

IN RE: DEVELOPMENT PLAN HEARING & PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE OF
1st Election District	*	ADMINISTRATIVE HEARINGS
1st Council District	*	FOR
(106 110 Maple Avenue)	*	
DAVIS FARMS	*	BALTIMORE COUNTY
MILDRED D. HAMMEN		
EMILY R. WESSEL, TRUSTEE	*	Case Nos: 01-0606 and
TRI-STAR DEVELOPMENT		2020-0105-SPH
<i>Owner/Applicant</i>	*	

* * * * *

ADMINISTRATIVE LAW JUDGE'S
ORDER ON REMAND RE:
COMBINED DEVELOPMENT PLAN AND ZONING PETITION

PROCEDURAL HISTORY

On February 12, 2021 the undersigned issued an Opinion and Order in this case denying approval of the Development Plans. One of the grounds upon which the Plan was denied was that it was in conflict with the 2020 Master Plan. The Developer appealed. By Opinion dated July 14, 2021 the Board of Appeals remanded the case to the undersigned with instructions to “immediately refer the matter to the Baltimore County Planning Board pursuant to Baltimore County Code § 32-4-231.” The undersigned followed this directive. On October 12, 2021 Stephen Lafferty, the Director of the Department of Planning (“DOP”) and Secretary to the Baltimore County Planning Board, authored a letter to the undersigned informing me that on October 7, 2021 the Planning Board, acting on the recommendation of the DOP, had voted to confirm that there was no Master Plan conflict, and that the Development Plan should be approved. *See*, Planning Board Decision and DOP Recommendation, attached collectively as Exhibit 1, and incorporated herein. This

decision was forwarded to the undersigned and to the County Council pursuant to BCC § 32-4-232(b)(2) and (b)(3), respectively.

Pursuant to BCC § 32-4-232(f)(1) the Decision of the Planning Board is binding upon the Administrative Law Judge and shall be incorporated into the final Order unless the County Council overrules the Decision of the Planning Board pursuant to BCC § 32-4-232(f)(2). The County Council took the matter up and on November 15, 2021 Resolution No. 137-21 was introduced. *See*, County Council Resolution No. 137-21, attached as Exhibit 2, and incorporated herein. The Resolution required the Council to consider whether to affirm or overrule the Planning Board's Decision. The Parties and People's Counsel were informed that the Resolution would be considered at the County Council's November 29, 2021 Work Session; at which time the Parties and People's Counsel would be afforded the opportunity to present their respective positions. All were also afforded the right to submit written arguments.

At the November 29, 2021 Work Session counsel for the Parties, People's Counsel, and several neighbors argued their positions and answered questions posed by Councilmembers. Thereafter, on December 6, 2021 the County Council voted 7-0 to ADOPT the Resolution, thereby overruling the Planning Board's Decision and finding that the Development Plan *is* in conflict with the 2020 Master Plan. *See*, Adopted Resolution, Exhibit 2. By letter dated December 7, 2021, Thomas H. Bostwick, Legislative Counsel and Secretary to the County Council, sent a copy of Resolution 137-21 to the undersigned.

DECISION

Pursuant to BCC § 32-4-102(a)(1) "all development of land *shall* conform to the Master Plan." (emphasis added). In *HNS Development, Inc. v. People's Counsel*, 425 Md. 436, 451 (2012), the court of appeals closely analyzed the Baltimore County development law and held that a

development plan could not be approved if it did not conform to the Master Plan. As just explained, the County Council adopted Resolution 137-21, finding that the Development Plan in this case does not conform to the 2020 Master Plan. I shall therefore reaffirm my February 12, 2021 Opinion and Order, and it is hereby incorporated in full and attached hereto.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this **14th** day of **December, 2021**, that the “**DAVIS FARMS**” Plan marked and accepted into evidence as Developer’s Exhibit 2, be and hereby is **DENIED**; and,

IT IS FURTHER ORDERED that, in the event the denial of the Development Plan is reversed and the Plan is approved, the Petition for Special Hearing from the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to approve the density, house location, use areas and lot configurations for Lot Nos. 1, 2, 3, 4, 16, 17 & 19 as shown on the Plat to Accompany this Petition (and Development Plan for Davis Farms) as a Density Anomaly is **GRANTED**; and,

IT IS FURTHER ORDERED that, in the event the denial of the Development Plan is reversed and the Plan is approved, the Special Forest Variance, as approved by the Director of DEPS, is also, **GRANTED**.

Any appeal of this Order shall be taken in accordance with BCC § 32-4-281.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

December 14, 2021

Howard Alderman, Esquire- halderman@aldermanlaw.net

RE: **ORDER ON REMAND FROM THE BOARD OF APPEALS**
Davis Farms
HOH Case No. 01-0606 and 2020-0105-SPH

Dear Counsel:

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

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

Sincerely,

A handwritten signature in black ink that reads "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Attachment

c: *See Email Addresses Next Page*

Email Addresses:

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COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2021, Legislative Day No. 20

Resolution No. 137-21

Mr. Tom Quirk, Councilman

By the County Council, November 1, 2021

A RESOLUTION of the Baltimore County Council to determine whether to overrule the Baltimore County Planning Board in regard to the Planning Board’s decision in the Tri-Star Development – Davis Farms development case (“Davis Farms”), in which the Planning Board found that the proposed Development Plan was not in conflict with the Baltimore County Master Plan.

WHEREAS, on February 12, 2021, Administrative Law Judge Paul M. Mayhew issued an Opinion and Order in the Davis Farms combined Zoning and Hearing Officers Hearing case, Case No. 01-0606 and 2020-0105-SPH, denying approval of the Development Plan, in part, based on a finding that the Development Plan did not comply with the Master Plan; and

WHEREAS, after an appeal was filed by the Developer, the Board of Appeals of Baltimore County remanded the case back to the Administrative Law Judge in order for the case to be referred to the Planning Board for a decision on the issue of whether the Development Plan is in compliance with the Master Plan. Judge Mayhew referred the case to the Planning Board on August 16, 2021 pursuant to Baltimore County Code (“BCC”) Section 32-4-231(a)(1); and

WHEREAS, the Davis Farms Development Plan was presented to the Planning Board at its regular meeting on September 2, 2021 as required by BCC Section 32-4-231(b). The meeting was advertised to allow for public comment, and representatives of the Department of Planning presented the Department’s Staff Report and recommendation; and

WHEREAS, counsel for the Developer and the Community appeared and Peoples Counsel Peter Max Zimmerman participated and all were afforded an equal amount of time to present their respective cases and points; several members of the community also spoke before the Planning Board; and

WHEREAS, the Planning Board met at its regular meeting on October 7, 2021 to discuss and vote on the Master Plan issue before them. Upon a motion to accept the Planning Department's recommendation that the proposed development is not in conflict with the Master Plan, the Planning Board voted in favor of the motion and forwarded its decision to the Administrative Law Judge and its recommendation to the County Council pursuant to Sections 32-4-232(b)(2) and (b)(3), respectively; and

WHEREAS, pursuant to BCC Section 32-4-232(f)(1), the decision of the Planning Board is binding upon the Administrative Law Judge and shall be incorporated into the final order; and

WHEREAS, pursuant to BCC Section 32-4-232(f)(2), the decision of the Planning Board is not binding upon the Administrative Law Judge if the decision is overruled by action of the County Council; now therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Council hereby overrules the decision of the Planning Board that the proposed development is not in conflict with the Master Plan, and the decision of the Planning Board is, therefore, not binding on the Administrative Law Judge; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the Baltimore County Planning Board, the Department of Planning, and the Office of Administrative Hearings; and

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its passage by the County Council.

READ AND PASSED this 6th day of DECEMBER, 2021

BY ORDER



Thomas H. Bostwick
Secretary

ITEM: RESOLUTION 137-21



LEGISLATION DETAIL

LEGISLATION

DISPOSITION

ENACTED

EFFECTIVE

AMENDMENTS

ROLL CALL - LEGISLATION

MOTION		SECOND
AYE	NAY	
☐	☐	Councilman Quirk
☐	☐	Councilman Patoka
☐	☐	Councilman Kach
☐	☐	Councilman Jones
☐	☐	Councilman Marks
☐	☐	Councilwoman Bevins
☐	☐	Councilman Crandell

ROLL CALL - AMENDMENTS

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AYE	NAY	
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ROLL CALL - AMENDMENTS

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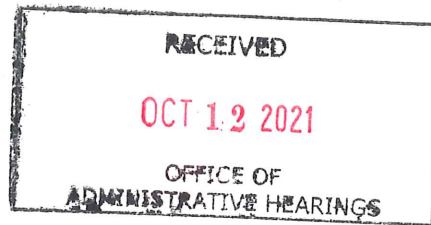
ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
☐	☐	Councilman Quirk
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☐	☐	Councilman Jones
☐	☐	Councilman Marks
☐	☐	Councilwoman Bevins
☐	☐	Councilman Crandell



JOHN A. OLSZEWSKI, JR.
County Executive

STEPHEN LAFFERTY, *Director*
Department of Planning



October 12, 2021

Hon. Paul Mayhew
Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: Davis Farms, PAI# 1-0606, Master Plan Conflict

Dear Judge Mayhew:

On August 16, 2021, pursuant to Baltimore County Code (BCC) Section 32-4-231(a)(1), you referred the above development plan to the Baltimore County Planning Board to determine whether this development plan was in conflict with the County's 2020 Master Plan.

The Davis Farms development plan was presented to the Planning Board at its regular meeting on September 2, 2021 as required by BCC Section 32-4-231(b). This meeting was advertised to allow for public comment. At this meeting, Jenifer Nugent of the Department of Planning presented the Department's Staff Report and recommendation. Counsel were present and afforded an equal amount of time to present their respective cases and points. Howard Alderman was present as representative for the developer; Michael McCann attended as the representative of the community; and, Peter Max Zimmerman participated as People's Counsel. Four community residents from Maple Avenue were present to speak before the Board: Ms. Christy Katz, Ms. Monica Simonsen, Mr. Albert Cunniff, and Ms. Eileen Lehman. Other community members also submitted similar comments of concern and opposition in the WebEx "chat", as well. The Board adjourned after these presentations and comments were made.

BCC Section 32-4-232(d)(1) requires the Planning Board to provide a written decision to the Hearing Officer and a written notification to the County Council within 45 days after the referral to the Board. However, Mr. Alderman advised that he would not be available at the Board's next regularly scheduled meeting on September 23, 2021. As Board Secretary, I consulted with Counsel who agreed that they could proceed at a subsequent meeting. I advised you of this time frame dilemma in light of the Code requirements. You advised that, since all counsel were in agreement and you still retained jurisdiction, the Board could take up the matter at its subsequent, regular meeting on October 7, 2021.

The Planning Board met at its regular meeting on October 7, 2021 to discuss and vote on the issue before them. Upon a motion to accept the Planning Department's recommendation that there is no Master Plan conflict, the Board voted in favor of the motion. The motion was:

Be It Moved, that, for the reasons stated in the August 23, 2021 staff report and reports from the concept plan conference and development plan conference, the Planning Board's decision to the

Administrative Law Judge is that the proposed development “Davis Farms” (PAI #: I-0606) does not constitute a “conflict” with the Master Plan.

The Staff Report, which is attached, provided these Findings and Recommendation:

Findings:

- The Department of Planning supported the proposed Development Plan without raising an issue of conformity with the Master Plan 2020.
- After reviewing the Master Plan 2020 Proposed Land Use Map, the Urban Rural Demarcation Line (URDL), and the zoning map at the time of the Master Plan 2020 adoption, the transect designation for the development proposal site was mapped to run coincident with the zoning classification. The transect designation of T3 for this property is appropriate as the general character description from the Master Plan 2020 states that areas should be comprised of “..Lawns and landscaped yards surrounding detached single family houses...” with “...variable front and side yard setbacks”. The T3 transect and the DR zoning (DR 1, 2, and 3.5 on this site) support one another in that concept. Similarly, the T2R transect designation is described as “primarily agricultural character with woodland and wetland and scattered buildings” and “variable setbacks”. The T-2R transect designation is located on a minor portion of the development site that is fully wooded and coincides with the RC 5 zoning adopted in the 2008 CZMP zoning cycle.
- The T-2R transect on the site does not, in itself, create a Master Plan Conflict as no development is proposed on that portion of the site and uses no density from that portion of the site.
- At the time Master Plan 2020 was adopted, a majority of the zoning for the proposed development proposal was DR. It remains DR. The combination of the DR classifications allows the number of density units proposed.
- The entire development proposal site falls completely within the urban portion of the URDL.
- The Land Management Area map from the Master Plan 2020 designates the site as Community Conservation Area, which describes this land use as low to moderate density residential neighborhoods served by public water and sewer services. This designation follows the residential zoning on the site inclusive of the RC 5 zoning.

Recommendation:

The Department of Planning recommends to the Baltimore County Planning Board that the Davis Farm PAI# 01-606 development proposal does not present a Master Plan conflict and that the Planning Board approve the single family detached development plan with the Master Plan 2020 T-2R transect designation on the Proposed Land Use map.

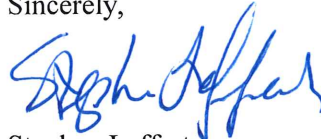
Date: October 13, 2021

There was no discussion by Board members prior to the vote. Therefore, there are no additional reasons included in the record.

Please accept this letter as the Planning Board's written decision regarding the Davis Farms Development Plan. A copy of the Department of Planning's August 23, 2021 Memorandum to the Planning Board is enclosed to describe the Department's basis as reflected in the Motion and as presented on September 2, 2021.

If you have any questions regarding the report or the proposed recommendations, please direct them to me.

Sincerely,



Stephen Lafferty
Secretary to the Board

SL:kp

Enclosures

c: Members, Baltimore County Planning Board
Thomas Bostwick, Legislative Counsel/Secretary
Lauren M. Smelkinson, County Auditor
Drew Vetter, Deputy Administrative Officer
Pete Gutwald, Director, Permits, Approvals, and Inspections
James R. Benjamin, Jr., County Attorney
Howard Alderman
Michael McCann
Peter Zimmerman



JOHN A. OLSZEWSKI, JR.
County Executive

STEPHEN LAFFERTY, *Director*
Department of Planning

TO: Members of the Planning Board

DATE: 8/23/2021

FROM: Steve Lafferty 
Director, Department of Planning

SUBJECT: Master Plan Conflict, Davis Farms PAI#01-606

BACKGROUND INFORMATION:

The proposal is to develop 21.17 ± acres of land accessed via Maple Avenue in Catonsville with 1 existing and 18 new single family detached homes. The site is currently zoned DR 1 (12.17 acres), DR 2 (2.95 acres), DR 3.5 (0.99 acres), RC 5 (4.94 acres) and RC 8 (0.12 acres). All of the proposed development is located within the DR 1, 2 and 3.5 zoned portions of the property is proposing only to use the density from the DR zones for the development as well. The portion at the rear of the site, zoned RC 5 and 4.94 acres, is wooded and will remain.

In developing the Master Plan 2020, the Proposed Land Use map was reformatted from specific land uses to a transect model. The transect model allows a delineation of degrees of intensity from rural to urban without associating a specific land use to a specific parcel. The ranges of intensity also include a variety of uses and habitats. The purpose of this reframing of the Proposed Land Use map was to strengthen the concept which guides land use decisions in a general manner rather than for specific properties. In a fashion similar to the Master Plan 2010, text from the Master Plan 2020 frames how the 'Proposed Land Use' map should be utilized. Master Plan 2020 states:

"The map is conceptual and general, and is intended to reflect land use patterns and support the land use objectives of Master Plan 2020, rather than identify land use of individual properties or parcels. The use of 'T-zones', is designed to support compact mixed-use communities, while maintaining the stability of the existing community conservation areas (Map 5). The proposed land use map will provide general direction for county land use decisions, and may be amended as needed." Page 27.

"The T-zones vary by the ratio and level of intensity of their natural, built, and social components. Uses may overlap between one T-zone and another." Page 29.

The Master Plan 2020 Transect designations on the site are T2R and T3. The T-2 R (Rural Residential Zone) consists of large lot single-family detached housing. Plantings are informal. All setbacks are generally 50+ feet. Lots are deep to accommodate a larger backyard. Density varies between 2 to 5 acres per dwelling (page 27). The T-3 (Sub-Urban Zone) includes low-

density residential areas, adjacent to higher zones that contain mixed use. Home occupations and outbuildings may be allowed. Landscaping is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions (page 29). Further descriptions and graphics were originated and developed by Duany Plater-Zyberk & Co. and are on page 30 of the Master Plan 2020 document. Here the T2 Rural transect character is described as sparsely settled lands in an open or cultivated state including woodlands with variable setbacks. The T3 Sub-Urban transect character describes lawns and landscaped yards surrounding detached single-family houses with variable front and side yard setbacks.

As shown on the attached Zoning Maps, the property has been subject to zoning changes since 2008. The 2008 request, CZMP Issue #1-016, was to rezone the property from solely DR zoning to all RC 5 or RC 8 zoning. The Department of Planning did not support the request and the Planning Board adopted the Department's recommendation. The final decision by the County Council was to keep the DR zoning for most of the property and rezone 4.94 acres of the site to RC 5. Subsequent CZMPs have retained the RC 5 classification.

The Davis Farms project went through the normal major subdivision process, which included a Concept Plan Conference, a Community Input Meeting, a Development Plan Conference and a hearing before the Administrative Law Judge. The Department of Planning recommended to the Administrative Law Judge (ALJ) that the Development Plan be approved. ALJ Mayhew issued an Order on February 12, 2021 denying the Development Plan, stating that the proposed single family detached homes would not be in conformity with the Master Plan 2020 based on the Proposed Land Use transect designations. The decision was appealed to the Board of Appeals. On July 14, 2021, the Board remanded the case to the Administrative Law Judge with direction that he refer the case to the Planning board to determine if a Master Plan conflict exists in accordance with the process described in the Baltimore County Code.

REFERAL TO THE PLANNING BOARD:

ALJ Mayhew's referral is in accordance with BCC §§ 32-4-231 and 32-4-232. These two County Codes sections are attached as a reference. Significant points from these two sections are listed below with the code reference.

The Hearing Officer shall refer the Development Plan to the Planning Board when: The Development Plan conflicts with the Master Plan.	32-4-231(a)(1)
The Planning Board shall review a referred plan at its next scheduled meeting.	32-4-231(b)
The Planning Board shall only consider issues referred under 32-4-231(a)	32-4-232(a)(1)
The applicant, a person of an agency can submit oral or written comments to the Planning Board.	32-4-232(a)(2)
The Planning Board shall file a written decision to the ALJ that includes the reasons for the decision and file a recommendation with the County Council at the same time.	32-4-232(b)(2) 32-4-232(b)(3)

The Planning Board shall file its written decision no later than 45 days after the referral to the Planning Board.	32-4-232(c)
The decision of the Planning Board is binding upon the ALJ and shall be incorporated into the final order.	32-4-232(f)(1)
The decision of the Planning Board is not binding upon the ALJ if the decision is overruled by action of the County Council.	32-4-232(f)(2)

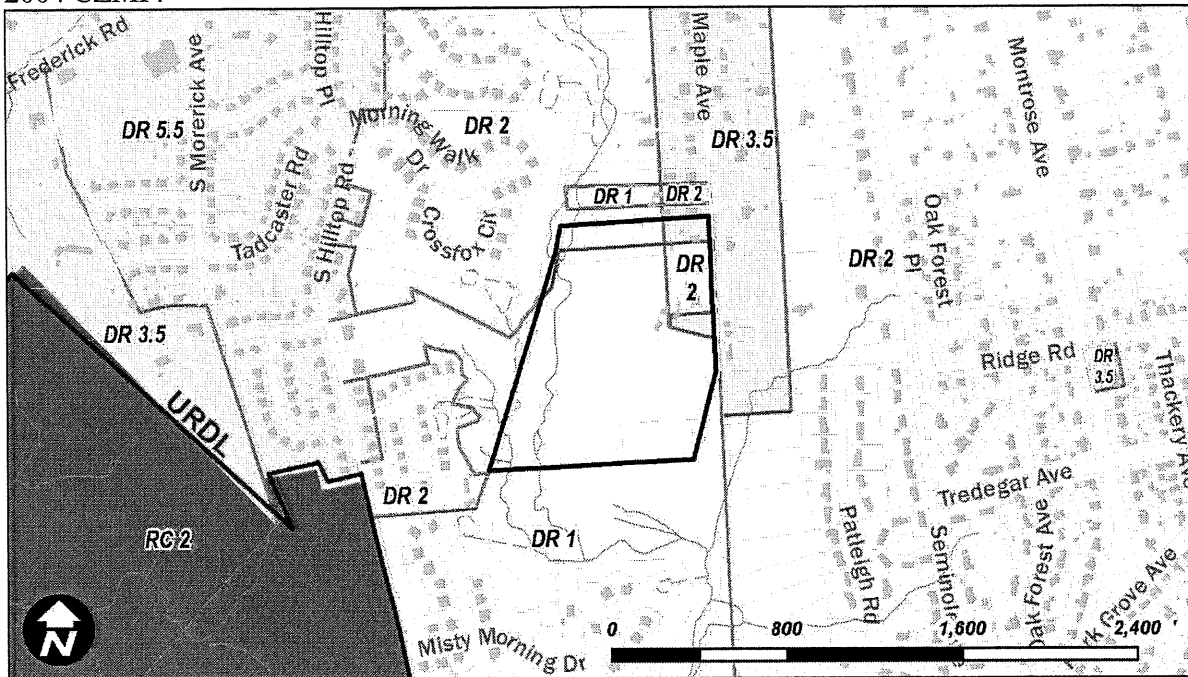
FINDINGS:

- The Department of Planning supported the proposed Development Plan without raising an issue of conformity with the Master Plan 2020.
- After reviewing the Master Plan 2020 Proposed Land Use Map, the Urban Rural Demarcation Line (URDL), and the zoning map at the time of the Master Plan 2020 adoption, the transect designation for the development proposal site was mapped to run coincident with the zoning classification. The transect designation of T3 for this property is appropriate as the general character description from the Master Plan 2020 states that areas should be comprised of “..Lawns and landscaped yards surrounding detached single family houses...” with “...variable front and side yard setbacks”. The T3 transect and the DR zoning (DR 1, 2, and 3.5 on this site) support one another in that concept. Similarly, the T2R transect designation is described as “primarily agricultural character with woodland and wetland and scattered buildings” and “variable setbacks”. The T-2R transect designation is located on a minor portion of the development site that is fully wooded and coincides with the RC 5 zoning adopted in the 2008 CZMP zoning cycle.
- The T-2R transect on the site does not, in itself, create a Master Plan Conflict as no development is proposed on that portion of the site and uses no density from that portion of the site.
- At the time Master Plan 2020 was adopted, a majority of the zoning for the proposed development proposal was DR. It remains DR. The combination of the DR classifications allows the number of density units proposed.
- The entire development proposal site falls completely within the urban portion of the URDL.
- The Land Management Area map from the Master Plan 2020 designates the site as Community Conservation Area, which describes this land use as low to moderate density residential neighborhoods served by public water and sewer services. This designation follows the residential zoning on the site inclusive of the RC 5 zoning.

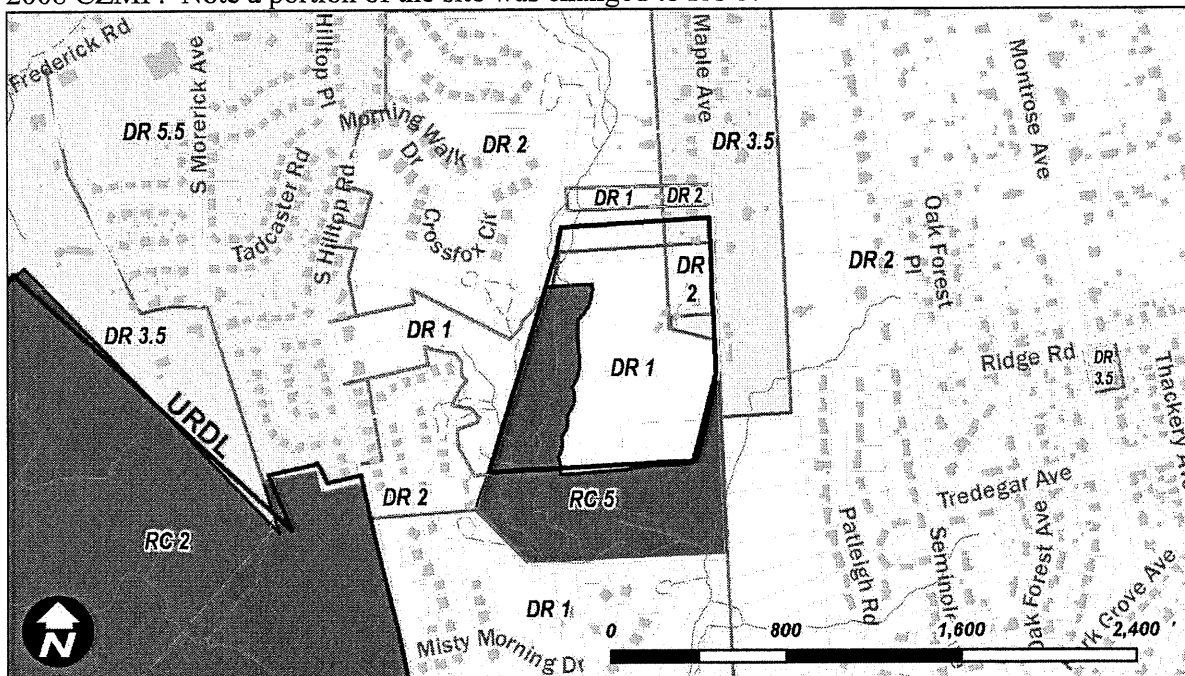
RECOMENDATION:

The Department of Planning recommends to the Baltimore County Planning Board that the Davis Farm PAI# 01-606 development proposal does not present a Master Plan conflict and that the Planning Board approve the single family detached development plan with the Master Plan 2020 T-2R transect designation on the Proposed Land Use map.

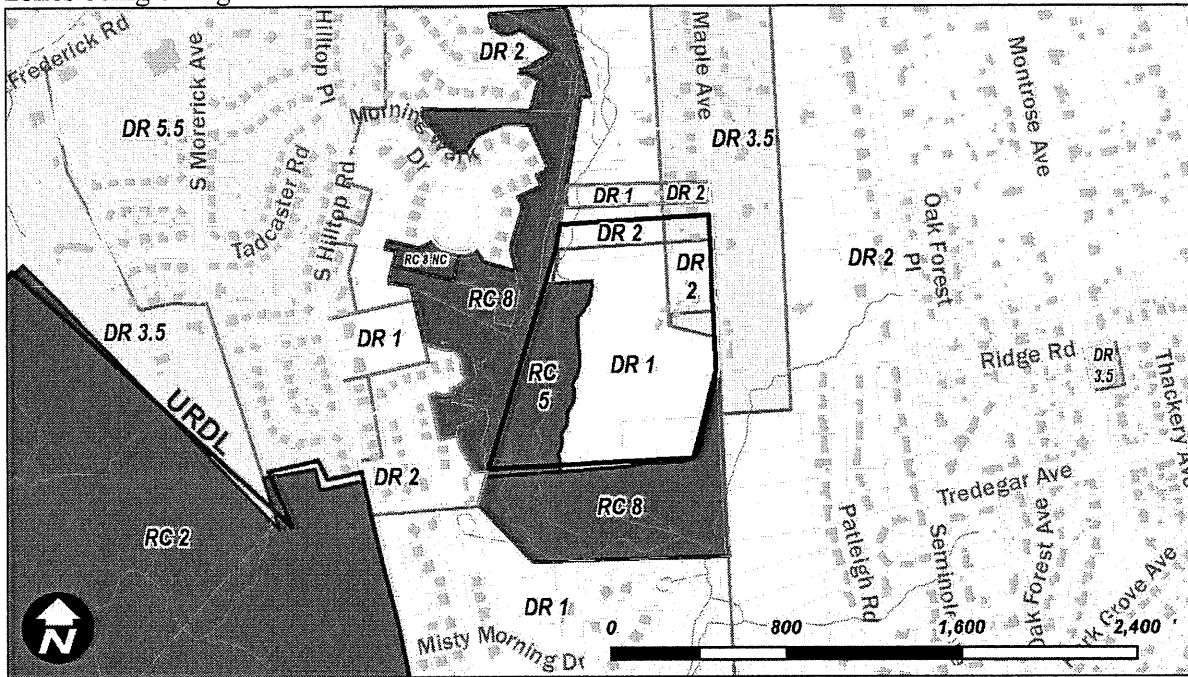
This map shows the zoning for the parcels associated with the Davis Farm Development after the 2004 CZMP.



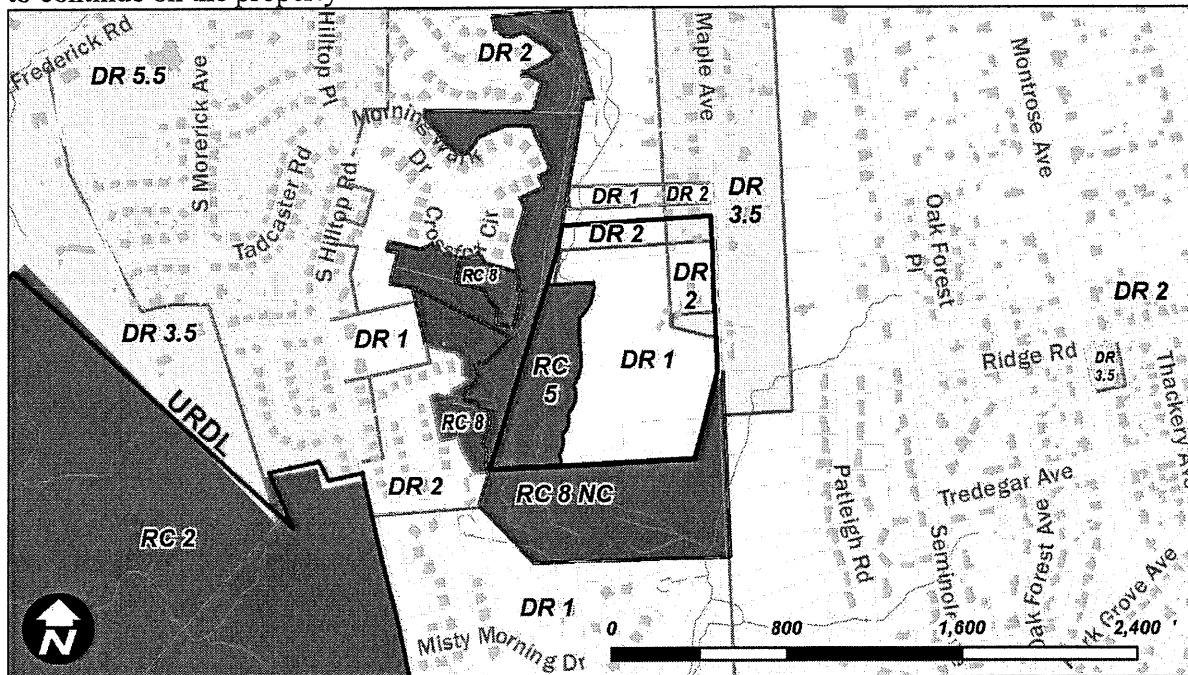
This map shows the zoning for the parcels associated with the Davis Farm Development after the 2008 CZMP. Note a portion of the site was changed to RC 5.



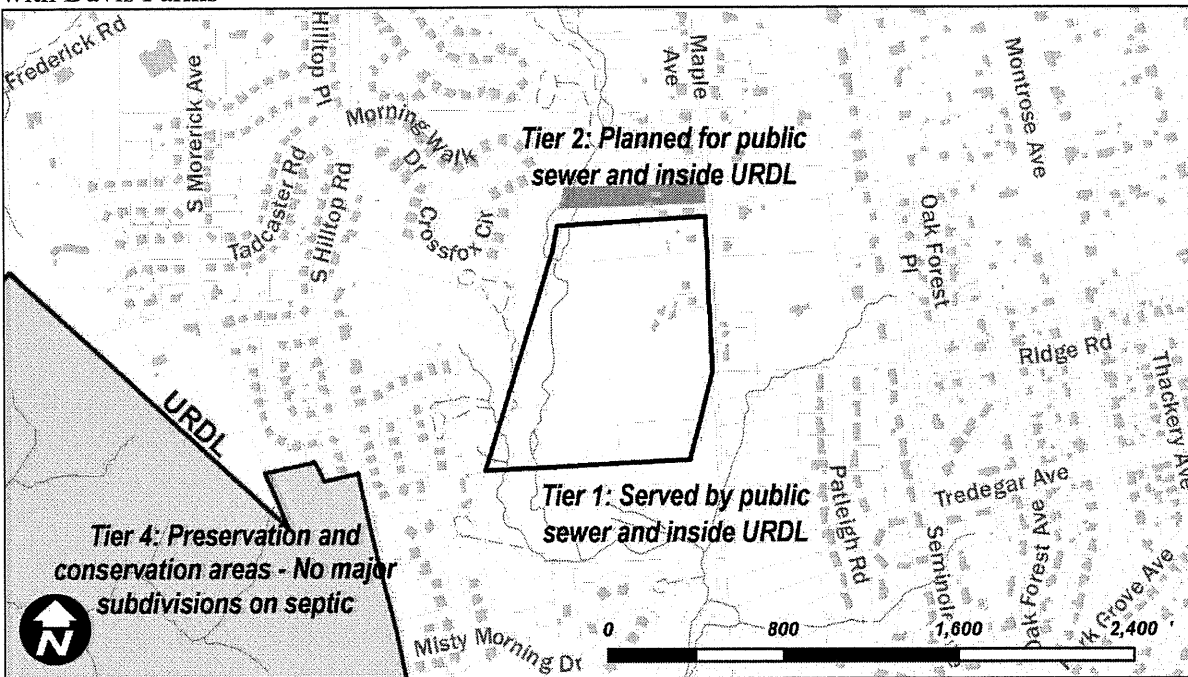
This map shows the zoning for the parcels associated with the Davis Farm Development after the 2012 CZMP. Note the RC 5 portion of the site remained unchanged despite the surrounding DR zones being changed to RC 8.



