



JOHN A. OLSZEWSKI, JR.
County Executive

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

September 5, 2023

Jennifer Busse, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

RE: Petition for Special Hearing & Variance
Case No. 2023-0144-SPHA
Property: 3 Second Look Lane

Dear Ms. Busse:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,
A handwritten signature in black ink that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

C: Whalen Properties, LLC – steve@whalenproperties.com
Thomas Sheckells – tsheckells@mrakta.com
Mark Fleschner – mark@whalenproperties.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(3 Second Look Lane)	*	OFFICE OF
1 st Election District		
1 st Council District	*	ADMINISTRATIVE HEARINGS
Whalen Properties, LLC		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2023-0144-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Hearing and Variance filed by legal owner, Whalen Properties, LLC (the “Petitioner”) for the property located at 3 Second Look Lane, Catonsville (the “Property”). A Petition for Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §500.7 to amend the last approved FDP of Old Rolling Road Overlook (aka 1121 South Rolling Road). Petitions for Variance relief was also filed from BCZR, §1B01.2.C.1.b to permit a minimum distance of 12 ft. from rear building face to rear property line shared with Lot 1 in lieu of the otherwise required 30 ft., and to permit a minimum distance of 10 ft. from the side building face to side property line shared with the tract boundary in lieu of the otherwise required 25 ft.

A public in-person/virtual hearing was conducted on August 29, 2023 at 105 West Chesapeake Avenue, Room 205, Towson, MD. The Petition was properly advertised and posted. Mark Fleschner, representative of the Petitioner appeared at the hearing in support of the Petitions along with Thomas Sheckells, a Principal with Morris, Ritchie & Associates, the civil engineering firm who prepared and sealed a site plan (the “Site Plan”), redlined site plan (the “Redlined Site Plan”), and a bluelined site plan (the “Bluelined Site Plan”). (Pet. Exs. 10, 17). Jennifer Busse, Esquire of Rosenberg, Martin and Greenberg, LLP represented the Petitioner. There were no

Protestants or interested citizens that appeared at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the requested relief. Department of Plans Review (“DPR”)/Department of Public Works and Transportation (“DPW&T”) provided the following comment:

A) The proposed drive is shown in an existing public drainage and utility easement shown on Record Plat 79/963 that contains an existing storm drain. The site must be redesigned with the drive located outside of the existing easement.

The case proceeded by way of modified proffer by Ms. Busse. The Property is 0.5913 acres +/-, addressed as 3 Second Look Lane, and is otherwise known as Lot 2 on the First Refined Final Development Plan dated June 11, 2021. (Pet. Ex. 11). The development project is known as Old Rolling Road Overlook and consists of 12 lots. The Property is split-zoned Density Residential (DR 2) and (DR 3.5). Aerial photographs show the Old Rolling Road Overlook as located next to I-195, adjacent to a park n’ ride, and near UMBC. (Pet. Exs. 1, 2).

The Property is improved with a 3-story single family dwelling constructed in 1929 and is known as ‘Arden House’. (Pet. Exs. 5, 6). The Arden House was featured in The 33rd Symphony Decorators’ Show House. (Pet. Ex. 9). The Petitioner is currently renovating the interior. While having an address of Second Look Lane, it does not face the street. (Pet. Ex. 10, 17). The Old Rolling Road Overlook project was designed with the concept of retaining the Arden House as a focal point. Street view photographs depict the homes already constructed which all front on Second Look Lane. (Pet. Exs. 3A-3L). Those other homes have either 2 or 3 car garages. (Pet. Exs. 8A-8G).

