

PM 12-20-19
JWC
1-3-2020

M E M O R A N D U M

DATE: February 4, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0515-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on February 3, 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
PETITIONS FOR SPECIAL HEARING	*	ADMINISTRATIVE HEARINGS
AND VARIANCE	*	FOR
(16 Saint Thomas Lane)	*	BALTIMORE COUNTY
4 th Election District	*	HOH Case No. 04-0760 &
2 nd Council District	*	Zoning Case 2019-0515-SPHA
(McDONOGH OVERLOOK)		
Forte Equity St., LLC,		
Owners/Developer		

* * * * *

**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"). Timothy M. Kotroco, Esquire, on behalf of Forte Equity St., LLC, *Owners/Developer* (hereinafter "the Developer"), submitted for approval a three-sheet redlined Development Plan ("Plan") prepared by Richardson Engineering, LLC, known as "McDonogh Overlook".

The Developer is proposing nine single family dwellings on approximately 3.54 acres off of St. Thomas Lane, and the razing of two vacant residences and a derelict pool. The parcel is zoned DR 3.5. The proposed homes will be serviced by public water and sewer on a cul-de-sac road. Two stormwater management facilities at the north and south side of the site are proposed, as well as the widening of St. Thomas Lane in front of the development.

The Developer has also filed a Petition for Special Hearing under § 500.7 of the Baltimore County Zoning Regulations ("BCZR") and pursuant to Article 32, Title 8, Subtitle 3 of the Baltimore County Code ("BCC") and Parts 123 and 125 of the Building Code, to approve a waiver to allow the construction of a road and culvert within a 100-year riverine floodplain.

ORDER RECEIVED FOR FILING

Date 1-3-2020

By 120

In addition, the Developer filed a Petition for Variance from § 301.1 of the BCZR, to allow an open projection (deck) with a rear yard setback of 20 ft. in lieu of the required 22.5 ft. for Lots 4, 5, 6 and 7, and for such other and further relief as the nature of this cause may require. Finally, the Developer is seeking affirmation of an approval of a Special Variance to remove 17 specimen trees that was granted by David Lykens, the Director of the Department of Environmental Protection and Sustainability.

The Development is subject to the Residential Performance Standards, the Comprehensive Manual of Development Policies ("CMDP") and the County Landscape Manual pursuant to BCZR §§ 260, 409.8.A.1 and 504.2.

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. The property was posted with the Notice of Hearing Officer's Hearing ("HOH") and Zoning Notice, both on November 19, 2019 in compliance with the regulations. The undersigned conducted a public hearing on December 20, 2019, in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

In attendance at the HOH in support of the Plan was the Developer, Craig Carlson. Also in attendance was Donald N. Mitten, a professional engineer with Richardson Engineering, LLC, the firm that prepared the site plan. His *curriculum vitae* was admitted as Developer's Exhibit 2 and he was accepted as an expert. Timothy M. Kotroco, Esquire represented the Developer. Two neighbors, Stephen Kariotis and Barbara St. Ours, attended the hearing and expressed concerns about flooding, traffic, and the overcrowding at Woodholme Elementary School. Numerous letters were received from other community members in opposition to the proposed development. The

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Date 1-3-2020

By RSW

primary concern raised in these letters was the floodplain issue.

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, Approvals and Inspections ("PAI"): Jerry S. Chen, Project Manager, Michael Viscarra, Jim Hermann and Vishnu Desai (Development Plans Review ("DPR"), Brad Knatz 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 Marta Kulchyska 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 (County Exhibit 1) which permits the Developer to remove seventeen specimen trees upon payment of an in lieu fee of \$15,654.00. He also submitted a letter from DEPS approving the Developer's Environmental Alternatives Analysis, subject to seven enumerated conditions. (County Exhibit 2).

Mr. Hermann confirmed that DPR had approved a schematic landscape plan (County Exhibit 3) and an open space waiver (County Exhibit 4). He explained that in lieu of providing the required 9,000 sq. ft. of open space the Developer will pay an in lieu fee in the amount of \$31,950.00. Mr. Seidelman testified that the proposed Development meets all zoning requirements except for the 2.5 foot setback variances requested for the decks on Lots 4, 5, 6, and 7. He stated that his agency does not oppose this requested variance relief.

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Date 1-3-2020

By 190

Ms. Kulchytska acknowledged that Woodholme Elementary and Owings Mills High school are both currently over capacity. However, she explained that there is sufficient extra capacity in neighboring schools to accommodate the projected students from this proposed development. Her testimony is corroborated by the School Impact Analysis (SIA"), which was admitted as Baltimore County Exhibit 5. She also submitted an approved Pattern Book for the project that was admitted as County Exhibit 6. On behalf of the DOP she recommended approval of the Development Plan.

Finally, Mr. Venturina testified that DPR also recommends approval of the project. Upon questioning by Mr. Kotroco he confirmed that a floodplain waiver was not actually needed in this case because the only things being constructed within the floodplain are the culverts and other infrastructure designed to manage flooding and run-off issues, and under BCC 32-4-414(c)(2) this type of construction is permitted in a riverine floodplain. Mr. Venturina did, in any event, submit a letter from Steven A. Walsh, the Director of DPW, stating that DPW did not oppose the requested floodplain waiver in this case should it be deemed necessary. (County Exhibit 7).

DEVELOPER'S CASE

As its sole witness the Developer presented Donald N. Mitten, P.E., with Richardson Engineering, LLC. Mr. Mitten was accepted as an expert and explained in detail the development proposal. He described the layout of the site and also explained and identified which of the proposed lots were included within the variance request.

Mr. Mitten opined that the redlined Development Plan (Developer's Exhibit 1A) satisfied all requirements set forth in the development and zoning regulations. He testified at length about the floodplain study he had conducted and about the design and capacity of the proposed stormwater and flood control measures depicted on the Plan, which he stated will cost the

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Date 1-3-2020

By [Signature]

Developer approximately \$175,000.00. He explained that the proposed culverts and berms will actually improve the flooding conditions at the development site and that they would not negatively impact adjoining properties. Mr. Mitten further explained that he had prepared an "alternatives analysis" which was approved by DEPS on June 4, 2019, which will permit construction of an access drive and a storm water management facility within the forest buffer easement, subject to several conditions, including onsite forest buffer planting, posting of the outer forest buffer and forest conservation easements, as well as the purchase of offsite forest buffer mitigation credits.

COMMUNITY WITNESSES

As noted above, two of the neighboring property owners attended the Hearing. Their primary concern was the flooding issue, however, they also raised concerns about school overcrowding and traffic. They questioned both the County agency witnesses and Mr. Mitten. With respect to the school issue it was explained that the proposed development is expected to generate only two additional students, and that they will most likely attend the schools in this district and will not have to bus to an adjoining district. As far as traffic goes, the neighbors lamented the anticipated increase in traffic that the new development will create, but they acknowledged that other development in the area – especially the Foundry Row project – have already greatly increased traffic on St. Thomas Lane. Finally, they expressed concern about the effect this development would have on the pre-existing flooding issue. Mr. Kariotis submitted a photo of the site showing substantial flooding. (Protestant's Exhibit 1). They did listen respectfully to Mr. Mitten's description of the proposed flood control measures that would be built in connection with the development, as well as the on-site groundwater and stormwater management systems.