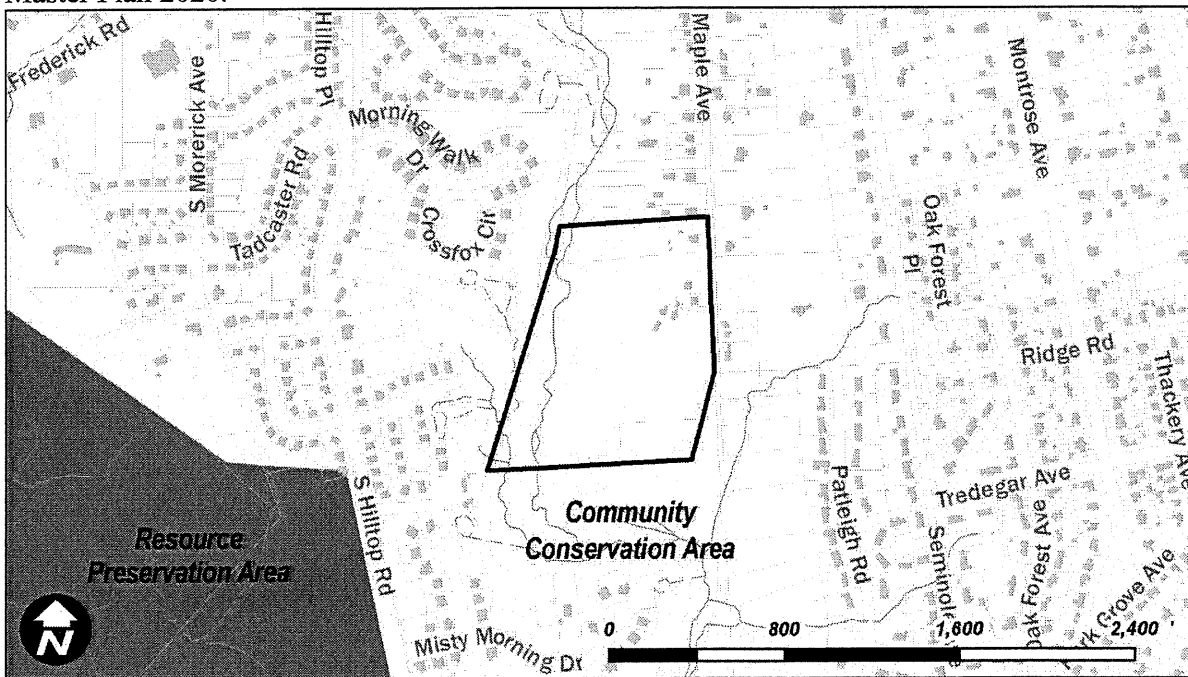
This map shows the current zoning on the land today. The adjacent RC 8 zone to the south was upgraded to RC 8 NC to further prevent development of that parcel. In allowing the RC 5 on the development site to remain, the county council was intentional in allowing some residential use to continue on the property.



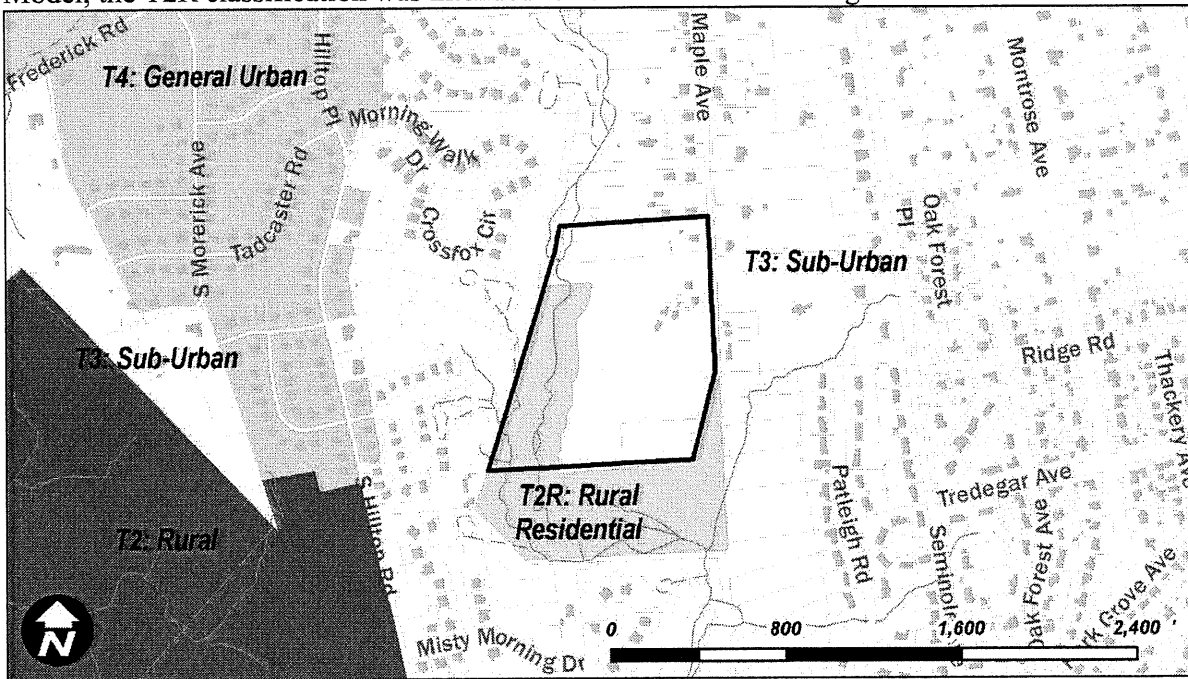
This map shows the location of the URDL and Growth Tiers relative to the parcels associated with Davis Farms



This map shows the Land Management Area from the Master Plan 2020 for the parcels associated with the Davis Farm Development. Note the parcels are designated Community Conservation Area, which would coincide with the zoning at the time of the development of the Master Plan 2020.



This map shows the Transects from the Master Plan 2020 for the parcels associated with the Davis Farm Development. When Master Plan 2020 introduced the Transect Based Land Use Model, the T2R classification was intended to run with the RC zoning on the site.





**County Council
of
Baltimore County**

Court House
Towson, Maryland 21204
410-887-3196
Fax: 410-887-5791

Tom Quirk
FIRST DISTRICT

Izzy Patoka
SECOND DISTRICT

Wade Kach
THIRD DISTRICT

Julian E. Jones, Jr.
FOURTH DISTRICT

David Marks
FIFTH DISTRICT

Cathy Bevins
SIXTH DISTRICT

Todd K. Crandell
SEVENTH DISTRICT

Thomas H. Bostwick
LEGISLATIVE COUNSEL
SECRETARY

December 7, 2021

Paul M. Mayhew
Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204



Dear Mr. Mayhew:

Attached please find a copy of Resolution 137-21 of the Baltimore County Council to determine whether to overrule the Baltimore County Planning Board in regard to the Planning Board's decision in the Tri-Star Development – Davis Farms development case ("Davis Farms"), in which the Planning Board found that the proposed Development Plan was not in conflict with the Baltimore County Master Plan.

This Resolution was approved by the County Council at its December 6, 2021 and is being forwarded to you for appropriate action.

Sincerely,

Thomas H. Bostwick
Legislative Counsel/Secretary

THB:jlh
Enclosure

Exh. # 2

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2021, Legislative Day No. 20

Resolution No. 137-21

Mr. Tom Quirk, Councilman

By the County Council, November 1, 2021

A RESOLUTION of the Baltimore County Council to determine whether to overrule the Baltimore County Planning Board in regard to the Planning Board's decision in the Tri-Star Development – Davis Farms development case (“Davis Farms”), in which the Planning Board found that the proposed Development Plan was not in conflict with the Baltimore County Master Plan.

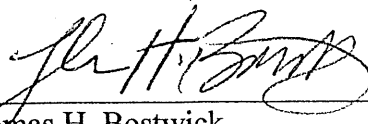
WHEREAS, on February 12, 2021, Administrative Law Judge Paul M. Mayhew issued an Opinion and Order in the Davis Farms combined Zoning and Hearing Officers Hearing case, Case No. 01-0606 and 2020-0105-SPH, denying approval of the Development Plan, in part, based on a finding that the Development Plan did not comply with the Master Plan; and

WHEREAS, after an appeal was filed by the Developer, the Board of Appeals of Baltimore County remanded the case back to the Administrative Law Judge in order for the case to be referred to the Planning Board for a decision on the issue of whether the Development Plan is in compliance with the Master Plan. Judge Mayhew referred the case to the Planning Board on August 16, 2021 pursuant to Baltimore County Code (“BCC”) Section 32-4-231(a)(1); and

WHEREAS, the Davis Farms Development Plan was presented to the Planning Board at its regular meeting on September 2, 2021 as required by BCC Section 32-4-231(b). The meeting was advertised to allow for public comment, and representatives of the Department of Planning presented the Department's Staff Report and recommendation; and

READ AND PASSED this 6th day of **DECEMBER, 2021**

BY ORDER



Thomas H. Bostwick
Secretary

ITEM: **RESOLUTION 137-21**

Pm 1-29-21

IN RE: DEVELOPMENT PLAN HEARING &	*	BEFORE THE OFFICE OF
PETITION FOR SPECIAL HEARING		
1st Election District	*	ADMINISTRATIVE HEARINGS
1st Council District		
(106 110 Maple Avenue)	*	FOR
DAVIS FARMS	*	BALTIMORE COUNTY
MILDRED D. HAMMEN		
EMILY R. WESSEL, TRUSTEE	*	Case Nos: 01-0606 and
TRI-STAR DEVELOPMENT		2020-0105-SPH
<i>Owner/Applicant</i>	*	

* * * * *

ADMINISTRATIVE LAW JUDGE'S
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"). Tri-Star Development, *Owner/Applicant* (herein known as "Developer") submitted for approval a 2-sheet redlined Development Plan ("Plan") known as "Davis Farms."

The Developer proposes 19 single family homes to be built on 21.17 acres of land under various zone classifications. The site is currently developed with existing vacant dwellings, accessory structures and ancillary buildings.

The Developer has also filed a Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve the density, house location, use areas and lot configurations for Lot Nos. 1, 2, 3, 4, 16, 17 and 19 as shown on the Plat to Accompany this Petition (and Development Plan for Davis Farms) as a Density Anomaly that is within the spirit and intent of the BCZR.

The development and zoning cases were considered at a combined hearing as permitted by

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By lw

BCC § 32-4-230. Details of the proposed development are more fully depicted on the Plan, which was marked and accepted into evidence as Developer's Exhibit 2. The property was posted with the Notice of Hearing Officer's Hearing ("HOH") and Zoning Notice, both on January 6, 2021, in compliance with the regulations. Due to the COVID-19 pandemic, the undersigned conducted a public virtual WebEx hearing in lieu of an in-person public hearing on January 29, 2021.

The Developer, William Holland, attended the HOH in support of the Plan but did not testify. Also in attendance were Aaron Kensinger of Little & Associates Engineers, the engineer who prepared and sealed the Plan; Mark Keeley of Traffic Concepts, Inc.; and Henry Leskinen of Eco-Science Professional, Inc. Their *curricula vitae* were admitted as Developer's Exhibits 3, 12, and 10, respectively. Howard Alderman, Esquire of Levin Gann, P.A. represented the Developer. Numerous neighbors attended to oppose the requested relief.

AGENCY WITNESSES

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the virtual hearing, including the following individuals from the Department of Permits, Approvals and Inspections ("PAI"): Patrick Williams, the Project Manager, Jim Hermann of Development Plans Review ("DPR"), and Department of Recreation and Parks ("R&P"), LaChelle Imwiko from Real Estate Compliance, and Jason Seidelman, Office of Zoning Review ("OZR"). Also appearing on behalf of the County were Jeff Livingston from the Department of Environmental Protection and Sustainability ("DEPS"), Vishnu Desai from DPR, and Te-Sheng Huang and Kui Zhao from the Department of Planning ("DOP").

Each County agency representative testified briefly and indicated that the Plan addressed all comments submitted by their agency, and they each recommended approval of the Plan. First to testify was Jeff Livingston of DEPS, who testified that the Plan addresses all remaining

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By EW

comments made by the Groundwater Management and Stormwater Management sections at the Development Plan Conference ("DPC"). He explained that the site is served by public water and sewer but that the public sewer does not currently extend beyond 27 and 28 Maple Avenue. Therefore, a "low pressure" sewer line will be installed to serve the 19 proposed homes, which will need to use "grinder pumps" to connect to the pressure sewer line because a gravity sewer line is not feasible. He explained that the maintenance of the stormwater management systems will be the responsibility of the homeowners association. He also testified that the Director of DEPS had approved the Developer's petition for a Special Forest Variance to allow for the removal of 22 specimen trees.

The next witness was Te-Sheng Huang from DOP. He identified the following exhibits: Final Hearing Report from DOP, which was admitted as County Exhibit 1; the approved Pattern Book, admitted as County Exhibit 2; and the approved School Impact Analysis ("SIA"), admitted as County Exhibit 3. Based on the Plan filing date of February 27, 2020 the SIA was based on the September 2019 school enrollment numbers. Mr. Huang was unable to say why the SIA was based on a proposal of 16 homes, when the Plan proposes 19 homes. This was explained later in the hearing by Kui Zhao, the demographer for DOP who actually approved the SIA. She testified that because there are three existing residential structures on the property that the SIA considered only the additional 16 homes. When community members pointed out that the three existing structures are vacant Ms. Zhao stated that even if the analysis was done using 19 additional homes none of the schools would exceed 115% capacity. Mr. Huang testified that the redlined Plan addresses all the DOP comments from the DPC and that DOP recommends approval.

Jim Hermann from DPR testified next. He identified Developer's Exhibit 4 as the approved Schematic Landscape Plan. He next explained that these 19 proposed residences require 19,000

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By 190

square feet of Open Space and that the Plan provides 22,553 square feet of Open Space. He noted that a gazebo and two benches are being provided in response to DPC comments from Rec. & Parks. He too stated that the redlined Plan satisfies all DPR and Rec. & Parks comments and that these agencies recommend approval.

Jason Seidelman from the Office of Zoning Review testified next regarding the Special Hearing relief. As noted above, the subject parcel contains DR 1, DR 2, DR 3.5, RC-5, and RC-8 zones. This creates "density anomalies" on lots 1, 2, 3, 4, 13, 16, 17 and 19 because these lots each have more than one zoning classification. Mr. Alderman explained that this would technically generate a "density unit" for each zone in the lot. However, he further explained that the Special Hearing relief would not result in creating greater overall density for the tract because each lot on the Plan is supported by the density of the zone in which it is located. Mr. Seidelman confirmed that OZR supports the Special Hearing relief.

LaChelle Imwiko testified next on behalf of the office of Real Estate Compliance. She stated that the Developer must add a forest buffer access easement to the dedication table, but that other than that the Plan meets all requirements.

Vishnu Desai then testified on behalf of DPR and the Department of Public Works ("DPW"). He stated that he had done a site visit with Dennis Kennedy of Little & Associates on January 18, 2021, as documented by Developer's Exhibit 6. He stated that the redlined Plan addresses all DPW comments from the DPC. In response to questions from the community he explained that the individual homeowners will be financially responsible for any problems associated with the grinder pumps – just as homeowners are responsible for any septic system issues. He was asked whether he had observed the severe flood damage and erosion caused by recent flooding of the Sawmill Branch stream adjacent to the tract. He said he had not.

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By 190

DEVELOPER'S CASE

The engineer, Aaron Kensinger, gave an overview of the development proposal, explaining that the existing structures on the parcel will be razed and that 19 single family detached homes are proposed to be built. Seventeen of the homes will be built on the "loop road" depicted as "Davis Farms Road" on the Plan. The other two homes are to be built directly on Maple Avenue. He identified the original site plan and the redlined Plan, which were admitted as Developer's Exhibit 1 and 2, respectively. He described a "blue line" amendment which will depict a forest buffer access easement between lots 8 and 9. He testified that Davis Farms Road will be a public road. He described the Schematic Landscape Plan which calls for 133 "planting units" as required by the Baltimore County Landscape Manual ("BCLM"). He identified Developer's Exhibit 5 as the Stormwater Management Conceptual Computations which were approved on April 22, 2020. He identified Developer's Exhibit 7 as the Groundwater Management Plan approval dated January 20, 2021. He also identified Developer's Exhibit 9 as the DOP recommendation of approval also dated January 20, 2021. Mr. Kensinger also discussed the density anomalies and offered the opinion that the Special Hearing relief could be granted within the spirit and intent of the BCZR. He identified Petitioner's Exhibit 3 as the DOP recommendation in favor of the density anomaly relief. In response to questions from neighbors Mr. Kensinger explained that he could not give a timeframe for the completion of the development because the Developer plans to build the houses as they are sold.

Developer's next witness was Mark Keeley of Traffic Concepts, Inc. He testified that he is licensed by the Institute of Transportation Engineers ("ITE"). He testified that he had read the minutes of the Community Input Meeting so he is aware of the neighborhood's concerns about the traffic and safety impacts of the additional 19 homes. He testified that the County's "ultimate"

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By [Signature]

road width for Maple Avenue calls for a paved width of 30 ft. and a right of way width of 50 ft. However, he agreed that this would require the county to exercise its eminent domain powers to purchase private land from the homeowners along Maple Avenue – and that the county has no plans to do so. He further acknowledged that the road is as narrow as 16 feet in places and that the only proposed road widening is along the frontage of the Davis Farms development. He testified that, per the county's regulations, each of the 19 proposed homes is expected to generate 10 "daily trips" for a total of 190 additional trips. He further explained that it is expected that the new homes will add 18 a.m. peak hour trips (7 a.m. to 9 a.m.) and 21 p.m. peak hour trips (4 p.m. to 6 p.m.). He suggested that the proposed loop road will actually improve the ability of larger vehicles to turn around without having to use private driveways on Maple Avenue as they must currently do. He acknowledged that there are approximately 45 existing homes on Maple Avenue so that these 19 additional homes will generate in excess of 40% more traffic on the street. However, he stated that he does not believe this would have a significant impact on the neighbors.

On cross examination Mr. Keeley acknowledged that he was hired by the Developer to perform this traffic study and to provide this testimony. He further acknowledged that he generally testifies on behalf of developers, not on behalf of community groups. He was asked whether these larger 4 to 5 bedroom homes would be more likely to generate more car trips than the smaller homes along Maple Avenue and he replied that he was not sure one way or the other. He acknowledged that Maple Avenue would remain at its current width except for the widening along the frontage of this development, and he acknowledged that there are no sidewalks along the length of Maple Avenue. In response to community questioning he explained that flaggers would be used to manage construction traffic and that the street would never be fully closed during construction. He also acknowledged that he had not done any traffic safety study on the intersection of Maple

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By EW

Avenue and Frederick Road (Md. Rte. 144). He also acknowledged that the last "corridor" study of Frederick Road was done by the State Highway Administration back in 2013. He could not dispute the estimates of several neighbors that traffic along Frederick Road has increased approximately 50% since 2013. He further acknowledged that the two closest signalized intersections – North Rolling Road and Frederick Road, and South Rolling Road and Frederick Road have been rated "D" for several years. However, on re-direct he pointed out that this proposed development does not have any basic services map issues under county law.

The Developer's next witness was Henry Leskinen of Eco-Science Professionals, Inc. He testified that he had performed a Forest Stand Delineation and Forest Conservation Analysis of the tract as required by county law. In doing so he identified 22 specimen trees that would need to be removed in order to build the proposed development (under BCC § 33-6-111(b)(5) a specimen tree is defined as one having a diameter of 30 inches or greater at 4.5 feet above ground)). He explained that a significant percentage of the tract (11.2 of the 21.1 acres) is within a 100 year riverine floodplain, and therefore cannot be built on. The site also contains "steep slopes" (greater than 25% grade). He testified that of the 22 specimen trees proposed for removal 11 are in poor condition and one is non-native. He further explained that the Developer applied for and obtained from DEPS a forest conservation variance to remove these trees. He explained that the majority of the trees slated for removal are in open and unforested areas of the tract where the homes are proposed. He stressed that much of the contiguous forest on the tract will be protected by forest buffer and forest conservation easements. He identified Developer's Exhibit 11 as the DEPS approval of the special variance.

COMMUNITY TESTIMONY AND EVIDENCE

Numerous residents of Maple Road testified in opposition to the proposed development. In

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By SW

addition, numerous letters, emails, videos, photos and a community petition were received expressing opposition. The primary concerns expressed are traffic increases, traffic and pedestrian safety, environmental impacts, and school crowding.

Eileen and Bruce Leaman testified that they have lived at 27 Maple Avenue for 39 years. They described the unique nature of this dead-end narrow road. Mrs. Leaman testified that this narrow street already gets burdened by overflow traffic from the church on the corner and from the adjacent Five Oaks Swim Club. She pointed out that the only ingress and egress for the 46 existing homes is the intersection of Maple Avenue and Frederick Road. She testified that in the morning rush hour cars back up from the intersection at South Rolling Road all the way down past Maple Avenue; and in the afternoon rush cars back up from North Rolling Road past Maple Avenue. She submitted two short videos showing the huge volume of traffic on Frederick Road, which were admitted, collectively, as Community Exhibit 5. She also submitted documents, maps and photos that were admitted as Community Exhibits 6, 7, 8, and 9. She testified that there are numerous auto accidents at the Maple Avenue and Frederick Road intersection every year, and that cars travelling westbound on Frederick Road travel at significant speeds down a steep hill which bottoms out right at Maple Avenue, creating significant hazards for cars stopped to turn left onto Maple, and to pedestrians trying to cross Frederick from Maple. She pointed out that Maple Avenue was finally repaved by the County last year and laments that it would need to be torn up again to install the sewer and other infrastructure needed for the proposed development. She testified that the existing terra cotta sewer main dates to 1930, and the neighbors are concerned about odors and leaks from the proposed grinder pump connections. Finally, she testified about the recent surge in flooding events caused by climate change, and described a recent flood that washed out the historic stone bridge over Saw Mill Branch adjacent to the proposed development.

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By LSW

See, Photo of flood damage (Community Exhibit 15). In conclusion the Leamans asked that no more than four new houses be allowed.

Maria Czajkowski testified next. She lives directly across Frederick Road from the Maple Avenue intersection. She testified that traffic in the area has gotten worse and worse and that it can take as much as 5 minutes to get onto Frederick Road during the morning and evening rush hours. She further testified that there are a lot of children in the area and that pedestrian and bike safety are real concerns. She described hearing auto accidents and the ensuing ambulance sirens on a regular basis.

Albert Cunniff testified next. He has lived on Maple Avenue since 1976. He stressed that Maple Avenue is unique among streets in the area because of its narrow width, rural feel, and its dead end at Patapsco State Park. He explained that there is already a high volume of pedestrians on Maple Avenue because people from many of the surrounding streets use Maple Avenue to access the park, either on foot or on bikes. Because there are no sidewalks this pedestrian traffic must use the road itself. He submitted a photo of three people spanning the width of Maple Avenue by simply standing abreast with their arms partially outstretched. (Community Exhibit 2). He echoed the concerns about the environmental and traffic impacts from the proposed development. He submitted a diagram of the existing homes on the street and the 19 proposed homes at the end (Community Exhibit 3), and likened the proposed development to "a watermelon hanging from the branch of an apple tree" – the branch being Maple Avenue.

Christy Katz testified that she lives at 7 Maple Avenue. She has young children and is concerned about their safety. She testified that there are approximately 30 young children on the street and that they must walk to the bus stop at the end of Maple Avenue because the street is too narrow for the school buses to traverse. She testified that over 100 community members attended

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By DW

the Community Input Meeting and raised the same concerns that she and others are still expressing about traffic impacts, pedestrian safety, environmental impacts, and current and projected school crowding. She stated that she doesn't feel like the Developer has addressed any of these concerns. She questioned whether the county development regulations adequately address the realities of climate change. She pointed out that this site is only a couple miles west of Ellicott City, which has suffered devastating flood damage in two recent super storm events. She submitted photos of Maple Avenue which were admitted as Community Exhibit 10, and a petition opposing the development signed by more than 150 community members, which was admitted as Community Exhibit 11.

David Hunter testified next. He lives at 125 Maple, directly across from the proposed development. He stated that he understands the Developer's right to develop this land but he believes that the Developer can get a fair economic return without building all of the 19 proposed houses. He disagreed with Mr. Keeley's description of Maple Avenue as a "typical" Catonsville street because it is a very narrow, dead end street. He also does not understand how 190 additional daily car trips could be seen as insignificant.

Monica Simonsen testified next and echoed all these concerns. She lives at 17 Maple Avenue. She too has young children and is concerned about pedestrian safety and school crowding. She testified that she has reviewed BCPS projections showing overcrowding in all the district schools in the next couple years. She testified about the impacts caused by the construction of two new homes on either side of her, including flood damage and damage to her lawn caused by construction vehicles. She submitted a series of photos showing the condition of Maple Avenue and the effect of construction trucks on the street. (Community Exhibit 14). She pointed out that the proposed 19 home development will clog their street for years since the Developer plans to

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By 190

build the development piecemeal as the lots are sold. Finally, she stated that there would have been more neighborhood opposition at this hearing but that many of the residents of Maple Avenue are older and not conversant with the technology needed to participate. She asked, therefore, for me to give weight to the number of persons who signed the petition opposing the project. She also submitted a written statement which was admitted as Community Exhibit 13.

Finally, Sarah Bennett, a 30 year resident of Maple Avenue testified about all these concerns. In addition, she raised concern about the presence of lead paint on the old existing structures on the property. She asked that proper measures be used to abate the lead issues when the structures are razed, especially given the large number of children living on this street. She submitted a photo of flood damage at the end of Maple Avenue which was admitted as Community Exhibit 15.

On cross-examination Mr. Alderman asked each of these witnesses whether they had sought to get this parcel rezoned via the quadrennial Comprehensive Zoning Map Process ("CZMP"). None had done so, although most did not seem clear about what the CZMP process is, or how they would have participated.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The law is clear that the Master Plan is a binding, regulatory mechanism in development cases in Baltimore County. This was the holding of *HNS Dev. v. People's Counsel*, 425 Md. 436 (2012), and is based on that court's interpretation of BCC § 32-4-102(a)(1). The aforementioned statute requires "all development of land [to] conform to the Master Plan." The 2020 Master Plan states that existing community members are supposed to have "an integral role in the creation of sustainable developments through collaborative efforts."

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By [Signature]

Further, the introduction to the 2020 Master Plan document states that “[m]any existing stable residential neighborhoods should not be disturbed for additional development.” Based on the record evidence I do not believe the construction of 19 homes on this bucolic street, adjacent to a 100 year floodplain and Patapsco State Park is consistent with the Master Plan’s vision for T-2 Rural Residential and T-3 Sub-Urban transects applicable to this tract. As explained below, I find that a site plan with fewer homes on larger lots would be more consistent with that vision.¹

Pursuant to BCC § 32-4-229, the “Hearing Officer *shall* grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations.” (emphasis added). 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 be noted that in the *Elm Street* case the community opponents did not question the agency witnesses or submit evidence to rebut the agency recommendations. And, as will be explained, the community witnesses in this case *did* provide substantial testimony and evidence that undermines some of the agency recommendations on critical issues.

My analysis begins with the stated legislative intent of the Development Law and the Master Plan. BCC § 32-4-103, captioned “PURPOSES OF THE TITLE” provides in relevant part as follows:

“(a) *In general.* This title is adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the county;

¹ In the event this Opinion and Order is vacated and reversed, this is to confirm that the Director’s Approval of the Special Variance under BCC § 33-6-116 for the removal of 22 specimen trees is hereby AFFIRMED.

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By [Signature]

- (2) To implement the future growth and development of the county in accordance with the Master Plan;
- (6) To protect the viability of the county's existing communities by ensuring that new development and redevelopment is compatible with the neighborhood and minimizes adverse environmental, traffic, and economic impacts on the surrounding community."

With these guiding principles in mind I will now address the material issues in this case topic by topic.

Tipping Point Issues

Some of the issues raised by the community are perhaps not, in and of themselves, enough to warrant a denial of the development Plan. For instance, the School Impact Study, based on enrollment numbers from September 2019, shows that none of the schools is currently over the 115% threshold. Yet as several of the community witnesses pointed out, the official Baltimore County Public School ("BCPS") projections show overcrowding in the immediate future – indeed before this planned development is anywhere near completion. The BCPS' "Educational Facilities Master Plan 2020" report states that for the Southwest Planning District "[t]here are no high schools in the region that are overcrowded (115% or above capacity) as of the 2019–2020 school year, *although Catonsville high school is projected to exceed 115 percent of capacity in 2022 and will remain severely overcrowded through 2029.*"

Likewise, the community is justifiably concerned about the environmental impacts from this proposed development – especially given the proximity of this project to a "100 year" floodplain, and to Patapsco State Park. As several neighbors pointed out, these "100 year" super storms now occur virtually every year. And the devastating flood damage in Ellicott City is a cautionary tale because it has been attributed in large part to the overdevelopment and resulting loss of forest buffer along the perimeter of that historic town.

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By [signature]

Further, the un rebutted testimony is that the sewer main that will support this proposed development is a terra cotta pipe installed in 1930. That fact, combined with the 19 proposed grinder pump connections, are cause for legitimate concern. In Case No. 09-0861, the Administrative Law Judge observed that "Baltimore County's sewer system - - like that of nearly all major east coast cities - - is antiquated and in dire need of repair. So serious is the problem that Baltimore County entered into a consent decree with the Environmental Protection Agency ("EPA") which requires the County to undertake a comprehensive evaluation of its sewer system and take corrective action to repair or replace defective portions of this infrastructure." That work is far from complete, and obviously has not yet reached Maple Avenue, which still has numerous homes on septic systems.

In addition, the neighbors on Maple Avenue have good reason to lament the impact this development will have on their daily quality of life. They note that after decades of complaints to county officials Maple Avenue was finally repaved in the last couple years, and now it will be torn up again to facilitate the proposed development. Photos submitted by the community show that large construction vehicles associated with recent home construction obstruct nearly the entire width of Maple Avenue. *See*, Community Exhibits 4 and 14. The Developer's engineer and traffic expert testified that Maple Avenue will never actually be closed to traffic during these years of construction, but they acknowledge that traffic will have to be managed by "flaggers," and we all know how exasperating that system can be when we have someplace we need to be. And these substantial impacts can be expected to last several years, while the development is built out lot by lot, per the Developer's stated plan.

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By 180

Further, the Plan raises other questions that are not addressed in the Pattern Book and which were not addressed at the hearing. The "performance standards" set forth in BCZR Sec. 260 provide, in relevant part, as follows:

§ 260.3. - Open space.

A development proposal shall:

A. Integrate open space areas into the proposed development by:

1. Creating focal points along streets;
2. Locating landscaped open green spaces in view of the development entrance or adjoining public street;
3. Planning a linked network of natural and landscaped open areas connected by pedestrian/bike trails; and
4. Orienting dwelling units around open areas or squares.

B. Incorporate significant features, such as stands of trees, into open areas.

C. Link the development's open areas to the surrounding neighborhood open areas, including public parks, walks, and bike trails, and create both functional and visual continuity, e.g., by matching the design of a bike trail in the proposed development to the bike trail located in the adjoining property.

§ 260.4. - Streets and parking.

A development proposal shall:

1. Provide for at least one street connection to an adjoining neighborhood or an adjoining property, not including the principal access to the subdivision, in order to facilitate good traffic circulation.
2. Design streets to slow traffic by offsetting alignments. Reducing street width, reducing the length of blocks, and employing the use of traffic management devices such as roundabouts, chokers, chicanes, etc., to accomplish traffic calming.
3. Allow on-street parking.
4. Provide pedestrian and bicycle access to commercial areas and community facilities on site within the development and to the surrounding neighborhood.