Petitioners desire to construct a 980 sf attached garage in the rear yard which will have a height of 22-23 ft to match the roof pitch of the Arden House. Street view photographs showing the location of the garage and surrounding view from Arden House looking out into the neighborhood. (Pet. Exs. 7A-7L). The photographs show the steep grade on the Property. However, due to the zoning setbacks, Petitioner needs Variance. Petitioner agrees to work with the Baltimore County Landscape Architect in regard to additional landscaping, if any is needed.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

In pursuit of the Petitions for Variance relief, Petitioners need approval to amend the Final Development Plan to reflect the new garage. (Pet. Ex. 11). Given that the Petitions for Variance relief will be granted as below, I find that Petition for Special Hearing relief should also be granted. The relief will be conditioned upon the DPR/DPWT ZAC comment to locate

the driveway for the Property outside of the existing public drainage and utility easement which change was made in blue by Mr. Sheckells during the hearing and another copy reflecting that change was sent to OAH. (Pet. Ex. 12).

VARIANCE

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

The Property is unique in that it is improved with a historic home constructed in 1929 which, unlike the other homes constructed within Old Rolling Road Overlook project, does not face Second Look Lane. The Property's shape is also irregular and its topography, as shown in the street view photographs, is steep and required a retaining wall to be constructed. The Property's unique features create a practical difficulty for the Petitioner in that an attached garage could not be constructed within the required setbacks. As shown in the street view photographs, all of the other 11 homes within the Old Rolling Road Overlook project have 2 and 3 car garages. Without this amenity, the Arden House may not be desirable to prospective buyers. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this 5th day of **September, 2023**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to BCZR §500.7 to amend the last approved FDP of Old Rolling Road Overlook aka 1121 South Rolling Road.

Be, and it is hereby, **GRANTED**; and, it is

FURTHER ORDERED that the Petition for Variance from BCZR, §1B01.2.C.1.b to permit a minimum distance of 12 ft. from rear building face to rear property line shared with Lot 1 in lieu of the otherwise required 30 ft., and to permit a minimum distance of 10 ft. from the side building face to side property line shared with the tract boundary in lieu of the otherwise required 25 ft. be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner shall work with the Baltimore County Landscape Architect to determine additional landscaping, if any, is needed.
3. Petitioner shall comply with the DPR/DPWT ZAC comment, a copy of which is attached hereto and incorporated herein.

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



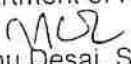
MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 31, 2023
Item No. 2023-0144-SPHA

DATE: July 31, 2023

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPW&T Comments:

- A) The proposed drive is shown in an existing public drainage and utility easement shown on Record Plat 79/963 that contains an existing storm drain. The site must be redesigned with the drive located outside of the existing easement.

VKD: JK
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 8/7/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0144-SPHA

INFORMATION:

Property Address: 3 Second Look Lane
Petitioner: Stephen W. Whalen Jr., Whalen Properties LLC
Zoning: DR 2
Requested Action: Special Hearing/Variance

The Department of Planning has reviewed the petition for the following:

Variance -

1. From BCZR Section 1B01.2.C.1.b to permit a minimum distance of 12' from rear building face to rear property line shared with Lot 1 in lieu of the otherwise required 30'.
2. From BCZR Section 1B01.2.C.1.b to permit a minimum distance of 10' from the side building face to side property line shared with the tract boundary in lieu of the otherwise required 25'.

Special Hearing -

3. To amend the last approved FDP of Old Rolling Road Overlook AKA 1121 South Rolling Road.

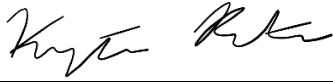
The proposed site is a 7.45ac property zoned DR 2. It is surrounded by predominantly residential uses. The proposed site has a previous zoning case 2017-0008-SPHA. The existing land use is currently residential. The requested variance relief, as said in above request, does not impose adverse impacts on adjacent properties or the public right of way. It is understood that the accessory structure is in the rear of the property and is screened from the public right of way. There are no encroachments onto adjacent properties and there is adequate vegetative screening in the rear of the property to mitigate its visual impacts.

The Department has no objections in granting the relief subject to the follow conditions.

1. Coordinate with the Baltimore County Landscape Architect to determine if additional landscaping is required along the shared property line of 3 Second Look Lane and 1 Second Look Lane.
2. Ensure the site complies with all other use/setback regulations and guidelines for DR 2 zoned property.
3. Comply with any additional conditions set forth by the Administrative Law Judge.

