls outside the FEMA flood plain boundaries. In sum, all County agencies recommended approval of the Plan.

DEVELOPER'S CASE

The Developer's primary witness was Brian Childress, with DS Thaler & Associates, LLC. Mr. Childress was accepted as an expert in land use and development and in the BCZR. He explained the development proposal in detail, including modifications made in response to concerns raised at the Community Input Meeting and the Development Plan Conference. Specifically, Mr. Childress explained that they had moved the proposed building as far north on the site as possible in order to place it as far as possible from the residences on Roosevelt Street, and further, that they had "stepped" the design so that it is only two stories high on the Roosevelt Street side. Mr. Childress also explained the floodplain study they had conducted at the behest of DPW, which established that no part of the development site is in the FEMA floodplain. He further described the low intensity lighting that will be used throughout the site and the fact that because of the nature of the Assisted Living use there will be very little noise generated at any time, and that there will also be limited light from the development after the early evening hours because the residents are expected to have relatively early bed times. Mr. Childress also explained that the Developer will not disturb the fence that is currently located across the intersection of Broad Avenue and Roosevelt Street and that they are amenable to tying their proposed fencing to that existing fence. He explained that the perimeter fencing will be screened on both sides by landscaping. Mr. Childress also explained the proposed stormwater management systems.

ORDER RECEIVED FOR FILING

Date 2-5-2020

By LS

Finally, Mr. Childress explained the architectural features and materials to be used and he offered his expert opinion that the Plan was compatible with the existing neighborhood and that this special exception use is in conformance with all the requirements of BCZR § 502.1.

The Developer also called their architect, Todd Bundren, who further explained the architectural features and materials that will be used in order to make the structure compatible with the neighborhood. He further explained the measures that are being taken to minimize light pollution. The Developer also called traffic engineer, Mickey Cornelius, who testified that the proposed Assisted Living facility will have minimal traffic impacts on the neighborhood. He also explained that the sole non-emergency ingress and egress will be from Broad Avenue. There will also be emergency access for fire and ambulance vehicles from Roosevelt Street but this access will be controlled by key or access card.

COMMUNITY WITNESSES

As noted above, several of the neighboring property owners attended the hearing. Their primary concern was the prospect of increased pedestrian traffic from York Road onto Roosevelt Avenue as a "cut thru" to the Broad Street Market and West Padonia Road. They testified that there has been an increase in petty property crime in the neighborhood. One of the neighbors expressed concern with the anticipated early morning noise associated with emptying the dumpster on the side of the proposed facility. The neighbors were adamant that the fence across the end of Broad Avenue be maintained in order to prevent vehicular traffic from and to Broad Avenue via Roosevelt Street. They also stated that they do not want a sidewalk along Roosevelt Avenue, as depicted on the Site Plan. The Developer and his engineers and architect explained that they are amenable to foregoing the sidewalk along Roosevelt Avenue and to tying in the perimeter fencing to the existing fence at the end of Broad Street.

ORDER RECEIVED FOR FILING

Date 2-5-2020

By LEW

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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. In *People's Counsel v. Elm Street Development, Inc.*, 172 Md. App. 690 (2007), the Court of Special Appeals held that if the county agencies recommend approval of a development plan, it is "then up to [protestants] to provide evidence rebutting the Director's recommendations." *Id.* at 703. It should also be noted that in Baltimore County "the development process is indeed an ongoing process, and the hearing officer's affirmation of the plan is just the first step." *Monkton Preservation Association, et al. v. Gaylord Brooks Realty Corp.*, 107 Md. App. 573, 585 (1996). Indeed, the County agencies will continue to review the Developer's evolving plans and construction activities through every phase of the development process to insure compliance with all County laws and regulations.

In the instant case the testimony of the County agency witnesses and the Developer's experts was un rebutted. I find that the agency witnesses provided satisfactory answers to any and all questions posed by the community.

After considering the testimony and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the Plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the Plan.

Pursuant to the advertisement, posting of the property, and the public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the BCC, the "Timonium Terrace" shall be approved.

ORDER RECEIVED FOR FILING

Date 2-5-2020

By ISW

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 5th day of February, 2020, that the "TIMONIUM TERRACE" Plan marked and accepted into evidence as Developer's Exhibit 1A-C, be and hereby is **APPROVED**.

IT IS FURTHER ORDERED that the Petition for Special Exception seeking relief from § 432A.1.A.4 of the Baltimore County Zoning Regulations ("BCZR") to allow an Assisted Living Facility ("ALF") III in the OR-2 zone, be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Special Variance granted on May 31, 2019 to Baltimore County's Forest Conservation Law to allow critical impact to one specimen tree, and conditions were placed on this variance, including offsite reforestation and onsite protection of remaining forest resources, be and is hereby **AFFIRMED**.

The relief above is granted herein shall be subject to the following:

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (§§ 33-3-101 and 33-3-120 of the BCC).
2. Development of this property must comply with the Forest Conservation Regulations (§§ 33-6-101 through 33-6-122 of the BCC).
3. The sidewalk depicted along Roosevelt Avenue shall be deleted from the Redlined Plan and the perimeter fencing shall be tied into the existing fence at the end of Broad Avenue.

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



PAUL M. MAYHEW
Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date 2-5-2020

By SW



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 3 Roosevelt Street

which is presently zoned OR-2

Deed References: See Attached.

10 Digit Tax Account # _____

Property Owner(s) Printed Name(s) See Attached.

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

See Attachment(s).

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

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

See Attached.

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Christopher D. Mudd

Name- Type or Print

Signature Venable LLP

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

Mailing Address City State

21204 / 410-494-6285 / dhkarcieski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

See Attached.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Christopher D. Mudd

Name - Type or Print

Signature Venable LLP

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

Mailing Address City State

21204 / 410-494-6285 / dhkarcieski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2019-0489-X Filing Date 1/9/19

Do Not Schedule Dates: _____

Reviewer JCM

3 ROOSEVELT STREET

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

Deed References:

1. 14962/00734
2. 07856/00049
3. 05393/00398
4. 27135/00636

10 Digit Tax Account Nos.

1. 0802065560
2. 0802065651
3. 0802065652
4. 0802065659
5. 0802065556
6. 0802065660
7. 0802065561
8. 0802065557
9. 0802065655
10. 0818072118
11. 0802065566
12. 0812020601
13. 0812020600
14. 0802065567
15. 0802065661
16. 0802065653
17. 0802065563
18. 0802065568
19. 0802065662
20. 0819064175

Property Owners:

Timonium Heights, LLC
Walter L. Brewer, Jr.
Brent K. Brewer
Estate of Scott C. Brewer
Jane Marie Brewer
Barry S. Brewer
May C. Engles

3 ROOSEVELT STREET

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

Special Exception to allow an Assisted-Living Facility III in the OR2 Zone,
pursuant to BCZR Section 432A.1.A.4.

Purchaser:

Roosevelt at Timonium, LLC.

Address: 7013 Meandering Stream Way
Fulton, Maryland 20759

Authorized Person:



Douglas F. Eshelman

3 ROOSEVELT STREET

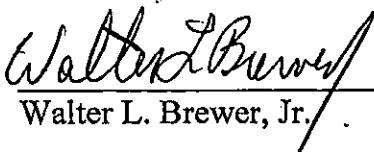
ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

Special Exception to allow an Assisted-Living Facility III in the OR2 Zone,
pursuant to BCZR Section 432A.1.A.4.

**Owner(s) as to Lots: 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
34, 35, 36, 37, 44, 45, 46, 47, 48, 51, 52, 53, 54.**

Name: Walter L. Brewer, Jr.

Address: 3 Roosevelt Street
Lutherville, Maryland 21093

Signature: 
Walter L. Brewer, Jr.

3 ROOSEVELT STREET

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

Special Exception to allow an Assisted-Living Facility III in the OR2 Zone,
pursuant to BCZR Section 432A.1.A.4.