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By ESJ

5. Provide street and parking accommodations which complement the surrounding neighborhood.

With respect to § 260.3 this proposed development fails to incorporate several of these requirements. Most significantly it does not provide “a linked network of natural and landscaped open areas connected by pedestrian/bike trails.” And there is no link to the surrounding neighborhood or to the adjacent State Park. And with respect to § 260.4, this proposed development does not satisfy the parking or connectivity requirements. In sum, these “tipping point” issues become significant in the aggregate and in my considered view the Plan as proposed cannot be approved, especially when considered with the issues discussed below.

Traffic Safety and Impacts

Perhaps more significant than the issues just discussed are the serious traffic issues raised by the community. First, the neighbors are understandably baffled by Mr. Keeley’s testimony that a 40% or greater increase in traffic volume is “insignificant.” It is not – especially on this narrow street with no sidewalks. Further, as discussed at the hearing, it seems clear that the estimate of 190 additional trips is low in this new age of incessant Amazon deliveries. Numerous residents of Maple Avenue described the already high levels of pedestrian traffic on Maple Avenue – some by children who live on the street, and some from the surrounding neighborhoods that use Maple to access the state park, including a high volume of mountain bikers. As noted, the children on this street must traverse the length of it at the beginning and end of every school day in order to reach the school bus stop on Frederick Road, since Maple Avenue is too narrow to accommodate the buses. In short, pedestrian safety is a real issue and would be substantially exacerbated by 19 additional homes at the very end of the street – since each of the estimated 190 trips will traverse the entire length of Maple Avenue.

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By [Signature]

Further, and of greater concern, are the automobile safety and traffic volume issues raised by the community. The videos, photos, and testimony all show beyond debate that the intersection of Maple Avenue and Frederick Road is already a nightmare. The neighbor who lives right on the corner described the familiar sounds of colliding vehicles, followed by ambulance sirens. The videos and photos show the dangerous conditions caused by vehicles traveling west down the long hill on Frederick Road toward its intersection with Maple Avenue at the bottom. And traffic volume and congestion are already horrible, even before the addition of 190 vehicle trips a day. The DOP noted that the two closest signalized intersections (Frederick and North and South Rolling Roads) are "D" intersections, and therefore not failing under the county regulations. But the testimony and photographic evidence show horrendous morning and evening rush hour backups on Frederick Road. One neighbor estimated that it takes approximately 5 minutes to get onto Frederick from Maple or Dutton Avenues during rush hour. As a former resident of Catonsville I recall evening rush hour traffic backing up on South Rolling Road from Frederick Avenue all the way back to the Community College, and sometimes to the ramp of I-195. The addition of 190 daily trips to this existing mess is just not tenable. I understand that this proposed development tract is not covered by any basic services maps, but it has previously been decided that the maps are not singularly dispositive. As the ALJ explained in Case No. 09-0861, *supra*, at p. 25:

[I]t is certainly understandable why the County would be reticent to include a property on one of the basic services maps. The effect of such inclusion is a legislative moratorium, during which the county is expected to undertake the necessary repairs to the deficient infrastructure. Should this state of affairs persist for longer than 18 months, it is likely a court would find the owner's property had been "taken," which requires the payment of just compensation under the state and federal constitutions. *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002). This is yet another reason why I do not believe the maps are dispositive in any given case.

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By ew

In my view this reasoning applies here.

Master Plan

As noted by the Planning Office in their Final HOH Report, this tract consists of TR 2 Rural Residential and TR 3 Sub-Urban transects. The GIS database indicates that the tract is primarily in the TR 3 transect. The TR 2 Rural Residential transect is described as consisting of "large lot single-family detached housing," with setbacks "generally 50 plus feet. Lots are deep to accommodate a larger backyard. Density varies between 2 to 5 acres per dwelling." And the TR 3 transect describes "low density residential areas, adjacent to higher zones that contain mixed use. Landscaping is naturalistic and setbacks are relatively deep."

In my view the development Plan in this case does not comply with the Master Plan vision for these transects. As the "Lot Area Table" on the Plan shows, the 19 proposed lots range from .27 acres to .63 acres, with the majority of lots falling in the .30 to .45 range. And the "Typical Lot Layout" on the Plan for the lots in the DR 1 and DR 2 zones show front setbacks of as little as 25', and side building-to-building distances of as little as 30'. This is how 19 four to five bedroom homes are squeezed onto the buildable portion of this tract.

Conclusion

I am aware that the county agencies have attested that the Plan meets each agency's own minimum standards in isolation. However, it is my job to consider the global impacts of the Plan, in light of all the evidence, and with the Master Plan and Development Law in mind. As noted above, the Master Plan mandates that community members are to have "an integral role in the creation of sustainable developments through collaborative efforts." And one of the express legislative purposes of the Development Law is "[t]o protect the viability of the county's existing communities by ensuring that new development and redevelopment is compatible with the

ORDER RECEIVED FOR FILING

Date 2-12-21

By BW

neighborhood and minimizes adverse environmental, traffic, and economic impacts on the surrounding community.” BCC § 32-4-103(a)(6). Likewise, the Master Plan provides that “[m]any existing stable residential neighborhoods should not be disturbed for additional development.”

The community acknowledges that the owners of the subject property have the right to develop the tract to some reasonable degree. However, they are justifiably concerned about the “adverse environmental, traffic, and economic impacts” of this proposed project. Many in the community asked that I approve no more than four new homes at this site. The Developer did not provide any testimony or evidence concerning the economic viability of the project based on any specific number of units. In fact, the Developer did not testify at all. Certainly the owner of this parcel has the right to build some number of homes. However, my task is to approve or deny the plan that was submitted, and the Plan that was submitted – for 19 four to five bedroom houses - cannot in my view be approved without severely impacting the Maple Avenue neighborhood. I must therefore deny approval, as I believe I am bound to do by the Development Law and the Master Plan.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 12th day of February, 2021, that the “DAVIS FARMS” Plan marked and accepted into evidence as Developer’s Exhibit 2, be and hereby is **DENIED**; and,

IT IS FURTHER ORDERED that, in the event the denial of the Development Plan is reversed and the Plan is approved, the Petition for Special Hearing from the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to approve the density, house location, use areas and lot configurations for Lot Nos. 1, 2, 3, 4, 16, 17 & 19 as shown on the Plat to Accompany this Petition (and Development Plan for Davis Farms) as a Density Anomaly is **GRANTED**; and,

ORDER RECEIVED FOR FILING

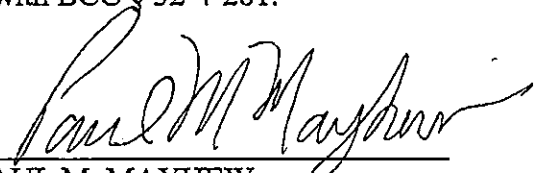
Date 2-12-21

19

By [Signature]

IT IS FURTHER ORDERED that, in the event the denial of the Development Plan is reversed and the Plan is approved, the Special Forest Variance, as approved by the Director of DEPS, is also, **GRANTED**.

Any appeal of this Order shall be taken in accordance with BCC § 32-4-281.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm/dlw

ORDER RECEIVED FOR FILING

Date 2-12-21

By ISW

Debra Wiley

Resent

From: Debra Wiley
Sent: Friday, February 12, 2021 8:59 AM
To: 'monica.simonsen@gmail.com'
Subject: FW: Decision - Combined Development and Zoning - Case Nos. 01-0706 & 2020-0105-SPH - Project: DAVIS FARMS
Attachments: Ltr 01-0606 & 2020-0105-SPH - Davis Farms.pdf; Message from "RNP002673F6C9D3"

From: Debra Wiley
Sent: Friday, February 12, 2021 8:46 AM
To: 'halderman@levingann.com' <halderman@levingann.com>; 'akensinger@centuryeng.com' <akensinger@centuryeng.com>; 'albert.cunniff@gmail.com' <albert.cunniff@gmail.com>; 'asia.jeng@gmail.com' <asia.jeng@gmail.com>; 'bill@tri-stardevelopment.com' <bill@tri-stardevelopment.com>; Bradley Knatz <sknatz@baltimorecountymd.gov>; Brett Williams <bwilliams@baltimorecountymd.gov>; 'brw101@comcast.net' <brw101@comcast.net>; 'brwl01@comcast.net' <brwl01@comcast.net>; Chris R Davis <cdavis1@baltimorecountymd.gov>; 'christyckatz@gmail.com' <christyckatz@gmail.com>; 'dlittle@centuryeng.com' <dlittle@centuryeng.com>; 'evleaman@gmail.com' <evleaman@gmail.com>; 'elizabeth@hammendesigns.com' <elizabeth@hammendesigns.com>; 'espiemail@aol.com' <espiemail@aol.com>; James Hermann <jhermann@baltimorecountymd.gov>; Jason Seidelman <jseidelman@baltimorecountymd.gov>; Jeffery Livingston <jlivingston@baltimorecountymd.gov>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>; Jenifer G. Nugent <jnugent@baltimorecountymd.gov>; Joseph C Merrey <JMerrey@baltimorecountymd.gov>; 'kschmid@traffic-concepts.com' <kschmid@traffic-concepts.com>; Krystle Patchak <kpatchak@baltimorecountymd.gov>; LaChelle N. Imwiko <limwiko@baltimorecountymd.gov>; 'mbxtrm01@gmail.com' <mbxtrm01@gmail.com>; 'monica.cimonsen@gmail.com' <monica.cimonsen@gmail.com>; Patrick Williams <pbwilliams@baltimorecountymd.gov>; 'sandy@steeveslawmd.com' <sandy@steeveslawmd.com>; 'bennetthouse1@verizon.net' <bennetthouse1@verizon.net>; Stephen Ford <sford@baltimorecountymd.gov>; Te-Sheng Huang <thuang@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>; Catherine T. Engers <cengers@baltimorecountymd.gov>; John Olszewski <ce14@baltimorecountymd.gov>; Steve Lafferty <slafferty@baltimorecountymd.gov>; Peter Gutwald <pgutwald@baltimorecountymd.gov>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; County Council <countycouncil@baltimorecountymd.gov>; Henry Ayakwah <hayakwah@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>; County Council <countycouncil@baltimorecountymd.gov>
Subject: Decision - Combined Development and Zoning - Case Nos. 01-0706 & 2020-0105-SPH - Project: DAVIS FARMS

Good Morning,

Please find attached a copy of ALJ Paul Mayhew's decision in the above-referenced matter.

Have a great and safe weekend.

Debra Wiley

From: Mail Delivery System <postmaster@baltimorecountymd.gov>
To: monica.cimonsen@gmail.com
Sent: Friday, February 12, 2021 8:46 AM
Subject: Undeliverable: Decision - Combined Development and Zoning - Case Nos. 01-0706 & 2020-0105-SPH - Project: DAVIS FARMS

Delivery has failed to these recipients or groups:

monica.cimonsen@gmail.com

A problem occurred while delivering your message to this email address. Try sending your message again. If the problem continues, please contact your email admin.

The following organization rejected your message: [172.217.222.26].

Diagnostic information for administrators:

Generating server: mail2.baltimorecountymd.gov

monica.cimonsen@gmail.com

[172.217.222.26]

Remote Server returned '554 5.0.0 <[172.217.222.26] #5.0.0 smtp; 5.1.0 - Unknown address error 550-"5.1.1 The email account that you tried to reach does not exist. Please try\n5.1.1 double-checking the recipient's email address for typos or\n5.1.1 unnecessary spaces. Learn more at\n5.1.1 https://support.google.com/mail/?p=NoSuchUser g2si4446060qtx.83 - gsmtip" (delivery attempts: 0)>'

Original message headers:

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by mail2.baltimorecountymd.gov with ESMT/TLS/ECDHE-RSA-AES256-GCM-SHA384; 12 Feb 2021
08:46:25 -0500

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ex1601p.bcg.ad.bcgov.us (172.30.49.220) with Microsoft SMTP Server
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15.1.2044.4; Fri, 12 Feb 2021 08:46:25 -0500

Received: from ex1601p.bcg.ad.bcgov.us ([fe80::b85c:e8b2:8330:1d3]) by
ex1601p.bcg.ad.bcgov.us ([fe80::b85c:e8b2:8330:1d3%5]) with mapi id
15.01.2044.004; Fri, 12 Feb 2021 08:46:25 -0500

From: Debra Wiley <dwiley@baltimorecountymd.gov>

To: "halderman@levingann.com" <halderman@levingann.com>,

"akensinger@centuryeng.com" <akensinger@centuryeng.com>,
 "albert.cunniff@gmail.com" <albert.cunniff@gmail.com>, "asia.jeng@gmail.com"
 <asia.jeng@gmail.com>, "bill@tri-stardevelopment.com"
 <bill@tri-stardevelopment.com>, Bradley Knatz <sknatz@baltimorecountymd.gov>,
 Brett Williams <bmwilliams@baltimorecountymd.gov>, "brwl01@comcast.net"
 <brwl01@comcast.net>, "brwl01@comcast.net" <brwl01@comcast.net>, "Chris R
 Davis" <cdavis1@baltimorecountymd.gov>, "christyckatz@gmail.com"
 <christyckatz@gmail.com>, "dlittle@centuryeng.com" <dlittle@centuryeng.com>,
 "evleaman@gmail.com" <evleaman@gmail.com>, "elizabeth@hammendesigns.com"
 <elizabeth@hammendesigns.com>, "espiemail@aol.com" <espiemail@aol.com>,
 "James Hermann" <jhermann@baltimorecountymd.gov>, Jason Seidelman
 <jseidelman@baltimorecountymd.gov>, Jeffery Livingston
 <jlivingston@baltimorecountymd.gov>, Jeffrey N Perlow
 <JPerlow@baltimorecountymd.gov>, "Jenifer G. Nugent"
 <jnugent@baltimorecountymd.gov>, Joseph C Merrey
 <JMerrey@baltimorecountymd.gov>, "kschmid@traffic-concepts.com"
 <kschmid@traffic-concepts.com>, Krystle Patchak
 <kpatchak@baltimorecountymd.gov>, "LaChelle N. Imwiko"
 <limwiko@baltimorecountymd.gov>, "mbxtrm01@gmail.com" <mbxtrm01@gmail.com>,
 "monica.cimonsen@gmail.com" <monica.cimonsen@gmail.com>, Patrick Williams
 <pbwilliams@baltimorecountymd.gov>, "sandy@steeveslawmd.com"
 <sandy@steeveslawmd.com>, "bennetthousel@verizon.net"
 <bennetthousel@verizon.net>, Stephen Ford <sford@baltimorecountymd.gov>,
 Te-Sheng Huang <thuang@baltimorecountymd.gov>, Vishnubhai K Desai
 <vdesai@baltimorecountymd.gov>, "Catherine T. Engers"
 <cengers@baltimorecountymd.gov>, John Olszewski <cel4@baltimorecountymd.gov>,
 Steve Lafferty <slafferty@baltimorecountymd.gov>, Peter Gutwald
 <cpgutwald@baltimorecountymd.gov>
 CC: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>, County Council
 <countycouncil@baltimorecountymd.gov>, Henry Ayakwah
 <hayakwah@baltimorecountymd.gov>, Donna Mignon
 <dmignon@baltimorecountymd.gov>, County Council
 <countycouncil@baltimorecountymd.gov>
 Subject: Decision - Combined Development and Zoning - Case Nos. 01-0706 &
 2020-0105-SPH - Project: DAVIS FARMS
 Thread-Topic: Decision - Combined Development and Zoning - Case Nos. 01-0706 &
 2020-0105-SPH - Project: DAVIS FARMS
 Thread-Index: AdCBQDovBGQ8vs10QsqYwrwZ6DdIfQ==
 Date: Fri, 12 Feb 2021 13:46:24 +0000
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Debra Wiley

Resent

From: Debra Wiley
Sent: Friday, February 12, 2021 9:07 AM
To: 'Brw101@comcast.net'
Subject: FW: Decision - Combined Development and Zoning - Case Nos. 01-0706 & 2020-0105-SPH - Project: DAVIS FARMS
Attachments: Ltr 01-0606 & 2020-0105-SPH - Davis Farms.pdf; Message from "RNP002673F6C9D3"

From: Debra Wiley
Sent: Friday, February 12, 2021 8:46 AM
To: 'halderman@levingann.com' <halderman@levingann.com>; 'akensinger@centuryeng.com' <akensinger@centuryeng.com>; 'albert.cunniff@gmail.com' <albert.cunniff@gmail.com>; 'asia.jeng@gmail.com' <asia.jeng@gmail.com>; 'bill@tri-stardevelopment.com' <bill@tri-stardevelopment.com>; Bradley Knatz <sknatz@baltimorecountymd.gov>; Brett Williams <bwilliams@baltimorecountymd.gov>; 'brw101@comcast.net' <brw101@comcast.net>; 'brwl01@comcast.net' <brwl01@comcast.net>; Chris R Davis <cdavis1@baltimorecountymd.gov>; 'christyckatz@gmail.com' <christyckatz@gmail.com>; 'dlittle@centuryeng.com' <dlittle@centuryeng.com>; 'evleaman@gmail.com' <evleaman@gmail.com>; 'elizabeth@hammendesigndesigns.com' <elizabeth@hammendesigndesigns.com>; 'espiemail@aol.com' <espiemail@aol.com>; James Hermann <jhermann@baltimorecountymd.gov>; Jason Seidelman <jseidelman@baltimorecountymd.gov>; Jeffery Livingston <jlivingston@baltimorecountymd.gov>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>; Jenifer G. Nugent <jnugent@baltimorecountymd.gov>; Joseph C Merrey <JMerrey@baltimorecountymd.gov>; 'kschmid@traffic-concepts.com' <kschmid@traffic-concepts.com>; Krystle Patchak <kpatchak@baltimorecountymd.gov>; LaChelle N. Imwiko <limwiko@baltimorecountymd.gov>; 'mbxtrm01@gmail.com' <mbxtrm01@gmail.com>; 'monica.cimonsen@gmail.com' <monica.cimonsen@gmail.com>; Patrick Williams <pbwilliams@baltimorecountymd.gov>; 'sandy@steeveslawmd.com' <sandy@steeveslawmd.com>; 'bennetthouse1@verizon.net' <bennetthouse1@verizon.net>; Stephen Ford <sford@baltimorecountymd.gov>; Te-Sheng Huang <thuang@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>; Catherine T. Engers <cengers@baltimorecountymd.gov>; John Olszewski <ce14@baltimorecountymd.gov>; Steve Lafferty <slafferty@baltimorecountymd.gov>; Peter Gutwald <cpgutwald@baltimorecountymd.gov>
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Subject: Decision - Combined Development and Zoning - Case Nos. 01-0706 & 2020-0105-SPH - Project: DAVIS FARMS

Good Morning,

Please find attached a copy of ALJ Paul Mayhew's decision in the above-referenced matter.

Have a great and safe weekend.

Debra Wiley

From: Mail Delivery System <postmaster@baltimorecountymd.gov>
To: brw101@comcast.net
Sent: Friday, February 12, 2021 8:46 AM
Subject: Undeliverable: Decision - Combined Development and Zoning - Case Nos. 01-0706 & 2020-0105-SPH - Project: DAVIS FARMS

Delivery has failed to these recipients or groups:

brw101@comcast.net

A problem occurred while delivering your message to this email address. Try sending your message again. If the problem continues, please contact your email admin.

The following organization rejected your message: [68.87.20.5].

Diagnostic information for administrators:

Generating server: mail2.baltimorecountymd.gov

brw101@comcast.net

[68.87.20.5]

Remote Server returned '554 5.0.0 <[68.87.20.5] #5.0.0 smtp; 5.1.0 - Unknown address error 550-5.1.1 Not our Customer' (delivery attempts: 0)>'

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by mail2.baltimorecountymd.gov with ESMTP/TLS/ECDHE-RSA-AES256-GCM-SHA384; 12 Feb 2021
08:46:25 -0500

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ex1601p.bcg.ad.bcgov.us ([fe80::b85c:e8b2:8330:1d3%5]) with mapi id
15.01.2044.004; Fri, 12 Feb 2021 08:46:25 -0500

From: Debra Wiley <dwiley@baltimorecountymd.gov>

To: "halderman@levingann.com" <halderman@levingann.com>,
"akensinger@centuryeng.com" <akensinger@centuryeng.com>,
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Brett Williams <bmwilliams@baltimorecountymd.gov>, "brwl01@comcast.net"
<brwl01@comcast.net>, "brwl01@comcast.net" <brwl01@comcast.net>, "Chris R
Davis" <cdavis1@baltimorecountymd.gov>, "christyckatz@gmail.com"
<christyckatz@gmail.com>, "dlittle@centuryeng.com" <dlittle@centuryeng.com>,
"evleaman@gmail.com" <evleaman@gmail.com>, "elizabeth@hammendesigins.com"
<elizabeth@hammendesigins.com>, "espiemail@aol.com" <espiemail@aol.com>,
"James Hermann" <jhermann@baltimorecountymd.gov>, Jason Seidelman
<jseidelman@baltimorecountymd.gov>, Jeffery Livingston
<jlivingston@baltimorecountymd.gov>, Jeffrey N Perlow
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"monica.cimonsen@gmail.com" <monica.cimonsen@gmail.com>, Patrick Williams
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<sandy@steeveslawmd.com>, "bennetthousel@verizon.net"
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Te-Sheng Huang <thuang@baltimorecountymd.gov>, Vishnubhai K Desai
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<cengers@baltimorecountymd.gov>, John Olszewski <cel4@baltimorecountymd.gov>,
Steve Lafferty <slafferty@baltimorecountymd.gov>, Peter Gutwald
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CC: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>, County Council
<countycouncil@baltimorecountymd.gov>, Henry Ayakwah
<hayakwah@baltimorecountymd.gov>, Donna Mignon
<dmignon@baltimorecountymd.gov>, County Council
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Subject: Decision - Combined Development and Zoning - Case Nos. 01-0706 &
2020-0105-SPH - Project: DAVIS FARMS

Thread-Topic: Decision - Combined Development and Zoning - Case Nos. 01-0706 &
2020-0105-SPH - Project: DAVIS FARMS

Thread-Index: AdcBQDovBGQ8vs10QsqYwrvZ6DdIfQ==

Date: Fri, 12 Feb 2021 13:46:24 +0000

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Content-Language: en-US

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

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Content-Type: text/plain

MIME-Version: 1.0



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 106-110 Maple Avenue

which is presently zoned See Attachment 1

Deed References: See Attachment 1

10 Digit Tax Account # See Attachment 1

Property Owner(s) Printed Name(s) MILDRED D. HAMMEN

EMILY R. WESSEL, TRUSTEE

(SELECT THE HEARING(S) BY MARKING ☒ 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

SEE ATTACHMENT 2

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

3. ☐ a **Variance** from Section(s)

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

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:

Howard L. Alderman, Jr., Esq. / Levin & Gann, PA

Name- Type or Print

Signature

502 Washington Avenue, STE 800

Towson

MD

Mailing Address

City

State

21204

4103210600

halderman@levingann.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Mildred D. Hammen

Emily R. Wessel, Trustee

Name #1 - Type or Print

Name #2 - Type or Print

By:

Signature #1

Signature #2

106 Maple Avenue

Catonsville

MD

Mailing Address

City

State

21228

410-353-3131

lizford1979@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

John A. Motsco, PE

Little & Associates, Inc.

Name - Type or Print

By:

Signature

10710 Gilroy Road

Hunt Valley

MD

Mailing Address

City

State

21031

443-705-5020

jmotsco@centuryeng.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2020-0105-SPM

Filing Date

4/27/20

Do Not Schedule Dates:

4/3 to 4/10/2020

Reviewer

JS

COMBINED HEARING WITH DAVIS FARMS DEVELOPMENT PLAN per Baltimore County Code Sec. 32-4-221(c)(2).

REV. 10/4/11

Attachment 1

PETITION FOR SPECIAL HEARING

CASE NO: 2020- -SPH

Address: 106-110 Maple Avenue (DAVIS FARMS DEVELOPMENT PLAN)

Legal Owner: Mildred D. Hammen; Emily R. Wessel (Trustee)

Present Zoning: DR1, DR2, DR 5.5, RC5 & RC8-NC

CONTINUATION OF INFORMATION FROM PETITION FOR SPECIAL HEARING:

Properties are zoned: DR1, DR2, DR 5.5, RC5 & RC8-NC

DEED REFERENCE	TAX ACCOUNT #	TAX MAP/ PARCEL	OWNER
27854/006	22-00-004458	100/971	Mildred D. Hammen
39326/235	01-04-000120	100/602	Mildred D. Hammen & Emily R. Wessel, Trustee
39326/231	01-23-154870	100/600	Emily R. Wessel, Trustee
39236/231	01-23-154871	100/601	Emily R. Wessel, Trustee

Attachment 1

PETITION FOR SPECIAL HEARING

CASE NO: 2020- -SPH

Address: 106-110 Maple Avenue (DAVIS FARMS DEVELOPMENT PLAN)

Legal Owner: Mildred D. Hammen; Emily R. Wessel (Trustee)

Present Zoning: DR1, DR2, DR 5.5, RC5 & RC8-NC

CONTINUATION OF INFORMATION FROM PETITION FOR SPECIAL HEARING:

Properties are zoned: DR1, DR2, DR 5.5, RC5 & RC8-NC

DEED REFERENCE	TAX ACCOUNT #	TAX MAP/ PARCEL	OWNER
27854/006	22-00-004458	100/971	Mildred D. Hammen
39326/235	01-04-000120	100/602	Mildred D. Hammen & Emily R. Wessel, Trustee
39326/231	01-23-154870	100/600	Emily R. Wessel, Trustee
39236/231	01-23-154871	100/601	Emily R. Wessel, Trustee

2020-0105-SPH

Attachment 2

PETITION FOR SPECIAL HEARING

CASE NO: 2020-0105 -SPH

Address: 106-110 Maple Avenue (DAVIS FARMS DEVELOPMENT PLAN)

Legal Owner: Mildred D. Hammen; Emily R. Wessel (Trustee)

Present Zoning: DR1, DR2, DR 5.5, RC5 & RC8-NC

REQUESTED RELIEF:

"why the Administrative Law Judge should" [1] to the extent the same may be required, approve the density, house location, use areas and lot configurations for Lot Nos. 1, 2, 3, 4, 16, 17, & 19 as shown on the Plat to Accompany this Petition (and Development Plan for DAVIS FARMS) as a Density Anomaly (see chart below); and [2] approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

Lot No.	DR-1	DR-2	DR-3.5
1		X	X
2	X	X	X
3	X	X	
4	X	X	
13	X	X	
16	X	X	X
17	X	X	X
19	X		X

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 321-0600
halderman@LevinGann.com

April 21, 2020

ZONING DESCRIPTION FOR PROPOSED
DEVELOPMENT OF DAVIS FARMS

Beginning at a point on the west side of Maple Avenue, which is 25 feet wide, at the distance of 1,580 feet south of the centerline of Frederick Road, which is 66 feet wide. Thence the following courses and distances: (1) South $02^{\circ}52'30''$ East 156.85 feet; thence (2) South $02^{\circ}20'19''$ East 549.45 feet, thence (3) South $14^{\circ}27'35''$ West 216.13 feet, thence (4) South $14^{\circ}27'35''$ West 189.50 feet, thence (5) South $86^{\circ}56'26''$ West 320.00 feet, thence (6) South $86^{\circ}56'26''$ West 617.30 feet, thence (7) North $17^{\circ}27'26''$ East 973.07 feet, thence (8) North $17^{\circ}33'29''$ East 67.80 feet, thence (9) North $09^{\circ}49'29''$ East 114.90 feet, thence (10) North $86^{\circ}24'39''$ East 676.31 feet, to the place of beginning as recorded in Deed Liber S.M. 27854, Folio 006, Deed Liber J.L.E. 39326, Folio 231, and Deed Liber J.L.E. 39326, Folio 235, containing 20.97 acres of land, more or less. Located in the First Election District and First Council District.

2020-0105-SP4



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 106-110 Maple Avenue which is presently zoned See Attachment 1

Deed References: See Attachment 1 10 Digit Tax Account # See Attachment 1

Property Owner(s) Printed Name(s) MILDRED D. HAMMEN EMILY R. WESSEL, TRUSTEE

(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. XXXXX 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

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

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

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

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:

Howard L. Alderman, Jr., Esq. / Levin & Gann, PA

Name- Type or Print

Signature

502 Washington Avenue, STE 800 Towson MD

Mailing Address City State

21204 4103210600 halderman@levinggann.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Mildred D. Hammen Emily R. Wessel, Trustee

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

By: X [Signature] [Signature] (Andree)

Signature #1 Signature #2

106 Maple Avenue Catonsville MD

Mailing Address City State

21228 410-353-3131 lizford1979@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

John A. Motsco, PE Little & Associates, Inc.

Name - Type or Print

By: X [Signature]

Signature

10710 Gilroy Road Hunt Valley MD

Mailing Address City State

21031 443-705-5020 jmotsco@centuryeng.com

Zip Code Telephone # Email Address

CASE NUMBER 2020-0105-SPH Filing Date 4/27/20 Do Not Schedule Dates: 4/3 to 4/10/2020 Reviewer JS

COMBINED HEARING WITH DAVIS FARMS DEVELOPMENT PLAN per Baltimore County Code Sec. 32-4-221(c)(2).

REV. 10/4/11

Attachment 1

PETITION FOR SPECIAL HEARING

CASE NO: 2020- -SPH

Address: 106-110 Maple Avenue (DAVIS FARMS DEVELOPMENT PLAN)

Legal Owner: Mildred D. Hammen; Emily R. Wessel (Trustee)

Present Zoning: DR1, DR2, DR 5.5, RC5 & RC8-NC

CONTINUATION OF INFORMATION FROM PETITION FOR SPECIAL HEARING:

Properties are zoned: DR1, DR2, DR 5.5, RC5 & RC8-NC

DEED REFERENCE	TAX ACCOUNT #	TAX MAP/ PARCEL	OWNER
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39236/231	01-23-154871	100/601	Emily R. Wessel, Trustee

2020-0105-SPH

Attachment 2

PETITION FOR SPECIAL HEARING

CASE NO: 2020-0105 -SPH

Address: 106-110 Maple Avenue (DAVIS FARMS DEVELOPMENT PLAN)

Legal Owner: Mildred D. Hammen; Emily R. Wessel (Trustee)

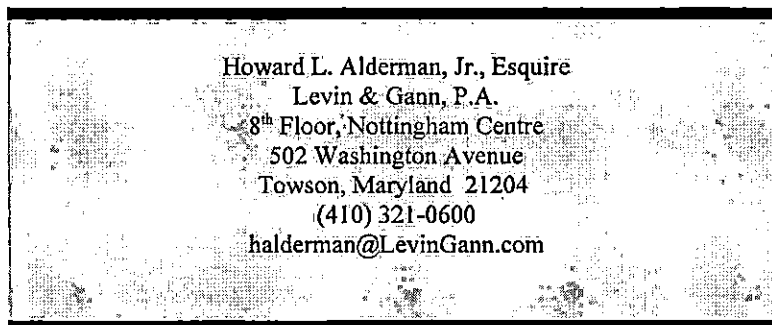
Present Zoning: DR1, DR2, DR 5.5, RC5 & RC8-NC

REQUESTED RELIEF:

"why the Administrative Law Judge should" [1] to the extent the same may be required, approve the density, house location, use areas and lot configurations for Lot Nos. 1, 2, 3, 4, 16, 17, & 19 as shown on the Plat to Accompany this Petition (and Development Plan for DAVIS FARMS) as a Density Anomaly (see chart below); and [2] approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

Lot No.	DR-1	DR-2	DR-3.5
1		X	X
2	X	X	X
3	X	X	
4	X	X	
13	X	X	
16	X	X	X
17	X	X	X
19	X		X

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:



April 21, 2020

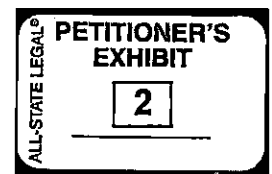
ZONING DESCRIPTION FOR PROPOSED
DEVELOPMENT OF DAVIS FARMS

Beginning at a point on the west side of Maple Avenue, which is 25 feet wide, at the distance of 1,580 feet south of the centerline of Frederick Road, which is 66 feet wide. Thence the following courses and distances: (1) South $02^{\circ}52'30''$ East 156.85 feet; thence (2) South $02^{\circ}20'19''$ East 549.45 feet, thence (3) South $14^{\circ}27'35''$ West 216.13 feet, thence (4) South $14^{\circ}27'35''$ West 189.50 feet, thence (5) South $86^{\circ}56'26''$ West 320.00 feet, thence (6) South $86^{\circ}56'26''$ West 617.30 feet, thence (7) North $17^{\circ}27'26''$ East 973.07 feet, thence (8) North $17^{\circ}33'29''$ East 67.80 feet, thence (9) North $09^{\circ}49'29''$ East 114.90 feet, thence (10) North $86^{\circ}24'39''$ East 676.31 feet, to the place of beginning as recorded in Deed Liber S.M. 27854, Folio 006, Deed Liber J.L.E. 39326, Folio 231, and Deed Liber J.L.E. 39326, Folio 235, containing 20.97 acres of land, more or less. Located in the First Election District and First Council District.