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Date 1-3-2020

By EW

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 expert was un rebutted. I find that the agency witnesses provided satisfactory answers to any and all questions posed by the community. I further find that Mr. Mitten, the Developer's engineering expert, provided cogent and convincing testimony concerning the central issue in this case: flood management. I am convinced that the proposed flood control design in this case will actually improve the existing conditions at the site and that it will have no adverse impacts on the adjoining properties on either side of the street. These conclusions are buttressed by the fact that the Director of DPW has reviewed Mr. Mitten's floodplain study and the proposed Plan and concurs that "there is no perceptible increase in the depth of flow at both the upstream and downstream property lines so no impact is anticipated to both the upstream and downstream neighbors. The Department of Public Works takes no exception to the approval of the waiver

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Date 1-3-2020

By [Signature]

request.” See, County Exhibit 7.

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 “McDonogh Overlook” shall be approved.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 3rd day of January, 2020, that the “McDONOGH OVERLOOK” Plan marked and accepted into evidence as Developer’s Exhibit 1A, be and hereby is **APPROVED**.

IT IS FURTHER ORDERED that the Petition for Special Variance to remove 17 specimen trees on the subject property pursuant to BCC § 33-6-116, be and is hereby **AFFIRMED**.

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

SPECIAL HEARING AND VARIANCE RELIEF

In addition to seeking approval of the McDonogh Overlook development plan the Developer also filed for special hearing and variance relief in **Case No. 2019-0515-SPHA**. These requests for relief were also properly advertised and posted.

A. Special Hearing

The special hearing is “to approve a Waiver to allow the construction of a road and culvert within a 100 year riverine floodplain.” Generally, development is strictly prohibited in a riverine floodplain. However, BCC § 32-4-414 (c)(2) makes a specific exception for “[t]he

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Date 1-3-2020

By [Signature]

installation of a pond, culvert, bridge, street, utility or drainage facility that the county finds is not detrimental to the floodplain management programs.” In the instant case a portion of the site running along St. Thomas Lane is, in fact, in a riverine floodplain. Therefore, in accordance with BCC § 32-4-414(d)(3) the Developer was required to do a flood study “in accordance with the requirement of the Department of Public Works Design Manual and sealed by a professional engineer before the issuance of a permit or the recording of a subdivision plat.” The Developer’s engineer, Mr. Mitten, provided extensive testimony about the flood study his firm performed and the flood control measures that will be constructed in connection with this development. Further, as noted above, the DPW has reviewed this study and the Director of DPW has specifically found that the proposed culvert and road construction will not be detrimental to floodplain management programs. *See*, County Exhibit 7.

In this case the Developer’s attorney, Mr. Kotroco, stated that the floodplain waiver request had been made in an abundance of caution, but that he does not believe a waiver is even required because the proposed culvert and road construction in this case fits within the express exception of BCC § 32-4-414 (c)(2). I agree, as explained above. However, in the alternative, I also believe that the evidence supports the grant of a riverine floodplain waiver under BCC § 32-8-303, and the requested waiver will be granted.

B. Variance

The variance relief is “[f]rom section 301.1 of the BCZR to allow an open projection (deck) with a rear yard setback of 20 ft. in lieu of the required 22.5 ft. for lots 4, 5, 6, and 7.”

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

ORDER RECEIVED FOR FILING

Date 1-3-2020

By DW

- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

Mr. Mitten explained numerous aspects of the parcel that make it unique, including the floodplain, which necessitates the use of large portions of the front of the parcel for flood control infrastructure. A site plan was marked and admitted as Petitioner's Exhibit 1. Mr. Mitten also noted that the project is designed to minimize the impact to existing environmental features on the site, which resulted in the site orientation of the lots in question. As such, the property is unique. If the regulations were strictly interpreted, Developer would experience a practical difficulty because it would be unable to construct 10 foot wide decks on the backs of the homes on lots 4, 5, 6, and 7. He further explained that these lots back to the Torah Institute of Baltimore, which is some distance away and up on a hill. Therefore the proposed decks will not impact any adjoining residences. In sum, 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.

IT IS, THEREFORE, FURTHER ORDERED that the Petition for Special Hearing seeking relief from § 500.7 of the Baltimore County Zoning Regulations ("BCZR") pursuant to Article 32, Title 8, Subtitle 3 of the Baltimore County Code ("BCC") and Parts 123 and 125 of the Building Code, to approve a waiver to allow the construction of a road and culvert within a 100-year riverine floodplain, be and hereby is, **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief pursuant to § 301.1 of the Baltimore County Zoning Regulations ("BCZR"), to allow an open projection (deck) with a rear yard setback of 20 ft. in lieu of the required 22.5 ft. for Lots 4, 5, 6 and 7, be and hereby is,

GRANTED.

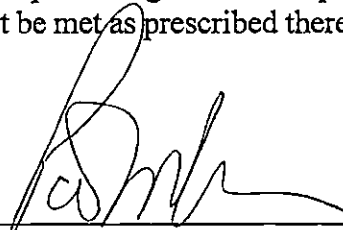
ORDER RECEIVED FOR FILING

Date 1-3-2020

By [Signature]

The variance relief 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. All approval conditions of the Forest Buffer variance pertaining to the floodplain fill as well as the Forest Conservation variance must be met as prescribed therein.



PAUL M. MAYHEW
Administrative Law Judge
for Baltimore County

PMM:dlw

... DER RECEIVED FOR FILING

Date 1-3-2020

By dlw

Debra Wiley

From: Debra Wiley
Sent: Monday, January 6, 2020 8:07 AM
To: Janice M Kemp
Cc: Lloyd Moxley; Jerry S Chen; Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Web Posting
Attachments: 04-0760 and Case No. 2019-0515-SPHA McDONOGH OVERLOOK HOH. 1.3.20.docx

Good Morning Janice,

Please post the following to the web:

HOH Case No. 04-0760 & Zoning Case No. 2019-0515-SPHA

Project: McDonough Overlook

Address: 16 Saint Thomas Lane

Hearing: 12/20/2019; Order: 1/3/2020

Thanks; 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



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 16 St. Thomas Lane which is presently zoned DR 3.5

Deed References: 40519/0362

10 Digit Tax Account # 0410025300

Property Owner(s) Printed Name(s) FORTE EQUITY ST., 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 ATTACHMENT

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

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, Esq.

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):

Forte Equity ST, LLC By: *Craig Carlson*

Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

P.O. Box 1168 Brooklandville, MD

Mailing Address City State

21022 410-252-3438 Mdnewhomebuilder@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Same as attorney for Petitioner

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2019-0515-SPA Filing Date 11/14/19

Do Not Schedule Dates:

Reviewer *gh*

REV. 10/4/11

Drop-off / no review

**ATTACHMENT TO SPECIAL HEARING
AND VARIANCE PETITION**

SPECIAL HEARING RELIEF:

1. Special Hearing pursuant to Article 32, Title 8, Subtitle 3 of the Baltimore County Code and parts 123 and 125 of the Building Code to approve a Waiver to allow the construction of a road and culvert within a 100 year riverine floodplain, AND

VARIANCE RELIEF:

3. From section 301.1 of the BCZR to allow an open projection (deck) with a rear yard setback of 20 ft in lieu of the required 22.5 ft. for lots 4, 5, 6 & 7.

And, for such other and further relief as the nature of this cause may require

Drop-off/ No review 2019-0515-SPKS

PM 12-20
10 AM

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Sunday, December 15, 2019 10:03 PM
To: Rick Richardson; don@richardsonengineering.net; Administrative Hearings
Subject: Recertification's For 2019-0515-SPHA
Attachments: Re-Cert 1 2019-0515-SPHA.doc; Re-Cert 2 2019-0515-SPHA.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 16 St Thomas Lane. Thanks.