**Owner(s) as to Lots: 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
34, 35, 36, 37, 44, 45, 46, 47, 48, 51, 52, 53, 54.**

Name: Brent K. Brewer

Address: 3 Roosevelt Street
Lutherville, Maryland 21093

Signature: Brent K. Brewer
Brent K. Brewer

3 ROOSEVELT STREET

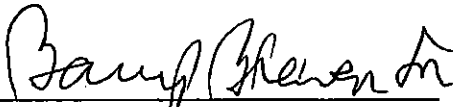
ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

Special Exception to allow an Assisted-Living Facility III in the OR2 Zone,
pursuant to BCZR Section 432A.1.A.4.

**Owner(s) as to Lots: 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
34, 35, 36, 37, 44, 45, 46, 47, 48, 51, 52, 53, 54.**

Name: Barry S. Brewer

Address: 3 Roosevelt Street
Lutherville, Maryland 21093

Signature: 
Barry S. Brewer

3 ROOSEVELT STREET

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

Special Exception to allow an Assisted-Living Facility III in the OR2 Zone,
pursuant to BCZR Section 432A.1.A.4.

**Owner(s) as to Lots: 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
34, 35, 36, 37, 44, 45, 46, 47, 48, 51, 52, 53, 54.**

Name: May C. Engles

Address: 80 Green Tree Dr. New Oxford, PA 17350
~~Charleston, South Carolina~~

Signature: May C. Engles
May C. Engles

3 ROOSEVELT STREET

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

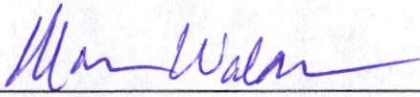
Special Exception to allow an Assisted-Living Facility III in the OR2 Zone,
pursuant to BCZR Section 432A.1.A.4.

**Owner(s) as to Lots: 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
34, 35, 36, 37, 44, 45, 46, 47, 48, 51, 52, 53, 54.**

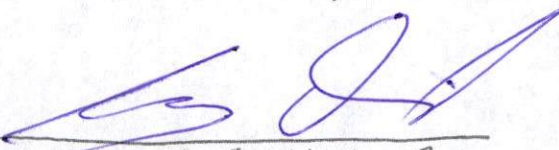
Name: Scott C. Brewer

Address: *2815 University Blvd. West*
~~Burke, Virginia~~ *Kensington, MD 20895*

Signature:


Estate of Scott C. Brewer
by Marvin Waldman,
Co-Personal Representative

Signature:


Estate of Scott C. Brewer
by: Gary Diamond,
Co-Personal Representative

3 ROOSEVELT STREET

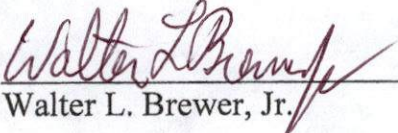
ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

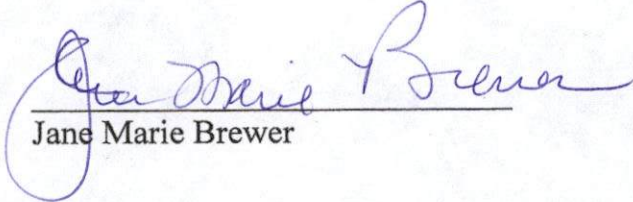
Special Exception to allow an Assisted-Living Facility III in the OR2 Zone,
pursuant to BCZR Section 432A.1.A.4.

Owner(s) as to Lots: 49, 50, 55, 56

Name: Walter L. Brewer, Jr.
Jane Marie Brewer

Address: 3 Roosevelt Street
Lutherville, Maryland 21093

Signature: 
Walter L. Brewer, Jr.

Signature: 
Jane Marie Brewer

3 ROOSEVELT STREET

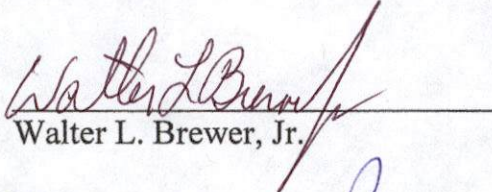
ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

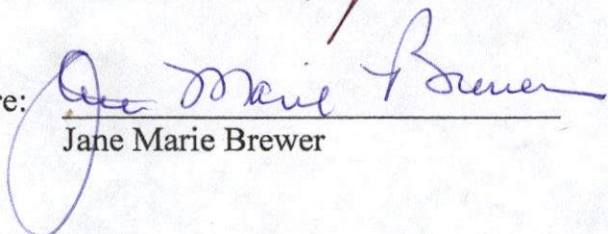
Special Exception to allow an Assisted-Living Facility III in the OR2 Zone,
pursuant to BCZR Section 432A.1.A.4.

Owner(s) as to: Lots 42, 43

Name: Walter L. Brewer, Jr.
Jane Marie Brewer

Address: 212 Morris Avenue
Lutherville-Timonium, MD 21093

Signature: 
Walter L. Brewer, Jr.

Signature: 
Jane Marie Brewer

3 ROOSEVELT STREET

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

Special Exception to allow an Assisted-Living Facility III in the OR2 Zone,
pursuant to BCZR Section 432A.1.A.4.

Owner(s) as to Lots: 57, 58, 59, 60, 61, 62

Name: Timonium Heights, LLC

Address: 3 Roosevelt Street
Timonium, MD 21093

Authorized Member:


Barry S. Brewer

September 20, 2019

ZONING DESCRIPTION

Timonium Terrace

Beginning for the same at the Northeast corner of the intersection of Broad Avenue, a 50 foot right of way, and Roosevelt Street, a 30 foot right of way, thence running the following courses and distances:

1. North 18°25'26" West 267.00 feet to a point; thence,
2. North 71°34'34" East 425.00 feet to a point; thence,
3. South 18°25'26" East 141.00 feet to a point; thence,
4. South 71°34'34" West 40.00 feet to a point; thence,
5. South 18°25'26" East 126.00 feet to a point; thence,
6. South 71°34'34" West 385.00 feet to the point of beginning.

Containing 2.489 acres of land, more or less.

Located in the Third Councilmanic District and the Eighth Election District of Baltimore County, Maryland.



Case Nos. 08-0912 & 2019-0489-X – 3 Roosevelt Street
TIMONIUM TERRACE
Page 2

Walter L. Brewer, Jr., 212 Morris Avenue, Lutherville, MD 21093
Brent K. Brewer, 13954 Jarrettsville Pike, Phoenix, MD 21131
Clarence & Barbara Brown, 9 Planted Garden Court, Woodstock, MD 21163
Harold Barnes, 5 W. Main Boulevard, Timonium, MD 21093
Ron Lambert, 112 Washington Street, Timonium, MD 21093
David Boyd, 15 W. Main Boulevard, Timonium, MD 21093
Shawn Caslin, 4 Roosevelt Street, Timonium, MD 21093
Nick Lowe, 10 Harding Street, Timonium, MD 21093

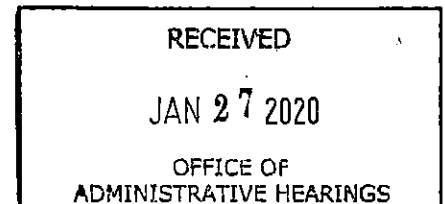
PM 1-30-2020
6:41m

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Sunday, January 26, 2020 9:58 PM
To: Barbara Lukasevich; cdmudd@venable.com; jrfrankovich@venable.com; Administrative Hearings
Subject: Recertification's For 2019-0489-X
Attachments: Re-Cert 1 2019-0489-X.doc; Re-Cert 2 2019-0489-X.doc

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.

Recertification's for 3 Roosevelt Street and Broad Avenue. Thanks.