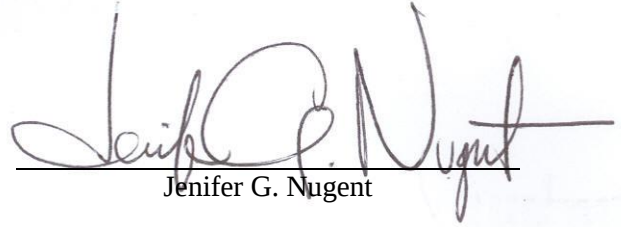
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Jennifer Busse, Rosenberg Martin Greenberg LLP
Sophie Kotzker, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 3 Second Look Lane

which is presently zoned DR 2/

Deed References: 37228/256

10 Digit Tax Account # 2 5 0 0 0 1 5 8 9 0

Property Owner(s) Printed Name(s) Whalen Properties, LLC

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

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

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

please see attached

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

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

please see attached

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

N/A
Name- Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # Email Address

Attorney for Petitioner:

Jennifer Busse - Rosenberg Martin Greenberg LLP
Name- Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Whalen Properties, LLC / c/o Stephen W. Whalen, Jr.
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

2 W. Rolling Crossroads, Ste. 203 Catonsville Maryland
Mailing Address City State

21228 / 410-747-2900 / steve@whalenproperties.com
Zip Code Telephone # Email Address

Representative to be contacted:

Jennifer Busse - Rosenberg Martin Greenberg LLP
Name - Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com
Zip Code Telephone # Email Address

CASE NUMBER: 2023-0144-SP4A Filing Date 06/29/2023 Do Not Schedule Dates: Reviewer TC

Attachment to Zoning Petition

3 Second Look Lane, Lot #2

Petition for Variance from BCZR §1B01.2.C.1.b to permit a minimum distance of 12' from rear building face to rear property line shared with Lot 1 in lieu of the otherwise required 30'.

Petition for Variance from BCZR §1B01.2.C.1.b to permit a minimum distance of 10' from the side building face to side property line shared with the tract boundary in lieu of the otherwise required 25'.

Petition for Special Hearing to amend the last approved FDP of Old Rolling Road Overlook AKA 1121 South Rolling Road.

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



June 28, 2023

ZONING AREA DESCRIPTION FOR 3 SECOND LOOK LANE

Beginning at a point on the southerly side of Second Look Lane, a 40-foot-wide public right of way, at a distance of 215.35' feet east of the centerline of South Rolling Road, a varying width public right-of-way.

Being Lot 2, shown on the subdivision of "Final Plat Old Rolling Road Overlook" as recorded among the Land Records of Baltimore County as Plat Book J.L.E. Liber 79 Folio 855, containing 25,757 square feet or 0.5913 acres of land. Located in the First Election District and Third Councilmanic District.

The zoning description was prepared per the zoning requirements of Baltimore County, Maryland and shall not be used for land convenience.

06/28/2023

Morris and Ritchie Associates, Inc
Michael G. Coughlin, PE
Professional Engineer
Maryland License No. 38291 Exp 01/13/2024

Date



1220-B East Joppa Road, Suite 400k, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Sterling, VA ♦ Raleigh, NC
(410) 515-9000 (410) 935-5050 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 674-0161 (984) 200-2103

2023 -0144-SPHA

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: _____
Property Address: 3 Second Look Lane
Legal Owners (Petitioners): Whalen Properties, LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Jennifer Basse
Address: Rosenberg, Martin Greenberg
25 South Charles Street, 21st Floor
Baltimore, MD ~~21202~~ 21201
Telephone Number: 410-727-8647