CERTIFICATE OF POSTING

2019-0515-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

FORTE EQUITY ST, LLC

December 20, 2019

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:

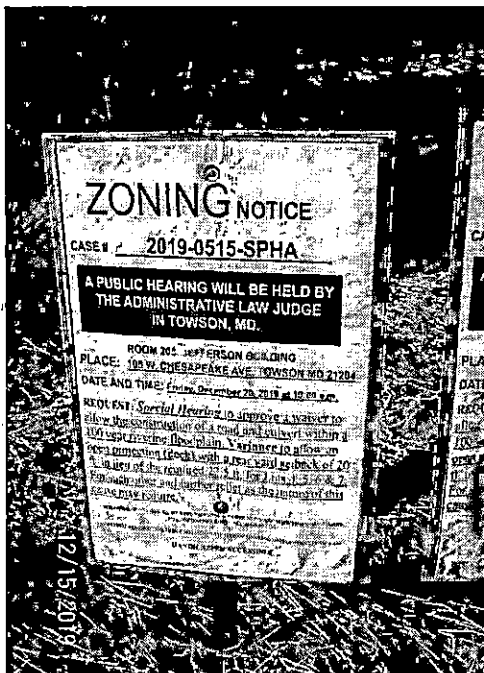
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

16 St. Thomas Lane

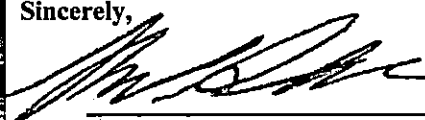
SIGN 1 Recertification

November 19, 2019

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



Sincerely,

 December 15, 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 POSING

2019-0515-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

FORTE EQUITY ST, LLC

December 20, 2019

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:

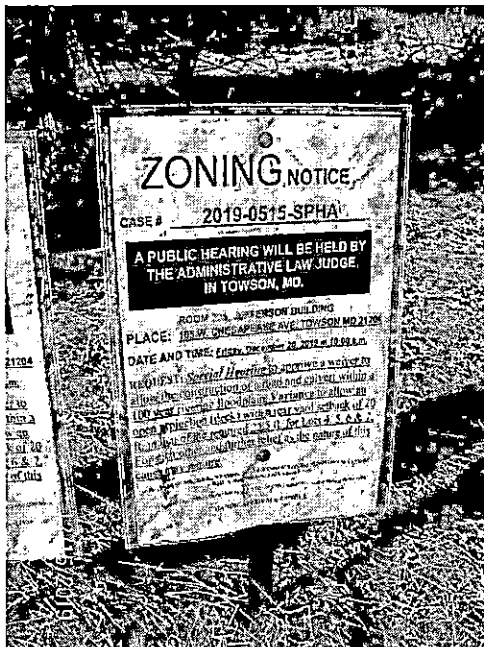
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

16 St. Thomas Lane

SIGN 2 Recertification

November 19, 2019

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



Sincerely,

~~December 15, 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)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
16 St. Thomas Lane; NW/S of St. Thomas * OF ADMINISTRATIVE
Lane, E 480' to c/line of Woodkey Lane * HEARINGS FOR
4th Election & 2nd Councilmanic Districts *
Legal Owner(s): Forte Equity St. LLC *
Petitioner(s) * BALTIMORE COUNTY
* 2019-515-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

NOV 21 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 21st day of November, 2019, a copy of the foregoing Entry of Appearance was mailed to 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

CERTIFICATE OF POSTING

2019-0515-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

FORTE EQUITY ST, LLC

December 20, 2019

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:

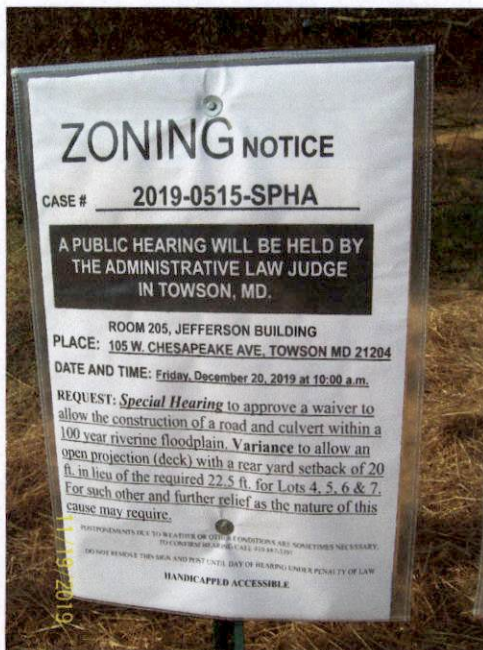
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

16 St. Thomas Lane

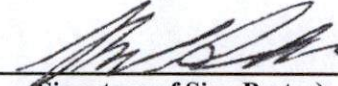
SIGN 1

November 19, 2019

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



Sincerely,

 November 19, 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

2019-0515-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

FORTE EQUITY ST, LLC

December 20, 2019

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:

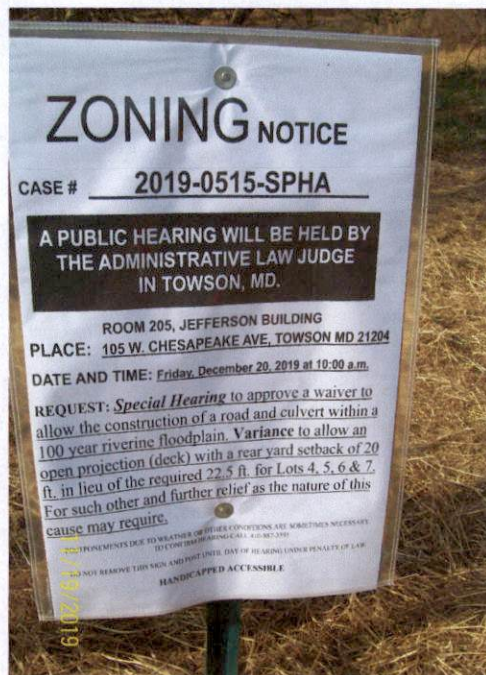
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

16 St. Thomas Lane

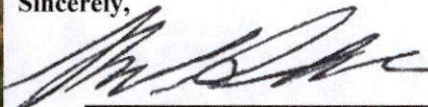
SIGN 2

November 19, 2019

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



Sincerely,

 November 19, 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)

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

Order #: 11817738
 Case #: 2019-0515-SPHA
 Description:

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:

11/29/2019

NOTICE OF ZONING HEARING - 2019-0515-SPHA



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: 2019-0515-SPHA

16 St. Thomas Lane

N/west side of St. Thomas Lane, east of Woodkey Lane

4th Election District - 2nd Councilmanic District

Legal Owners: Forte Equity ST, LLC

Special Hearing to approve a waiver to allow the construction of a road and culvert within a 100 year riverine floodplain. Variance to allow an open projection (deck) with a rear yard setback of 20 ft. in lieu of the required 22.5 ft. for Lots 4, 5, 6 & 7. For such other and further relief as the nature of this cause may require.

Hearing: Friday, December 20, 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.

n29



JOHN A. OLSZEWSKI, JR.
County Executive

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

November 15, 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: 2019-0515-SPHA

16 St. Thomas Lane

N/west side of St. Thomas Lane, east of Woodkey Lane

4th Election District – 2nd Councilmanic District

Legal Owners: Forte Equity ST, LLC

Special Hearing to approve a waiver to allow the construction of a road and culvert within a 100 year riverine floodplain. Variance to allow an open projection (deck) with a rear yard setback of 20 ft. in lieu of the required 22.5 ft. for Lots 4, 5, 6 & 7. For such other and further relief as the nature of this cause may require.