CERTIFICATE OF POSTING

2019-0489-X

RE: Case No.: _____

Petitioner/Developer: _____

Roosevelt at Timonium, LLC

January 30, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

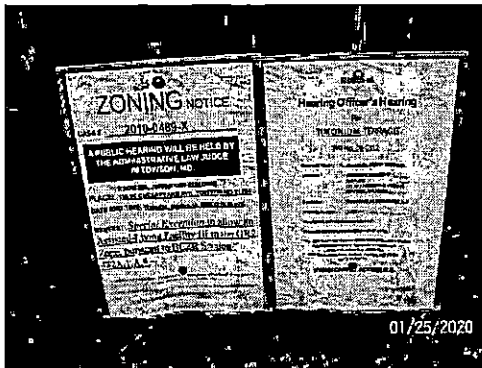
Ladies and Gentlemen:

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

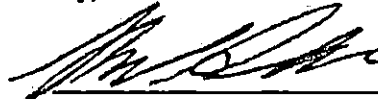
3 Roosevelt Street and Broad Avenue **SIGN 1 Recertification**

December 30, 2019

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



Sincerely,

 January 26, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0489-X

RE: Case No.: _____

Petitioner/Developer: _____

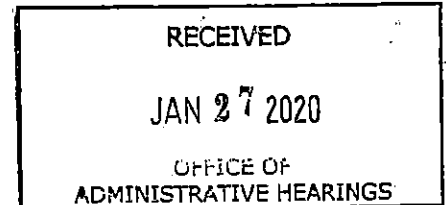
Roosevelt at Timonium, LLC

January 30, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:



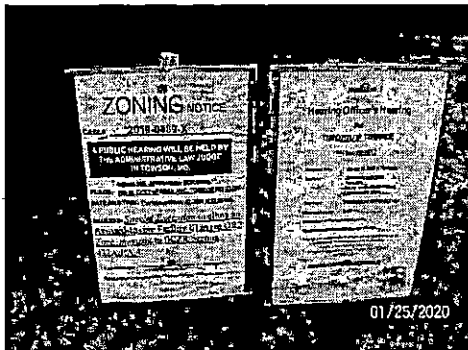
Ladies and Gentlemen:

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

3 Roosevelt Street and Broad Avenue **SIGN 2 Recertification**

December 30, 2019

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



Sincerely,

A handwritten signature in black ink, appearing to read "SSG Robert Black".

January 26, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0489-X

RE: Case No.: _____

Petitioner/Developer: _____

Roosevelt at Timonium, LLC

January 30, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

3 Roosevelt Street and Broad Avenue

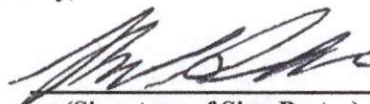
Group 1 & 2

December 30, 2019

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



Sincerely,

 December 30, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

1

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0489-X

RE: Case No.: _____

Petitioner/Developer: _____

Roosevelt at Timonium, LLC

January 30, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

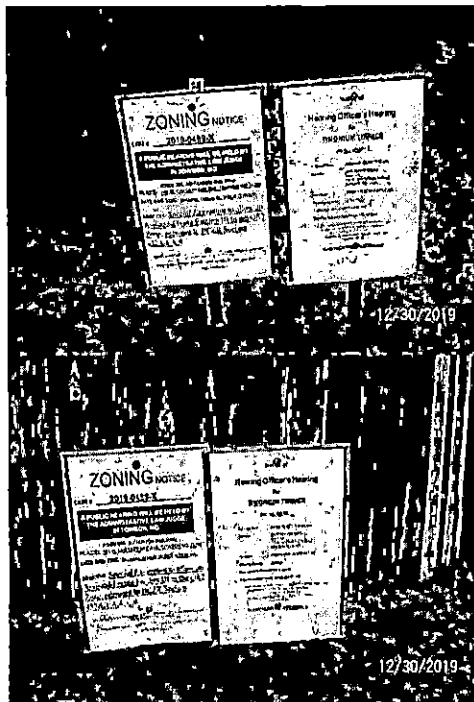
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

3 Roosevelt Street and Broad Avenue

Group 1 & 2

December 30, 2019

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



Sincerely,

 December 30, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

1

Dundalk, Maryland 21222

(City, State, Zip Code)

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Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

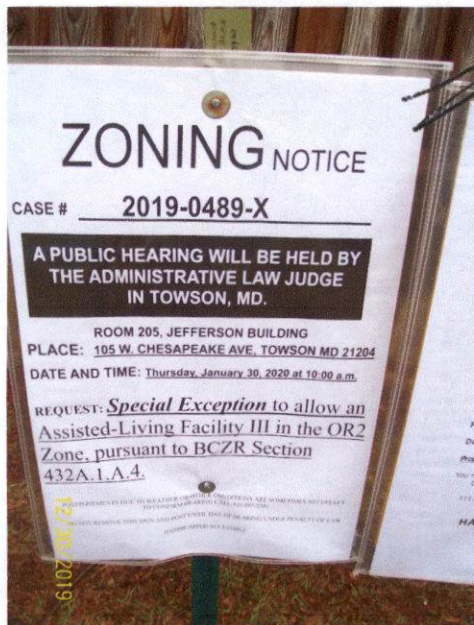
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

3 Roosevelt Street and Broad Avenue

SIGN 1

December 30, 2019

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



Sincerely,

December 30, 2019

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

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CERTIFICATE OF POSTING

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Roosevelt at Timonium, LLC

January 30, 2020

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County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

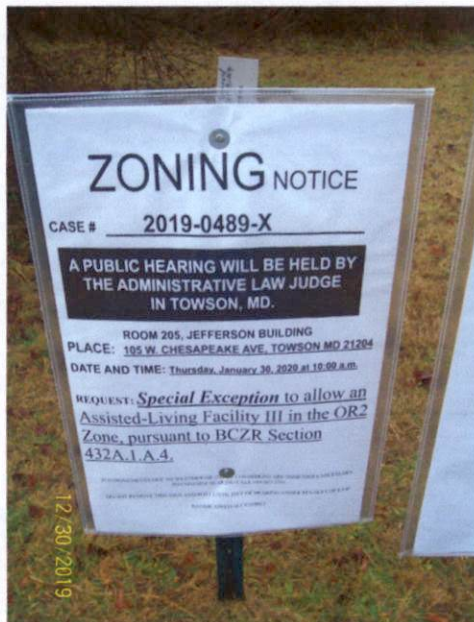
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3 Roosevelt Street and Broad Avenue

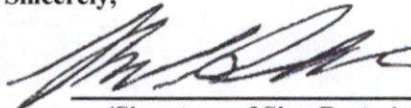
SIGN 2

December 30, 2019

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



Sincerely,

 December 30, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0489-X

RE: Case No.: _____

Petitioner/Developer: _____

Roosevelt at Timonium, LLC

January 30, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

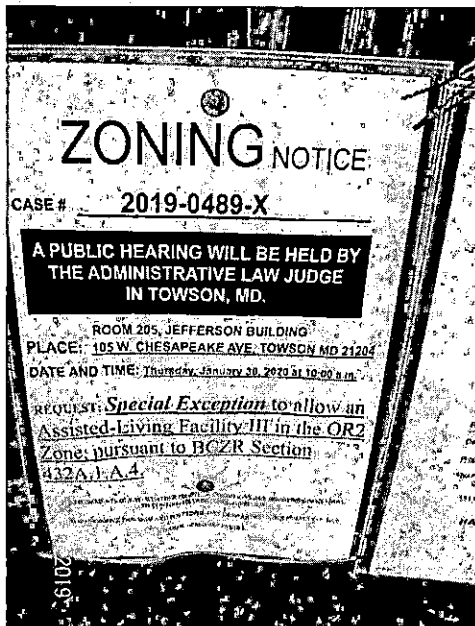
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3 Roosevelt Street and Broad Avenue

SIGN 1

December 30, 2019

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



Sincerely,

December 30, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0489-X

RE: Case No.: _____

Petitioner/Developer: _____

Roosevelt at Timonium, LLC

January 30, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

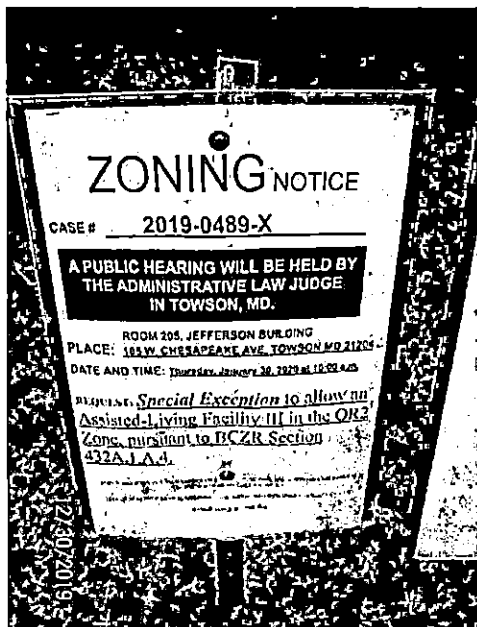
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3 Roosevelt Street and Broad Avenue

SIGN 2

December 30, 2019

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



Sincerely,

 December 30, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 23, 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: 2019-0489-X

3 Roosevelt Street

Northeast corner of Broad Avenue and Roosevelt Street

8th Election District – 3rd Councilmanic District

Legal Owners: Walter & Jane Brewer, Brent Brewer, Barry Brewer, Scott Brewer, May Engles, Timonium Heights, LLC

Contract Purchaser: Roosevelt at Timonium, LLC

Special Exception to allow an Assisted Living Facility III in the OR2 zone.