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

2023-0144-SPA

Revised 3/2022

CERTIFICATE OF POSTING

CASE NO. 2023-0144-SPHA

PETITIONER/DEVELOPER

Rosenberg Martin Greenberg

Jennifer Busse

DATE OF HEARING/CLOSING

August 29, 2023

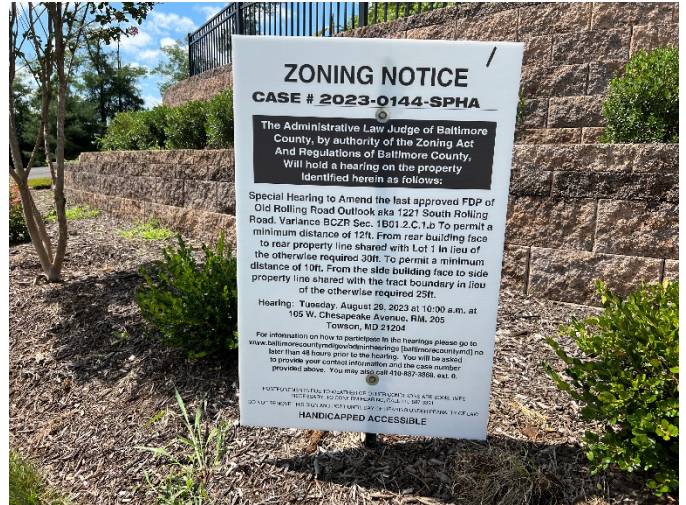
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

3 Second Look Lane

Sign 1



THE SIGN(S) POSTED ON August 8, 2023
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2023-0144-SPHA

PETITIONER/DEVELOPER

Rosenberg Martin Greenberg

Jennifer Busse

DATE OF HEARING/CLOSING

August 29, 2023

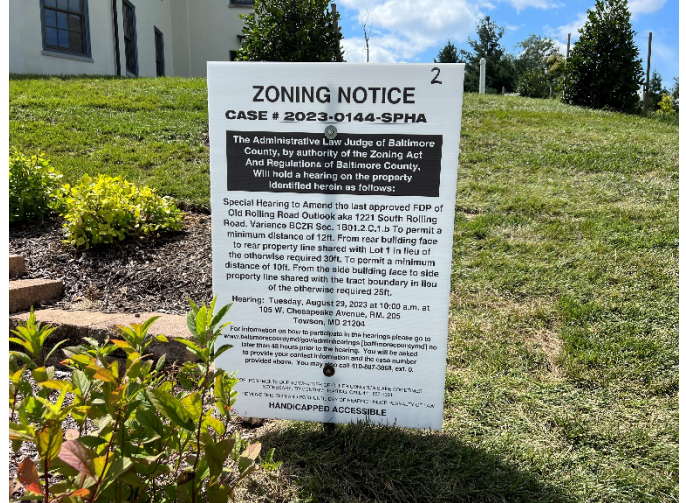
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

3 Second Look Lane

Sign 2



THE SIGN(S) POSTED ON August 8, 2023
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

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: July 31, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0144-SPHA
Address: 3 SECOND LOOK LANE
Legal Owner: Whalen Properties, LLC

Zoning Advisory Committee Meeting of July 31, 2023.