2020-0105-JPH

**DAVIS FARMS DEVELOPMENT PLAN
DENSITY ANALYSIS:**

ZONING CLASSIFICATION GROSS ACREAGE IN ZONE						OVERALL
	DR 1	DR 2	DR 3.5	RC 5	RC8 NC	TOTAL
	12.17	2.95	0.99	4.94	0.12	21.17
TOTAL LOTS PERMITTED IN ZONE	12	5	3	2	0	22
	Lot# 4	Lot# 2	Lot# 1			
	Lot# 5	Lot# 3	Lot# 17			
	Lot# 6	Lot# 13				
	Lot# 7	Lot# 14				
	Lot# 8	Lot# 15				
	Lot# 9					
	Lot# 10					
	Lot# 11					
	Lot# 12					
	Lot# 16					
	Lot# 18					
	Lot# 19					
TOTAL LOTS PROPOSED IN ZONE	12	5	2	0	0	19



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 1/20/2021

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-0105

INFORMATION:

Property Address: 106-110 Maple Avenue (Davis Farm Development Plan)
Petitioner: Mildred Hammen, Emily Wessel, Trustee
Zoning: DR 1, DR 2, DR 5.5, RC 5 RC8-NC
Requested Action: Special Hearing

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

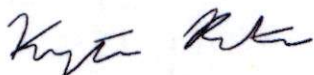
The site is currently vacant and is the subject of a development plan titled "Davis Farm" PAI No. 01-606. A community input meeting was conducted on February 27, 2019 and the Development Plan Conference was held on January 6, 2021.

A community walk to the site was conducted on March 29, 2019. A site visit was done on May 20, 2020. The site is within the Patapsco Heritage Area Management Plan, Southwest Baltimore County Revitalization Strategy and Western Baltimore County Pedestrian and Bicycle Access area plans. The subject property is within the boundaries of the Catonsville/ Patapsco sustainable community plan. The site backs up to Patapsco Valley State Park.

The Department of Planning has no objections to granting the petitioned zoning relief. However, the applicant should comply with the department's comments for the development (PAI # I-606).

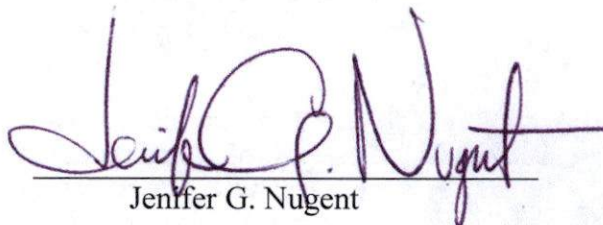
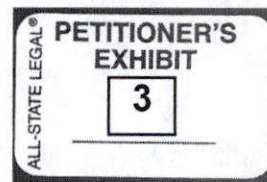
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:


Jennifer G. Nugent

Date: 1/20/2021
Subject: ZAC # 20-105
Page 2

CPG/JGN/kma/

c: Josephine Selvakumar
John A. Motsco, PE, Little & Associates, Inc.
Howard L. Alderman, Jr., Esquire, Levin & Gann, PA
Office of the Administrative Hearings
People's Counsel for Baltimore County

LITTLE & ASSOCIATES

Engineers ~~~ Land Planners ~~~ Surveyors
10710 Gilroy Road, Hunt Valley, Maryland 21031
Phone (443) 705-5020 Fax (443) 589-2401
Little & Associates is a Division of Century Engineering, Inc.

TRANSMITTAL FORM

TO: Balt County Office of Admin. Hearings

DATE: 01/25/2021

105 W. Chesapeake Ave, Suite 103
Towson, MD 21204

PROJECT NAME: DAVIS FARMS

PAI# 010606

2020-0105-SPH

ATTN: DONNA MIGNON

OUR PROJECT NO.: 18369

We are herewith submitting the following:

☐ For approval

☒ For your use/file

☒ As requested

☐ For review

☐ Please contact our office

☐ Urgent

Quantity

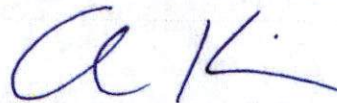
Description

1	EXTRA SET OF DP EXHIBITS INCLUDING:
	DEV EX 1 – DP AS SUBMITTED ORIGINALLY (2 SHEETS)
	DEV EX 2/PET EX 1 – REDLINE DP (2 SHEETS)

Comments:

PLEASE SEE THE ENCLOSED REPLACEMENT HARD COPIES OF THE DP AND REDLINE DP, AS IT APPEARS THE 2ND SHEET OF EACH WAS MISSING FROM THE FIRST SUBMITTAL PACKAGE. FOR DPH HEARING PAI#010606 AND SPECIAL HEARING 2020-0105-SPH (A COMBINED HEARING). PLEASE CONTACT OUR OFFICE WITH ANY QUESTIONS.

Sincerely,
LITTLE & ASSOCIATES



By: Aaron Kensinger, P.E.
Associate Vice President
akensinger@centuryeng.com

cc(s):
Enclosure(s)

Donna Mignon

From: Howard Alderman <halderman@levingann.com>
Sent: Tuesday, January 26, 2021 11:56 AM
To: Donna Mignon
Subject: RE: Case No: PAI 010606 and 2020-0105-SPH
Attachments: Petit Ex 2 Density Analysis.pdf; Petit Ex 3 PLANNING_RECOMMEND APPROVAL OF ZONING CASE 20-105.pdf; Petit Ex 4 SHA No Objection.pdf

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

Donna, thank you. I don't know if the engineer delivered hard copies of the ZONING hearing exhibits. If not I am providing them, as marked, and would request that they be printed and placed in the appropriate file.

Developer's Exhibit No. 2 and Petitioner's Exhibit No. 1 – submitted by the engineer to your office yesterday

Petitioner's Ex. No. 2 - Density Chart - Davis Farms [attached]
Petitioner's Ex. No. 3 - Dept of Planning no objection to relief [attached]
Petitioner's Ex. No. 4 - SHA no objection to relief [attached]

Thank you,
Howard

[Download V-Card](#)

Please Note our NEW ADDRESS

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900
1 West Pennsylvania Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-339-5762 or 833-801-1118 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Tuesday, January 26, 2021 11:26 AM
To: Howard Alderman <halderman@levingann.com>
Subject: RE: Case No: PAI 010606 and 2020-0105-SPH

Hi Howard

Please see the two ZAC comments from 2020. That is all that is in the zoning file.

Thank you.

From: Howard Alderman <halderman@levingann.com>
Sent: Tuesday, January 26, 2021 11:16 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: Case No: PAI 010606 and 2020-0105-SPH

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

Donna, are there any ZAC comments other than from the Department of Planning? Howard



Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Monday, January 25, 2021 8:46 AM
To: Howard Alderman <halderman@levingann.com>
Subject: RE: Case No: PAI 010606 and 2020-0105-SPH

Good Morning,
Please find the comment from the Department of Planning.
Thank you.

From: Howard Alderman <halderman@levingann.com>
Sent: Friday, January 22, 2021 12:08 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case No: PAI 010606 and 2020-0105-SPH

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

Donna, I have the Development Plan comments distributed at the DP Conference. If any of those have been updated/changed, I'd like copies. Otherwise, just the ZAC Comments and any entry of appearance of counsel that may have been filed. Thanks, Howard

Download V-Card

Please Note our NEW ADDRESS

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900
1 West Pennsylvania Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-339-5762 or 833-801-1118 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Friday, January 22, 2021 12:06 PM
To: Howard Alderman <halderman@levingann.com>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case No: PAI 010606 and 2020-0105-SPH

Hi Howard,

We are working from home today and will be in the office on Monday. The file is in our office. I can send you all ZAC comments in the file. What do you need sent? Just the ones on the zoning file or both zoning and development?

Thank you. Have a great weekend.

From: Howard Alderman <halderman@levingann.com>
Sent: Friday, January 22, 2021 11:51 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: RE: Case No: PAI 010606 and 2020-0105-SPH

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

Donna, I have one potential issue. This is a combined hearing, Development Plan and Petition for Zoning Special Hearing. As of this writing, I have not received a copy of the Zoning Advisor Committee comments issued by reviewing agencies. Depending on when I receive them and IF I want to submit one or more of those comments as a specific Petitioner's Exhibit, I may not be able to deliver them 2 business days before the hearing. As soon as I receive them, they will be reviewed and discussed with appropriate witnesses and submitted. Unless you have another suggestion?

Thanks and have a great weekend,
Howard

Download V-Card

Please Note our NEW ADDRESS

Howard L. Alderman, Jr., Esquire



LEVIN GANN PA

Towson Commons, Suite 900

1 West Pennsylvania Avenue

Towson, Maryland 21204

410-321-0600 (voice)

410-339-5762 or 833-801-1118 (fax)

410-456-8501 (cell)

Email: halderman@LevinGann.com

Website: www.LevinGann.com

From: Donna Mignon <dmignon@baltimorecountymd.gov>

Sent: Thursday, January 21, 2021 3:21 PM

To: Howard Alderman <halderman@levingann.com>

Subject: Case No: PAI 010606 and 2020-0105-SPH

Good Afternoon,

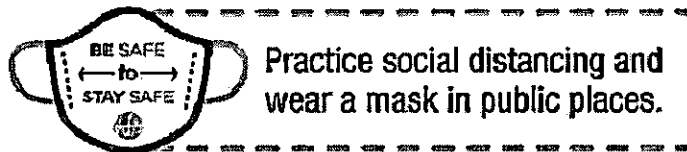
As you are aware, a virtual webex hearing has been scheduled for January 29, 2021 at 10:00 a.m. You should have received an invitation in an email that invited you to this hearing.

Please note that all hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov. Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

If you have any questions or concerns, please feel free to contact our office.

Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



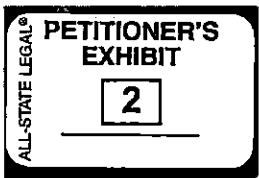
CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

**DAVIS FARMS DEVELOPMENT PLAN
DENSITY ANALYSIS:**

						OVERALL
ZONING CLASSIFICATION	DR 1	DR 2	DR 3.5	RC 5	RC8 NC	TOTAL
GROSS ACREAGE IN ZONE	12.17	2.95	0.99	4.94	0.12	21.17
TOTAL LOTS PERMITTED IN ZONE	12	5	3	2	0	22
	Lot# 4	Lot# 2	Lot# 1			
	Lot# 5	Lot# 3	Lot# 17			
	Lot# 6	Lot# 13				
	Lot# 7	Lot# 14				
	Lot# 8	Lot# 15				
	Lot# 9					
	Lot# 10					
	Lot# 11					
	Lot# 12					
	Lot# 16					
	Lot# 18					
	Lot# 19					
TOTAL LOTS PROPOSED IN ZONE	12	5	2	0	0	19



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 1/20/2021

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-0105

INFORMATION:

Property Address: 106-110 Maple Avenue (Davis Farm Development Plan)
Petitioner: Mildred Hammen, Emily Wessel, Trustee
Zoning: DR 1, DR 2, DR 5.5, RC 5 RC8-NC
Requested Action: Special Hearing

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

The site is currently vacant and is the subject of a development plan titled "Davis Farm" PAI No. 01-606. A community input meeting was conducted on February 27, 2019 and the Development Plan Conference was held on January 6, 2021.

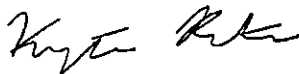
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The Department of Planning has no objections to granting the petitioned zoning relief. However, the applicant should comply with the department's comments for the development (PAI # I-606).

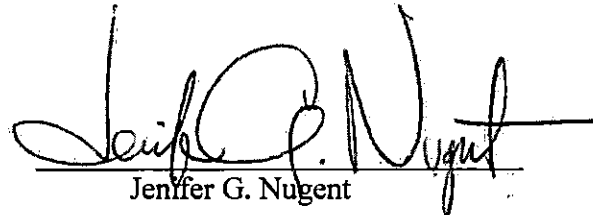
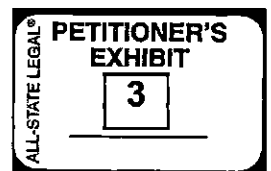
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:

Division Chief:



Krystle Patchak


Jennifer G. Nugent

Date: 1/20/2021
Subject: ZAC # 20-105
Page 2

CPG/JGN/kma/

c: Josephine Selvakumar
John A. Motsco, PE, Little & Associates, Inc.
Howard L. Alderman, Jr., Esquire, Levin & Gann, PA
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
Gregory Slater
Secretary
Tim Smith, P.E.
Acting Administrator

Date: May 12, 2020

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. **2020-0105-SPH**

Special Hearing

Mildred D. Hammen Emily R Wessel, Trustee
106 - 110 Maple Avenue

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

Sincerely,



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

WW/RAZ



CERTIFICATE OF POSTING

Date: 1-25-21

RE: Case Number: 2020-0105-SPH RECERT

Petitioner/Developer: Hammer + Wessel Trustee

Date of Hearing/Closing: Friday Jan 29, 2021 10 AM

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 106-110 Maple Ave

The signs(s) were posted on RECERT 1-25-21
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

443-834-8162
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2020-0105-SPH

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: FOR INFO. ON HOW TO PARTICIPATE IN THE HEARINGS GO
TO WWW.BALTIMORECOUNTYMD.GOV/ADMINHEARINGS NO LATER THAN
48 HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-887-3868 EX. 10

DATE AND TIME: FRIDAY JANUARY 29, 2021, 10AM

REQUEST: SPECIAL HEARING TO THE EXTENT THE SAME MAY BE
REQUIRED, APPROVE THE DENSITY, HOUSE LOCATIONS, USE AREAS AND LOT

CONFIGURATIONS FOR LOTS 1, 2, 3, 4, 16, 17 + 19 AS SHOWN ON THE PLAT TO
ACCOMPANY THIS PETITION (LAND DEVELOPMENT PLAN FOR DAVIS FARMS) ARE A

DENSITY ANALYSIS (SEE CHART BELOW) AND 2 APPROVE SUCH ADDITIONAL
RELIEF AS THE NATURE OF THIS CASE AS PRESENTED AT THE TIME

OF THE HEARING ON THIS PETITION MAY REQUIRE, WITHIN THE SPIRIT
AND INTENT OF THE BCZR

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY
TO CONFIRM HEARING CALL 887-3391
HANDICAPPED ACCESS

ZONING NOTICE

CASE # 2020-0105-SPH

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

PLACE: FOR INFO. ON HOW TO PARTICIPATE IN THE HEARINGS GO
WWW.BALTIMORECOUNTY.MD/GOV/ADMIN/HEARINGS NO LATER
THAN 48 HRS PRIOR TO HEARING! YOU MAY ALSO CALL 410-387-3868 EXT. 0

DATE AND TIME: FRIDAY JANUARY 29, 2021 10AM

REQUEST: SPECIAL HEARING TO THE EXTENT THE SAME MAY BE
REQUIRED, APPROVE THE DENSITY, HOUSE LOCATIONS, USE AREAS AND LOT CONFIG-

URATIONS FOR LOTS 1, 2, 3, 4, 16, 17 + 14 AS SHOWN ON THE PLAN TO ACCOMPANY THIS
PETITION (AND DEVELOPMENT PLAN FOR DAVIS FARMS) AS A DENSITY ANOMALY
(SEE CHART BELOW) AND 2. APPROVE SUCH ADDITIONAL RELIEF AS THE

NATURE OF THIS CASE AS PRESENTED AT THE TIME OF THE HEARING ON
THIS PETITION MAY REQUIRE, WITHIN THE SPIRIT AND INTENT OF THE
BCZR

POSTPONING

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11944203
Case #: 2020-0105-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2020-0105-SPH

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:

1/8/2021



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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0105-SPH

108-110 Maple Avenue

W/s Maple Avenue, south of centerline of Frederick Road

1st Election District - 1st Councilmanic District

Legal Owners: Mildred Hammen, Emily Wessel, Trustee

Special Hearing to the extent the same may be required, approve the density, house location, use areas and lot configurations for Lot Nos. 1,2,3,4,16,17 & 19 as shown on the Plat to Accompany this Petition (and Development Plan for Davis Farms) as a Density Anomaly (see chart below) and 2 approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

Hearing: Thursday, January 29, 2021 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

j28



Dev &
Zoning
Cases

✓
JOHN A. OLSZEWSKI, JR.
County Executive

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

December 14, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0105-SPH

106-110 Maple Avenue

W/s Maple Avenue, south of centerline of Frederick Road

1st Election District – 1st Councilmanic District

Legal Owners: Mildred Hammen, Emily Wessel, Trustee

Special Hearing to the extent the same may be required, approve the density, house location, use areas and lot configurations for Lot Nos. 1,2,3,4,16,17 & 19 as shown on the Plat to Accompany this Petition (and Development Plan for Davis Farms) as a Density Anomaly (see chart below) and 2 approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

Hearing: Thursday, January 28, 2020 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director

MM:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Mildred Hammen, Emily Wessel, 106 Maple Avenue, Catonsville 21228
John Motsco, 10710 Gilroy Road, Hunt Valley 21031

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 8, 2020.**

Donna Mignon

From: Larry Pilson <lpilson@hotmail.com>
Sent: Wednesday, January 6, 2021 12:48 PM
To: Kristen L Lewis; Jenae Johnson; Administrative Hearings; Patrick Williams; Vearle Cochran; Aaron Kensinger; Howard Alderman
Subject: Davis Farms Zoning Hearing Posting 2020-0105-SPH 106-110 Maple Avenue
Attachments: Davis Farms Zoning Cert.pdf; DSC_1155.JPG; DSC_1156.JPG

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

CERTIFICATE OF POSTING

Date: 1-6-21

RE: Case Number: Davis Farms Zoning Hearing 2020-0105-SPH

Petitioner/Developer: Hammen + Wesdel, Trustees

Date of Hearing/Closing: Friday, Jan 29, 2021 10AM

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 106110 Maple Ave

The signs(s) were posted on 1-6-21
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

443-834-8162
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2020-0105-SPH

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IN TOWSON, MD

PLACE: FOR INFO. ON HOW TO PARTICIPATE IN THE HEARINGS GO
TO WWW.BALTIMORECOUNTYMD/GOV/ADMIN HEARINGS NO LATER THAN
48 HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-867-3868 EX. 10

DATE AND TIME: FRIDAY JANUARY 29, 2021 10AM

REQUEST: SPECIAL HEARING TO THE EXTENT THE SAME MAY BE
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CONFIGURATIONS FOR LOTS 1, 2, 3, 4, 16, 17 + 19 AS SHOWN ON THE PLAT TO

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DENSITY ANOMALY (SEE CHART BELOW) AND 2 APPROVE SUCH ADDITIONAL
RELIEF AS THE NATURE OF THIS CASE AS PRESENTED AT THE TIME

OF THE HEARING ON THIS PETITION MAY REQUIRE, WITHIN THE SPIRIT
AND INTENT OF THE BCZR

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM THE SIGN. CALL 867-3391

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

ZONING NOTICE

CASE # 2020-0105 -SPH

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

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DATE AND TIME: FRIDAY JANUARY 29, 2021 10AM

REQUEST: SPECIAL HEARING TO THE EXTENT THE SAME MAY BE
REQUIRED, APPROVE THE DENSITY, HOUSE LOCATIONS USE AREAS AND LOT SIZE
VARIATIONS FOR LOTS 1, 2, 3 + 16, 17 + 18 AS SHOWN ON THE PLOT TO ACCOMPANY THE
PETITION (AND DEVELOPMENT PLAN FOR DAVIS FARMS) AS A DENSITY ALTERNATE

(SEE CHART BELOW) AND 2. APPROVE SUCH ADDITIONAL DENSITY AS THE
NATURE OF THIS CASE AS PRESENTED AT THE TIME OF THE HEARING IN
THIS PETITION MAY REQUIRE, WITHIN THE SPIRIT AND INTENT OF THE

2021

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOME TIMES NECESSARY
TO CONSIDER HEARING CALL 410-387-3868
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 14, 2020

CORRECTED 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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0105-SPH

106-110 Maple Avenue

W/s Maple Avenue, south of centerline of Frederick Road

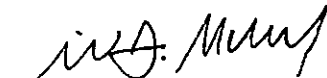
1st Election District – 1st Councilmanic District

Legal Owners: Mildred Hammen, Emily Wessel, Trustee

Special Hearing to the extent the same may be required, approve the density, house location, use areas and lot configurations for Lot Nos. 1,2,3,4,16,17 & 19 as shown on the Plat to Accompany this Petition (and Development Plan for Davis Farms) as a Density Anomaly (see chart below) and 2 approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

Hearing: Friday, January 29, 2021 at 10:00 a.m.

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Michael Mallinoff
Director

MM:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Mildred Hammen, Emily Wessel, 106 Maple Avenue, Catonsville 21228
John Motsco, 10710 Gilroy Road, Hunt Valley 21031

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 8, 2020.

TO: THE DAILY RECORD
Friday, January 8, 2020 - Issue

Please forward billing to:
Elizabeth Ford
632 Edwards Road
Annapolis, MD 21409

410-353-3131

CORRECTED NOTICE OF ZONING HEARING

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106-110 Maple Avenue

W/s Maple Avenue, south of centerline of Frederick Road

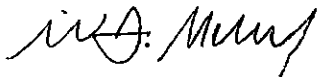
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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 14, 2020

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CASE NUMBER: 2020-0105-SPH

106-110 Maple Avenue

W/s Maple Avenue, south of centerline of Frederick Road

1st Election District – 1st Councilmanic District

Legal Owners: Mildred Hammen, Emily Wessel, Trustee

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A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Mildred Hammen, Emily Wessel, 106 Maple Avenue, Catonsville 21228
John Motsco, 10710 Gilroy Road, Hunt Valley 21031

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 8, 2020.

TO: THE DAILY RECORD
Friday, January 8, 2020 - Issue

Please forward billing to:
Elizabeth Ford
632 Edwards Road
Annapolis, MD 21409

410-353-3131

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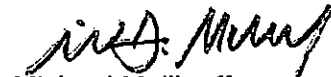
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Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
106-110 Maple Avenue; W/S Maple Avenue,	*	OF ADMINSTRATIVE
1580' S c/line with Frederick Road	*	HEARINGS FOR
1 st Election & 1 st Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Mildred D Hammen	*	
& Emily R. Wessel, Trustee	*	
Petitioner(s)	*	
	*	2020-105-SPH

* * * * *

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of May, 2020, a copy of the foregoing Entry of Appearance was emailed to John Motsco, PE, Little & Associates, Inc., 10710 Gilroy Road, Hunt Valley, Maryland 21031 and Howard L. Alderman, Esquire, Levin & Gann, P.A., 502 Washing Avenue, Suite 800, 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/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: 2020-0105-SPH
Property Address: 106, 108 & 110 Maple Avenue Catonsville, MD 21228
Property Description: 20.97 Ac. ± located on the Western side of Maple Avenue
at its Southern terminus
Legal Owners (Petitioners): Mildred D. Hammen, Emily R. Wessel, Trustee
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Elizabeth Ford
Company/Firm (if applicable): N/A
Address: 632 Edwards Road
Annapolis, MD 21409
Telephone Number: 410-353-3131

Revised 7/9/2015



LEVIN & GANN, P.A.
ATTORNEYS AT LAW

Howard L. Alderman, Jr., Esquire | Principal
D: 410.321.4640 | halderman@levingann.com

March 6, 2020

John Motsco, PE
Little & Associates, Inc.
10710 Gilroy Road
Hunt Valley, MD 21031

RE: 106-110 Maple Avenue
Davis Farms
Petitions for Combined Zoning/Development Plan Hearing

Dear John:

Enclosed are three (3) originals of a Petition for Zoning Hearing on the above-referenced property. The representative of the Owners has signed and I have signed. Your signature is needed as the Representative to be Contacted.

Attached to each Petition is the relief that I sent last week for review. At or after your filing appointment, should the relief need to be modified please let me know.

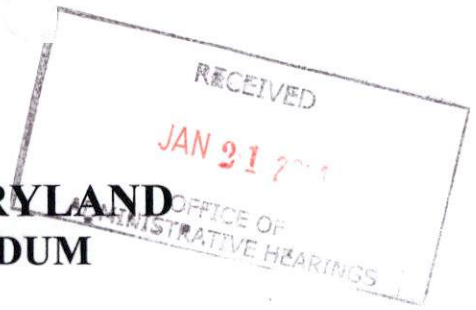
Thanks and please do not hesitate to call me with any questions.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
Enclosures (3)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: 1/20/2021

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-0105

INFORMATION:

Property Address: 106-110 Maple Avenue (Davis Farm Development Plan)
Petitioner: Mildred Hammen, Emily Wessel, Trustee
Zoning: DR 1, DR 2, DR 5.5, RC 5 RC8-NC
Requested Action: Special Hearing

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

The site is currently vacant and is the subject of a development plan titled "Davis Farm" PAI No. 01-606. A community input meeting was conducted on February 27, 2019 and the Development Plan Conference was held on January 6, 2021.

A community walk to the site was conducted on March 29, 2019. A site visit was done on May 20, 2020. The site is within the Patapsco Heritage Area Management Plan, Southwest Baltimore County Revitalization Strategy and Western Baltimore County Pedestrian and Bicycle Access area plans. The subject property is within the boundaries of the Catonsville/ Patapsco sustainable community plan. The site backs up to Patapsco Valley State Park.

The Department of Planning has no objections to granting the petitioned zoning relief. However, the applicant should comply with the department's comments for the development (PAI # I-606).

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

Prepared by:

Division Chief:

Krystle Patchak

Jennifer G. Nugent

Date: 1/20/2021
Subject: ZAC # 20-105
Page 2

CPG/JGN/kma/

c: Josephine Selvakumar
John A. Motsco, PE, Little & Associates, Inc.
Howard L. Alderman, Jr., Esquire, Levin & Gann, PA
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: May 7, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0105-SPH
Address 106-110 Maple Avenue
(Hammen & Wessel, Trustee
Property)

Zoning Advisory Committee Meeting of **May 11, 2020.**

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

1. **This project will require presentation to the Development Review Committee (DRC) for determination of plan process prior to issuance of any permits for Grading or Construction.**

Reviewer: Steve Ford, EPS

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Secretary
Tim Smith, P.E.
Acting Administrator

Date: May 12, 2020

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. **2020-0105-SPH**

Special Hearing

Mildred D. Hammen Emily R Wessel, Trustee
106 – 110 Maple Avenue

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

Sincerely,



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

WW/RAZ

From: webmaster@baltimorecountymd.gov
Sent: Sunday, January 17, 2021 4:06 PM
To: Administrative Hearings
Subject: Request to Testify

Follow Up Flag: Follow up
Flag Status: Flagged

Results of Form Submission

Request to Testify

Label	Value
First Name	Monica
Last Name	Simonsen
Email	Monica.simonsen@gmail.com
Phone	443-629-3191
Address	17 Maple Avenue
City	Catonsville
State	Maryland
ZIP Code	21228
Case Number	2020-0105-SPH
Scheduled Hearing Date	01/29/2021

Donna Mignon

Subject: Web seminar updated: Development/Zoning Hearing - Davis Farms - 106 Maple Avenue
- PAI Case No: 01-0606 and Zoning Case #: 2020-0105-SPH

Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ecb45e288324c5e98f5402d3ccad09ad5>

Start: Fri 1/29/2021 10:00 AM

End: Fri 1/29/2021 11:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: webex

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

When it's time, start your Webex event here.

Event number: 180 537 6832

Event password: 1234

Panelist password: The Event has no Panelist Password

Friday, January 29, 2021 10:00 am, Eastern Standard Time (New York, GMT-05:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ecb45e288324c5e98f5402d3ccad>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e9cc51544df67dc315506101576c>

Start event

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1805376832@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 164385

If you are a host, click here to view host information:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e803baacc746eacfaa01077e26bfdea4f>

Need help? Go to <https://help.webex.com>

Kristen L Lewis

From: Howard Alderman <halderman@levingann.com>
Sent: Monday, December 14, 2020 2:56 PM
To: Kristen L Lewis
Subject: RE: Corrected Notice

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

Thank you Kristen.

Please Note our NEW ADDRESS

Howard L. Alderman, Jr., Esquire

Towson Commons, Suite 900
1 West Pennsylvania Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-339-5762 or 833-801-1118 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

-----Original Message-----

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Monday, December 14, 2020 2:54 PM
To: Howard Alderman <halderman@levingann.com>
Subject: Corrected Notice

Good afternoon,

Attached is the new notice reflecting the correct date.

Kristen Lewis
PAI - Zoning Review
410-887-3391

[<http://www.baltimorecountymd.gov/sebin/g/i/signature-covid-mask.gif>]<<https://www.baltimorecountymd.gov/news/coronavirus.html>>

<<http://www.baltimorecountymd.gov>>

Connect with Baltimore County

[<http://www.baltimorecountymd.gov/sebin/x/g/social-icon-facebook.png>]<<https://www.facebook.com/baltcogov>>
[<http://www.baltimorecountymd.gov/sebin/p/o/social-icon-twitter.png>] <<https://twitter.com/BaltCoGov>>
[<http://www.baltimorecountymd.gov/sebin/z/n/social-icon-news.png>]
<<http://www.baltimorecountymd.gov/News/BaltimoreCountyNow>>
[<http://www.baltimorecountymd.gov/sebin/b/d/social-icon-youtube.png>]
<<https://www.youtube.com/user/BaltimoreCounty>> [<http://www.baltimorecountymd.gov/sebin/l/y/social-icon-flickr.png>] <<https://www.flickr.com/photos/baltimorecounty>> [<http://www.baltimorecountymd.gov/sebin/t/q/social-icon-linkedin.png>] <<https://www.linkedin.com/company/baltimore-county-government>>

www.baltimorecountymd.gov<<http://www.baltimorecountymd.gov>>



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 106-110 Maple Avenue

which is presently zoned See Attachment 1

Deed References: See Attachment 1

10 Digit Tax Account # See Attachment 1

Property Owner(s) Printed Name(s) MILDRED D. HAMMEN

EMILY R. WESSEL, TRUSTEE

(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. ~~XXXXX~~ 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

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

3. a Variance from Section(s)

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

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:

Howard L. Alderman, Jr., Esq. / Levin & Gann, PA

Name- Type or Print

Signature

502 Washington Avenue, STE 800 Towson MD

Mailing Address City State

21204 4103210600 halderman@levingann.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Mildred D. Hammen Emily R. Wessel, Trustee

Name #1 - Type or Print

Name #2 - Type or Print

By:

Signature #1

Signature #2

106 Maple Avenue

Catonsville

MD

Mailing Address

City

State

21228

410-353-3131

lizford1979@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

John A. Motsco, PE Little & Associates, Inc.

Name - Type or Print

By:

Signature

10710 Gilroy Road

Hunt Valley

MD

Mailing Address

City

State

21031

443-705-5020

jmotasco@centuryang.com

Zip Code

Telephone #

Email Address

4/3 to 4/10/2020

CASE NUMBER 2020-0105-SPM

Filing Date 4/27/20

Do Not Schedule Dates:

Reviewer JS

COMBINED HEARING WITH DAVIS FARMS DEVELOPMENT PLAN per Baltimore County Code Sec. 32-4-221(c)(2).

REV. 10/4/11

Donna Mignon

From: Patrick Williams
Sent: Monday, December 14, 2020 11:32 AM
To: Kristen L Lewis; Donna Mignon; Debra Wiley
Cc: Janice M Kemp
Subject: RE: Webex

Hearing-Davis Farms

PROPERTY LOCATION: 106 Maple Ave, Catonsville, MD 21228 Legal Owners: Wessell Emily Ruth Trustee

Applicant/Developer: Tri-Star Development Meeting Location: WebEx conducted by the Office of Administrative

Hearings PAI Number: 01-0606 Tracking Number: MAJ-2018-00012

Proposal: 19 Single Family dwellings with three dwellings to be razed.

Until further notice and in compliance with Baltimore County COVID-19 safety guidelines, all Development Management Development Plan Hearing (DPH) will be held virtually.