Hearing: Thursday, January 30, 2020 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".

Michael Mallinoff
Director

MM:kl

C: Christopher Mudd, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Douglas Eshelman, 7013 Meandering Stream Way, Fulton 20759

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 11, 2020**
- (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 10, 2020 - Issue

Please forward billing to:

Barb Lukasevich
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6352

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: 2019-0489-X

3 Roosevelt Street

Northeast corner of Broad Avenue and Roosevelt Street

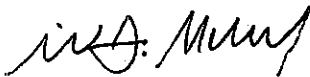
8th Election District – 3rd Councilmanic District

Legal Owners: Walter & Jane Brewer, Brent Brewer, Barry Brewer, Scott Brewer, May Engles, Timonium Heights, LLC

Contract Purchaser: Roosevelt at Timonium, LLC

Special Exception to allow an Assisted Living Facility III in the OR2 zone.

Hearing: Thursday, January 30, 2020 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.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
3 Roosevelt Street; Property located NE
corner of Broad Avenue & Roosevelt Street * OF ADMINISTRATIVE
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Timonium Heights LLC, * HEARINGS FOR
Walter, Brent, Jane, Barry & Estate of Scott
Brewer and May Engles * BALTIMORE COUNTY
Contract Purchaser: Roosevelt at Timonium LLC
Petitioner(s)* 2019-489-X

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

OCT 22 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 2019, a copy of the foregoing Entry of Appearance was mailed to Christopher Mudd, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

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:

1/10/2020



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Order #: 11831347
Case #: 2019-0489-X
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0489-X

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 hereinaas follows:

CASE NUMBER: 2019-0489-X

3 Roosevelt Street

Northeast corner of Broad Avenue and Roosevelt Street

8th Election District - 3rd Councilmanic District

Legal Owners: Walter & Jane Brewer, Brent Brewer, Barry Brewer, Scott Brewer, May Eagles, Timonium Heights, LLC

Contract Purchaser: Roosevelt at Timonium, LLC

Special Exception to allow an Assisted Living Facility III in the OR2 zone.

Hearing: Thursday, January 30, 2020 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.

jal0

**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: 2019-0489-X

Property Address: 3 Roosevelt Street

Property Description: (see Description)

Legal Owners (Petitioners): (see Petition)

Contract Purchaser/Lessee: (see Petition)

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barb Lukasevich

Company/Firm (if applicable): VENABLE LLP

Address: 210 W. Pennsylvania Avenue
Suite 500

Towson, MD 21204

Telephone Number: (410) 494-6352

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

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

January 14, 2020

Christopher D. Mudd
210 W Pennsylvania Ave Ste 500
Towson MD 21204

RE: Case Number: 2019-0489-X, 3 Roosevelt Street

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 17, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel



STATE HIGHWAY
ADMINISTRATION

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

Date: 10/17/19

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. 2019-0488-X

*Special Exception
Timonium Heights, LLC
3 Roosevelt Street.*

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

Sincerely,

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 2, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0489-X
Address 3 Roosevelt Street
(Timonium Heights, LLC Property)

Zoning Advisory Committee Meeting of **October 11, 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:

- Please note certain approvals have already been granted for this project. Any revision to the project proposal may require that the existing approvals be reevaluated for viability.

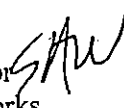
Reviewer: Michael S Kulis, EIR

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

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

ATTN: Kristen Lewis
MS 1105

FROM: Steven A. Walsh, Director 
Department of Public Works

DATE: November 6, 2019

SUBJECT: Case No: 2019-0489-X
3 Roosevelt Street, Timonium, Maryland 21093

The subject case is to determine whether or not the Administrative Law Judge should approve a Special Exception to permit an assisted living facility in the OR2 Zone.

During the review of this property the Department of Public Works has found that there is a riverine flood plain near the property that may impact the proposed development. The "Development Plan, Schematic Landscape Plan and Plat to Accompany Zoning Petition" dated September 17, 2019 provided by DS Thaler and Associates, LLC, shows the proposed assisted living facility may be in the riverine flood plain. The flood plain delineation shown on the plan is taken from the Federal Emergency Management Agency's Flood Insurance Rate Map panel number 2400100235F dated September 26, 2008. These maps are based on existing conditions.

Baltimore County Code Sections 32-4-414, 32-8 and the 2015 Baltimore County Building Code Part 125 all state "no building in a riverine flood plain".

The Baltimore County Design Manual dated August 2, 2010, page 7-48, states that flood studies must be based on ultimate conditions. An ultimate conditions flood plain study of the property must be submitted for verification of the flood plain boundary. Once the flood plain boundary has been established, the Building Code requirements for riverine flood plain must be observed.

SAW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Kevin G. Wagner, Maryland Department of the Environment
Peter M. Zimmerman, People's Council

RECEIVED

NOV 26 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 11/26/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-489

INFORMATION:

Property Address: 3 Roosevelt Street
Petitioner: Douglas F. Eshelman
Zoning: OR 2
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to allow an assisted-living facility III in the OR 2 zone pursuant to Baltimore County Zoning Regulations (BCZR) Section 432A.1.A.4.

A site visit was conducted on September 18, 2018. The site borders commercial on the west but vacant and low density residential on the other three sides. Roosevelt Street is part of Timonium Heights that is comprised of small platted lots many of which are unbuilt or combined and built upon. To the west is the Broad Street Market Shopping Center and further to the east is the York Road commercial corridor.

The site is within the Hunt Valley/Timonium Master Plan that was adopted by the Baltimore County Council on October 19, 1998. The Plan calls for protecting and enhancing the area for employment and retail while simultaneously not having a detrimental impact on the residential homes in the area (Pages 7 & 9). The plan also call attention to seeking design quality for development in the area including but not limited to: "architectural design of buildings and the site planning of parking, open space and site amenities (Page 27).

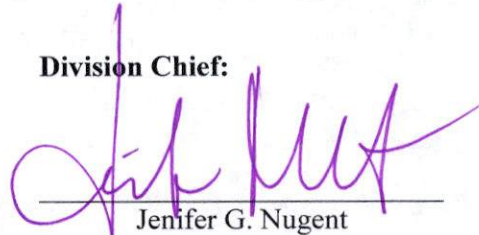
The Department has the following comments so that the project will meet BCZR Sec 206.2:

1. Recommend a fence of similar design to that proposed on the east of the site to be on the south along Roosevelt subject to input from the immediate neighbors.
2. Recommend the use of large specimen trees to replace the smaller trees proposed to be placed along Roosevelt Avenue.
3. There is concern about the massing of the building. An elevation from the Roosevelt Avenue side is to be prepared and submitted to demonstrate whether the height of the building complies with the purposes of the above mentioned section.
4. A sidewalk is required along Broad Avenue.
5. The amount of proposed parking is limited and it is likely that employees and others might consider parking along Roosevelt Avenue. That would not be suitable given the characteristics of that road. Instead it is recommended that the developer seek to obtain a "shared parking

agreement” with the Broad Market Shopping Center that is directly across Broad Avenue and for which there appears to be unused spaces in the vicinity of this site.