Hearing: Friday, December 20, 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".

Michael Mallinoff
Director

MM:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Craig Carlson, P.O. Box 1168, Brooklandville 21022

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 30, 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.

J: THE DAILY RECORD
Friday, November 30, 2019 – Issue

Please forward billing to:
Brenden Carlson
Forte Equity, LLC
P.O. Box 1168
Brooklandville, MD 21022

410-252-3438

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: 2019-0515-SPHA

16 St. Thomas Lane

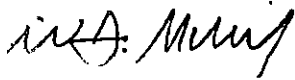
N/west side of St. Thomas Lane, east of Woodkey Lane

4th Election District – 2nd Councilmanic District

Legal Owners: Forte Equity ST, LLC

Special Hearing to approve a waiver to allow the construction of a road and culvert within a 100 year riverine floodplain. Variance to allow an open projection (deck) with a rear yard setback of 20 ft. in lieu of the required 22.5 ft. for Lots 4, 5, 6 & 7. For such other and further relief as the nature of this cause may require.

Hearing: Friday, December 20, 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.

CERTIFICATE OF POSTING

2019-0515-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

FORTE EQUITY ST, LLC

December 20, 2019

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:

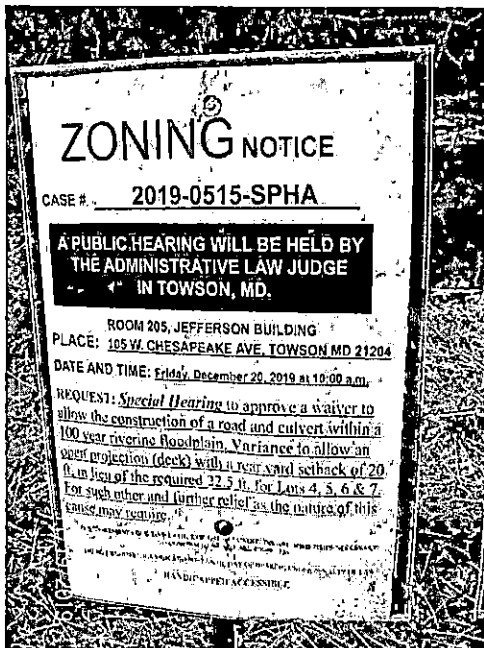
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

16 St. Thomas Lane

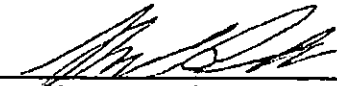
SIGN 1

November 19, 2019

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



Sincerely,

 November 19, 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

2019-0515-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

FORTE EQUITY ST, LLC

December 20, 2019

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:

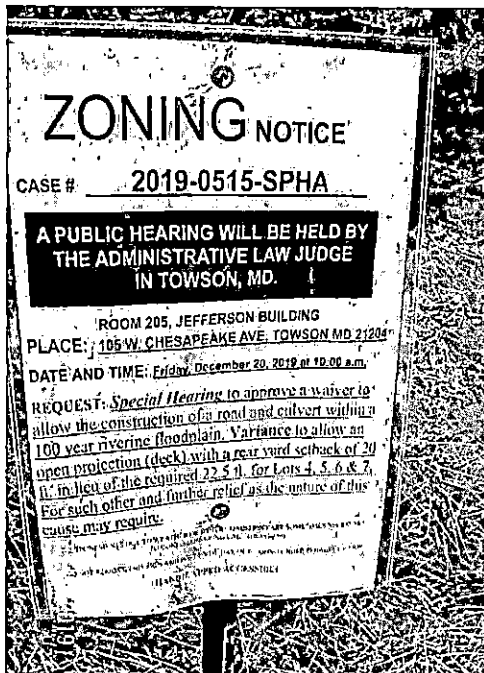
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

16 St. Thomas Lane

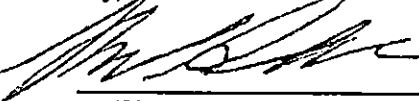
SIGN 2

November 19, 2019

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



Sincerely,

 November 19, 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)

**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: 2019-0515-SPHA

Property Address: 16 ST. THOMAS LANE

Property Description: MCDONOUGH OVERLOOK

Legal Owners (Petitioners): FORTE EQUITY ST, LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRENDEN CARLSON

Company/Firm (if applicable): FORTE EQUITY ST, LLC

Address: P.O. Box 1168

BROOKLANDVILLE, MD. 21022

Telephone Number: 410-252-3438

Revised 7/9/2015

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

No. 192121

Date:

11/18/19

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					800.00
Total:									800.00

Rec
From:

Tim Kotraco

For:

16 ST Thomas LANE

2019-0515-SPLA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 10, 2019

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

RE: Case Number: 2019-0515-SPHA, 16 St Thomas Lane

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 14, 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.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Forte Equity St LLC P.O Box 1168 Brooklandville, MD 21022

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 11/20/19

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

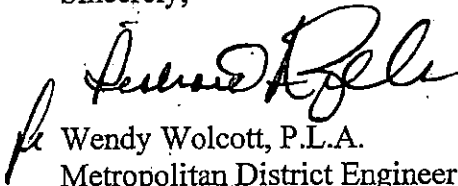
Dear Ms. Lewis:

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. 2019-0515-SPHA

*Special Hearing, Variance
Forte Equity St. LLC
16 St. Thomas Lane.*

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@mdot.maryland.gov).

Sincerely,



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

WW/RAZ

12-20-19

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: November 22, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0515-SPHA
Address 16 St. Thomas Lane
(Forte Equity St., LLC Property)

Zoning Advisory Committee Meeting of **November 15, 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:

All approval conditions of the Forest Buffer variance pertaining to the floodplain fill as well as the Forest Conservation variance must be met as prescribed therein.

Reviewer: Glenn Shaffer

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 - 04 Account Number - 0410025300			
Owner Information					
Owner Name:	FORTE EQUITY ST LLC		Use:	RESIDENTIAL	
Mailing Address:	SUITE 106 1810 J YORK RD LUTHERVILLE MD 21093-		Principal Residence:	NO	
			Deed Reference:	/40519/ 00362	
Location & Structure Information					
Premises Address:	16 ST THOMAS LN OWINGS MILLS 21117-		Legal Description:	3.6 AC 16 ST THOMAS LN NS 1320 FR REISTERSTOWN R	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0058	0022	0469	4050042.04	0000	2019
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	
1901	2,792 SF	300 SF	3.6000 AC	04	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
2	YES	STANDARD UNIT	WOOD SHINGLE/	4	3 full/ 1 half
					Garage
					1 Detached
					Last Notice of Major Improvements
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2019	As of 07/01/2019	As of 07/01/2020	
Land:	211,600	211,600			
Improvements	59,400	60,800			
Total:	271,000	272,400	271,467	271,933	
Preferential Land:	0			0	
Transfer Information					
Seller: THL LLC		Date: 08/01/2018		Price: \$325,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /40519/ 00362		Deed2:	
Seller: JENSEN ANNE M		Date: 07/30/2018		Price: \$208,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /40514/ 00315		Deed2:	
Seller: JENSEN ANNE M		Date: 11/16/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /20985/ 00667		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	0.00 0.00		
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					

Homestead Application Information	
Homestead Application Status: No Application	
Homeowners' Tax Credit Application Information	
Homeowners' Tax Credit Application Status: No Application	Date:

12-20-19

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-515



INFORMATION:

Property Address: 16 St. Thomas Lane
Petitioner: Forte Equity ST, LLC
Zoning: DR 3.5
Requested Action: Special Hearing, Variance

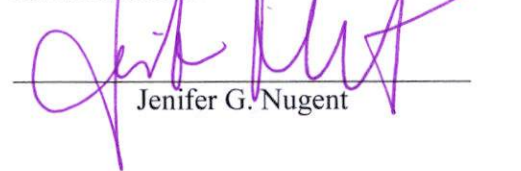
The Department of Planning has reviewed the petition for special hearing and variance to determine whether the administrative law judge should approve the relief listed on the attachment.