For additional information on this development hearing process please visit www.baltimorecountymd.gov/hoh

Engineer: Little & Associates, Inc. Phone: 410 296 1636

Project Manager: Patrick B. Williams Phone: 410-887-3321

Patrick Williams
Project Manager
Development Management
Permits, Approvals, and Inspections
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3321 Office
410-887-2877 Fax
pbwilliams@baltimorecountymd.gov

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-----Original Message-----

From: Kristen L Lewis

Sent: Monday, December 14, 2020 11:16 AM

To: Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>

Cc: Janice M Kemp <JM Kemp@baltimorecountymd.gov>; Patrick Williams <pbwilliams@baltimorecountymd.gov>

Subject: RE: Webex

Patrick/Janicè,

They need the information for the Davis Farms. Thank you,

Kristen Lewis
PAI – Zoning Review
410-887-3391

-----Original Message-----

From: Donna Mignon
Sent: Monday, December 14, 2020 11:12 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Janice M Kemp <JMKemp@baltimorecountymd.gov>; Patrick Williams <pbwilliams@baltimorecountymd.gov>
Subject: RE: Webex

Hi, we need the information from Patrick Williams regarding the Development part of the hearing.

-----Original Message-----

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Monday, December 14, 2020 11:10 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: Janice M Kemp <JMKemp@baltimorecountymd.gov>
Subject: Webex

Good morning,

This the webex information needed for a combined hearing. I will work with Janice on setting up the hearing online.

Kristen Lewis
PAI – Zoning Review
410-887-3391

Donna Mignon

From: Patrick Williams
Sent: Monday, December 14, 2020 11:48 AM
To: Donna Mignon; Kristen L Lewis; Debra Wiley
Cc: Janice M Kemp
Subject: RE: Webex

On it.

Patrick Williams
Project Manager
Development Management
Permits, Approvals, and Inspections
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3321 Office
410-887-2877 Fax
pbwilliams@baltimorecountymd.gov

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-----Original Message-----

From: Donna Mignon
Sent: Monday, December 14, 2020 11:39 AM
To: Patrick Williams <pbwilliams@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Janice M Kemp <JMKemp@baltimorecountymd.gov>
Subject: RE: Webex

Hi Patrick,

I need the names and email addresses to who needs to be invited to this event. Petitioners/Developers and any attorneys and county departments. Thanks.

-----Original Message-----

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Sent: Monday, December 14, 2020 11:32 AM

To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Janice M Kemp <JMKemp@baltimorecountymd.gov>
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PAI – Zoning Review
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Cc: Janice M Kemp <JMKemp@baltimorecountymd.gov>

Subject: Webex

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Kristen Lewis

PAI – Zoning Review

410-887-3391

Donna Mignon

From: Patrick Williams
Sent: Monday, December 14, 2020 2:19 PM
To: Howard Alderman; Donna Mignon
Cc: asia.jeng@gmail.com; elizabeth@hammendesigins.com; bill@tri-stardevelopment.com; kschmid@traffic-concepts.com; Aaron Kensinger; dlittle@centuryeng.com; Henry Leskinen
Subject: RE: DAVIS FARMS HOH

Noted...I forgot to erase that date off of the calendar.

Patrick Williams

Project Manager

Development Management

Permits, Approvals, and Inspections

County Office Building, Room 123

111 West Chesapeake Avenue

Towson, Maryland 21204

410-887-3321 Office

410-887-2877 Fax

pbwilliams@baltimorecountymd.gov



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From: Howard Alderman [mailto:halderman@levingann.com]
Sent: Monday, December 14, 2020 1:52 PM
To: Patrick Williams <pbwilliams@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: asia.jeng@gmail.com; elizabeth@hammendesigins.com; bill@tri-stardevelopment.com; kschmid@traffic-concepts.com; Aaron Kensinger <akensinger@centuryeng.com>; dlittle@centuryeng.com; Henry Leskinen <espiemail@aol.com>
Subject: DAVIS FARMS HOH

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

Patrick/Donna, we received virtual invites for the Davis Farms HOH for both 1/28 and 1/29. As confirmed with Patrick last week, the hearing is scheduled for 1/29 and not 1/28. Thanks, Howard

Please Note our NEW ADDRESS [see the instructions for parking below]

Download V-Card

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900

1 West Pennsylvania Avenue

Towson, Maryland 21204

410-321-0600 (voice)

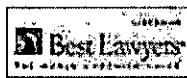
410-339-5762 or 833-801-1118 (fax)

410-456-8501 (cell)

Email: halderman@LevinGann.com

Website: www.LevinGann.com

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Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

Parking in the Attached Garage:

- ✚ You can enter the parking garage from either:
 - Pennsylvania Avenue;
 - Chesapeake Avenue, opposite the 7 West restaurant; or
 - Bankers Way near the Chesapeake Avenue/York Road intersection
- ✚ When entering, take a ticket and then **park in any space that is not reserved.**
- ✚ Be sure to **write the letter and number of the floor** where you have parked
- ✚ If you have parked on Garage Level 3A or 3B, go through the breezeway on Garage Level 3A
- ✚ Otherwise, take the **garage elevator** to the 3rd Floor, which is **Garage Level 3A**
- ✚ A breezeway into the office building is on the right
- ✚ Walk toward the TV at the other end of the breezeway
- ✚ Go through the glass doors on the left to the office elevators
- ✚ Take an **office elevator** down to the **security guard desk on the 1st Floor** and sign in
- ✚ The security guard will activate the elevator for you to the 9th Floor
- ✚ Look for the directional arrow to our **Offices in Suite 900**

Returning to the Garage:

-  Using any of the **office elevators**, return to the **2nd Floor**
-  Walk back through the breezeway to **Garage Level 3A**
-  Use any of the **garage elevators** to return to the garage level where you parked

Donna Mignon

From: Donna Mignon
Sent: Monday, December 14, 2020 2:26 PM
To: Kristen L Lewis; Janice M Kemp; Debra Wiley
Cc: Patrick Williams
Subject: FW: DAVIS FARMS HOH

PLEASE NOTE THAT THE HEARING IS ONLY SET FOR JANUARY 29TH, NOT JANUARY 28TH AND JANUARY 29. I deleted the date of January 28th off of webex.

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Sent: Monday, December 14, 2020 2:19 PM
To: Howard Alderman <halderman@levingann.com>; Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: asia.jeng@gmail.com; elizabeth@hammendesigns.com; bill@tri-stardevelopment.com; kschmid@traffic-concepts.com; Aaron Kensinger <akensinger@centuryeng.com>; dlittle@centuryeng.com; Henry Leskinen <espiemail@aol.com>
Subject: RE: DAVIS FARMS HOH

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Patrick Williams
Project Manager
Development Management
Permits, Approvals, and Inspections
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3321 Office
410-887-2877 Fax
pbwilliams@baltimorecountymd.gov



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Cc: asia.jeng@gmail.com; elizabeth@hammendesigns.com; bill@tri-stardevelopment.com; [1](mailto:kschmid@traffic-</p></div><div data-bbox=)

concepts.com; Aaron Kensinger <akensinger@centuryeng.com>; dlittle@centuryeng.com; Henry Leskinen <espiemail@aol.com>

Subject: DAVIS FARMS HOH

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Patrick/Donna, we received virtual invites for the Davis Farms HOH for both 1/28 and 1/29. As confirmed with Patrick last week, the hearing is scheduled for 1/29 and not 1/28. Thanks,
Howard

Please Note our NEW ADDRESS [see the instructions for parking below]

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Website: www.LevinGann.com

Recognized as one of Maryland's



LEVIN & GANN, P.A.



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- ⚡ Otherwise, take the **garage elevator** to the **3rd Floor**, which is **Garage Level 3A**
- ⚡ A breezeway into the office building is on the right
- ⚡ Walk toward the TV at the other end of the breezeway
- ⚡ Go through the glass doors on the left to the office elevators
- ⚡ Take an **office elevator** down to the **security guard desk on the 1st Floor** and sign in
- ⚡ The security guard will activate the elevator for you to the **9th Floor**
- ⚡ Look for the directional arrow to **our Offices in Suite 900**

Returning to the Garage:

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- ⚡ Walk back through the breezeway to **Garage Level 3A**
- ⚡ Use any of the **garage elevators** to return to the garage level where you parked

Donna Mignon

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Sent: Monday, December 14, 2020 2:19 PM
To: Howard Alderman; Donna Mignon
Cc: asia.jeng@gmail.com; elizabeth@hammendesigns.com; bill@tri-stardevelopment.com; kschmid@traffic-concepts.com; Aaron Kensinger; dlittle@centuryeng.com; Henry Leskinen
Subject: RE: DAVIS FARMS HOH

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Patrick Williams

Project Manager

Development Management

Permits, Approvals, and Inspections

County Office Building, Room 123

111 West Chesapeake Avenue

Towson, Maryland 21204

410-887-3321 Office

410-887-2877 Fax

pbwilliams@baltimorecountymd.gov



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Cc: asia.jeng@gmail.com; elizabeth@hammendesigns.com; bill@tri-stardevelopment.com; kschmid@traffic-concepts.com; Aaron Kensinger <akensinger@centuryeng.com>; dlittle@centuryeng.com; Henry Leskinen <espiemail@aol.com>
Subject: DAVIS FARMS HOH

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

Patrick/Donna, we received virtual invites for the Davis Farms HOH for both 1/28 and 1/29. As confirmed with Patrick last week, the hearing is scheduled for 1/29 and not 1/28. Thanks, Howard

Please Note our NEW ADDRESS [see the instructions for parking below]

Download V-Card

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900

1 West Pennsylvania Avenue

Towson, Maryland 21204

410-321-0600 (voice)

410-339-5762 or 833-801-1118 (fax)

410-456-8501 (cell)

Email: halderman@LevinGann.com

Website: www.LevinGann.com

Recognized as one of Maryland's



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Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

Parking in the Attached Garage:

- 🚗 You can enter the parking garage from either:
 - Pennsylvania Avenue;
 - Chesapeake Avenue, opposite the 7 West restaurant; or
 - Bankers Way near the Chesapeake Avenue/York Road intersection
- 🚗 When entering, take a ticket and then park in any space that is not reserved.
- 🚗 Be sure to write the letter and number of the floor where you have parked
- 🚗 If you have parked on Garage Level 3A or 3B, go through the breezeway on Garage Level 3A
- 🚗 Otherwise, take the garage elevator to the 3rd Floor, which is Garage Level 3A
- 🚗 A breezeway into the office building is on the right
- 🚗 Walk toward the TV at the other end of the breezeway
- 🚗 Go through the glass doors on the left to the office elevators
- 🚗 Take an office elevator down to the security guard desk on the 1st Floor and sign in
- 🚗 The security guard will activate the elevator for you to the 9th Floor
- 🚗 Look for the directional arrow to our Offices in Suite 900

Returning to the Garage:

- 🚗 Using any of the **office elevators**, return to the **2nd Floor**
- 🚗 Walk back through the breezeway to **Garage Level 3A**
- 🚗 Use any of the **garage elevators** to return to the garage level where you parked

Donna Mignon

From: Howard Alderman <halderman@levingann.com>
Sent: Monday, December 14, 2020 1:52 PM
To: Patrick Williams; Donna Mignon
Cc: asia.jeng@gmail.com; elizabeth@hammendesigns.com; bill@tri-stardevelopment.com; kschmid@traffic-concepts.com; Aaron Kensinger; dlittle@centuryeng.com; Henry Leskinen
Subject: DAVIS FARMS HOH

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Howard

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Download V-Card

Howard L. Alderman, Jr., Esquire



LEVIN GANN PA

Towson Commons, Suite 900

1 West Pennsylvania Avenue

Towson, Maryland 21204

410-321-0600 (voice)

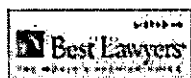
410-339-5762 or 833-801-1118 (fax)

410-456-8501 (cell)

Email: halderman@LevinGann.com

Website: www.LevinGann.com

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- 🚗 Use any of the **garage elevators** to return to the garage level where you parked

ZAC AGENDA

See Misc.
Note Below

Case Number: 2020-0105-SPH **Reviewer:** Jason Seidelman
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Mildred D. Hammen Emily R. Wessel, Trustee
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** Yes **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 106 110 MAPLE AVE

Location: West side of Maple Ave (25'), 1580' South of the center-line of intersection with Frederick Road (66').

Existing Zoning: MULTI DR1, DR2, DR3.5, RC5 **Area:** 20.97A

Proposed Zoning:

SPECIAL HEARING:

To the extent the same may be required, approve the density, house location, use areas and lot configurations for Lot Nos. 1,2,3,4,16,17 & 19 as shown on the Plat to Accompany this Petition (and Development Plan for Davis Farms) as a Density Anomaly (see chart below) and 2 approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

Attorney: Howard L. Alderman Jr.

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

To be scheduled with development Plan Hearing.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 01 Account Number - 2200004458		
Owner Information		
Owner Name:	HAMMEN MILDRED D	Use: RESIDENTIAL
Mailing Address:	106 MAPLE AVE BALTIMORE MD 21228-5524	Principal Residence: NO Deed Reference: /27854/ 00006
Location & Structure Information		
Premises Address:	106 MAPLE AVE BALTIMORE 21228-5524	Legal Description: 2.66 AC WS MAPLE AV 106 MAPLE AVE 1685 S FREDERICK RD
Map:	Grid:	Parcel:
0100	0018	0971
Neighborhood:	Subdivision:	Section:
1070134.04	0000	
Block:	Lot:	Assessment Year:
		2019
Plat No:		Plat Ref:
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1900	2,088 SF	Property Land Area
		2.6600 AC
County Use		04
Stories	Basement	Type
2 1/2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
WOOD SHINGLE/	4	1 full
Garage	Last Notice of Major Improvements	
1 Detached		
Value Information		
	Base Value	Value
		As of 01/01/2019
Land:	131,100	194,800
Improvements	155,100	161,000
Total:	286,200	355,800
Preferential Land:	0	0
		332,600
		355,800
Transfer Information		
Seller: HAMMEN JOHN J	Date: 03/30/2009	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /27854/ 00006	Deed2:
Seller: HAMMEN JOHN J	Date: 08/31/1990	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08583/ 00440	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Denied		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		Date:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 01 Account Number - 0123154870		
Owner Information		
Owner Name:	WESSELL EMILY RUTH TRUSTEE	Use: RESIDENTIAL
		Principal Residence: YES
Mailing Address:	110 MAPLE AVENUE CATONSVILLE MD 21228-5524	Deed Reference: /39326/ 00231
Location & Structure Information		
Premises Address:	110 MAPLE AVE CATONSVILLE 21228-5524	Legal Description: LT WS MAPLE AV 1950 S OF FREDERICK RD
Map:	Grid:	Parcel:
0100	0018	0600
Neighborhood:	Subdivision:	Section:
1070134.04	0000	
Block:	Lot:	Assessment Year:
		2019
		Plat No:
		Plat Ref:
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1952	1,173 SF	Property Land Area
		9,300 SF
County Use		04
Stories	Basement	Type
1 1/2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
BRICK/	4	1 full
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of
		01/01/2019
		Phase-in Assessments
		As of
		07/01/2020
		As of
		07/01/2021
Land:	107,000	152,500
Improvements	146,500	148,200
Total:	253,500	300,700
Preferential Land:	0	0
		284,967
		300,700
Transfer Information		
Seller: WESSELL EMILY R	Date: 08/25/2017	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /39326/ 00231	Deed2:
Seller: WESSEL A STANLEY	Date: 06/20/1990	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08515/ 00184	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 03/19/2015		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

Debra Wiley

From: webmaster@baltimorecountymd.gov
Sent: Friday, January 22, 2021 8:40 AM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Bruce & Eileen
Last Name	Leaman
Email	brwl01@comcast.net
Phone	4107470295
Address	27 Maple Ave
City	Catonsville
State	Maryland
ZIP Code	21228
Case Number	2020-0105-SPH
Scheduled Hearing Date	1/29/21

Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

[Select Contacts...](#)
[Import Contacts...](#)

Panelists to Invite

Name	Email address	Phone number	Language	Time Zone	Locale
☐ Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Aaron Kensinger	akensinger@centuryeng.com	1-	English	New York Time	U.S.
☐ Asia Jeng	asia.jeng@gmail.com	1-	English	New York Time	U.S.
☐ Bill Holland	bill@tri-stardevelopment.com	1-	English	New York Time	U.S.
☐ Bradley Knatz	brad.knatz@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Brett Williams	bmwilliams@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Bruce E. Leaman	brw101@comcast.net	1-	English	New York Time	U.S.
☐ Conference Room	pai-cobconfrm110@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Dwight Little	dliittle@centuryeng.com	1-	English	New York Time	U.S.
☐ Eileen Leaman	evleaman@gmail.com	1-	English	New York Time	U.S.
☐ Elizabeth Ford	elizabeth@hammendesigns.com	1-	English	New York Time	U.S.
☐ Henry Leskinen	espiemail@aol.com	1-	English	New York Time	U.S.
☐ Howard Alderman	halderman@levingann.com	1-	English	New York Time	U.S.
☐ James Hermann	jhermann@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Jason Seidelman	jseidelman@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Jeff Livingston	jlivingston@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Jenifer Nugent	jnugent@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Joseph Merrey	jmerrey@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Ken Schmid	kschmid@traffic-concepts.com	1-	English	New York Time	U.S.
☐ Lachelle Imwiko	limwiko@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Monica Simonsen	monica.simonsen@gmail.com	1-	English	New York Time	U.S.
☐ Patrick Williams	pbwilliams@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Sandy Steeves	sandy@steeveslawmd.com	1-	English	New York Time	U.S.
☐ Stephen Ford	sford@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Vishnubhai Desai	vdesai@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒ Bruce & Eileen Leaman	brw101@comcast.net	1-	English	New York Time	U.S.

[Invite](#)
[Select All](#)
[Clear All](#)
[Delete](#)
[Cancel](#)

New Panelist

 Full name: (required)

 Email address: (required)

 Phone number:

 Time Zone: New York (Eastern Standard Time, GMT-05:00)

 Language: English

Locale: | U.S. | ✓ |

- ☐ Add new panelist in my address book
- ☐ Invite as alternate host

Add to Invitation List

Debra Wiley

From: Patrick Williams
Sent: Friday, January 22, 2021 8:49 AM
To: Donna Mignon
Cc: PAI Dev MGT; Debra Wiley
Subject: RE: Davis Farms

Vishnubhai K Desai vdesai@baltimorecountymd.gov
Jeffery Livingston <jlivingston@baltimorecountymd.gov>
Brett Williams bmwilliams@baltimorecountymd.gov
Bradley Knatz sknatz@baltimorecountymd.gov ✓
LaChelle N. Imwiko limwiko@baltimorecountymd.gov
James Hermann jhermann@baltimorecountymd.gov
Stephen Ford sford@baltimorecountymd.gov
Te-Sheng Huang thuang@baltimorecountymd.gov ✓
Krystle Patchak kpatchak@baltimorecountymd.gov ✓
Chris R Davis cdavis1@baltimorecountymd.gov ✓
Jenifer G. Nugent jnugent@baltimorecountymd.gov
Jeffrey N Perlow JPerlow@baltimorecountymd.gov ✓
Joseph C Merrey JMerrey@baltimorecountymd.gov
Jason Seidelman jseidelman@baltimorecountymd.gov

Patrick Williams

Project Manager

Development Management

Permits, Approvals, and Inspections

County Office Building, Room 123

111 West Chesapeake Avenue

Towson, Maryland 21204

410-887-3321 Office

410-887-2877 Fax

pbwilliams@baltimorecountymd.gov



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2020**

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☐ Jason Seidelman	jseidelman@baltimorecountymd.gov	1-	English	New York Time	U.S.
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☐ Joseph Merrey	jmerrey@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Ken Schmid	kschmid@traffic-concepts.com	1-	English	New York Time	U.S.
☐ Lachelle Imwiko	limwiko@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Monica Simonsen	monica.simonsen@gmail.com	1-	English	New York Time	U.S.
☐ Patrick Williams	pbwilliams@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Sandy Steeves	sandy@steeveslawmd.com	1-	English	New York Time	U.S.
☐ Stephen Ford	sford@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Vishnubhai Desai	vdesai@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒ Bradley Knatz	sknatz@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒ Te-Sheng Huang	thuang@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒ Krystal Patchak	kpatchak@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒ Chris R Davis	cdavis1@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒ Jeff Perlow	jperlow@baltimorecountymd.gov	1-	English	New York Time	U.S.

[Invite](#)
[Select All](#)
[Clear All](#)
[Delete](#)
[Cancel](#)

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region Number (with area/city code)

Time Zone: New York (Eastern Standard Time, GMT-05:00)

Language: English

Locale: U.S.

- ☐ Add new panelist in my address book
- ☐ Invite as alternate host

From: Donna Mignon
Sent: Thursday, January 21, 2021 12:07 PM
To: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Cc: PAI Dev MGT <paidevmgt@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Davis Farms

Hi Patrick,
I still need the names and emails of the people who need to be invited from Baltimore County. Please advise. Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Sent: Monday, December 14, 2020 12:24 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: PAI Dev MGT <paidevmgt@baltimorecountymd.gov>
Subject: FW: Davis Farms

See below. More information is forthcoming.

Patrick Williams
Project Manager
Development Management
Permits, Approvals, and Inspections
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3321 Office
410-887-2877 Fax
pbwilliams@baltimorecountymd.gov



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2020**

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From: Howard Alderman [<mailto:halderman@levingann.com>]
Sent: Monday, December 14, 2020 12:11 PM
To: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Cc: PAI Dev MGT <paidevmgt@baltimorecountymd.gov>
Subject: RE: Davis Farms

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

Patrick, here they are:

Aaron Kensinger <akensinger@centuryeng.com>; Henry Leskinen <espiemail@aol.com>; Ken Schmid <kschmid@traffic-concepts.com>; bill@tri-stardevelopment.com; asia.jeng@gmail.com; Elizabeth Ford <elizabeth@hammendesigns.com>; Dwight Little <dlittle@centuryeng.com>

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Please Note our NEW ADDRESS

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900
1 West Pennsylvania Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-339-5762 or 833-801-1118 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Sent: Monday, December 14, 2020 11:49 AM
To: Howard Alderman <halderman@levingann.com>
Cc: PAI Dev MGT <paidevmgt@baltimorecountymd.gov>
Subject: RE: Davis Farms

Please send me the names/emails of everyone who you would like to have panelist privileges (sharing contenet, etc.) for the hearing.

Patrick Williams
*Project Manager
Development Management
Permits, Approvals, and Inspections
County Office Building, Room 123*

111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3321 Office
410-887-2877 Fax
pbwilliams@baltimorecountymd.gov



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From: Howard Alderman [<mailto:halderman@levingann.com>]
Sent: Wednesday, December 09, 2020 1:44 PM
To: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Subject: RE: Davis Farms

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

Correct!!!

Please Note our NEW ADDRESS

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Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900
1 West Pennsylvania Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-339-5762 or 833-801-1118 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Sent: Wednesday, December 9, 2020 1:31 PM
To: Howard Alderman <halderman@leavingann.com>
Subject: RE: Davis Farms

My mistake. For some reason I thought the 28th. No problem, 29th is a go. So you do not need the 28th additionally, correct?

Patrick Williams
Project Manager
Development Management
Permits, Approvals, and Inspections
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3321 Office
410-887-2877 Fax
pbwilliams@baltimorecountymd.gov



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From: Howard Alderman [<mailto:halderman@leavingann.com>]
Sent: Wednesday, December 09, 2020 1:27 PM
To: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Subject: RE: Davis Farms

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

Patrick, see your lock in email of 11/6 attached. Thanks for your on-going cooperation in these crazy, crazy times!! Howard

Please Note our NEW ADDRESS

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410-339-5762 or 833-801-1118 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Sent: Wednesday, December 9, 2020 1:05 PM
To: Howard Alderman <halderman@levingann.com>
Cc: Dwight Little <dlittle@centuryeng.com>; Aaron Kensinger <akensinger@centuryeng.com>; asia.jeng@gmail.com;
elizabeth@hammendesigins.com; Bill Holland <bill@tri-stardevelopment.com>
Subject: RE: Davis Farms

The date is locked in however I thought that we agreed on the 28th because there was a scheduling conflict on the 29th. Either way we allot for 2 days in case of continuation. The DPC will be virtual and you will receive notice of when that will be. More than likely close to the end of December.

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From: Howard Alderman [<mailto:halderman@levingann.com>]

Sent: Wednesday, December 09, 2020 11:00 AM

To: Patrick Williams <pbwilliams@baltimorecountymd.gov>

Cc: Dwight Little <dlittle@centuryeng.com>; Aaron Kensinger <akensinger@centuryeng.com>; asia.ieng@gmail.com; elizabeth@hammendesigns.com; Bill Holland <bill@tri-stardevelopment.com>

Subject: Davis Farms

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

Patrick, good morning. Regarding the Davis Farms HOH, locked in for 1/29/2021, has the DPC been scheduled? Will it be virtual?

Thanks,
Howard

Please Note our NEW ADDRESS [see the instructions for parking below]

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Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900

1 West Pennsylvania Avenue

Towson, Maryland 21204

410-321-0600 (voice)

410-339-5762 or 833-801-1118 (fax)

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Email: halderman@LevinGann.com

Website: www.LevinGann.com

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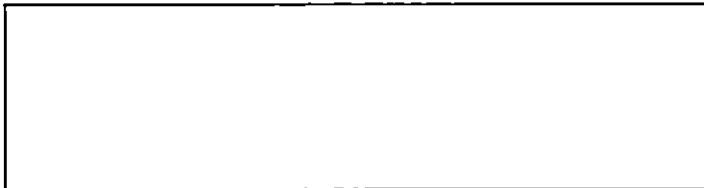
Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

Parking in the Attached Garage:

- # You can enter the parking garage from either:
 - > Pennsylvania Avenue;
 - > Chesapeake Avenue, opposite the 7 West restaurant; or
 - > Bankers Way near the Chesapeake Avenue/York Road intersection
- # When entering, take a ticket and then park in any space that is not reserved.
- # Be sure to write the letter and number of the floor where you have parked
- # If you have parked on Garage Level 3A or 3B, go through the breezeway on Garage Level 3A
- # Otherwise, take the garage elevator to the 3rd Floor, which is **Garage Level 3A**
- # A breezeway into the office building is on the right
- # Walk toward the TV at the other end of the breezeway
- # Go through the glass doors on the left to the office elevators
- # Take an **office elevator** down to the **security guard desk on the 1st Floor** and sign in
- # The security guard will activate the elevator for you to the 9th Floor
- # Look for the directional arrow to our **Offices in Suite 900**

Returning to the Garage:

- # Using any of the **office elevators**, return to the 2nd Floor
- # Walk back through the breezeway to **Garage Level 3A**
- # Use any of the **garage elevators** to return to the garage level where you parked



CONNECT WITH BALTIMORE COUNTY



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Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Saturday, January 23, 2021 2:04 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Mark
Last Name	Beckstrom
Email	Mbxtrm01@gmail.com
Phone	4109606838
Address	20 Dutton Avenue
City	Catonsville
State	Maryland
ZIP Code	21228
Case Number	2020-0105-SPH
Scheduled Hearing Date	01/29/2021

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Aaron Kensinger	akensinger@centuryeng.com	1-	New York Time	English	U.S.
Asia Jeng	asia.jeng@gmail.com	1-	New York Time	English	U.S.
Bill Holland	bill@tri-stardevelopment.com	1-	New York Time	English	U.S.
Bradley Knatz	sknatz@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bradley Knatz	brad.knatz@baltimorecountymd.gov	1-	New York Time	English	U.S.
Brett Williams	bmwilliams@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bruce & Eileen Leaman	brwl01@comcast.net	1-	New York Time	English	U.S.
Bruce E. Leaman	brw101@comcast.net	1-	New York Time	English	U.S.
Chris R Davis	cdavis1@baltimorecountymd.gov	1-	New York Time	English	U.S.
Conference Room	pai-cobconfrm110@baltimorecountymd.gov	1-	New York Time	English	U.S.
Dwight Little	dlittle@centuryeng.com	1-	New York Time	English	U.S.
Eileen Leaman	evleaman@gmail.com	1-	New York Time	English	U.S.
Elizabeth Ford	elizabeth@hammendesigns.com	1-	New York Time	English	U.S.
Henry Leskinen	espiemail@aol.com	1-	New York Time	English	U.S.
Howard Alderman	halderman@levingann.com	1-	New York Time	English	U.S.
James Hermann	jhermann@baltimorecountymd.gov	1-	New York Time	English	U.S.
Jason Seidelman	jseidelman@baltimorecountymd.gov	1-	New York Time	English	U.S.
Jeff Livingston	jlivingston@baltimorecountymd.gov	1-	New York Time	English	U.S.
Jeff Perlow	jperlow@baltimorecountymd.gov	1-	New York Time	English	U.S.
Jenifer Nugent	jnugent@baltimorecountymd.gov	1-	New York Time	English	U.S.
Joseph Merrey	jmerrey@baltimorecountymd.gov	1-	New York Time	English	U.S.
Ken Schmid	kschmid@traffic-concepts.com	1-	New York Time	English	U.S.
Krystal Patchak	kpatchak@baltimorecountymd.gov	1-	New York Time	English	U.S.
Lachelle Imwiko	limwiko@baltimorecountymd.gov	1-	New York Time	English	U.S.
Mark Beckstrom	mbxtrm01@gmail.com	1-	New York Time	English	U.S.
Monica Simonsen	monica.simonsen@gmail.com	1-	New York Time	English	U.S.
Patrick Williams	pbwilliams@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Sandy Steeves	sandy@steeveslawmd.com	1-	New York Time	English	U.S.
Stephen Ford	sford@baltimorecountymd.gov	1-	New York Time	English	U.S.
Te-Sheng Huang	thuang@baltimorecountymd.gov	1-	New York Time	English	U.S.
Vishnubhai Desai	vdesai@baltimorecountymd.gov	1-	New York Time	English	U.S.

OK

Debra Wiley

From: James Hermann
Sent: Sunday, January 24, 2021 11:41 PM
To: Administrative Hearings
Cc: Lloyd Moxley; Vishnubhai K Desai; Patrick Williams
Subject: Davis Farms - 106 Maple Avenue - January 29th at 10:00 a.m. PAI # 01-0606
Attachments: DPR- Exhibit - Davis Farms - Approved Schematic Landscape Plan.pdf

Good evening.

Enclosed please find the following Exhibit(s):

1. DPR Exhibit - Approved Schematic Landscape Plan.

Please call if you have any questions.

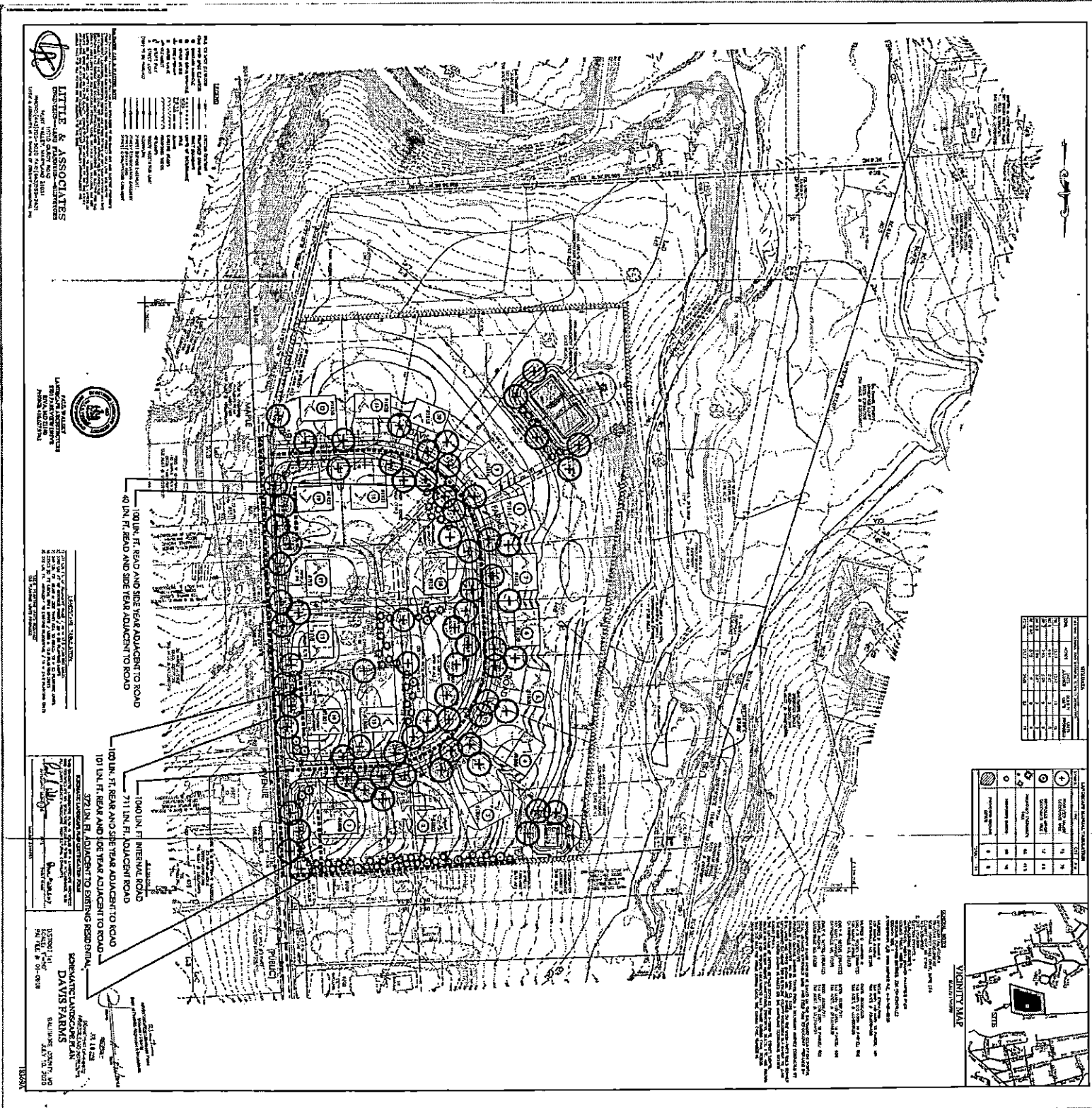
Thanks Jim

Jim Hermann, RLA - Landscape Architect

Permits, Approval & Inspections,
Development Plans Review
County Office Building, Room 119
111 West Chesapeake Avenue
Towson, Maryland 21204

Email: jhermann@baltimorecountymd.gov
Phone: 410-887-3751
Fax: 410-887-2877





Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Saturday, January 23, 2021 2:04 PM
To: Administrative Hearings
Subject: Request to Testify

Follow Up Flag: Follow up
Flag Status: Flagged

Results of Form Submission

Request to Testify

Label	Value
First Name	Mark
Last Name	Beckstrom
Email	Mbxtrm01@gmail.com
Phone	4109606838
Address	20 Dutton Avenue
City	Catonsville
State	Maryland
ZIP Code	21228
Case Number	2020-0105-SPH
Scheduled Hearing Date	01/29/2021

Donna Mignon

From: Donna Mignon
Sent: Thursday, January 21, 2021 3:21 PM
To: 'Howard Alderman'
Subject: Case No: PAI 010606 and 2020-0105-SPH

Good Afternoon,

As you are aware, a virtual webex hearing has been scheduled for January 29, 2021 at 10:00 a.m. You should have received an invitation in an email that invited you to this hearing.