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

Division Chief:


Jenifer G. Nugent

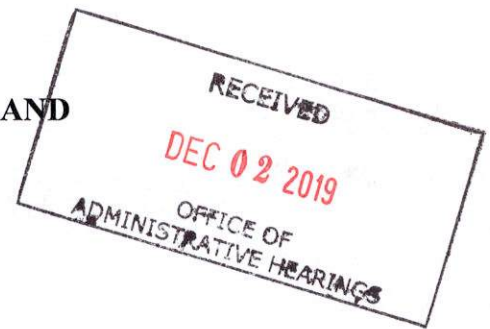
CPG/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Christopher D. Mudd, Esquire
David H. Karceski, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

1-30

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 2, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0489-X
Address 3 Roosevelt Street
(Timonium Heights, LLC Property)

Zoning Advisory Committee Meeting of **October 11, 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:

- Please note certain approvals have already been granted for this project. Any revision to the project proposal may require that the existing approvals be reevaluated for viability.

Reviewer: Michael S Kulis, EIR

Debra Wiley

From: Debra Wiley
Sent: Tuesday, February 4, 2020 2:11 PM
To: Janice M Kemp
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov); Lloyd Moxley; Patrick Williams
Subject: Web Posting
Attachments: 08-0912 TIMONIUM TERRACE HOH.docx

Hi Janice,

Please post the following to the web:

Case Nos. 080912 & 2019-0489-X (Development & Zoning Cases)
Project: TIMONIUM TERRACE
Address: 3 Roosevelt St.
Hearing: 1/30/2020; Order: 2/5/2020

Thank you; it is appreciated.

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

Case No.: 08-0912 E 2019-0489-X TIMONIUM
Terrace

Exhibit Sheet

Original and Exhibits are contained in HOF file 2/5/2020 JW

Petitioner/Developer

Protestants County

No. 1 A-C	Redlined Development Plan (3 Sheets)	DOP Comments
No. 2	PATTEN Book	Public Works Waiver
No. 3	SUPPLEMENTAL COMPATIBILITY REPORT	DOP Special Exception Approval
No. 4	Childress CV	DOP COMPATIBILITY Report
No. 5	Neighborhood Map	Redlined Plan Schematic Landscape Plan
No. 6	Rendered Plan	Open Space Waiver
No. 7	Elevation 1	
No. 8	Elevation 1	
No. 9	Special Variance Application	
No. 10	SPECIAL VARIANCE APPROVAL	
No. 11	BUNDREN CV	IIA CONNECTIONS CV
No. 12	TRAFFIC ANALYSIS	

No. 13 SAMPLE Photos

CASE NAME Timothy Tenore
CASE NUMBER _____
DATE 1/30/20

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

[illegible]

1/30/20

1/30/20

[illegible]

CASE NAME Timonium Terrace
CASE NUMBER 08-912
DATE Jan 30, 2020

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>12-2</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
<u>11-26</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>10-17</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
<u>11-6</u>	TRAFFIC ENGINEERING <u>DEW</u>	<u>Comments</u>
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>1-10-2020</u> <u>The Daily Record</u>	
SIGN POSTING (1 st)	Date: <u>12-30-19</u> by <u>Black</u>	
SIGN POSTING (2 nd)	Date: <u>1-26-2020</u> by <u>"</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



Baltimore County - My Neighborhood





GENERAL NOTES:

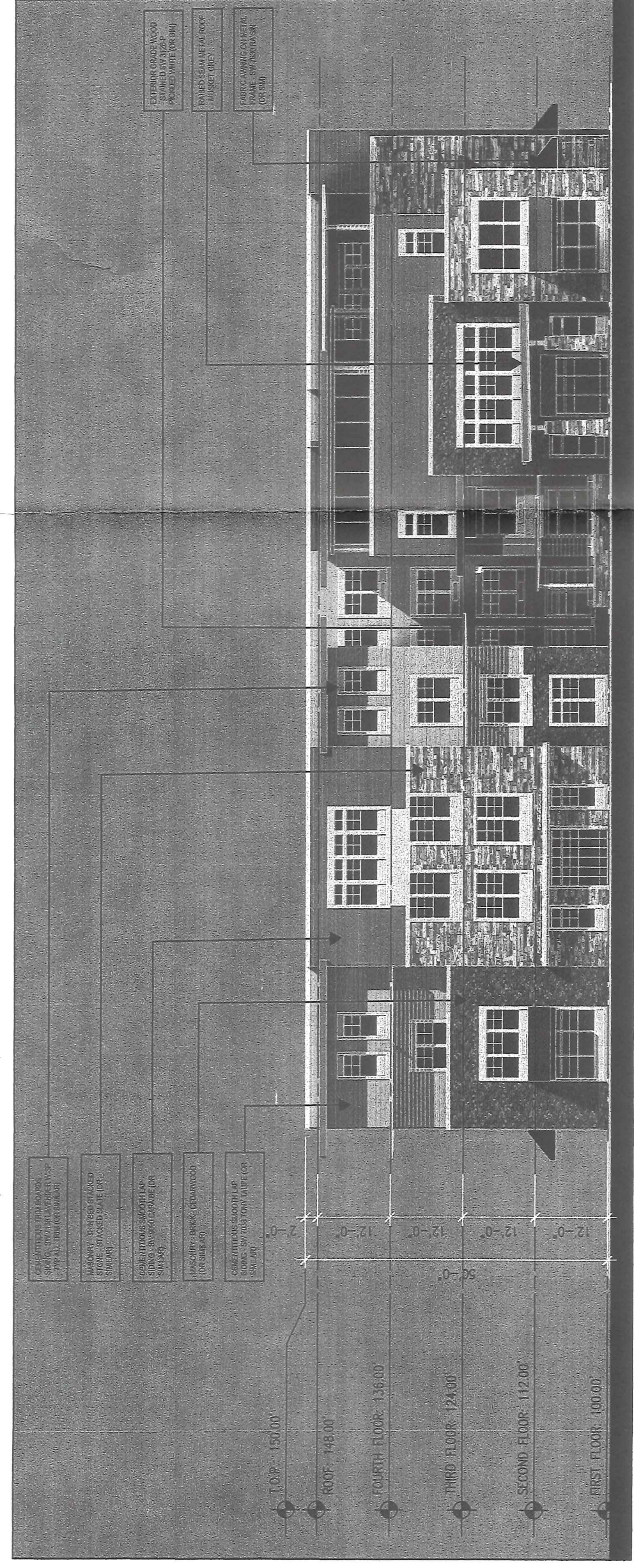
- Development Name: Titanium Terrace
- Applicant/Developer: NAD Engineering, LLC
1400 Hopewell Stream Way
Arling Heights, Virginia 22130
- Plan Prepared By: D.S. Thaler & Assoc., LLC
705 Box 1402
Arling Heights, Virginia 22130
Date: 04/22/2014
- PROPERTY REFERENCE:

GENERAL NOTES:

- Development Name: Titanium Terrace
- Applicant/Developer: NAD Engineering, LLC
1400 Hopewell Stream Way
Arling Heights, Virginia 22130
- Plan Prepared By: D.S. Thaler & Assoc., LLC
705 Box 1402
Arling Heights, Virginia 22130
Date: 04/22/2014
- PROPERTY REFERENCE:

Sheet	Area	Owner/Developer	Address	Parcel ID	Acres	Area	Area	Area
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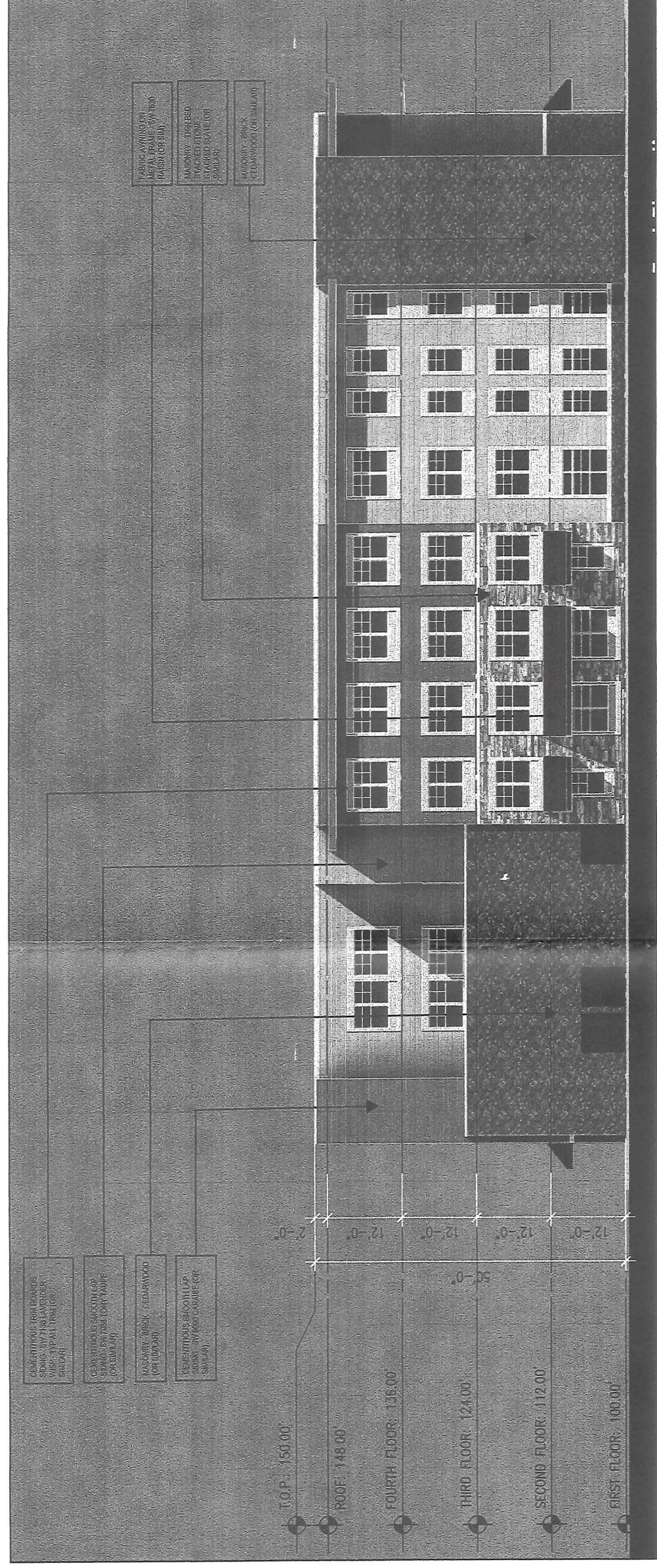
Boundary:	D.S. Tholer & Assoc., LLC (March 2016)
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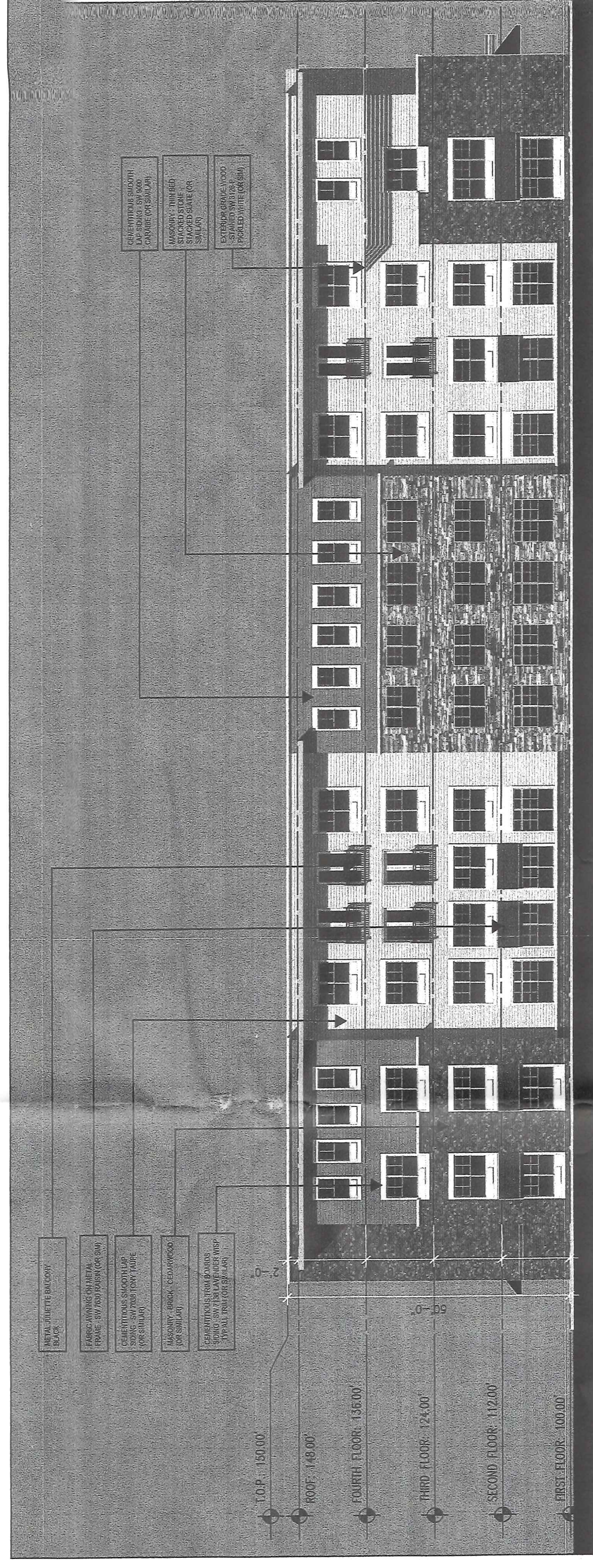
WEST ELEVATION
SCALE 1/8" = 1'-0"