A site visit was conducted during the concept plan phase. The site is currently under review for a major subdivision containing nine (9) lots. The development plan hearing and the public hearing for this petition are to be combined.

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

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

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Bill Skibinski
Timothy M. Kotroco, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

CASE NAME McDonough, Overlook
CASE NUMBER 04-0760 / 2017-05155pt
DATE 12/20/19

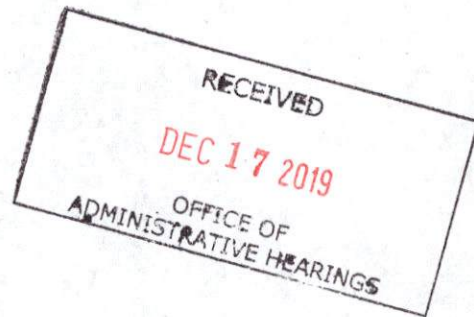
[illegible]

CASE NAME McDonogh Overlook
CASE NUMBER 04-0260 / 2019-0515 SPH#
DATE 12 / 20 / 19

[illegible]

CASE NAME McDonogh Overlook
CASE NUMBER 04-0760 / 2019-0515
DATE 12/20/19 SPH

[illegible]



December 6, 2019

Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No 2019-0515-SPHA

Dear Judge Mayhew:

I wish to state my opposition the waiver requested in the above referenced case, which will be heard on December 20, 2019. The requested waiver would allow construction of a road and culvert in a 100-year floodplain.

The road and area around this property is already subject to flooding. Since rain events are now, and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers.

Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, and climate trends, we urge you to deny the requests for a waiver and variances.

Sincerely,

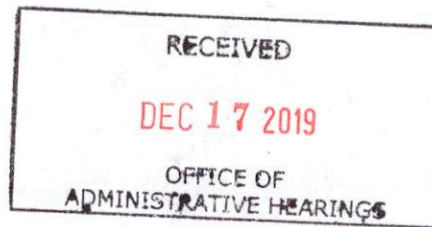
A handwritten signature in dark ink, appearing to read "Stephen Kariotis".

Stephen Kariotis

15 St Thomas Ln.

Omney Mills, MD

21117



December 6, 2019

Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No 2019-0515-SPHA

Dear Judge Mayhew:

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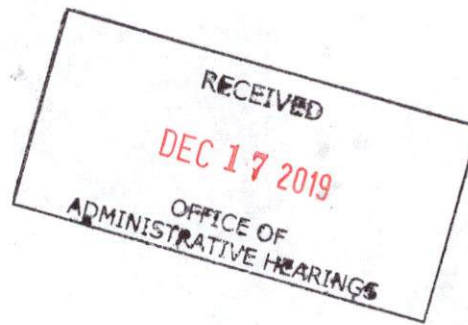
The road and area around this property is already subject to flooding. Since rain events are now, and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers.

Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, and climate trends, we urge you to deny the requests for a waiver and variances.

Sincerely,

A handwritten signature in red ink, appearing to read "Clifton and Monique Dawson".

Clifton and Monique Dawson
95 St. Thomas Lane
Owings Mills, MD 21117



December 6, 2019

Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No 2019-0515-SPHA

Dear Judge Mayhew:

I wish to state my opposition the waiver requested in the above referenced case, which will be heard on December 20, 2019. The requested waiver would allow construction of a road and culvert in a 100-year floodplain.

The road and area around this property is already subject to flooding. Since rain events are now, and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers.

Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, and climate trends, we urge you to deny the requests for a waiver and variances.

Sincerely,

Gerard St. Ours
119 St. Thomas Lane
Owings Mills, MD 21117

December 12, 2019



VIA E-MAIL AND REGULAR MAIL
pmayhew@baltimorecountymd.gov

Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No 2019-0515-SPHA

Dear Judge Mayhew:

I oppose all of the waivers requested in the above referenced case, which will be heard on December 20, 2019. The requested waivers would allow construction of a road and culvert in a 100-year floodplain in addition to crowding nine homes in an area which is much too small to have that density given the slopes and other limitations. In addition, St. Thomas Lane is currently inadequate for the volume of cars it handles and there is no way to fix the situation as it currently exists, no less one with added traffic from nine homes and deliveries.

As noted by members of the immediate community at the community input meeting in February of this year, the road and area around this property is already subject to flooding. Since rain events are now, and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers. In addition when a sheen of water covers this road in the winter, it freezes; so even if the absence of a flood; it causes a dangerous conditions on this narrow gateway to the Valley.

Given the need for both waivers and variances, it appears that this site is inadequate for the nine homes proposed. Considering the existing conditions, community concerns and climate trends, we urge you to deny the requests for a waiver and variances, and this development plan.

Sincerely,

A handwritten signature in blue ink, appearing to be "K. Pontone", with a long, flowing underline.

Kathleen Pontone
2522 Caves Road

Paul Mayhew

From: Teresa Moore <teresa@thevpc.org>
Sent: Thursday, December 12, 2019 11:26 AM
To: Paul Mayhew
Subject: Case No 2019-0515 SPHA
Attachments: McDonogh Overlook.pdf

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

Dear Judge Mayhew,

Attached please find a letter from the Valleys Planning Council regarding the proposed development known as McDonogh Overlook, which is the subject of the case referred to above.
Thank you for considering our concerns in your review of this matter.

Teresa Moore
Executive Director
Valleys Planning Council
410-337-6877

THE VALLEYS
PLANNING COUNCIL INC.



December 11, 2019

Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No 2019-0515-SPHA

Dear Judge Mayhew:

At a December 3, 2019 meeting, the Valleys Planning Council voted to oppose the waiver requested in the above referenced case, which will be heard on December 20, 2019. The requested waiver would allow construction of a road and culvert in a 100-year floodplain.

As noted by members of the immediate community at the community input meeting in February of this year, the road and area around this property is already subject to flooding. Since rain events are now, and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers.

Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, community concerns, and climate trends, we urge you to deny the requests for a waiver and variances.

In addition, we are opposed to the road widening that is depicted on the development plan. As noted in the soils chart included on page three of the plan, the road widening is in an area with GHB soils, and the description indicates this soil to be "very limited" for streets and parking lots and has a high erodibility factor (0.43). We do not believe the road widening is warranted or advisable in this location.

Thank you for taking our concerns and recommendations into consideration during your review.

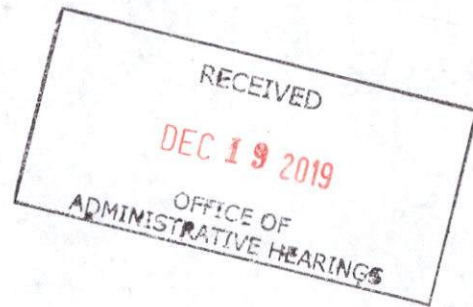
Sincerely,

Teresa Moore
Executive Director

118 W. Pennsylvania Avenue Towson, Maryland 21204
Mailing Address: P.O. Box 5402 Towson, Maryland 21285-5402
Phone: 410-337-6877 Fax: 410-296-5409



December 6, 2019



Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No 2019-0515-SPHA

Dear Judge Mayhew:

I wish to state my opposition the waiver requested in the above referenced case, which will be heard on December 20, 2019. The requested waiver would allow construction of a road and culvert in a 100-year floodplain.