Please note that all hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov. Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

If you have any questions or concerns, please feel free to contact our office.

Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
✓ Aaron Kensinger	akensinger@centuryeng.com	1-	New York Time	English	U.S.
Asia Jeng	asia.jeng@gmail.com	1-	New York Time	English	U.S.
Bill Holland	bill@tri-stardevelopment.com	1-	New York Time	English	U.S.
Bradley Knatz	brad.knatz@baltimorecountymd.gov	1-	New York Time	English	U.S.
Brett Williams	bmwilliams@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bruce E. Leaman	brw101@comcast.net	1-	New York Time	English	U.S.
Conference Room	pai-cobconfm110@baltimorecountymd.gov	1-	New York Time	English	U.S.
✓ Dwight Little	dlittle@centuryeng.com	1-	New York Time	English	U.S.
Eileen Leaman	evleaman@gmail.com	1-	New York Time	English	U.S.
Elizabeth Ford	elizabeth@hammendesigns.com	1-	New York Time	English	U.S.
Henry Leskinen	espiemail@aol.com	1-	New York Time	English	U.S.
Howard Alderman	halderman@levingann.com	1-	New York Time	English	U.S.
James Hermann	jhermann@baltimorecountymd.gov	1-	New York Time	English	U.S.
Jason Seidelman	jseidelman@baltimorecountymd.gov	1-	New York Time	English	U.S.
Jeff Livingston	jlivingston@baltimorecountymd.gov	1-	New York Time	English	U.S.
Jenifer Nugent	jnugent@baltimorecountymd.gov	1-	New York Time	English	U.S.
Joseph Merrey	jmerrey@baltimorecountymd.gov	1-	New York Time	English	U.S.
Ken Schmid	kschmid@traffic-concepts.com	1-	New York Time	English	U.S.
Lachelle Imwiko	limwiko@baltimorecountymd.gov	1-	New York Time	English	U.S.
Monica Simonsen	monica.simonsen@gmail.com	1-	New York Time	English	U.S.
Patrick Williams	pbwilliams@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Sandy Steeves	sandy@steeveslawmd.com	1-	New York Time	English	U.S.
Stephen Ford	sford@baltimorecountymd.gov	1-	New York Time	English	U.S.
Vishnubhai Desai	vdesai@baltimorecountymd.gov	1-	New York Time	English	U.S.

OK

Donna Mignon

From: Patrick Williams
Sent: Thursday, January 21, 2021 12:36 PM
To: Donna Mignon
Cc: PAI Dev MGT; Debra Wiley
Subject: Re: Davis Farms

Vishnu Desai
Brett Williams
Joseph Merrey
Jason Seidelman
Jeff Livingston
Stephen Ford
Jennifer Nugent
James Hermann
Brad Knatz
Lachelle Imwinko

You should have all of the representatives emails. If not I can get them for you.

From: Donna Mignon
Sent: Thursday, January 21, 2021 11:07:19 AM
To: Patrick Williams
Cc: PAI Dev MGT; Debra Wiley
Subject: RE: Davis Farms

Hi Patrick,
I still need the names and emails of the people who need to be invited from Baltimore County. Please advise. Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Sent: Monday, December 14, 2020 12:24 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: PAI Dev MGT <paidevmgt@baltimorecountymd.gov>
Subject: FW: Davis Farms

See below. More information is forthcoming.

Patrick Williams
Project Manager

Development Management
Permits, Approvals, and Inspections
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3321 Office
410-887-2877 Fax
pbwilliams@baltimorecountymd.gov



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From: Howard Alderman [<mailto:halderman@levingann.com>]
Sent: Monday, December 14, 2020 12:11 PM
To: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Cc: PAI Dev MGT <paidevmgt@baltimorecountymd.gov>
Subject: RE: Davis Farms

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

Patrick, here they are:

Aaron Kensinger <akensinger@centuryeng.com>; Henry Leskinen <espiemail@aol.com>; Ken Schmid <kschmid@traffic-concepts.com>; bill@tri-stardevelopment.com;
asia.jeng@gmail.com; Elizabeth Ford <elizabeth@hammendesigns.com>; Dwight Little <dlittle@centuryeng.com>

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Howard L. Alderman, Jr., Esquire



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1 West Pennsylvania Avenue

Towson, Maryland 21204
410-321-0600 (voice)
410-339-5762 or 833-801-1118 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Sent: Monday, December 14, 2020 11:49 AM
To: Howard Alderman <halderman@levingann.com>
Cc: PAI Dev MGT <paidevmgt@baltimorecountymd.gov>
Subject: RE: Davis Farms

Please send me the names/emails of everyone who you would like to have panelist privileges (sharing contenet, etc.) for the hearing.

Patrick Williams
*Project Manager
Development Management
Permits, Approvals, and Inspections
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3321 Office
410-887-2877 Fax
pbwilliams@baltimorecountymd.gov*



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Sent: Wednesday, December 09, 2020 1:44 PM
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Subject: RE: Davis Farms

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--

Correct!!!

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Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900

1 West Pennsylvania Avenue

Towson, Maryland 21204

410-321-0600 (voice)

410-339-5762 or 833-801-1118 (fax)

410-456-8501 (cell)

Email: halderman@LevinGann.com

Website: www.LevinGann.com

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>

Sent: Wednesday, December 9, 2020 1:31 PM

To: Howard Alderman <halderman@levinggann.com>

Subject: RE: Davis Farms

My mistake. For some reason I thought the 28th. No problem, 29th is a go. So you do not need the 28th additionally, correct?

Patrick Williams

Project Manager

Development Management

Permits, Approvals, and Inspections

County Office Building, Room 123

111 West Chesapeake Avenue

Towson, Maryland 21204

410-887-3321 Office

410-887-2877 Fax

pbwilliams@baltimorecountymd.gov



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Subject: RE: Davis Farms

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Patrick, see your lock in email of 11/6 attached. Thanks for your on-going cooperation in these crazy, crazy times!! Howard

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Website: www.LevinGann.com

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Sent: Wednesday, December 9, 2020 1:05 PM
To: Howard Alderman <halderman@levingann.com>
Cc: Dwight Little <dlittle@centuryeng.com>; Aaron Kensinger <akensinger@centuryeng.com>; asia.jeng@gmail.com; elizabeth@hammendesigins.com; Bill Holland <bill@tri-stardevelopment.com>
Subject: RE: Davis Farms

The date is locked in however I thought that we agreed on the 28th because there was a scheduling conflict on the 29th. Either way we allot for 2 days in case of continuation. The DPC will be virtual and you will receive notice of when that will be. More than likely close to the end of December.

Patrick Williams
Project Manager
Development Management

Permits, Approvals, and Inspections
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3321 Office
410-887-2877 Fax
pbwilliams@baltimorecountymd.gov



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From: Howard Alderman [<mailto:halderman@levingann.com>]
Sent: Wednesday, December 09, 2020 11:00 AM
To: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Cc: Dwight Little <dlittle@centuryeng.com>; Aaron Kensinger <akensinger@centuryeng.com>; asia.jeng@gmail.com; elizabeth@hammendesigns.com; Bill Holland <bill@tri-stardevelopment.com>
Subject: Davis Farms

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Patrick, good morning. Regarding the Davis Farms HOH, locked in for 1/29/2021, has the DPC been scheduled? Will it be virtual?

Thanks,
Howard

Please Note our NEW ADDRESS [see the instructions for parking below]

[Download V-Card](#)

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900
1 West Pennsylvania Avenue
Towson, Maryland 21204

Donna Mignon

From: Donna Mignon
Sent: Thursday, January 21, 2021 12:07 PM
To: Patrick Williams
Cc: PAI Dev MGT; Debra Wiley
Subject: RE: Davis Farms

Hi Patrick,

I still need the names and emails of the people who need to be invited from Baltimore County. Please advise. Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Sent: Monday, December 14, 2020 12:24 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: PAI Dev MGT <paidevmgt@baltimorecountymd.gov>
Subject: FW: Davis Farms

See below. More information is forthcoming.

Patrick Williams
Project Manager
Development Management
Permits, Approvals, and Inspections
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3321 Office
410-887-2877 Fax
pbwilliams@baltimorecountymd.gov



**CENSUS
2020**

EVERYONE COUNTS

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copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this message in error, please immediately notify Baltimore County Development Management by telephone at 410.887-3321, and delete the message. Thank you.

From: Howard Alderman [<mailto:halderman@levingann.com>]
Sent: Monday, December 14, 2020 12:11 PM
To: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Cc: PAI Dev MGT <paidevmgt@baltimorecountymd.gov>
Subject: RE: Davis Farms

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

Patrick, here they are:

Aaron Kensinger <akensinger@centuryeng.com>; Henry Leskinen <espiemail@aol.com>; Ken Schmid <kschmid@traffic-concepts.com>; bill@tri-stardevelopment.com; asia.jeng@gmail.com; Elizabeth Ford <elizabeth@hammendesigns.com>; Dwight Little <dlittle@centuryeng.com>

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Please Note our NEW ADDRESS

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900
1 West Pennsylvania Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-339-5762 or 833-801-1118 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Sent: Monday, December 14, 2020 11:49 AM
To: Howard Alderman <halderman@levingann.com>
Cc: PAI Dev MGT <paidevmgt@baltimorecountymd.gov>
Subject: RE: Davis Farms

Please send me the names/emails of everyone who you would like to have panelist privileges (sharing contenet, etc.) for the hearing.

Patrick Williams

Project Manager
Development Management
Permits, Approvals, and Inspections
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3321 Office
410-887-2877 Fax
pbwilliams@baltimorecountymd.gov



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From: Howard Alderman [<mailto:halderman@levingann.com>]
Sent: Wednesday, December 09, 2020 1:44 PM
To: Patrick Williams <pbwilliams@baltimorecountymd.gov>
Subject: RE: Davis Farms

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

Correct!!!

Please Note our NEW ADDRESS

[Download V-Card](#)

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900
1 West Pennsylvania Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-339-5762 or 833-801-1118 (fax)
410-456-8501 (cell)

Email: halderman@LevinGann.com

Website: www.LevinGann.com

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>

Sent: Wednesday, December 9, 2020 1:31 PM

To: Howard Alderman <halderman@levingann.com>

Subject: RE: Davis Farms

My mistake. For some reason I thought the 28th. No problem, 29th is a go. So you do not need the 28th additionally, correct?

Patrick Williams

Project Manager

Development Management

Permits, Approvals, and Inspections

County Office Building, Room 123

111 West Chesapeake Avenue

Towson, Maryland 21204

410-887-3321 Office

410-887-2877 Fax

pbwilliams@baltimorecountymd.gov



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From: Howard Alderman [<mailto:halderman@levingann.com>]

Sent: Wednesday, December 09, 2020 1:27 PM

To: Patrick Williams <pbwilliams@baltimorecountymd.gov>

Subject: RE: Davis Farms

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

Patrick, see your lock in email of 11/6 attached. Thanks for your on-going cooperation in these crazy, crazy times!! Howard

Please Note our NEW ADDRESS

Download V-Card

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900

1 West Pennsylvania Avenue

Towson, Maryland 21204

410-321-0600 (voice)

410-339-5762 or 833-801-1118 (fax)

410-456-8501 (cell)

Email: halderman@LevinGann.com

Website: www.LevinGann.com

From: Patrick Williams <pbwilliams@baltimorecountymd.gov>

Sent: Wednesday, December 9, 2020 1:05 PM

To: Howard Alderman <halderman@levinggann.com>

Cc: Dwight Little <dlittle@centuryeng.com>; Aaron Kensinger <akensinger@centuryeng.com>; asia.jeng@gmail.com; elizabeth@hammendesigns.com; Bill Holland <bill@tri-stardevelopment.com>

Subject: RE: Davis Farms

The date is locked in however I thought that we agreed on the 28th because there was a scheduling conflict on the 29th. Either way we allot for 2 days in case of continuation. The DPC will be virtual and you will receive notice of when that will be. More than likely close to the end of December.

Patrick Williams

Project Manager

Development Management

Permits, Approvals, and Inspections

County Office Building, Room 123

111 West Chesapeake Avenue

Towson, Maryland 21204

410-887-3321 Office

410-887-2877 Fax

pbwilliams@baltimorecountymd.gov



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From: Howard Alderman [<mailto:halderman@levingann.com>]

Sent: Wednesday, December 09, 2020 11:00 AM

To: Patrick Williams <pbwilliams@baltimorecountymd.gov>

Cc: Dwight Little <dlittle@centuryeng.com>; Aaron Kensinger <akensinger@centuryeng.com>; asia.jeng@gmail.com; elizabeth@hammendesigns.com; Bill Holland <bill@tri-stardevelopment.com>

Subject: Davis Farms

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

Patrick, good morning. Regarding the Davis Farms HOH, locked in for 1/29/2021, has the DPC been scheduled? Will it be virtual?

Thanks,
Howard

Please Note our NEW ADDRESS [see the instructions for parking below]

Download V-Card

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900

1 West Pennsylvania Avenue

Towson, Maryland 21204

410-321-0600 (voice)

410-339-5762 or 833-801-1118 (fax)

410-456-8501 (cell)

Email: halderman@LevinGann.com

Website: www.LevinGann.com

Recognized as one of Maryland's



LEVIN & GANN, P.A.
Publicly Listed, Professional Advisors



This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you. This message is covered by the Electronic Communications Privacy Act, Title 18, United States Code, §§ 2510-2521. This e-mail and any attached files are deemed privileged and confidential, and are intended solely for the use of the individual(s) or entity to whom this e-mail is addressed.

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Parking in the Attached Garage:

- # You can enter the parking garage from either:
 - Pennsylvania Avenue;
 - Chesapeake Avenue, opposite the 7 West restaurant; or
 - Bankers Way near the Chesapeake Avenue/York Road intersection
- # When entering, take a ticket and then **park in any space that is not reserved.**
- # Be sure to **write the letter and number of the floor** where you have parked
- # If you have parked on Garage Level 3A or 3B, go through the breezeway on Garage Level 3A
- # Otherwise, take the **garage elevator** to the **3rd Floor**, which is **Garage Level 3A**
- # A breezeway into the office building is on the right
- # Walk toward the TV at the other end of the breezeway
- # Go through the glass doors on the left to the office elevators
- # Take an **office elevator** down to the **security guard desk on the 1st Floor** and sign in
- # The security guard will activate the elevator for you to the **9th Floor**
- # Look for the directional arrow to our **Offices in Suite 900**

Returning to the Garage:

- # Using any of the **office elevators**, return to the **2nd Floor**
- # Walk back through the breezeway to **Garage Level 3A**
- # Use any of the **garage elevators** to return to the garage level where you parked



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Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

Panelists to Invite

	Name	Email address	Phone number	Language	Time Zone	Locale
☐	<u>Deb Wiley</u> (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Henry Ayakwah</u> (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Aaron Kensinger</u>	akensinger@centuryeng.com	1-	English	New York Time	U.S.
☐	<u>Asia Jeng</u>	asia.jeng@gmail.com	1-	English	New York Time	U.S.
☐	<u>Bill Holland</u>	bill@tri-stardevelopment.com	1-	English	New York Time	U.S.
☐	<u>Bruce E. Leaman</u>	brw101@comcast.net	1-	English	New York Time	U.S.
☐	<u>Conference Room</u>	pai-cobconfrm110@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Dwight Little</u>	dlittle@centuryeng.com	1-	English	New York Time	U.S.
☐	<u>Eileen Leaman</u>	evleaman@gmail.com	1-	English	New York Time	U.S.
☐	<u>Elizabeth Ford</u>	elizabeth@hammendesigins.com	1-	English	New York Time	U.S.
☐	<u>Henry Leskinen</u>	espiemail@aol.com	1-	English	New York Time	U.S.
☐	<u>Howard Alderman</u>	halderman@leavingann.com	1-	English	New York Time	U.S.
☐	<u>Ken Schmid</u>	kschmid@traffic-concepts.com	1-	English	New York Time	U.S.
☐	<u>Monica Simonsen</u>	monica.simonsen@gmail.com	1-	English	New York Time	U.S.
☒	<u>Patrick Williams</u>	pbwilliams@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Paul Mayhew</u>	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Sandy Steeves</u>	sandy@steeveslawmd.com	1-	English	New York Time	U.S.

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region Number (with area/city code)

Time Zone: New York (Eastern Standard Time, GMT-05:00)

Language: English

Locale: U.S.

☐ Add new panelist in my address book

☐ Invite as alternate host

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Thursday, January 21, 2021 10:24 AM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Bruce Eileen
Last Name	Leaman
Email	brwl01@comcast.net
Phone	4107470295
Address	27 Maple Ave
City	Catonsville
State	Maryland
ZIP Code	21228
Case Number	2020-0105-SPH
Scheduled Hearing Date	1/29/21

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Aaron Kensinger	akensinger@centuryeng.com	1-	New York Time	English	U.S.
Asia Jeng	asia.jeng@gmail.com	1-	New York Time	English	U.S.
Bill Holland	bill@tri-stardevelopment.com	1-	New York Time	English	U.S.
Conference Room	pai-cobconfirm110@baltimorecountymd.gov	1-	New York Time	English	U.S.
Dwight Little	dlittle@centuryeng.com	1-	New York Time	English	U.S.
Eileen Leaman	evleaman@gmail.com	1-	New York Time	English	U.S.
Elizabeth Ford	elizabeth@hammendesigns.com	1-	New York Time	English	U.S.
Henry Leskinen	espiemail@aol.com	1-	New York Time	English	U.S.
Howard Alderman	halderman@levingann.com	1-	New York Time	English	U.S.
Ken Schmid	kschmid@traffic-concepts.com	1-	New York Time	English	U.S.
Monica Simonsen	monica.simonsen@gmail.com	1-	New York Time	English	U.S.
Patrick Williams	pbwilliams@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Sandy Steeves	sandy@steeveslawmd.com	1-	New York Time	English	U.S.

OK

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Thursday, January 21, 2021 9:40 AM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Eileen
Last Name	Leaman
Email	evleaman@gmail.com
Phone	410-744-7221
Address	27 Maple Avenue
City	Baltimore
State	Maryland
ZIP Code	21228
Case Number	2020-0105-SPH
Scheduled Hearing Date	01/29/21

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Thursday, January 21, 2021 9:41 AM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Eileen
Last Name	Leaman
Email	evleaman@gmail.com
Phone	410-744-7221
Address	27 Maple Avenue
City	Baltimore
State	Maryland
ZIP Code	21228
Case Number	2020-0105-SPH
Scheduled Hearing Date	01/29/21

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Aaron Kensinger	akensinger@centuryeng.com	1-	New York Time	English	U.S.
Asia Jeng	asia.jeng@gmail.com	1-	New York Time	English	U.S.
Bill Holland	bill@tri-stardevelopment.com	1-	New York Time	English	U.S.
Conference Room	pai-cobconfrm110@baltimorecountymd.gov	1-	New York Time	English	U.S.
Dwight Little	dlittle@centuryeng.com	1-	New York Time	English	U.S.
Elizabeth Ford	elizabeth@hammendesigns.com	1-	New York Time	English	U.S.
Henry Leskinen	espiemail@aol.com	1-	New York Time	English	U.S.
Howard Alderman	halderman@leivingann.com	1-	New York Time	English	U.S.
Ken Schmid	kschmid@traffic-concepts.com	1-	New York Time	English	U.S.
Monica Simonsen	monica.simonsen@gmail.com	1-	New York Time	English	U.S.
Patrick Williams	pbwilliams@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Sandy Steeves	sandy@steeveslawmd.com	1-	New York Time	English	U.S.

1/21/21
9:30
a.m.

Debra Wiley

1-29-21
10am

From: Debra Wiley
Sent: Wednesday, January 20, 2021 3:34 PM
To: Jenifer G. Nugent; Donna Mignon; Brett Williams; Administrative Hearings; Patrick Williams
Cc: Marta Kulchytska
Subject: RE: Davis Farms HOH PAI# 01-0606
Follow Up Flag: Follow up
Flag Status: Flagged

Thanks Jen.

The hearing is scheduled for 1/29.

From: Jenifer G. Nugent <jnugent@baltimorecountymd.gov>
Sent: Wednesday, January 20, 2021 3:33 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>; Brett Williams <bmwilliams@baltimorecountymd.gov>; Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>; Patrick Williams <pbwilliams@baltimorecountymd.gov>
Cc: Marta Kulchytska <mkulchytska@baltimorecountymd.gov>
Subject: RE: Davis Farms HOH PAI# 01-0606

We are going to have to send you an amended report to reflect our comments for the zoning relief since this is a combined hearing
We will get asap

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Wednesday, January 20, 2021 3:32 PM
To: Brett Williams <bmwilliams@baltimorecountymd.gov>; Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>; Patrick Williams <pbwilliams@baltimorecountymd.gov>
Cc: Jenifer G. Nugent <jnugent@baltimorecountymd.gov>; Marta Kulchytska <mkulchytska@baltimorecountymd.gov>
Subject: RE: Davis Farms HOH PAI# 01-0606

Received. Thank you.

From: Brett Williams <bmwilliams@baltimorecountymd.gov>
Sent: Wednesday, January 20, 2021 3:29 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>; Patrick Williams <pbwilliams@baltimorecountymd.gov>
Cc: Jenifer G. Nugent <jnugent@baltimorecountymd.gov>; Marta Kulchytska <mkulchytska@baltimorecountymd.gov>; Brett Williams <bmwilliams@baltimorecountymd.gov>
Subject: Davis Farms HOH PAI# 01-0606

In preparation of the HOH for Davis Farms, please see the attached materials.

Thanks

Brett M. Williams
Department of Planning
Development Review
Planner I
105 W. Chesapeake Ave
Towson MD 21204
410-887-3482
bmwilliams@baltimorecountymd.gov

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Aaron Kensinger	akensinger@centuryeng.com	1-	New York Time	English	U.S.
Asia Jeng	asia.jeng@gmail.com	1-	New York Time	English	U.S.
Bill Holland	bill@tri-stardevelopment.com	1-	New York Time	English	U.S.
Conference Room	pai-cobconfirm110@baltimorecountymd.gov	1-	New York Time	English	U.S.
Dwight Little	dlittle@centuryeng.com	1-	New York Time	English	U.S.
Elizabeth Ford	elizabeth@harmmendesigns.com	1-	New York Time	English	U.S.
Henry Leskinen	espiemail@aol.com	1-	New York Time	English	U.S.
Howard Alderman	halderman@levingann.com	1-	New York Time	English	U.S.
Ken Schmid	kschmid@traffic-concepts.com	1-	New York Time	English	U.S.
Monica Simonsen	monica.simonsen@gmail.com	1-	New York Time	English	U.S.
Patrick Williams	pbwilliams@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Sandy Steeves	sandy@steeveslawmd.com	1-	New York Time	English	U.S.

OK

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Wednesday, January 20, 2021 9:30 PM
To: Administrative Hearings
Subject: Request to Testify

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Results of Form Submission

Request to Testify

Label	Value
First Name	Sandy
Last Name	Steeves
Email	sandy@steeveslawmd.com
Phone	443-386-1392
Address	19 Maple Avenue
City	Catonsville
State	Maryland
ZIP Code	21228
Case Number	2020-0105-SPH
Scheduled Hearing Date	January 29, 2020

Donna Mignon

From: Donna Mignon
Sent: Wednesday, January 20, 2021 3:36 PM
To: Brett Williams; Administrative Hearings; Debra Wiley; Patrick Williams
Cc: Jenifer G. Nugent; Marta Kulchytska
Subject: RE: Davis Farms HOH PAI# 01-0606

Hi Brett,

I tried opening and saving the Pattern Book but there is an error. Please send to us again. I can open the other two documents.

From: Brett Williams <bwilliams@baltimorecountymd.gov>
Sent: Wednesday, January 20, 2021 3:29 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>; Patrick Williams <pbwilliams@baltimorecountymd.gov>
Cc: Jenifer G. Nugent <jnugent@baltimorecountymd.gov>; Marta Kulchytska <mkulchytska@baltimorecountymd.gov>; Brett Williams <bwilliams@baltimorecountymd.gov>
Subject: Davis Farms HOH PAI# 01-0606

In preparation of the HOH for Davis Farms, please see the attached materials.

Thanks

Brett M. Williams
Department of Planning
Development Review
Planner I
105 W. Chesapeake Ave
Towson MD 21204
410-887-3482
bwilliams@baltimorecountymd.gov

Donna Mignon

From: Brett Williams
Sent: Wednesday, January 20, 2021 3:29 PM
To: Administrative Hearings; Debra Wiley; Donna Mignon; Patrick Williams
Cc: Jenifer G. Nugent; Marta Kulchytska; Brett Williams
Subject: Davis Farms HOH PAI# 01-0606
Attachments: Dept of Planning Exhibit 1 HOH report.pdf; Dept of Planning Exhibit 2 Davis Farms Pattern.pdf; SIA_FINAL 2021-01-14.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

In preparation of the HOH for Davis Farms, please see the attached materials.

Thanks

Brett M. Williams
Department of Planning
Development Review
Planner I
105 W. Chesapeake Ave
Towson MD 21204
410-887-3482
bmwilliams@baltimorecountymd.gov



1/24/21
at 10:00 a.m.

De: Zoning
Case
CASE NO. 2020-0105-SPH

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

5/7/20 DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

Comment

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

FIRE DEPARTMENT

1/20 PLANNING
(if not received, date e-mail sent _____)

Comment
No obj.

5/12/20 STATE HIGHWAY ADMINISTRATION

No comment

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 1/8/21

SIGN POSTING (1st) Date: 1/10/21

by L. Pilson

SIGN POSTING (2nd) Date: 1/25/21

by "

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☒

Comments, if any: Many Req. to Testify

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Tuesday, January 26, 2021 10:43 AM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Christine
Last Name	Katz
Email	christyckatz@gmail.com
Phone	240-344-4164
Address	7 Maple Avenue
City	Catonsville
State	Maryland
ZIP Code	21228
Case Number	2020-0105-SPH
Scheduled Hearing Date	1/29/2021

Donna Mignon

From: Administrative Hearings
Sent: Tuesday, January 26, 2021 8:16 AM
To: Andy Funk
Subject: RE: Zoning case Number 2020-0105-SPH

Hi Mr. Funk,

We cannot accept the email video from your gmail account. Our system will not allow us. Can you send it from another email address possibly? Please let us know.

If we are unable to download it, please make sure you are able to present it at the virtual webex hearing.

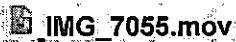
Thank you. Have a great day.

From: Andy Funk <afunk555@gmail.com>
Sent: Monday, January 25, 2021 9:01 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Zoning case Number 2020-0105-SPH

CAUTION: This message from afunk555@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you for your email regarding my previous email. Please let me know if this video file will be acceptable.

Peace,
Andy Funk

 IMG 7055.mov

--
Peace-
Andy Funk
Founder
Monsters Dance
P 888-5MONSTRS (888-566-6787)
F 410-630-1235
E andy@monstersdance.com
<http://www.monstersofhiphop.com>

Donna Mignon

From: Andy Funk <afunk555@gmail.com>
Sent: Monday, January 25, 2021 9:01 PM
To: Administrative Hearings
Subject: Zoning case Number 2020-0105-SPH

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This message from afunk555@gmail.com originated from a non-Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you for your email regarding my previous email. Please let me know if this video file will be acceptable.

Peace,
Andy Funk

 IMG_7055.mov

--
Peace-
Andy Funk
Founder
Monsters Dance
P 888-5MONSTRS (888-566-6787)
F 410-630-1235
E andy@monstersdance.com
<http://www.monstersofhiphop.com>

1-29-21
10 am

Debra Wiley

From: webmaster@baltimorecountymd.gov
Sent: Tuesday, January 26, 2021 7:58 AM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Sarah
Last Name	Bennett
Email	bennetthouse1@verizon.net
Phone	4439383159
Address	30 Maple Ave
City	Catonsville
State	Maryland
ZIP Code	21228-5521
Case Number	2020-0105-SPH
Scheduled Hearing Date	1/29/2021

✓ 1-29

☐	<u>Joseph Merrey</u>	jmerrey@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Ken Schmid</u>	kschmid@traffic-concepts.com	1-	English	New York Time	U.S.
☐	<u>Krystal Patchak</u>	kpatchak@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Lachelle Imwiko</u>	limwiko@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Mark Beckstrom</u>	mbxtrm01@gmail.com	1-	English	New York Time	U.S.
☐	<u>Monica Simonsen</u>	monica.simonsen@gmail.com	1-	English	New York Time	U.S.
☐	<u>Patrick Williams</u>	pbwilliams@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Paul Mayhew</u>	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Sandy Steeves</u>	sandy@steeveslawmd.com	1-	English	New York Time	U.S.
☐	<u>Stephen Ford</u>	sford@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Te-Sheng Huang</u>	thuang@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Vishnubhai Desai</u>	vdesai@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒	<u>Sarah Bennett</u>	bennetthouse1@verizon.net	1-	English	New York Time	U.S.

New Panelist

Full name: (required)

Email address: (required)

Country/Region:
 Number (with area/city code):

Phone number: 1

Time Zone: ▼

Language: ▼

Locale: ▼

☐ Add new panelist in my address book
☐ Invite as alternate host

Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

[Select Contacts...](#)
[Import Contacts...](#)

Panelists to Invite

	Name	Email address	Phone number	Language	Time Zone	Locale
☐	<u>Deb Wiley</u> (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Henry Ayakwah</u> (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Aaron Kensinger</u>	akensinger@centuryeng.com	1-	English	New York Time	U.S.
☐	<u>Albert Cunniff</u>	albert.cunniff@gmail.com	1-	English	New York Time	U.S.
☐	<u>Asia Jeng</u>	asia.jeng@gmail.com	1-	English	New York Time	U.S.
☐	<u>Bill Holland</u>	bill@tri-stardevelopment.com	1-	English	New York Time	U.S.
☐	<u>Bradley Knatz</u>	sknatz@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Bradley Knatz</u>	brad.knatz@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Brett Williams</u>	bmwilliams@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Bruce E. Leaman</u>	brw101@comcast.net	1-	English	New York Time	U.S.
☐	<u>Bruce Leaman</u>	brwl01@comcast.net	1-	English	New York Time	U.S.
☐	<u>Chris R Davis</u>	cdavis1@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Conference Room</u>	pai-cobconfrm110@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Dwight Little</u>	dlittle@centuryeng.com	1-	English	New York Time	U.S.
☐	<u>Eileen Leaman</u>	evleaman@gmail.com	1-	English	New York Time	U.S.
☐	<u>Elizabeth Ford</u>	elizabeth@hammendesigins.com	1-	English	New York Time	U.S.
☐	<u>Henry Leskinen</u>	espiemail@aol.com	1-	English	New York Time	U.S.
☐	<u>Howard Alderman</u>	halderman@leavingann.com	1-	English	New York Time	U.S.
☐	<u>James Hermann</u>	jhermann@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Jason Seidelman</u>	jseidelman@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Jeff Livingston</u>	jlivingston@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Jeff Perlow</u>	jperlow@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Jenifer Nugent</u>	jnugent@baltimorecountymd.gov	1-	English	New York Time	U.S.