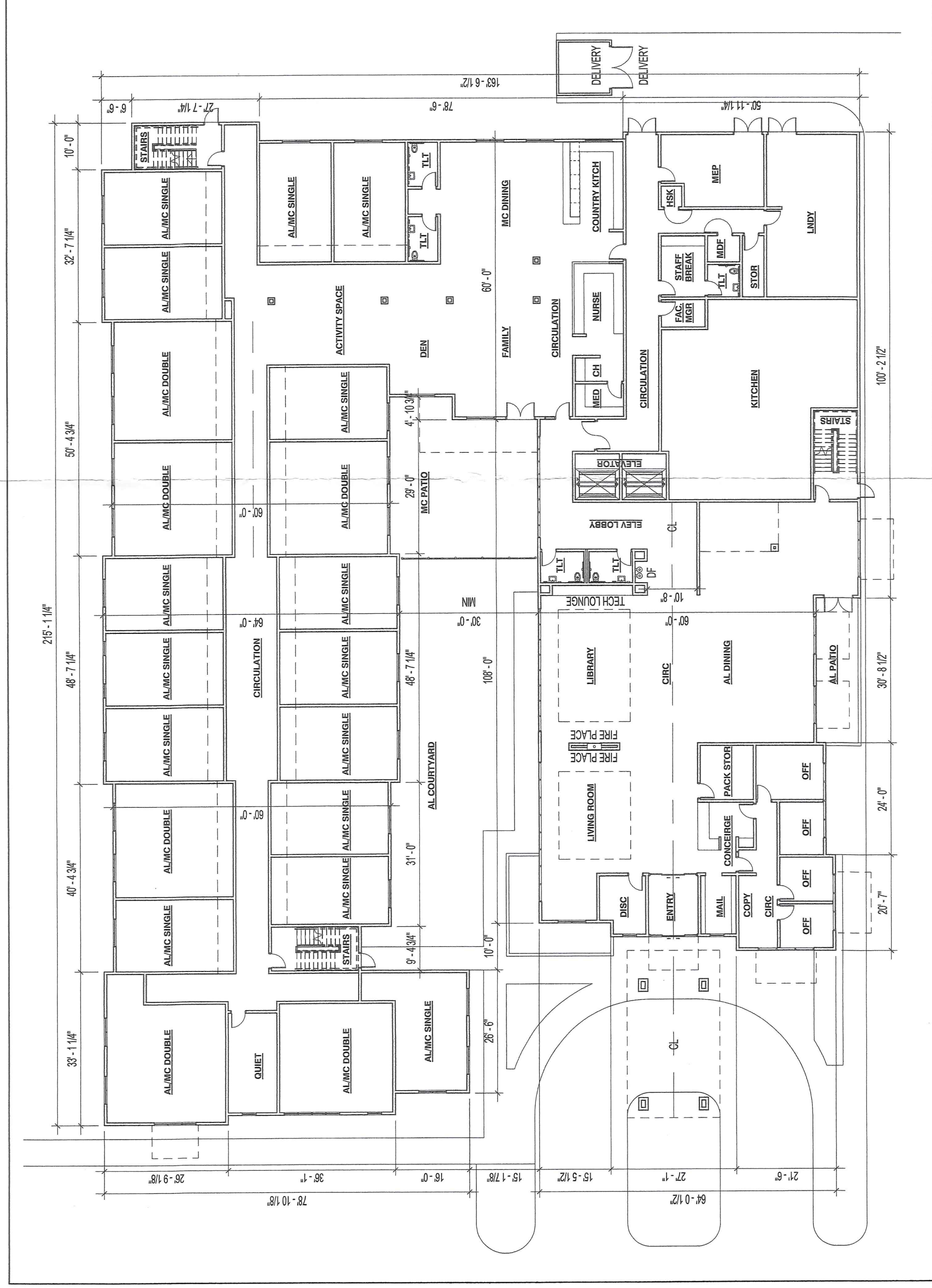
EAST ELEVATION
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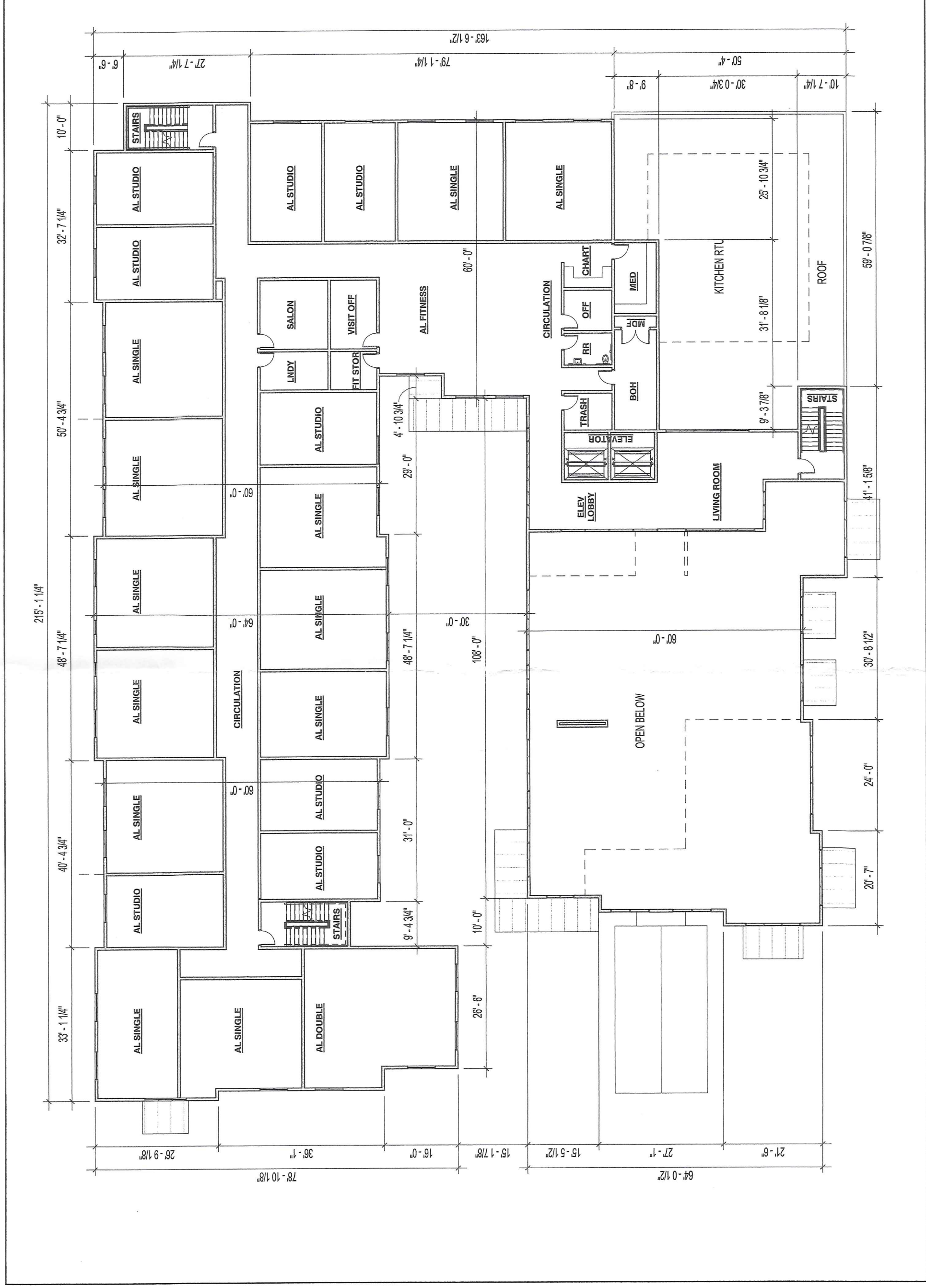
SOUTH ELEVATION
SCALE 1/8" = 1'-0"



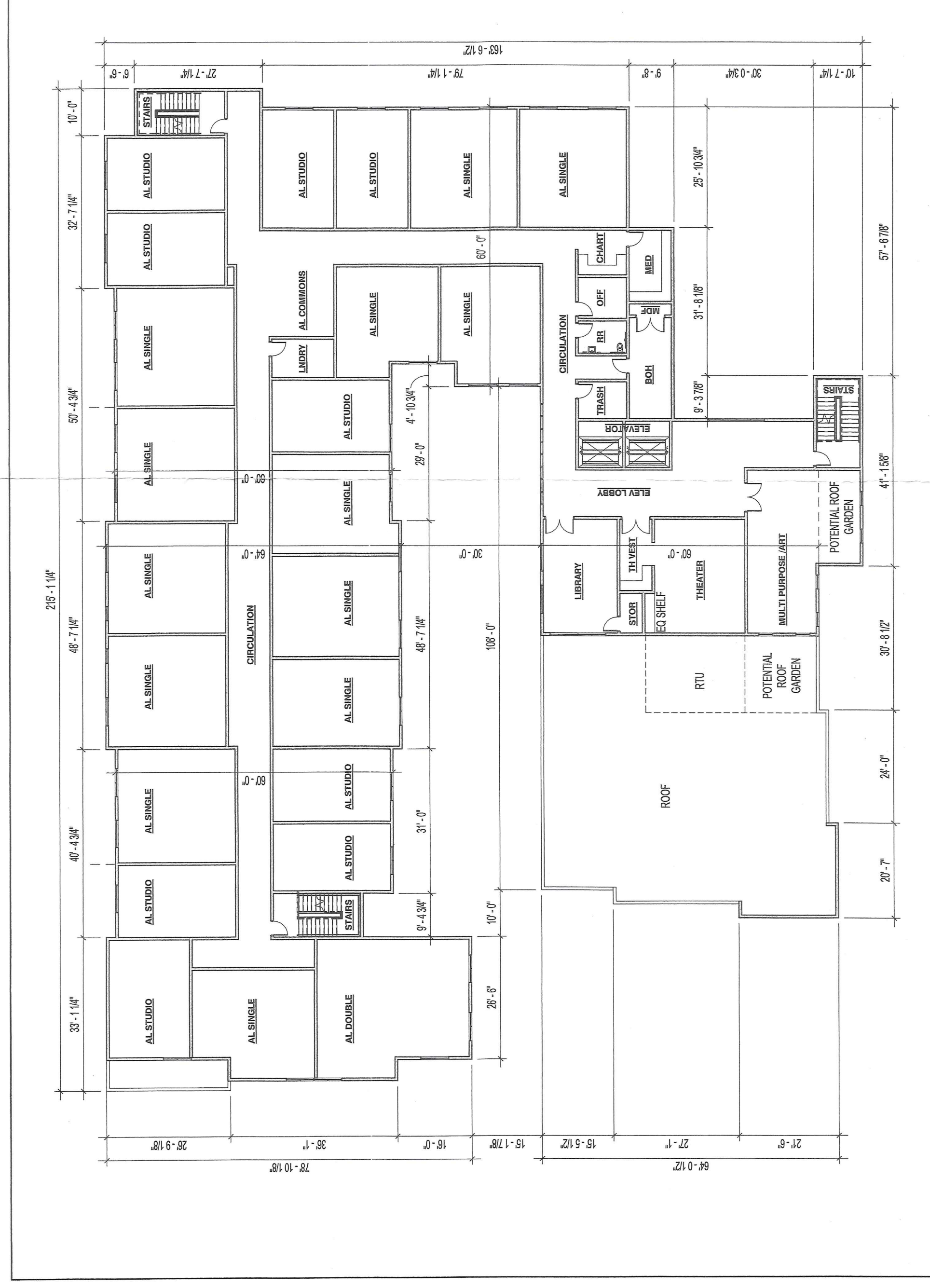
NORTH ELEVATION
SCALE 1/8" = 1'-0"