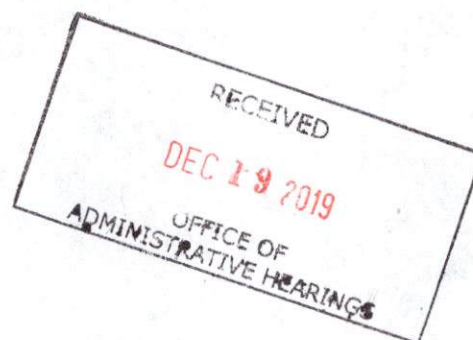
The road and area around this property is already subject to flooding. Since rain events are now, and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers.

Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, and climate trends, we urge you to deny the requests for a waiver and variances.

Sincerely,

December 6, 2019

Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204



Re: Case No 2019-0515-SPHA

Dear Judge Mayhew:

I wish to state my opposition the waiver requested in the above referenced case, which will be heard on December 20, 2019. The requested waiver would allow construction of a road and culvert in a 100-year floodplain.

The road and area around this property is already subject to flooding. Since rain events are now, and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers.

Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, and climate trends, we urge you to deny the requests for a waiver and variances.

Sincerely,

Joseph Rakiec
12 St. Thomas Lane
Owings Mills, MD 21117

The Greater Greenspring Association
119 Saint Thomas Lane
Owings Mills, MD 21117



December 10, 2019

Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No 2019-0515-SPHA

Dear Judge Mayhew:

Please be advised that the Greater Greenspring Association opposes the waiver requested in the above-referenced case, which will be heard on December 20, 2019. The requested waiver would allow the construction of a road and culvert in a 100-year floodplain.

As noted by members of the immediate community at the community input meeting in February of this year, the road and area around this property are already subject to flooding. Since rain events are now and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers.

Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, community concerns and climate trends, we urge you to deny the requests for a waiver and variances.

Sincerely,

Thomas P. Finnerty
President
Greater Greenspring Association

December 6, 2019

Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No 2019-0515-SPHA

Dear Judge Mayhew:

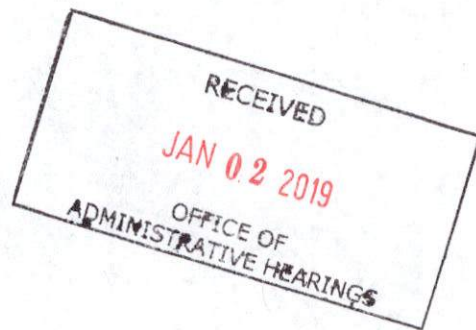
I wish to state my opposition the waiver requested in the above referenced case, which will be heard on December 20, 2019. The requested waiver would allow construction of a road and culvert in a 100-year floodplain.

The road and area around this property is already subject to flooding. Since rain events are now, and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers.

Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, and climate trends, we urge you to deny the requests for a waiver and variances.

Sincerely,

Scott Schnable
123 St. Thomas Lane
Owings Mills, MD 21117



December 6, 2019

Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No 2019-0515-SPHA

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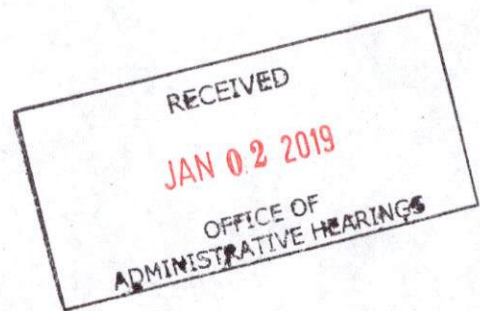
The road and area around this property is already subject to flooding. Since rain events are now, and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers.

Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, and climate trends, we urge you to deny the requests for a waiver and variances.

Sincerely,



Lindsay Bjerke
123 St. Thomas Lane
Owings Mills, MD 21117



CHECKLIST

<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>11/22</u>	DEPS (if not received, date e-mail sent _____)	<u>Comment</u>
_____	FIRE DEPARTMENT	_____
<u>12/4</u>	PLANNING (if not received, date e-mail sent _____)	<u>No Objection</u>
<u>11-20</u>	STATE HIGHWAY ADMINISTRATION	<u>No object.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
<u>12-17</u>	ADJACENT PROPERTY OWNERS <u>Barbara P. St. Aurs - 119 St. Thomas Lane</u>	<u>Oppose</u>
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>11-29-19 The Daily Record</u>	
SIGN POSTING (1 st)	Date: <u>11-19-19</u> by <u>Black</u>	
SIGN POSTING (2 nd)	Date: <u>12-15-19</u> by <u>"</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



Helen Naras
3413 Nancy Ellen Way
Owings Mills, MD 21117
410-654-0077

December 12, 2019

Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No 2019-0515-SPHA

Dear Judge Mayhew:

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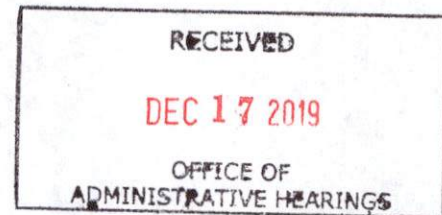
As noted by members of the immediate community at the community input meeting in February of this year, the road and area around this property is already subject to flooding. Since rain events are now, and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers.

Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, community concerns and climate trends, we urge you to deny the requests for a waiver and variances.

Sincerely,

Helen Glazer Naras

December 6, 2019



Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

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Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, and climate trends, we urge you to deny the requests for a waiver and variances.

Sincerely,

Michael D. Brines

I HAVE LIVED @ 13 ST THOMAS LANE SINCE 1967, SINCE SANDLEWOOD WAS CONSTRUCTED I HAD FLOODING MY HOUSE FROM HIGHER ELEVATION. FINALLY LAST YEAR I WORK DONE ON MY BACKYARD TO CORRECT THAT PROBLEM. AT TIMES WITH HEAVY STORMS THE WATER DEPTH RUNNING DOWN ST THOMAS LANE

Michael Brines

PM 12-20-19
10AM

December 12, 2019

Paul M. Mayhew
Managing Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204



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As noted by members of the immediate community at the community input meeting in February of this year, the road and area around this property is already subject to flooding. Since rain events are now, and predicted to continue to be, heavier and more frequent, we believe waivers and variances should not be granted in floodplains or forest buffers. I have attached pictures that I took January 21, 2019 at and near the site. As you can see, St. Thomas Lane already has a water drainage problem which will only be asseverated with more development.

Given the need for both waivers and variances, it appears that this site is inadequate for the 9 homes proposed. Considering the existing conditions, community concerns and climate trends, we urge you to deny the requests for a waiver and variances.