Donna Mignon

From: Donna Mignon
Sent: Tuesday, January 26, 2021 8:10 AM
To: 'Howard Alderman'
Subject: Davis Farm - PAI 010606 and 2020-0105-SPH

Dear Mr. Alderman:

We received hard copies of the exhibits from Little & Associates. We will need the electronic version so you can present that at the virtual webex hearing. Thank you. Have a great day.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

IN RE: DEVELOPMENT PLAN HEARING & PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE OF
1st Election District	*	ADMINISTRATIVE HEARINGS
1st Council District	*	FOR
(106 110 Maple Avenue)	*	
DAVIS FARMS	*	BALTIMORE COUNTY
MILDRED D. HAMMEN		
EMILY R. WESSEL, TRUSTEE	*	Case Nos: 01-0606 and
TRI-STAR DEVELOPMENT		2020-0105-SPH
<i>Owner/Applicant</i>	*	

* * * * *

ADMINISTRATIVE LAW JUDGE'S
ORDER ON REMAND RE:
COMBINED DEVELOPMENT PLAN AND ZONING PETITION

PROCEDURAL HISTORY

On February 12, 2021 the undersigned issued an Opinion and Order in this case denying approval of the Development Plans. One of the grounds upon which the Plan was denied was that it was in conflict with the 2020 Master Plan. The Developer appealed. By Opinion dated July 14, 2021 the Board of Appeals remanded the case to the undersigned with instructions to "immediately refer the matter to the Baltimore County Planning Board pursuant to Baltimore County Code § 32-4-231." The undersigned followed this directive. On October 12, 2021 Stephen Lafferty, the Director of the Department of Planning ("DOP") and Secretary to the Baltimore County Planning Board, authored a letter to the undersigned informing me that on October 7, 2021 the Planning Board, acting on the recommendation of the DOP, had voted to confirm that there was no Master Plan conflict, and that the Development Plan should be approved. *See*, Planning Board Decision and DOP Recommendation, attached collectively as Exhibit 1, and incorporated herein. This

decision was forwarded to the undersigned and to the County Council pursuant to BCC § 32-4-232(b)(2) and (b)(3), respectively.

Pursuant to BCC § 32-4-232(f)(1) the Decision of the Planning Board is binding upon the Administrative Law Judge and shall be incorporated into the final Order unless the County Council overrules the Decision of the Planning Board pursuant to BCC § 32-4-232(f)(2). The County Council took the matter up and on November 15, 2021 Resolution No. 137-21 was introduced. *See*, County Council Resolution No. 137-21, attached as Exhibit 2, and incorporated herein. The Resolution required the Council to consider whether to affirm or overrule the Planning Board's Decision. The Parties and People's Counsel were informed that the Resolution would be considered at the County Council's November 29, 2021 Work Session; at which time the Parties and People's Counsel would be afforded the opportunity to present their respective positions. All were also afforded the right to submit written arguments.

At the November 29, 2021 Work Session counsel for the Parties, People's Counsel, and several neighbors argued their positions and answered questions posed by Councilmembers. Thereafter, on December 6, 2021 the County Council voted 7-0 to ADOPT the Resolution, thereby overruling the Planning Board's Decision and finding that the Development Plan *is* in conflict with the 2020 Master Plan. *See*, Adopted Resolution, Exhibit 2. By letter dated December 7, 2021, Thomas H. Bostwick, Legislative Counsel and Secretary to the County Council, sent a copy of Resolution 137-21 to the undersigned.

DECISION

Pursuant to BCC § 32-4-102(a)(1) "all development of land *shall* conform to the Master Plan." (emphasis added). In *HNS Development, Inc. v. People's Counsel*, 425 Md. 436, 451 (2012), the court of appeals closely analyzed the Baltimore County development law and held that a

development plan could not be approved if it did not conform to the Master Plan. As just explained, the County Council adopted Resolution 137-21, finding that the Development Plan in this case does not conform to the 2020 Master Plan. I shall therefore reaffirm my February 12, 2021 Opinion and Order, and it is hereby incorporated in full and attached hereto.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this **14th** day of **December, 2021**, that the “**DAVIS FARMS**” Plan marked and accepted into evidence as Developer’s Exhibit 2, be and hereby is **DENIED**; and,

IT IS FURTHER ORDERED that, in the event the denial of the Development Plan is reversed and the Plan is approved, the Petition for Special Hearing from the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to approve the density, house location, use areas and lot configurations for Lot Nos. 1, 2, 3, 4, 16, 17 & 19 as shown on the Plat to Accompany this Petition (and Development Plan for Davis Farms) as a Density Anomaly is **GRANTED**; and,

IT IS FURTHER ORDERED that, in the event the denial of the Development Plan is reversed and the Plan is approved, the Special Forest Variance, as approved by the Director of DEPS, is also, **GRANTED**.

Any appeal of this Order shall be taken in accordance with BCC § 32-4-281.

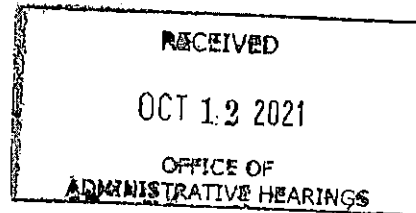


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

STEPHEN LAFFERTY, *Director*
Department of Planning



October 12, 2021

Hon. Paul Mayhew
Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: Davis Farms, PAI# 1-0606, Master Plan Conflict

Dear Judge Mayhew:

On August 16, 2021, pursuant to Baltimore County Code (BCC) Section 32-4-231(a)(1), you referred the above development plan to the Baltimore County Planning Board to determine whether this development plan was in conflict with the County's 2020 Master Plan.

The Davis Farms development plan was presented to the Planning Board at its regular meeting on September 2, 2021 as required by BCC Section 32-4-231(b). This meeting was advertised to allow for public comment. At this meeting, Jenifer Nugent of the Department of Planning presented the Department's Staff Report and recommendation. Counsel were present and afforded an equal amount of time to present their respective cases and points. Howard Alderman was present as representative for the developer; Michael McCann attended as the representative of the community; and, Peter Max Zimmerman participated as People's Counsel. Four community residents from Maple Avenue were present to speak before the Board: Ms. Christy Katz, Ms. Monica Simonsen, Mr. Albert Cuniff, and Ms. Eileen Lehman. Other community members also submitted similar comments of concern and opposition in the WebEx "chat", as well. The Board adjourned after these presentations and comments were made.

BCC Section 32-4-232(d)(1) requires the Planning Board to provide a written decision to the Hearing Officer and a written notification to the County Council within 45 days after the referral to the Board. However, Mr. Alderman advised that he would not be available at the Board's next regularly scheduled meeting on September 23, 2021. As Board Secretary, I consulted with Counsel who agreed that they could proceed at a subsequent meeting. I advised you of this time frame dilemma in light of the Code requirements. You advised that, since all counsel were in agreement and you still retained jurisdiction, the Board could take up the matter at its subsequent, regular meeting on October 7, 2021.

The Planning Board met at its regular meeting on October 7, 2021 to discuss and vote on the issue before them. Upon a motion to accept the Planning Department's recommendation that there is no Master Plan conflict, the Board voted in favor of the motion. The motion was:

Be It Moved, that, for the reasons stated in the August 23, 2021 staff report and reports from the concept plan conference and development plan conference, the Planning Board's decision to the

Exh #1

Administrative Law Judge is that the proposed development "Davis Farms" (PAI #: I-0606) does not constitute a "conflict" with the Master Plan.

The Staff Report, which is attached, provided these Findings and Recommendation:

Findings:

- The Department of Planning supported the proposed Development Plan without raising an issue of conformity with the Master Plan 2020.
- After reviewing the Master Plan 2020 Proposed Land Use Map, the Urban Rural Demarcation Line (URDL), and the zoning map at the time of the Master Plan 2020 adoption, the transect designation for the development proposal site was mapped to run coincident with the zoning classification. The transect designation of T3 for this property is appropriate as the general character description from the Master Plan 2020 states that areas should be comprised of "...Lawns and landscaped yards surrounding detached single family houses..." with "...variable front and side yard setbacks". The T3 transect and the DR zoning (DR 1, 2, and 3.5 on this site) support one another in that concept. Similarly, the T2R transect designation is described as "primarily agricultural character with woodland and wetland and scattered buildings" and "variable setbacks". The T-2R transect designation is located on a minor portion of the development site that is fully wooded and coincides with the RC 5 zoning adopted in the 2008 CZMP zoning cycle.
- The T-2R transect on the site does not, in itself, create a Master Plan Conflict as no development is proposed on that portion of the site and uses no density from that portion of the site.
- At the time Master Plan 2020 was adopted, a majority of the zoning for the proposed development proposal was DR. It remains DR. The combination of the DR classifications allows the number of density units proposed.
- The entire development proposal site falls completely within the urban portion of the URDL.
- The Land Management Area map from the Master Plan 2020 designates the site as Community Conservation Area, which describes this land use as low to moderate density residential neighborhoods served by public water and sewer services. This designation follows the residential zoning on the site inclusive of the RC 5 zoning.

Recommendation:

The Department of Planning recommends to the Baltimore County Planning Board that the Davis Farm PAI# 01-606 development proposal does not present a Master Plan conflict and that the Planning Board approve the single family detached development plan with the Master Plan 2020 T-2R transect designation on the Proposed Land Use map.

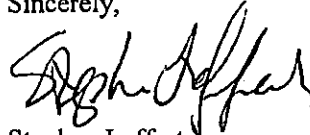
Date: October 13, 2021

There was no discussion by Board members prior to the vote. Therefore, there are no additional reasons included in the record.

Please accept this letter as the Planning Board's written decision regarding the Davis Farms Development Plan. A copy of the Department of Planning's August 23, 2021 Memorandum to the Planning Board is enclosed to describe the Department's basis as reflected in the Motion and as presented on September 2, 2021.

If you have any questions regarding the report or the proposed recommendations, please direct them to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Lafferty", written over a horizontal line.

Stephen Lafferty
Secretary to the Board

SL:kp

Enclosures

c: Members, Baltimore County Planning Board
Thomas Bostwick, Legislative Counsel/Secretary
Lauren M. Smelkinson, County Auditor
Drew Vetter, Deputy Administrative Officer
Pete Gutwald, Director, Permits, Approvals, and Inspections
James R. Benjamin, Jr., County Attorney
Howard Alderman
Michael McCann
Peter Zimmerman



JOHN A. OLSZEWSKI, JR.
County Executive

STEPHEN LAFFERTY, *Director*
Department of Planning

TO: Members of the Planning Board

DATE: 8/23/2021

FROM: Steve Lafferty 
Director, Department of Planning

SUBJECT: Master Plan Conflict, Davis Farms PAI#01-606

BACKGROUND INFORMATION:

The proposal is to develop 21.17 ± acres of land accessed via Maple Avenue in Catonsville with 1 existing and 18 new single family detached homes. The site is currently zoned DR 1 (12.17 acres), DR 2 (2.95 acres), DR 3.5 (0.99 acres), RC 5 (4.94 acres) and RC 8 (0.12 acres). All of the proposed development is located within the DR 1, 2 and 3.5 zoned portions of the property is proposing only to use the density from the DR zones for the development as well. The portion at the rear of the site, zoned RC 5 and 4.94 acres, is wooded and will remain.

In developing the Master Plan 2020, the Proposed Land Use map was reformatted from specific land uses to a transect model. The transect model allows a delineation of degrees of intensity from rural to urban without associating a specific land use to a specific parcel. The ranges of intensity also include a variety of uses and habitats. The purpose of this reframing of the Proposed Land Use map was to strengthen the concept which guides land use decisions in a general manner rather than for specific properties. In a fashion similar to the Master Plan 2010, text from the Master Plan 2020 frames how the 'Proposed Land Use' map should be utilized. Master Plan 2020 states:

"The map is conceptual and general, and is intended to reflect land use patterns and support the land use objectives of Master Plan 2020, rather than identify land use of individual properties or parcels. The use of 'T-zones', is designed to support compact mixed-use communities, while maintaining the stability of the existing community conservation areas (Map 5). The proposed land use map will provide general direction for county land use decisions, and may be amended as needed." Page 27.

"The T-zones vary by the ratio and level of intensity of their natural, built, and social components. Uses may overlap between one T-zone and another." Page 29.

The Master Plan 2020 Transect designations on the site are T2R and T3. The T-2 R (Rural Residential Zone) consists of large lot single-family detached housing. Plantings are informal. All setbacks are generally 50+ feet. Lots are deep to accommodate a larger backyard. Density varies between 2 to 5 acres per dwelling (page 27). The T-3 (Sub-Urban Zone) includes low-

density residential areas, adjacent to higher zones that contain mixed use. Home occupations and outbuildings may be allowed. Landscaping is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions (page 29). Further descriptions and graphics were originated and developed by Duany Plater-Zyberk & Co. and are on page 30 of the Master Plan 2020 document. Here the T2 Rural transect character is described as sparsely settled lands in an open or cultivated state including woodlands with variable setbacks. The T3 Sub-Urban transect character describes lawns and landscaped yards surrounding detached single-family houses with variable front and side yard setbacks.

As shown on the attached Zoning Maps, the property has been subject to zoning changes since 2008. The 2008 request, CZMP Issue #1-016, was to rezone the property from solely DR zoning to all RC 5 or RC 8 zoning. The Department of Planning did not support the request and the Planning Board adopted the Department's recommendation. The final decision by the County Council was to keep the DR zoning for most of the property and rezone 4.94 acres of the site to RC 5. Subsequent CZMPs have retained the RC 5 classification.

The Davis Farms project went through the normal major subdivision process, which included a Concept Plan Conference, a Community Input Meeting, a Development Plan Conference and a hearing before the Administrative Law Judge. The Department of Planning recommended to the Administrative Law Judge (ALJ) that the Development Plan be approved. ALJ Mayhew issued an Order on February 12, 2021 denying the Development Plan, stating that the proposed single family detached homes would not be in conformity with the Master Plan 2020 based on the Proposed Land Use transect designations. The decision was appealed to the Board of Appeals. On July 14, 2021, the Board remanded the case to the Administrative Law Judge with direction that he refer the case to the Planning board to determine if a Master Plan conflict exists in accordance with the process described in the Baltimore County Code.

REFERAL TO THE PLANNING BOARD:

ALJ Mayhew's referral is in accordance with BCC §§ 32-4-231 and 32-4-232. These two County Codes sections are attached as a reference. Significant points from these two sections are listed below with the code reference.

The Hearing Officer shall refer the Development Plan to the Planning Board when: The Development Plan conflicts with the Master Plan.	32-4-231(a)(1)
The Planning Board shall review a referred plan at its next scheduled meeting.	32-4-231(b)
The Planning Board shall only consider issues referred under 32-4-231(a)	32-4-232(a)(1)
The applicant, a person or an agency can submit oral or written comments to the Planning Board.	32-4-232(a)(2)
The Planning Board shall file a written decision to the ALJ that includes the reasons for the decision and file a recommendation with the County Council at the same time.	32-4-232(b)(2) 32-4-232(b)(3)

The Planning Board shall file its written decision no later than 45 days after the referral to the Planning Board.	32-4-232(c)
The decision of the Planning Board is binding upon the ALJ and shall be incorporated into the final order.	32-4-232(f)(1)
The decision of the Planning Board is not binding upon the ALJ if the decision is overruled by action of the County Council.	32-4-232(f)(2)

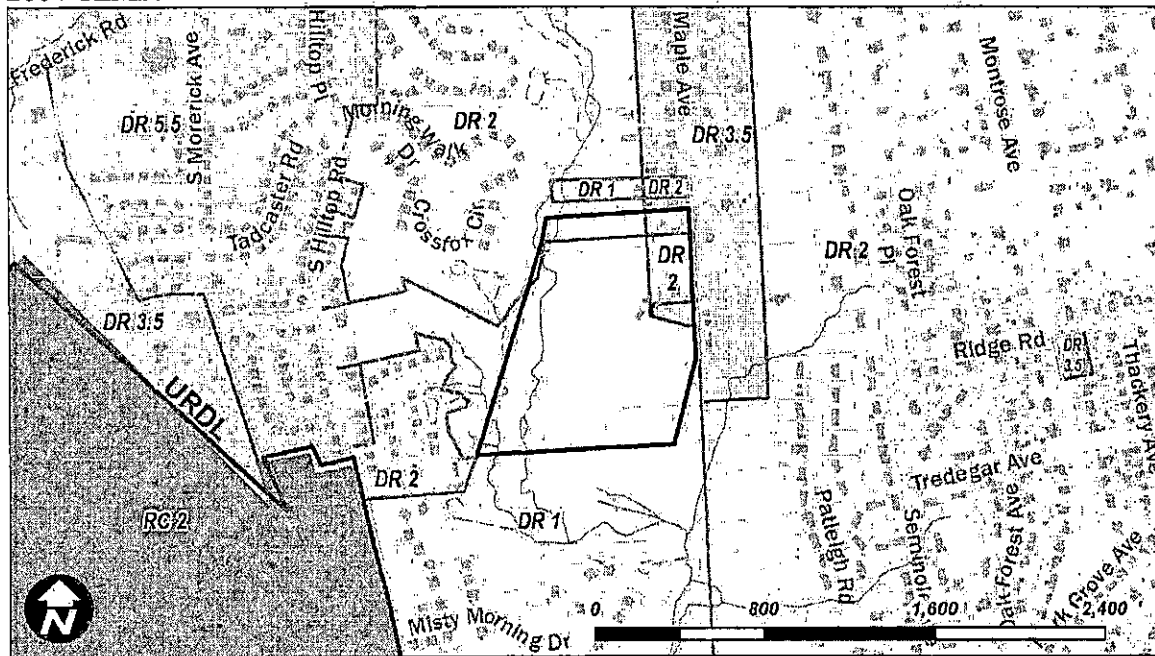
FINDINGS:

- The Department of Planning supported the proposed Development Plan without raising an issue of conformity with the Master Plan 2020.
- After reviewing the Master Plan 2020 Proposed Land Use Map, the Urban Rural Demarcation Line (URDL), and the zoning map at the time of the Master Plan 2020 adoption, the transect designation for the development proposal site was mapped to run coincident with the zoning classification. The transect designation of T3 for this property is appropriate as the general character description from the Master Plan 2020 states that areas should be comprised of "...Lawns and landscaped yards surrounding detached single family houses..." with "...variable front and side yard setbacks". The T3 transect and the DR zoning (DR 1, 2, and 3.5 on this site) support one another in that concept. Similarly, the T2R transect designation is described as "primarily agricultural character with woodland and wetland and scattered buildings" and "variable setbacks". The T-2R transect designation is located on a minor portion of the development site that is fully wooded and coincides with the RC 5 zoning adopted in the 2008 CZMP zoning cycle.
- The T-2R transect on the site does not, in itself, create a Master Plan Conflict as no development is proposed on that portion of the site and uses no density from that portion of the site.
- At the time Master Plan 2020 was adopted, a majority of the zoning for the proposed development proposal was DR. It remains DR. The combination of the DR classifications allows the number of density units proposed.
- The entire development proposal site falls completely within the urban portion of the URDL.
- The Land Management Area map from the Master Plan 2020 designates the site as Community Conservation Area, which describes this land use as low to moderate density residential neighborhoods served by public water and sewer services. This designation follows the residential zoning on the site inclusive of the RC 5 zoning.

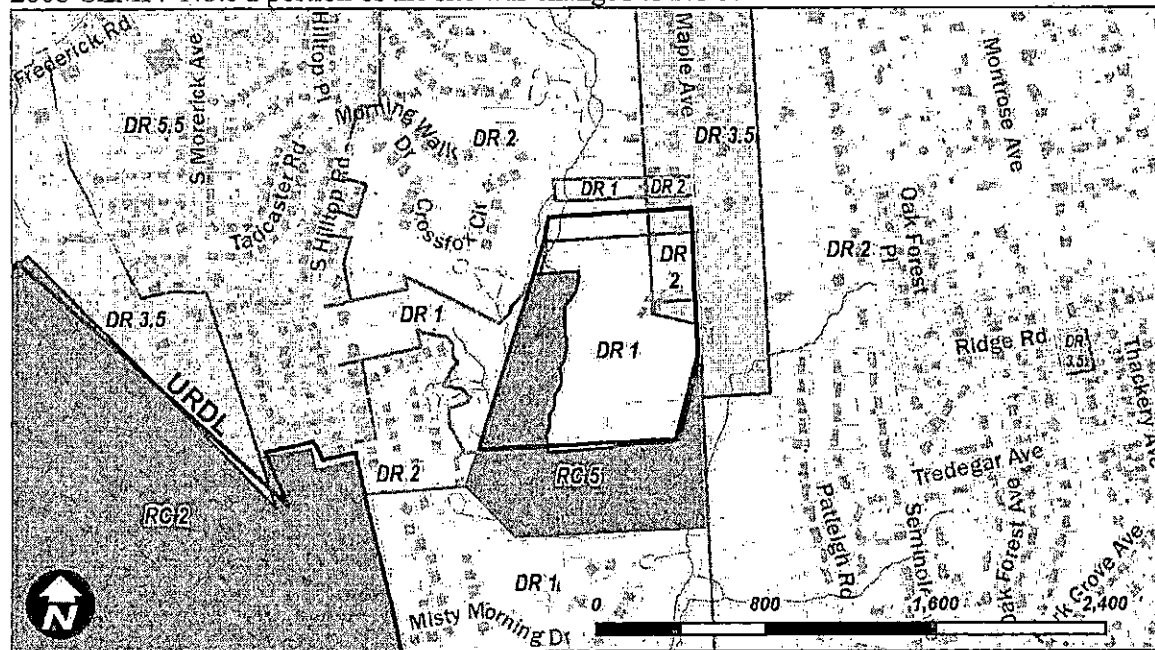
RECOMENDATION:

The Department of Planning recommends to the Baltimore County Planning Board that the Davis Farm PAI# 01-606 development proposal does not present a Master Plan conflict and that the Planning Board approve the single family detached development plan with the Master Plan 2020 T-2R transect designation on the Proposed Land Use map.

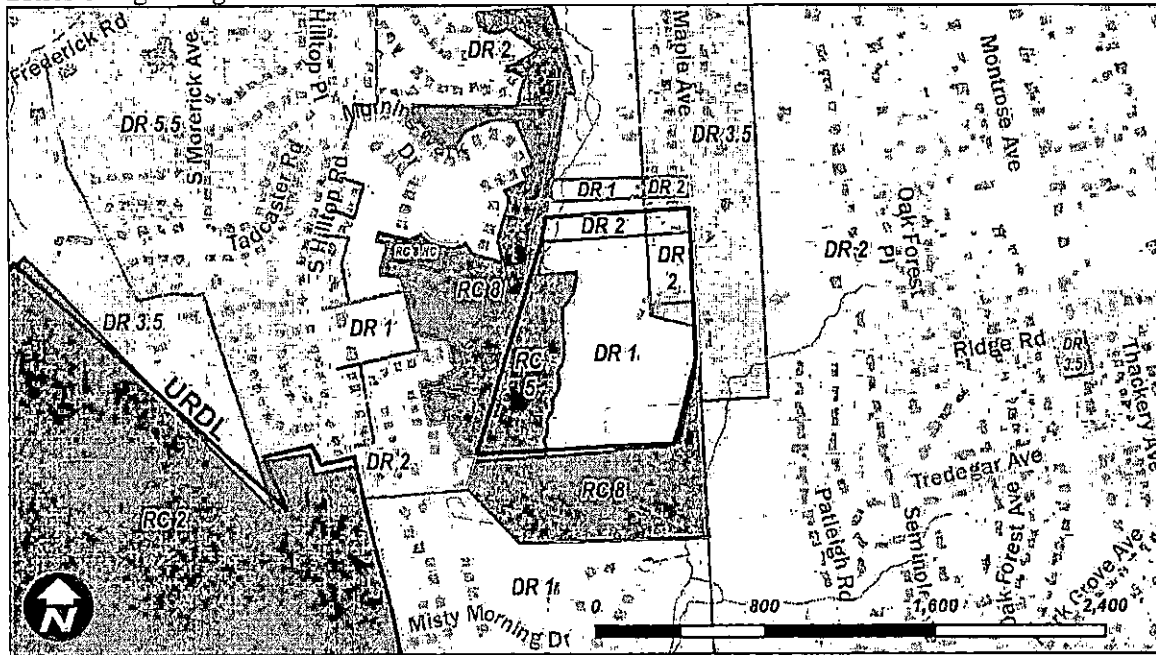
This map shows the zoning for the parcels associated with the Davis Farm Development after the 2004 CZMP.



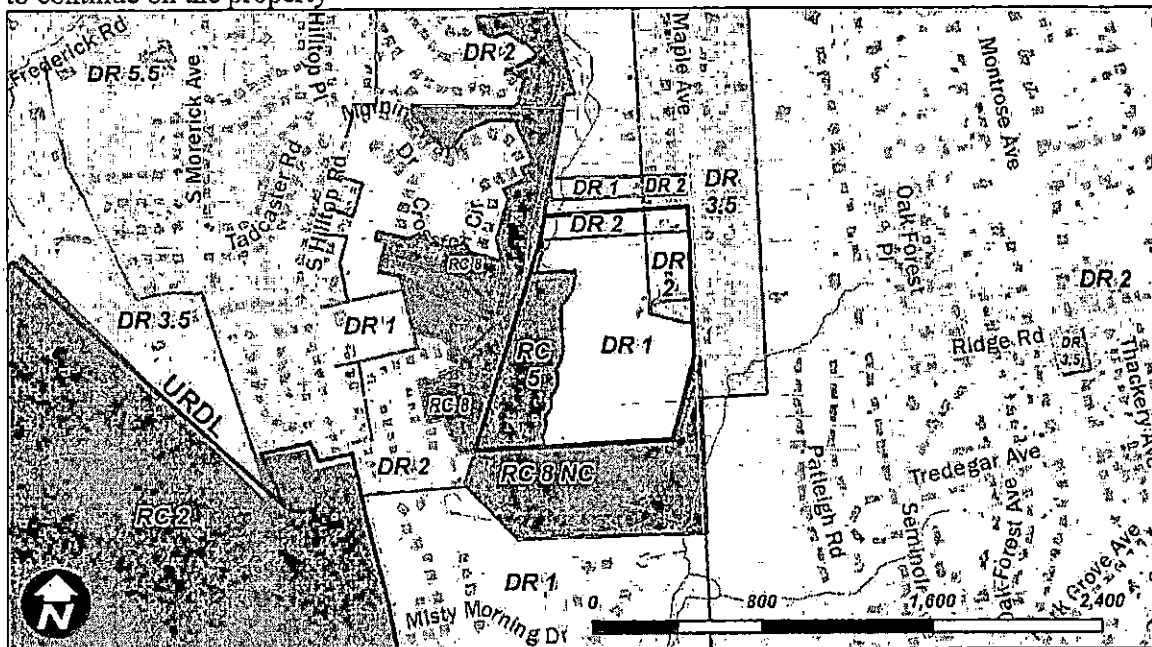
This map shows the zoning for the parcels associated with the Davis Farm Development after the 2008 CZMP. Note a portion of the site was changed to RC 5.



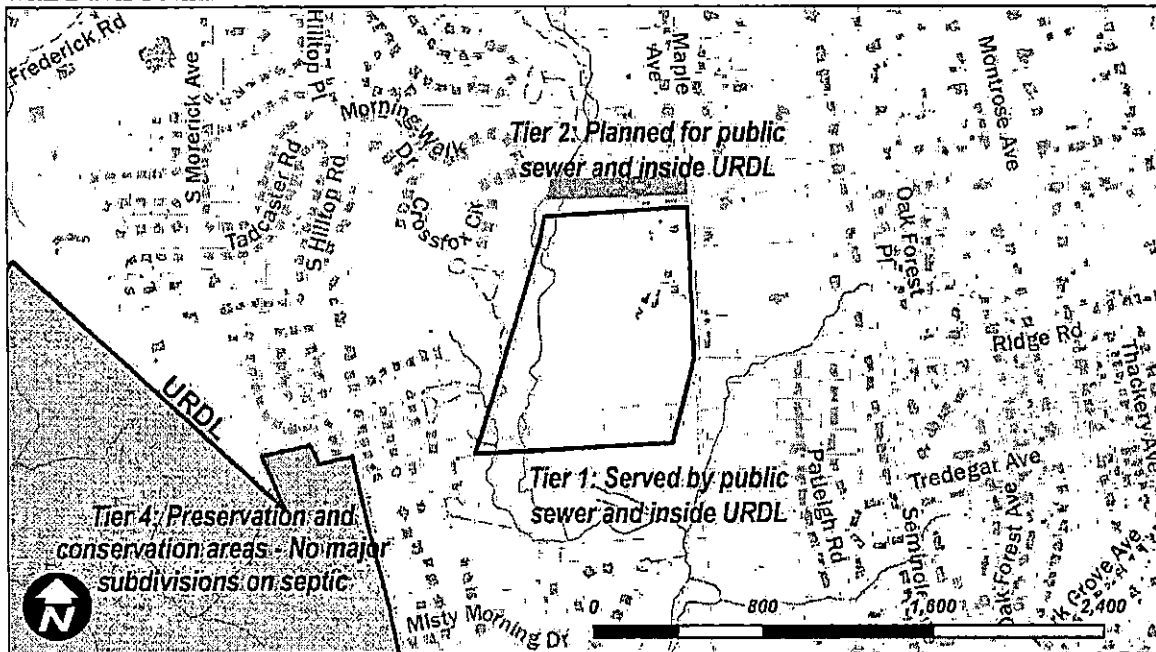
This map shows the zoning for the parcels associated with the Davis Farm Development after the 2012 CZMP. Note the RC 5 portion of the site remained unchanged despite the surrounding DR zones being changed to RC 8.



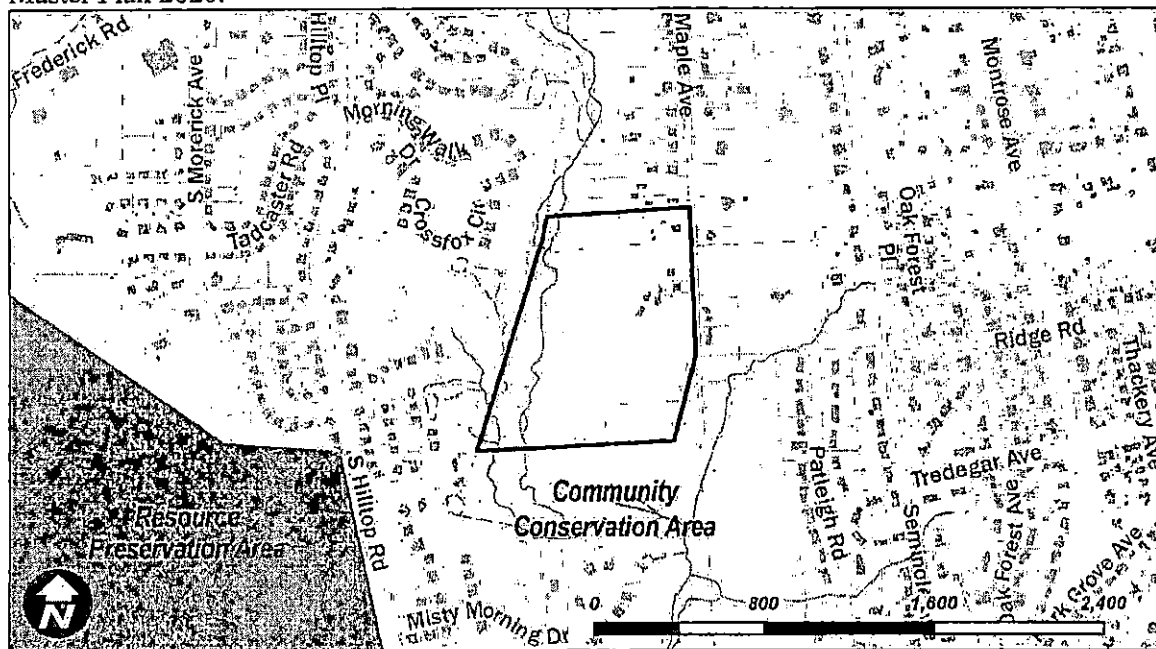
This map shows the current zoning on the land today. The adjacent RC 8 zone to the south was upgraded to RC 8 NC to further prevent development of that parcel. In allowing the RC 5 on the development site to remain, the county council was intentional in allowing some residential use to continue on the property.



This map shows the location of the URDL and Growth Tiers relative to the parcels associated with Davis Farms



This map shows the Land Management Area from the Master Plan 2020 for the parcels associated with the Davis Farm Development. Note the parcels are designated Community Conservation Area, which would coincide with the zoning at the time of the development of the Master Plan 2020.