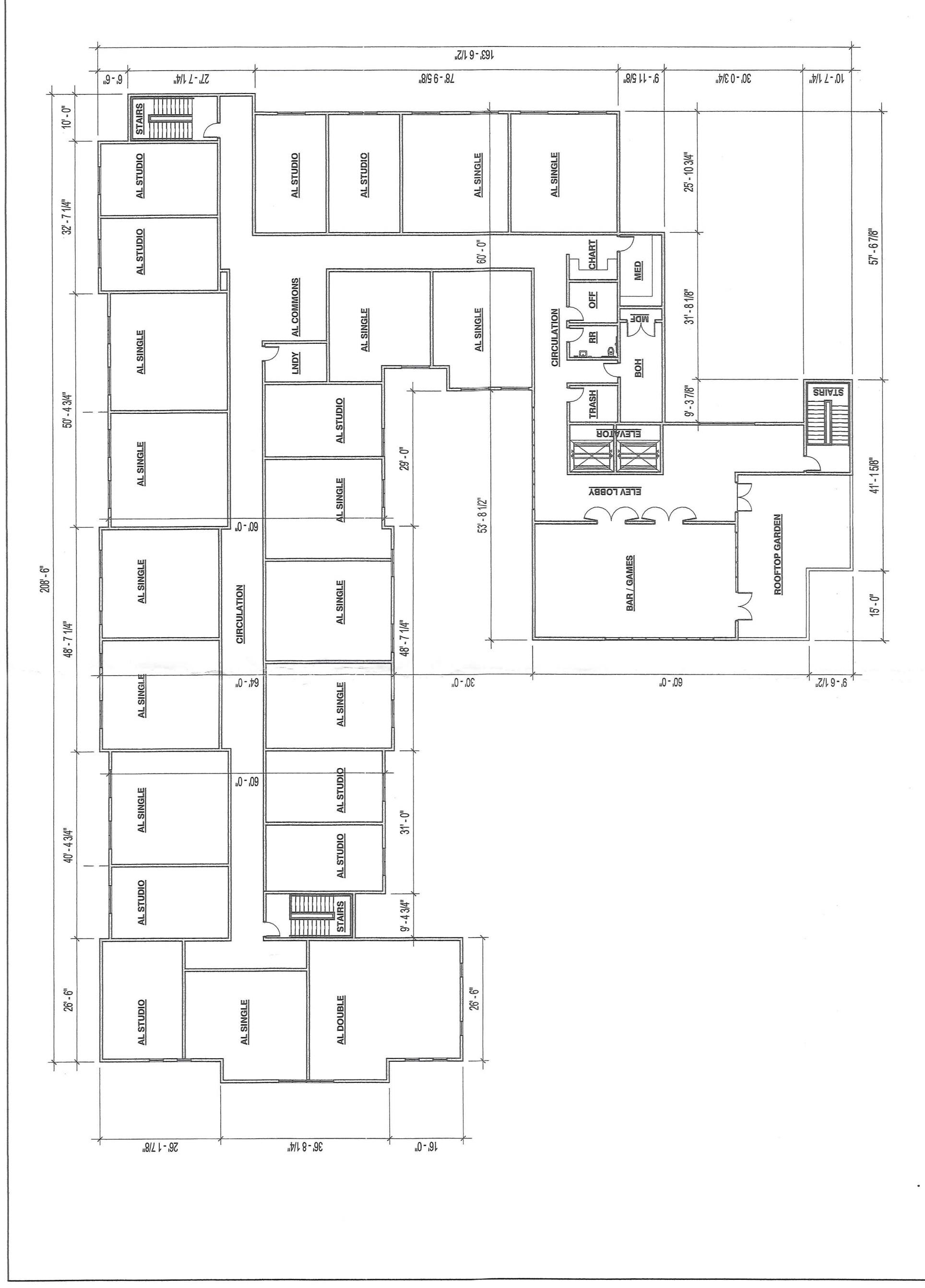
LEVEL ONE
SCALE 1/8" = 1'-0"



LEVEL TWO
SCALE 1/8" = 1'-0"



LEVEL THREE
SCALE 1/8" = 1'-0"



LEVEL FOUR
SCALE 1/8" = 1'-0"

TIMONIUM TERRACE

DEVELOPMENT PLAN, SCHEMATIC
LANDSCAPE PLAN AND PLAT TO
ACCOMPANY ZONING PETITION

**SCHEMATIC LANDSCAPE PLAN
CERTIFICATION FOR
TIMONIUM TERRACE**
THIS SCHEMATIC LANDSCAPE PLAN AND PLAT TO ACCOMPANY ZONING PETITION FOR THE DEVELOPMENT OF TIMONIUM TERRACE, A RESIDENTIAL DEVELOPMENT, IS A SCHEMATIC LANDSCAPE PLAN AND PLAT TO ACCOMPANY ZONING PETITION FOR THE DEVELOPMENT OF TIMONIUM TERRACE, A RESIDENTIAL DEVELOPMENT, AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECTURAL COMMENTS.

APPLICANT SIGNATURE: [Signature] DATE: [Date]
PROJECT NAME: [Project Name]
PROJECT ADDRESS: [Project Address]
PROJECT CITY: [Project City]
PROJECT STATE: [Project State]
PROJECT ZIP: [Project ZIP]

HEARING OFFICERS HEARING AND ZONING HEARINGS TO BE COMBINED
PROJECT NAME: [Project Name]
PROJECT ADDRESS: [Project Address]
PROJECT CITY: [Project City]
PROJECT STATE: [Project State]
PROJECT ZIP: [Project ZIP]

DEVELOPER: [Developer Name]
DEVELOPER ADDRESS: [Developer Address]
DEVELOPER CITY: [Developer City]
DEVELOPER STATE: [Developer State]
DEVELOPER ZIP: [Developer ZIP]

ARCHITECT: [Architect Name]
ARCHITECT ADDRESS: [Architect Address]
ARCHITECT CITY: [Architect City]
ARCHITECT STATE: [Architect State]
ARCHITECT ZIP: [Architect ZIP]

DATE: 4/12/2018
SCALE: 1" = 20'
C.L. N/A
PROJ. NO. 04344
SHEET 3 OF 3

DS Thaler & Assoc. LLC
CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS,
LANDSCAPE ARCHITECTS & LAND PLANNERS
1115 ARBANSADOR ROAD
BALTIMORE, MARYLAND 21244-1428
410-444-3641
www.ds-thaler.com