Sincerely,

Barbara P. St. Ours
119 St. Thomas Lane
Owings Mills, MD 21117











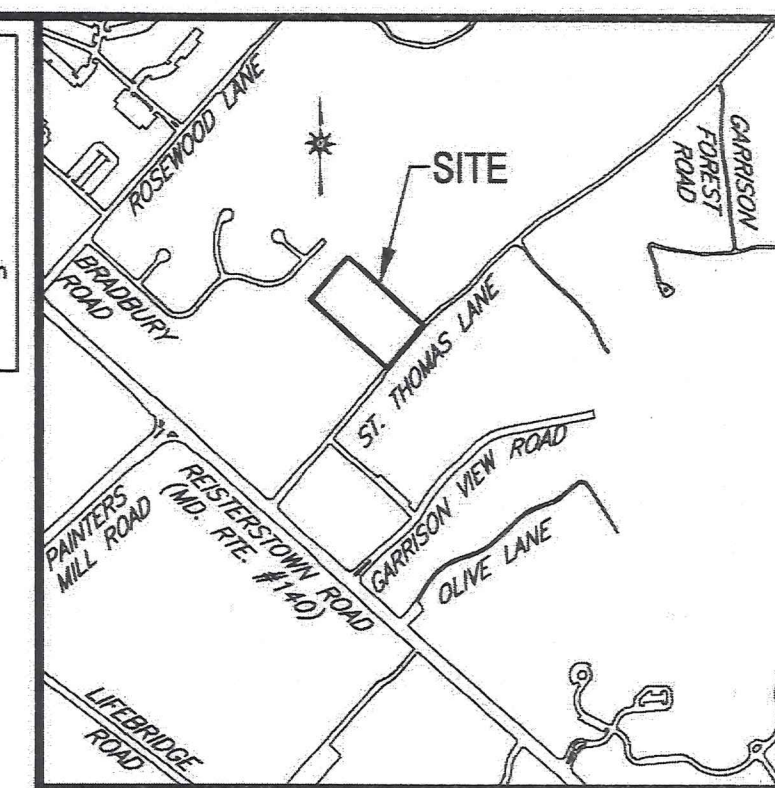


SOILS CHART									
SOILS TYPE	SEPTIC SYSTEM LIMITATIONS	HOMESITE LIMITATIONS W/BASMENT		SMALL COMMERCIAL BUILDINGS LIMITATIONS	STREET AND PARKING LOT LIMITATIONS	HYDRIC SOILS	SOILS GROUP	ERODIBILITY K FACTOR	SLOPES >%
GBR	SOMEWHAT LIMITED	NOT LIMITED	NOT LIMITED	SOMEWHAT LIMITED	VERY LIMITED	NOT		B	0.28
GBR	VERY LIMITED	NOT LIMITED	SOMEWHAT LIMITED	VERY LIMITED	VERY LIMITED	PARTIALLY	C	0.43	YES
Mod	VERY LIMITED	VERY LIMITED	VERY LIMITED	NOT LIMITED	VERY LIMITED	NOT	B	0.28	YES
UDR	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	PARTIALLY	A	-	NO
UDR	NOT RATED	NOT RATED	NOT RATED	NOT RATED	NOT RATED	NOT	C	-	NO

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	35.00'	35.57'	34.06'	N 81°34'28" W	58°13'57"
C2	55.00'	261.21'	76.34'	S 25°21'49" W	272°06'30"
C3	35.00'	18.28'	18.07'	S 33°32'44" E	29°55'35"
C4	730.00'	36.17'	36.17'	S 40°53'27" W	2°50'20"

Elevations and contours shown hereon are based on the NAVD-88 vertical datum as established on the above Baltimore County Control points.



SCALE: 1" = 1,000'

1. OWNER/DEVELOPER: FORTE EQUITY ST, LLC
PO BOX 1168
BROOKLANDVILLE, MD 21022
TEL (410) 252-3438

2. SITE AREA: GROSS: 154,510 SF OR 3.547 AC ±
NET: 154,510 SF OR 3.547 AC ±

3. ELECTION DISTRICT: 4TH

4. COUNCILMANIC DISTRICT: 2ND

5. CURRENT ZONING: DR 3.5

6. TAX MAP #58 PARCEL #: 469

7. TAX ACCOUNT #'S: 0410025300

8. DEED REF: 40619/00362

9. UTILITIES:
EXISTING:
WATER - PUBLIC
SEWER - PUBLIC

PROPOSED:
WATER - PUBLIC
SEWER - PUBLIC

10. THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

11. CENSUS TRACT: 4042.02

12. WATERSHED: GWYNNS FALLS

13. REGIONAL PLANNING DISTRICT: REISTERSTOWN OWINGS MILLS

14. ZONING MAP : 05883

15. THERE ARE NO HISTORIC FEATURES ON THE SITE, NOR IS THE SITE ITSELF HISTORIC.

16. EXISTING USE: 2 DETACHED SINGLE FAMILY DWELLING.

17. PROPOSED USE: 9 DETACHED SINGLE FAMILY DWELLINGS.

18. NO PREVIOUS BUILDING PERMITS ON FILE IN COUNTY

19. PROPERTY ADDRESS: 16 ST. THOMAS LANE

20. ADT's

9 UNITS	● 10 TRIPS/UNIT	= 90 TRIPS
	TOTAL	90 TRIPS

21. GROWTH TIER I

22. NO PREVIOUS ZONING CASES ON FILE.

23. THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M.
#24001002200 PANEL #220 OF 580 DATED AUGUST 2, 2011.

DESIGN AND DRAWINGS ARE BASED ON MARYLAND COORDINATE SYSTEM (MCS)
HORIZONTAL - NAD 83/(2007), VERTICAL - NAVD 88.

DISTURBED AREA:
148,800 SF. OR 3.41 AC.±

PAI # 04-0760

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
don@richardsonengineering.net

PLAT TO ACCOMPANY SPECIAL HEARING AND
ZONING VARIANCE
FOR
McDONOGH OVERLOOK
16 ST. THOMAS LANE

PETITIONER' S

EXHIBIT NO. 1

MAJ-2018-00013
BALTIMORE COUNTY
4TH ELECTION DISTRICT

2ND COUNCILMANIC DISTRICT

REVISIONS

DRAWN BY:

CHECKED BY:

DNR

DNM

DATE: _____

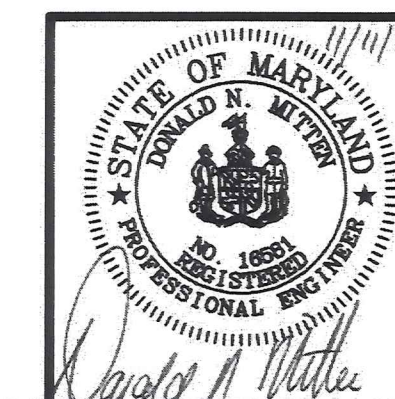
JOB NO. _____

DATE: 11-11-19

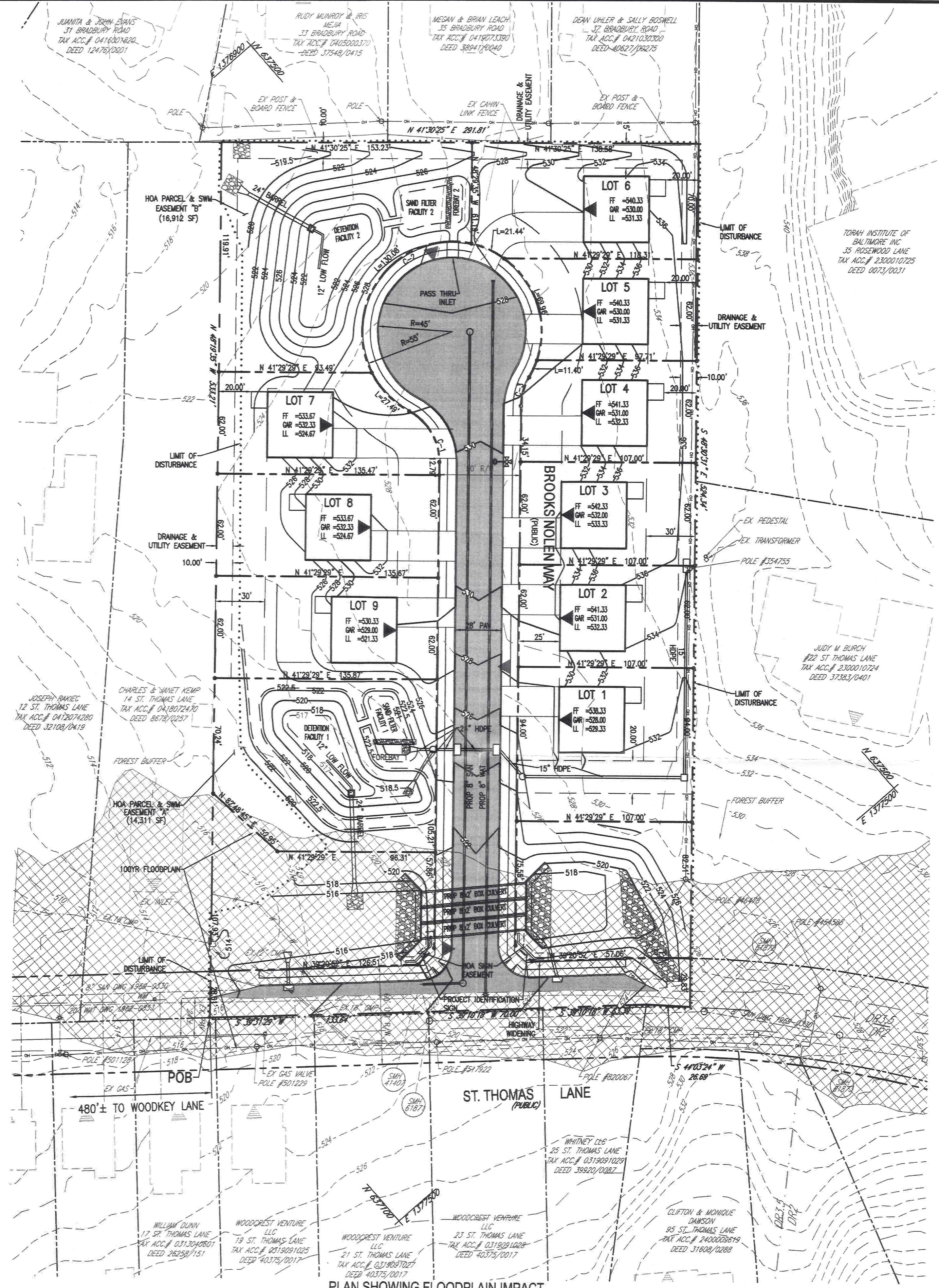
JOB NO.:
18078

	AA	AA	AA
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1997



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
NUMBER 16581, EXPIRATION DATE: 08-01-2021



PLAN SHOWING FLOODPLAIN IMPACT
SCALE: 1" = 40'

SOILS CHART

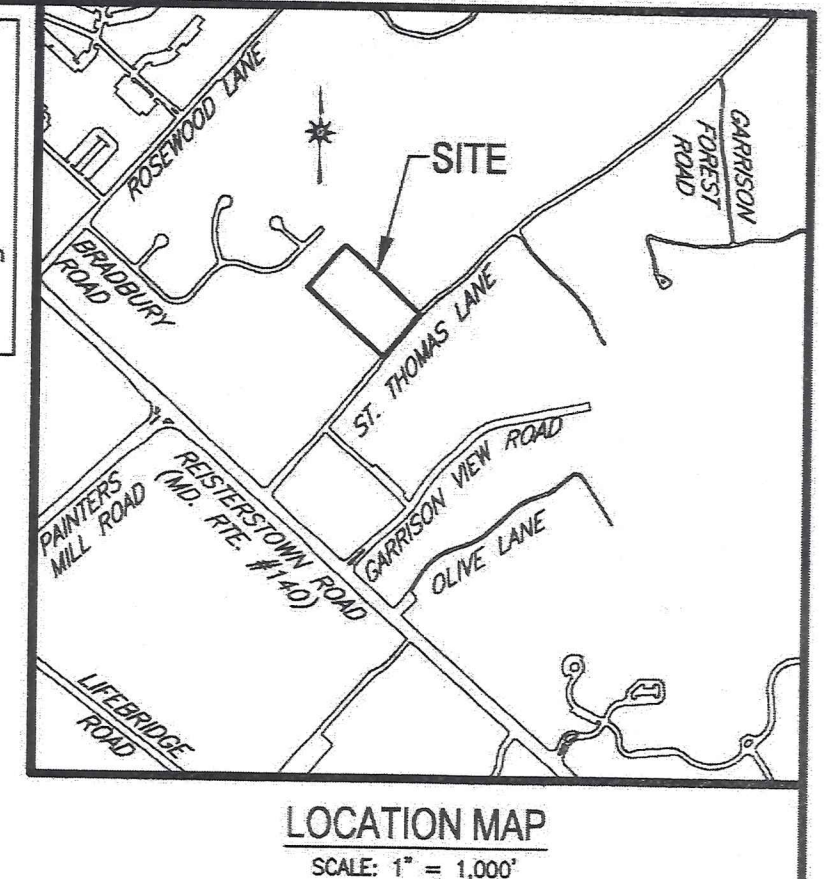
SOILS SERIES	SEPTIC SYSTEM LIMITATIONS	HOME SITE LIMITATIONS	SMALL COMMERCIAL BUILDING LIMITATIONS	STREET AND PARKING LOT LIMITATIONS	HYDRIC SOILS	SOILS GROUP	ERODIBILITY K FACTOR	SLOPES
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MBD	VERY LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT	D	-	NO
LUB	VERY LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT	D	-	NO
LUC	NOT RATED	NOT RATED	NOT RATED	NOT RATED	NOT	D	-	NO

CURVE TABLE

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C4	730.00	136.17	36.17	S 40°53'27" W	12°50'20"

BENCHMARKS
Coordinates and bearings shown hereon are based on the NAD-83-2011 Horizontal Datum as established on the following Baltimore County Control points.
BCO 1407 N 637,463.72 E 1,375,562.50 ELEV. 520.49 CAPPED REBAR
AZ-MK N 639,472.24 E 1,379,769.48 ELEV. 652.16 CAPPED REBAR
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- LEGEND**
- MAJOR CONTOUR
 - MINOR CONTOUR
 - 8" WATER MAIN
 - 8" SAN
 - 15" SD
 - EX. SEWER
 - EX. STORM DRAIN
 - EX. WETLANDS
 - EX. FLOODPLAIN
 - EX. FOREST BUFFER
 - EX. SOILS
 - PROPOSED MAJOR CONTOUR
 - PROPOSED MINOR CONTOUR
 - PROPOSED SEWER
 - PROPOSED 8" SAN
 - PROPOSED WATER MAIN
 - PROPOSED 15" SD
 - PROPOSED STORM DRAIN
 - PROPOSED STREET LIGHT



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McDONOGH OVERLOOK
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MAJ-2018-00013
BALTIMORE COUNTY
4TH ELECTION DISTRICT

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REVISIONS	DRAWN BY: DNM	CHECKED BY: DNM	SCALE: 1" = 40'
	DATE: 11-11-19	JOB NO.: 18078	SHEET NO.: 1 OF 2

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