The map displays the following features:

- Zones:** T4: General Urban, T3: Sub-Urban, T2: Rural, T2R: Rural Residential.
- Roads:** Frederick Rd, S Material Ave, Tadeaster Rd, Hilltop Rd, Morphine Valley Dr, Coors Dr, Maple Ave, Montrose Ave, Oak Forest Rd, Ridge Rd, Tredegar Ave, Oak Forest Ave, S. Lincoln Rd, Pateigh rd, Sennott, Oak Forest Ave, Grove Ave.
- Scale:** 0 to 2,400 feet.
- Orientation:** North arrow pointing up.



**County Council
of
Baltimore County**

Court House
Towson, Maryland 21204
410-887-3196
Fax: 410-887-5791

Tom Quirk
FIRST DISTRICT

Izzy Patoka
SECOND DISTRICT

Wade Kach
THIRD DISTRICT

Julian E. Jones, Jr.
FOURTH DISTRICT

David Marks
FIFTH DISTRICT

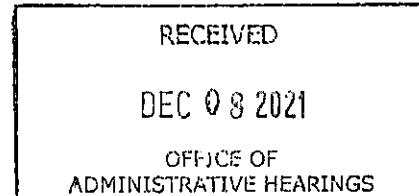
Cathy Bevins
SIXTH DISTRICT

Todd K. Crandell
SEVENTH DISTRICT

Thomas H. Bostwick
LEGISLATIVE COUNSEL
SECRETARY

December 7, 2021

Paul M. Mayhew
Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204



Dear Mr. Mayhew:

Attached please find a copy of Resolution 137-21 of the Baltimore County Council to determine whether to overrule the Baltimore County Planning Board in regard to the Planning Board's decision in the Tri-Star Development – Davis Farms development case ("Davis Farms"), in which the Planning Board found that the proposed Development Plan was not in conflict with the Baltimore County Master Plan.

This Resolution was approved by the County Council at its December 6, 2021 and is being forwarded to you for appropriate action.

Sincerely,

Thomas H. Bostwick
Legislative Counsel/Secretary

THB:jlh
Enclosure

Exh. # 2

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2021, Legislative Day No. 20

Resolution No. 137-21

Mr. Tom Quirk, Councilman

By the County Council, November 1, 2021

A RESOLUTION of the Baltimore County Council to determine whether to overrule the Baltimore County Planning Board in regard to the Planning Board's decision in the Tri-Star Development -- Davis Farms development case ("Davis Farms"), in which the Planning Board found that the proposed Development Plan was not in conflict with the Baltimore County Master Plan.

WHEREAS, on February 12, 2021, Administrative Law Judge Paul M. Mayhew issued an Opinion and Order in the Davis Farms combined Zoning and Hearing Officers Hearing case, Case No. 01-0606 and 2020-0105-SPH, denying approval of the Development Plan, in part, based on a finding that the Development Plan did not comply with the Master Plan; and

WHEREAS, after an appeal was filed by the Developer, the Board of Appeals of Baltimore County remanded the case back to the Administrative Law Judge in order for the case to be referred to the Planning Board for a decision on the issue of whether the Development Plan is in compliance with the Master Plan. Judge Mayhew referred the case to the Planning Board on August 16, 2021 pursuant to Baltimore County Code ("BCC") Section 32-4-231(a)(1); and

WHEREAS, the Davis Farms Development Plan was presented to the Planning Board at its regular meeting on September 2, 2021 as required by BCC Section 32-4-231(b). The meeting was advertised to allow for public comment, and representatives of the Department of Planning presented the Department's Staff Report and recommendation; and

READ AND PASSED this 6th day of DECEMBER, 2021

BY ORDER



Thomas H. Bostwick
Secretary

ITEM: RESOLUTION 137-21

IN RE: DEVELOPMENT PLAN HEARING &	*	BEFORE THE OFFICE OF
PETITION FOR SPECIAL HEARING		
1st Election District	*	ADMINISTRATIVE HEARINGS
1st Council District		
(106 110 Maple Avenue)	*	FOR
DAVIS FARMS	*	BALTIMORE COUNTY
MILDRED D. HAMMEN		
EMILY R. WESSEL, TRUSTEE	*	Case Nos: 01-0606 and
TRI-STAR DEVELOPMENT		2020-0105-SPH
Owner/Applicant	*	

* * * * *

ADMINISTRATIVE LAW JUDGE'S
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"). Tri-Star Development, *Owner/Applicant* (herein known as "Developer") submitted for approval a 2-sheet redlined Development Plan ("Plan") known as "Davis Farms."

The Developer proposes 19 single family homes to be built on 21.17 acres of land under various zone classifications. The site is currently developed with existing vacant dwellings, accessory structures and ancillary buildings.

The Developer has also filed a Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve the density, house location, use areas and lot configurations for Lot Nos. 1, 2, 3, 4, 16, 17 and 19 as shown on the Plat to Accompany this Petition (and Development Plan for Davis Farms) as a Density Anomaly that is within the spirit and intent of the BCZR.

The development and zoning cases were considered at a combined hearing as permitted by

BCC § 32-4-230. Details of the proposed development are more fully depicted on the Plan, which was marked and accepted into evidence as Developer's Exhibit 2. The property was posted with the Notice of Hearing Officer's Hearing ("HOH") and Zoning Notice, both on January 6, 2021, in compliance with the regulations. Due to the COVID-19 pandemic, the undersigned conducted a public virtual WebEx hearing in lieu of an in-person public hearing on January 29, 2021.

The Developer, William Holland, attended the HOH in support of the Plan but did not testify. Also in attendance were Aaron Kensinger of Little & Associates Engineers, the engineer who prepared and sealed the Plan; Mark Keeley of Traffic Concepts, Inc.; and Henry Leskinen of Eco-Science Professional, Inc. Their *curricula vitae* were admitted as Developer's Exhibits 3, 12, and 10, respectively. Howard Alderman, Esquire of Levin Gann, P.A. represented the Developer. Numerous neighbors attended to oppose the requested relief.

AGENCY WITNESSES

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the virtual hearing, including the following individuals from the Department of Permits, Approvals and Inspections ("PAI"): Patrick Williams, the Project Manager, Jim Hermann of Development Plans Review ("DPR"), and Department of Recreation and Parks ("R&P"), LaChelle Imwiko from Real Estate Compliance, and Jason Seidelman, Office of Zoning Review ("OZR"). Also appearing on behalf of the County were Jeff Livingston from the Department of Environmental Protection and Sustainability ("DEPS"), Vishnu Desai from DPR, and Te-Sheng Huang and Kui Zhao from the Department of Planning ("DOP").

Each County agency representative testified briefly and indicated that the Plan addressed all comments submitted by their agency, and they each recommended approval of the Plan. First to testify was Jeff Livingston of DEPS, who testified that the Plan addresses all remaining

comments made by the Groundwater Management and Stormwater Management sections at the Development Plan Conference ("DPC"). He explained that the site is served by public water and sewer but that the public sewer does not currently extend beyond 27 and 28 Maple Avenue. Therefore, a "low pressure" sewer line will be installed to serve the 19 proposed homes, which will need to use "grinder pumps" to connect to the pressure sewer line because a gravity sewer line is not feasible. He explained that the maintenance of the stormwater management systems will be the responsibility of the homeowners association. He also testified that the Director of DEPS had approved the Developer's petition for a Special Forest Variance to allow for the removal of 22 specimen trees.

The next witness was Te-Sheng Huang from DOP. He identified the following exhibits: Final Hearing Report from DOP, which was admitted as County Exhibit 1; the approved Pattern Book, admitted as County Exhibit 2; and the approved School Impact Analysis ("SIA"), admitted as County Exhibit 3. Based on the Plan filing date of February 27, 2020 the SIA was based on the September 2019 school enrollment numbers. Mr. Huang was unable to say why the SIA was based on a proposal of 16 homes, when the Plan proposes 19 homes. This was explained later in the hearing by Kui Zhao, the demographer for DOP who actually approved the SIA. She testified that because there are three existing residential structures on the property that the SIA considered only the additional 16 homes. When community members pointed out that the three existing structures are vacant Ms. Zhao stated that even if the analysis was done using 19 additional homes none of the schools would exceed 115% capacity. Mr. Huang testified that the redlined Plan addresses all the DOP comments from the DPC and that DOP recommends approval.

Jim Hermann from DPR testified next. He identified Developer's Exhibit 4 as the approved Schematic Landscape Plan. He next explained that these 19 proposed residences require 19,000

square feet of Open Space and that the Plan provides 22,553 square feet of Open Space. He noted that a gazebo and two benches are being provided in response to DPC comments from Rec. & Parks. He too stated that the redlined Plan satisfies all DPR and Rec. & Parks comments and that these agencies recommend approval.

Jason Seidehnan from the Office of Zoning Review testified next regarding the Special Hearing relief. As noted above, the subject parcel contains DR 1, DR 2, DR 3.5, RC-5, and RC-8 zones. This creates "density anomalies" on lots 1, 2, 3, 4, 13, 16, 17 and 19 because these lots each have more than one zoning classification. Mr. Alderman explained that this would technically generate a "density unit" for each zone in the lot. However, he further explained that the Special Hearing relief would not result in creating greater overall density for the tract because each lot on the Plan is supported by the density of the zone in which it is located. Mr. Seidelman confirmed that OZR supports the Special Hearing relief.

LaChelle Imwiko testified next on behalf of the office of Real Estate Compliance. She stated that the Developer must add a forest buffer access easement to the dedication table, but that other than that the Plan meets all requirements.

Vishnu Desai then testified on behalf of DPR and the Department of Public Works ("DPW"). He stated that he had done a site visit with Dennis Kennedy of Little & Associates on January 18, 2021, as documented by Developer's Exhibit 6. He stated that the redlined Plan addresses all DPW comments from the DPC. In response to questions from the community he explained that the individual homeowners will be financially responsible for any problems associated with the grinder pumps – just as homeowners are responsible for any septic system issues. He was asked whether he had observed the severe flood damage and erosion caused by recent flooding of the Sawmill Branch stream adjacent to the tract. He said he had not.

DEVELOPER'S CASE

The engineer, Aaron Kensinger, gave an overview of the development proposal, explaining that the existing structures on the parcel will be razed and that 19 single family detached homes are proposed to be built. Seventeen of the homes will be built on the "loop road" depicted as "Davis Farms Road" on the Plan. The other two homes are to be built directly on Maple Avenue. He identified the original site plan and the redlined Plan, which were admitted as Developer's Exhibit 1 and 2, respectively. He described a "blue line" amendment which will depict a forest buffer access easement between lots 8 and 9. He testified that Davis Farms Road will be a public road. He described the Schematic Landscape Plan which calls for 133 "planting units" as required by the Baltimore County Landscape Manual ("BCLM"). He identified Developer's Exhibit 5 as the Stormwater Management Conceptual Computations which were approved on April 22, 2020. He identified Developer's Exhibit 7 as the Groundwater Management Plan approval dated January 20, 2021. He also identified Developer's Exhibit 9 as the DOP recommendation of approval also dated January 20, 2021. Mr. Kensinger also discussed the density anomalies and offered the opinion that the Special Hearing relief could be granted within the spirit and intent of the BCZR. He identified Petitioner's Exhibit 3 as the DOP recommendation in favor of the density anomaly relief. In response to questions from neighbors Mr. Kensinger explained that he could not give a timeframe for the completion of the development because the Developer plans to build the houses as they are sold.

Developer's next witness was Mark Keeley of Traffic Concepts, Inc. He testified that he is licensed by the Institute of Transportation Engineers ("ITE"). He testified that he had read the minutes of the Community Input Meeting so he is aware of the neighborhood's concerns about the traffic and safety impacts of the additional 19 homes. He testified that the County's "ultimate"

road width for Maple Avenue calls for a paved width of 30 ft. and a right of way width of 50 ft. However, he agreed that this would require the county to exercise its eminent domain powers to purchase private land from the homeowners along Maple Avenue – and that the county has no plans to do so. He further acknowledged that the road is as narrow as 16 feet in places and that the only proposed road widening is along the frontage of the Davis Farms development. He testified that, per the county's regulations, each of the 19 proposed homes is expected to generate 10 "daily trips" for a total of 190 additional trips. He further explained that it is expected that the new homes will add 18 a.m. peak hour trips (7 a.m. to 9 a.m.) and 21 p.m. peak hour trips (4 p.m. to 6 p.m.). He suggested that the proposed loop road will actually improve the ability of larger vehicles to turn around without having to use private driveways on Maple Avenue as they must currently do. He acknowledged that there are approximately 45 existing homes on Maple Avenue so that these 19 additional homes will generate in excess of 40% more traffic on the street. However, he stated that he does not believe this would have a significant impact on the neighbors.

On cross examination Mr. Keeley acknowledged that he was hired by the Developer to perform this traffic study and to provide this testimony. He further acknowledged that he generally testifies on behalf of developers, not on behalf of community groups. He was asked whether these larger 4 to 5 bedroom homes would be more likely to generate more car trips than the smaller homes along Maple Avenue and he replied that he was not sure one way or the other. He acknowledged that Maple Avenue would remain at its current width except for the widening along the frontage of this development, and he acknowledged that there are no sidewalks along the length of Maple Avenue. In response to community questioning he explained that flaggers would be used to manage construction traffic and that the street would never be fully closed during construction. He also acknowledged that he had not done any traffic safety study on the intersection of Maple

Avenue and Frederick Road (Md. Rte. 144). He also acknowledged that the last "corridor" study of Frederick Road was done by the State Highway Administration back in 2013. He could not dispute the estimates of several neighbors that traffic along Frederick Road has increased approximately 50% since 2013. He further acknowledged that the two closest signalized intersections -- North Rolling Road and Frederick Road, and South Rolling Road and Frederick Road have been rated "D" for several years. However, on re-direct he pointed out that this proposed development does not have any basic services map issues under county law.

The Developer's next witness was Henry Leskinen of Eco-Science Professionals, Inc. He testified that he had performed a Forest Stand Delineation and Forest Conservation Analysis of the tract as required by county law. In doing so he identified 22 specimen trees that would need to be removed in order to build the proposed development (under BCC § 33-6-111(b)(5) a specimen tree is defined as one having a diameter of 30 inches or greater at 4.5 feet above ground)). He explained that a significant percentage of the tract (11.2 of the 21.1 acres) is within a 100 year riverine floodplain, and therefore cannot be built on. The site also contains "steep slopes" (greater than 25% grade). He testified that of the 22 specimen trees proposed for removal 11 are in poor condition and one is non-native. He further explained that the Developer applied for and obtained from DEPS a forest conservation variance to remove these trees. He explained that the majority of the trees slated for removal are in open and unforested areas of the tract where the homes are proposed. He stressed that much of the contiguous forest on the tract will be protected by forest buffer and forest conservation easements. He identified Developer's Exhibit 11 as the DEPS approval of the special variance.

COMMUNITY TESTIMONY AND EVIDENCE

Numerous residents of Maple Road testified in opposition to the proposed development. In

addition, numerous letters, emails, videos, photos and a community petition were received expressing opposition. The primary concerns expressed are traffic increases, traffic and pedestrian safety, environmental impacts, and school crowding.

Eileen and Bruce Leaman testified that they have lived at 27 Maple Avenue for 39 years. They described the unique nature of this dead-end narrow road. Mrs. Leaman testified that this narrow street already gets burdened by overflow traffic from the church on the corner and from the adjacent Five Oaks Swim Club. She pointed out that the only ingress and egress for the 46 existing homes is the intersection of Maple Avenue and Frederick Road. She testified that in the morning rush hour cars back up from the intersection at South Rolling Road all the way down past Maple Avenue; and in the afternoon rush cars back up from North Rolling Road past Maple Avenue. She submitted two short videos showing the huge volume of traffic on Frederick Road, which were admitted, collectively, as Community Exhibit 5. She also submitted documents, maps and photos that were admitted as Community Exhibits 6, 7, 8, and 9. She testified that there are numerous auto accidents at the Maple Avenue and Frederick Road intersection every year, and that cars travelling westbound on Frederick Road travel at significant speeds down a steep hill which bottoms out right at Maple Avenue, creating significant hazards for cars stopped to turn left onto Maple, and to pedestrians trying to cross Frederick from Maple. She pointed out that Maple Avenue was finally repaved by the County last year and laments that it would need to be torn up again to install the sewer and other infrastructure needed for the proposed development. She testified that the existing terra cotta sewer main dates to 1930, and the neighbors are concerned about odors and leaks from the proposed grinder pump connections. Finally, she testified about the recent surge in flooding events caused by climate change, and described a recent flood that washed out the historic stone bridge over Saw Mill Branch adjacent to the proposed development.

See, Photo of flood damage (Community Exhibit 15). In conclusion the Leamans asked that no more than four new houses be allowed.

Maria Czajkowski testified next. She lives directly across Frederick Road from the Maple Avenue intersection. She testified that traffic in the area has gotten worse and worse and that it can take as much as 5 minutes to get onto Frederick Road during the morning and evening rush hours. She further testified that there are a lot of children in the area and that pedestrian and bike safety are real concerns. She described hearing auto accidents and the ensuing ambulance sirens on a regular basis.

Albert Cunniff testified next. He has lived on Maple Avenue since 1976. He stressed that Maple Avenue is unique among streets in the area because of its narrow width, rural feel, and its dead end at Patapsco State Park. He explained that there is already a high volume of pedestrians on Maple Avenue because people from many of the surrounding streets use Maple Avenue to access the park, either on foot or on bikes. Because there are no sidewalks this pedestrian traffic must use the road itself. He submitted a photo of three people spanning the width of Maple Avenue by simply standing abreast with their arms partially outstretched. (Community Exhibit 2). He echoed the concerns about the environmental and traffic impacts from the proposed development. He submitted a diagram of the existing homes on the street and the 19 proposed homes at the end (Community Exhibit 3), and likened the proposed development to "a watermelon hanging from the branch of an apple tree" – the branch being Maple Avenue.

Christy Katz testified that she lives at 7 Maple Avenue. She has young children and is concerned about their safety. She testified that there are approximately 30 young children on the street and that they must walk to the bus stop at the end of Maple Avenue because the street is too narrow for the school buses to traverse. She testified that over 100 community members attended

the Community Input Meeting and raised the same concerns that she and others are still expressing about traffic impacts, pedestrian safety, environmental impacts, and current and projected school crowding. She stated that she doesn't feel like the Developer has addressed any of these concerns. She questioned whether the county development regulations adequately address the realities of climate change. She pointed out that this site is only a couple miles west of Ellicott City, which has suffered devastating flood damage in two recent super storm events. She submitted photos of Maple Avenue which were admitted as Community Exhibit 10, and a petition opposing the development signed by more than 150 community members, which was admitted as Community Exhibit 11.

David Hunter testified next. He lives at 125 Maple, directly across from the proposed development. He stated that he understands the Developer's right to develop this land but he believes that the Developer can get a fair economic return without building all of the 19 proposed houses. He disagreed with Mr. Keeley's description of Maple Avenue as a "typical" Catonsville street because it is a very narrow, dead end street. He also does not understand how 190 additional daily car trips could be seen as insignificant.

Monica Simonsen testified next and echoed all these concerns. She lives at 17 Maple Avenue. She too has young children and is concerned about pedestrian safety and school crowding. She testified that she has reviewed BCPS projections showing overcrowding in all the district schools in the next couple years. She testified about the impacts caused by the construction of two new homes on either side of her, including flood damage and damage to her lawn caused by construction vehicles. She submitted a series of photos showing the condition of Maple Avenue and the effect of construction trucks on the street. (Community Exhibit 14). She pointed out that the proposed 19 home development will clog their street for years since the Developer plans to

build the development piecemeal as the lots are sold. Finally, she stated that there would have been more neighborhood opposition at this hearing but that many of the residents of Maple Avenue are older and not conversant with the technology needed to participate. She asked, therefore, for me to give weight to the number of persons who signed the petition opposing the project. She also submitted a written statement which was admitted as Community Exhibit 13.

Finally, Sarah Bennett, a 30 year resident of Maple Avenue testified about all these concerns. In addition, she raised concern about the presence of lead paint on the old existing structures on the property. She asked that proper measures be used to abate the lead issues when the structures are razed, especially given the large number of children living on this street. She submitted a photo of flood damage at the end of Maple Avenue which was admitted as Community Exhibit 15.

On cross-examination Mr. Alderman asked each of these witnesses whether they had sought to get this parcel rezoned via the quadrennial Comprehensive Zoning Map Process ("CZMP"). None had done so, although most did not seem clear about what the CZMP process is, or how they would have participated.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The law is clear that the Master Plan is a binding, regulatory mechanism in development cases in Baltimore County. This was the holding of *HNS Dev. v. People's Counsel*, 425 Md. 436 (2012), and is based on that court's interpretation of BCC § 32-4-102(a)(1). The aforementioned statute requires "all development of land [to] conform to the Master Plan." The 2020 Master Plan states that existing community members are supposed to have "an integral role in the creation of sustainable developments through collaborative efforts."

Further, the introduction to the 2020 Master Plan document states that “[i]n]any existing stable residential neighborhoods should not be disturbed for additional development.” Based on the record evidence I do not believe the construction of 19 homes on this bucolic street, adjacent to a 100 year floodplain and Patapsco State Park is consistent with the Master Plan’s vision for T-2 Rural Residential and T-3 Sub-Urban transects applicable to this tract. As explained below, I find that a site plan with fewer homes on larger lots would be more consistent with that vision.¹

Pursuant to BCC § 32-4-229, the “Hearing Officer *shall* grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations.” (emphasis added). 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 be noted that in the *Elm Street* case the community opponents did not question the agency witnesses or submit evidence to rebut the agency recommendations. And, as will be explained, the community witnesses in this case *did* provide substantial testimony and evidence that undermines some of the agency recommendations on critical issues.

My analysis begins with the stated legislative intent of the Development Law and the Master Plan. BCC § 32-4-103, captioned “PURPOSES OF THE TITLE” provides in relevant part as follows:

“(a) *In general.* This title is adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the county;

¹ In the event this Opinion and Order is vacated and reversed, this is to confirm that the Director’s Approval of the Special Variance under BCC § 33-6-116 for the removal of 22 specimen trees is hereby AFFIRMED.

- (2) To implement the future growth and development of the county in accordance with the Master Plan;
- (6) To protect the viability of the county's existing communities by ensuring that new development and redevelopment is compatible with the neighborhood and minimizes adverse environmental, traffic, and economic impacts on the surrounding community."

With these guiding principles in mind I will now address the material issues in this case topic by topic.

Tipping Point Issues

Some of the issues raised by the community are perhaps not, in and of themselves, enough to warrant a denial of the development Plan. For instance, the School Impact Study, based on enrollment numbers from September 2019, shows that none of the schools is currently over the 115% threshold. Yet as several of the community witnesses pointed out, the official Baltimore County Public School ("BCPS") projections show overcrowding in the immediate future – indeed before this planned development is anywhere near completion. The BCPS' "Educational Facilities Master Plan 2020" report states that for the Southwest Planning District "[t]here are no high schools in the region that are overcrowded (115% or above capacity) as of the 2019–2020 school year, *although Catonsville high school is projected to exceed 115 percent of capacity in 2022 and will remain severely overcrowded through 2029.*"

Likewise, the community is justifiably concerned about the environmental impacts from this proposed development – especially given the proximity of this project to a "100 year" floodplain, and to Patapsco State Park. As several neighbors pointed out, these "100 year" super storms now occur virtually every year. And the devastating flood damage in Ellicott City is a cautionary tale because it has been attributed in large part to the overdevelopment and resulting loss of forest buffer along the perimeter of that historic town.

Further, the un rebutted testimony is that the sewer main that will support this proposed development is a terra cotta pipe installed in 1930. That fact, combined with the 19 proposed grinder pump connections, are cause for legitimate concern. In Case No. 09-0861, the Administrative Law Judge observed that "Baltimore County's sewer system - - like that of nearly all major east coast cities - - is antiquated and in dire need of repair. So serious is the problem that Baltimore County entered into a consent decree with the Environmental Protection Agency ("EPA") which requires the County to undertake a comprehensive evaluation of its sewer system and take corrective action to repair or replace defective portions of this infrastructure." That work is far from complete, and obviously has not yet reached Maple Avenue, which still has numerous homes on septic systems.

In addition, the neighbors on Maple Avenue have good reason to lament the impact this development will have on their daily quality of life. They note that after decades of complaints to county officials Maple Avenue was finally repaved in the last couple years, and now it will be torn up again to facilitate the proposed development. Photos submitted by the community show that large construction vehicles associated with recent home construction obstruct nearly the entire width of Maple Avenue. *See*, Community Exhibits 4 and 14. The Developer's engineer and traffic expert testified that Maple Avenue will never actually be closed to traffic during these years of construction, but they acknowledge that traffic will have to be managed by "flaggers," and we all know how exasperating that system can be when we have someplace we need to be. And these substantial impacts can be expected to last several years, while the development is built out lot by lot, per the Developer's stated plan.

Further, the Plan raises other questions that are not addressed in the Pattern Book and which were not addressed at the hearing. The "performance standards" set forth in BCZR Sec. 260 provide, in relevant part, as follows:

§ 260.3. - Open space.

A development proposal shall:

A. Integrate open space areas into the proposed development by:

1. Creating focal points along streets;
2. Locating landscaped open green spaces in view of the development entrance or adjoining public street;
3. Planning a linked network of natural and landscaped open areas connected by pedestrian/bike trails; and
4. Orienting dwelling units around open areas or squares.

B. Incorporate significant features, such as stands of trees, into open areas.

C. Link the development's open areas to the surrounding neighborhood open areas, including public parks, walks, and bike trails, and create both functional and visual continuity, e.g., by matching the design of a bike trail in the proposed development to the bike trail located in the adjoining property.

§ 260.4. - Streets and parking.

A development proposal shall:

1. Provide for at least one street connection to an adjoining neighborhood or an adjoining property, not including the principal access to the subdivision, in order to facilitate good traffic circulation.
2. Design streets to slow traffic by offsetting alignments. Reducing street width, reducing the length of blocks, and employing the use of traffic management devices such as roundabouts, chokers, chicanes, etc., to accomplish traffic calming.
3. Allow on-street parking.
4. Provide pedestrian and bicycle access to commercial areas and community facilities on site within the development and to the surrounding neighborhood.

5. Provide street and parking accommodations which complement the surrounding neighborhood.

With respect to § 260.3 this proposed development fails to incorporate several of these requirements. Most significantly it does not provide "a linked network of natural and landscaped open areas connected by pedestrian/bike trails." And there is no link to the surrounding neighborhood or to the adjacent State Park. And with respect to § 260.4, this proposed development does not satisfy the parking or connectivity requirements. In sum, these "tipping point" issues become significant in the aggregate and in my considered view the Plan as proposed cannot be approved, especially when considered with the issues discussed below.

Traffic Safety and Impacts

Perhaps more significant than the issues just discussed are the serious traffic issues raised by the community. First, the neighbors are understandably baffled by Mr. Keeley's testimony that a 40% or greater increase in traffic volume is "insignificant." It is not – especially on this narrow street with no sidewalks. Further, as discussed at the hearing, it seems clear that the estimate of 190 additional trips is low in this new age of incessant Amazon deliveries. Numerous residents of Maple Avenue described the already high levels of pedestrian traffic on Maple Avenue – some by children who live on the street, and some from the surrounding neighborhoods that use Maple to access the state park, including a high volume of mountain bikers. As noted, the children on this street must traverse the length of it at the beginning and end of every school day in order to reach the school bus stop on Frederick Road, since Maple Avenue is too narrow to accommodate the buses. In short, pedestrian safety is a real issue and would be substantially exacerbated by 19 additional homes at the very end of the street – since each of the estimated 190 trips will traverse the entire length of Maple Avenue.

Further, and of greater concern, are the automobile safety and traffic volume issues raised by the community. The videos, photos, and testimony all show beyond debate that the intersection of Maple Avenue and Frederick Road is already a nightmare. The neighbor who lives right on the corner described the familiar sounds of colliding vehicles, followed by ambulance sirens. The videos and photos show the dangerous conditions caused by vehicles traveling west down the long hill on Frederick Road toward its intersection with Maple Avenue at the bottom. And traffic volume and congestion are already horrible, even before the addition of 190 vehicle trips a day. The DOP noted that the two closest signalized intersections (Frederick and North and South Rolling Roads) are "D" intersections, and therefore not failing under the county regulations. But the testimony and photographic evidence show horrendous morning and evening rush hour backups on Frederick Road. One neighbor estimated that it takes approximately 5 minutes to get onto Frederick from Maple or Dutton Avenues during rush hour. As a former resident of Catonsville I recall evening rush hour traffic backing up on South Rolling Road from Frederick Avenue all the way back to the Community College, and sometimes to the ramp of I-195. The addition of 190 daily trips to this existing mess is just not tenable. I understand that this proposed development tract is not covered by any basic services maps, but it has previously been decided that the maps are not singularly dispositive. As the ALJ explained in Case No. 09-0861, *supra*, at p. 25:

[I]t is certainly understandable why the County would be reticent to include a property on one of the basic services maps. The effect of such inclusion is a legislative moratorium, during which the county is expected to undertake the necessary repairs to the deficient infrastructure. Should this state of affairs persist for longer than 18 months, it is likely a court would find the owner's property had been "taken," which requires the payment of just compensation under the state and federal constitutions. *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002). This is yet another reason why I do not believe the maps are dispositive in any given case.

In my view this reasoning applies here.

Master Plan

As noted by the Planning Office in their Final HOH Report, this tract consists of TR 2 Rural Residential and TR 3 Sub-Urban transects. The GIS database indicates that the tract is primarily in the TR 3 transect. The TR 2 Rural Residential transect is described as consisting of "large lot single-family detached housing," with setbacks "generally 50 plus feet. Lots are deep to accommodate a larger backyard. Density varies between 2 to 5 acres per dwelling." And the TR 3 transect describes "low density residential areas, adjacent to higher zones that contain mixed use. Landscaping is naturalistic and setbacks are relatively deep."

In my view the development Plan in this case does not comply with the Master Plan vision for these transects. As the "Lot Area Table" on the Plan shows, the 19 proposed lots range from .27 acres to .63 acres, with the majority of lots falling in the .30 to .45 range. And the "Typical Lot Layout" on the Plan for the lots in the DR 1 and DR 2 zones show front setbacks of as little as 25', and side building-to-building distances of as little as 30'. This is how 19 four to five bedroom homes are squeezed onto the buildable portion of this tract.

Conclusion

I am aware that the county agencies have attested that the Plan meets each agency's own minimum standards in isolation. However, it is my job to consider the global impacts of the Plan, in light of all the evidence, and with the Master Plan and Development Law in mind. As noted above, the Master Plan mandates that community members are to have "an integral role in the creation of sustainable developments through collaborative efforts." And one of the express legislative purposes of the Development Law is "[t]o protect the viability of the county's existing communities by ensuring that new development and redevelopment is compatible with the

neighborhood and minimizes adverse environmental, traffic, and economic impacts on the surrounding community.” BCC § 32-4-103(a)(6). Likewise, the Master Plan provides that “[m]any existing stable residential neighborhoods should not be disturbed for additional development.”

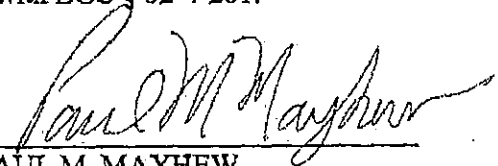
The community acknowledges that the owners of the subject property have the right to develop the tract to some reasonable degree. However, they are justifiably concerned about the “adverse environmental, traffic, and economic impacts” of this proposed project. Many in the community asked that I approve no more than four new homes at this site. The Developer did not provide any testimony or evidence concerning the economic viability of the project based on any specific number of units. In fact, the Developer did not testify at all. Certainly the owner of this parcel has the right to build some number of homes. However, my task is to approve or deny the plan that was submitted, and the Plan that was submitted – for 19 four to five bedroom houses – cannot in my view be approved without severely impacting the Maple Avenue neighborhood. I must therefore deny approval, as I believe I am bound to do by the Development Law and the Master Plan.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 12th day of February, 2021, that the “DAVIS FARMS” Plan marked and accepted into evidence as Developer’s Exhibit 2, be and hereby is **DENIED**; and,

IT IS FURTHER ORDERED that, in the event the denial of the Development Plan is reversed and the Plan is approved, the Petition for Special Hearing from the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to approve the density, house location, use areas and lot configurations for Lot Nos. 1, 2, 3, 4, 16, 17 & 19 as shown on the Plat to Accompany this Petition (and Development Plan for Davis Farms) as a Density Anomaly is **GRANTED**; and,

IT IS FURTHER ORDERED that, in the event the denial of the Development Plan is reversed and the Plan is approved, the Special Forest Variance, as approved by the Director of DEPS, is also, **GRANTED**.

Any appeal of this Order shall be taken in accordance with BCC § 32-4-281.

A handwritten signature in cursive script, reading "Paul M. Mayhew", written in dark ink.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm/dlw