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

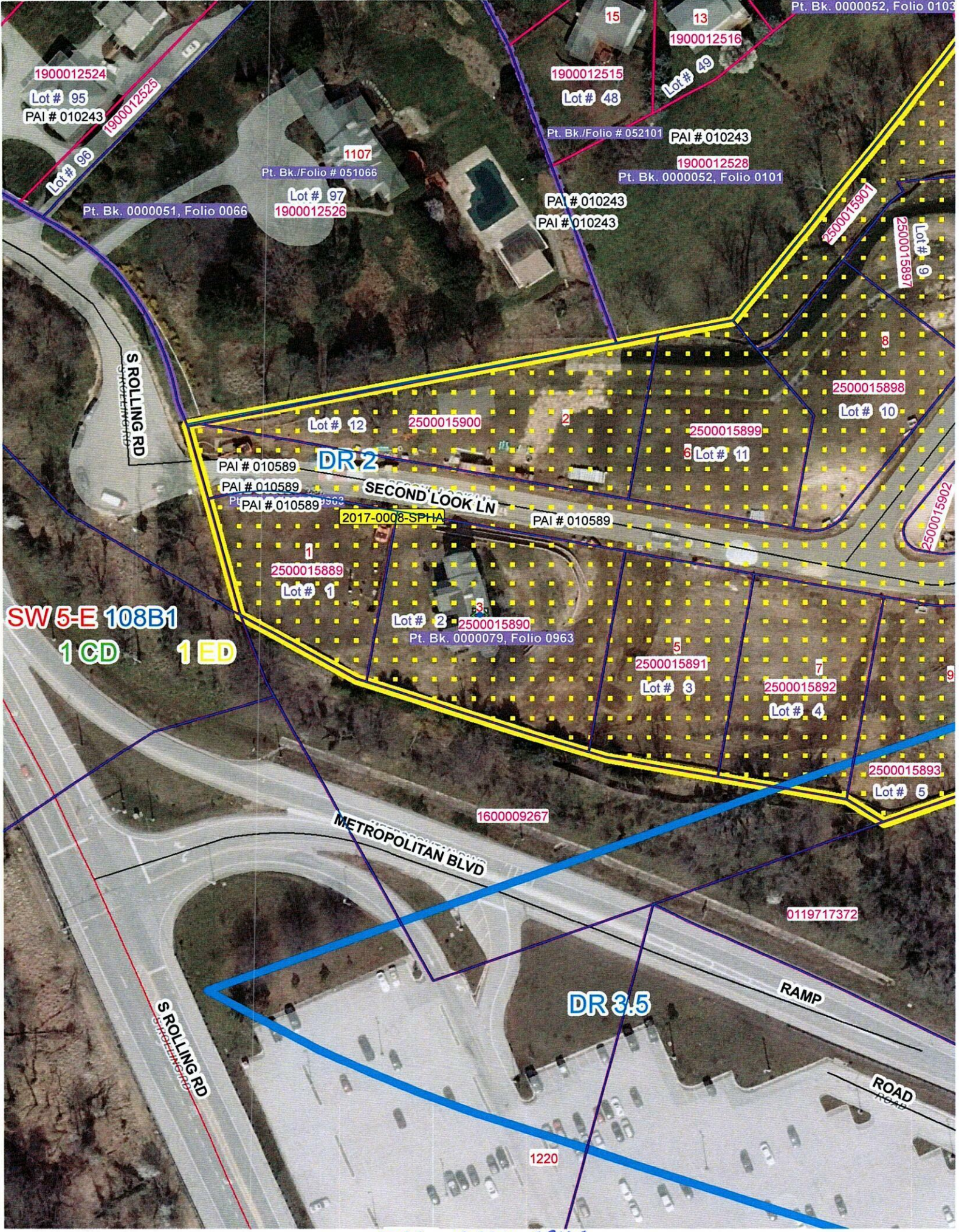
Additional Comments:

Reviewer: Earl D. Wrenn

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 - 2500015890		
Owner Information		
Owner Name:	WHALEN PROPERTIES LLC CATONSVILLE SERIES XVI	Use: RESIDENTIAL Principal Residence:NO
Mailing Address:	STE 203 2 ROLLING CROSSROADS CATONSVILLE MD 21228-5323	Deed Reference:
Location & Structure Information		
Premises Address:	3 SECOND LOOK LN CATONSVILLE 21228-	Legal Description: 0.5913 AC 3 SECOND LOOK LN SS OLD ROLLING ROAD OVERLOOK
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:	0108 0003 0862 1060113.04 9855 2 2022 Plat Ref: 0079/ 0963	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area Property Land Area County Use
1929	4,781 SF	25,757 SF 04
Stories Basement Type	Exterior	Quality Full/Half Bath Garage Last Notice of Major Improvements
2 1/2 YES	STANDARD UNIT	STUCCO/ 7 4 full/ 1 half
Value Information		
	Base Value	Value
		As of
		01/01/2022
Land:	163,900	163,900
Improvements	0	0
Total:	163,900	163,900
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2022
		As of
		07/01/2023
		163,900 163,900
Transfer Information		
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:Class	07/01/2022	07/01/2023
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: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application Date:		

2023 -0144-SPTA



SW 5-E 108B1
1 CD 1 ED

DR 2

DR 3.5

2023 - 0144-SPHA

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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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.

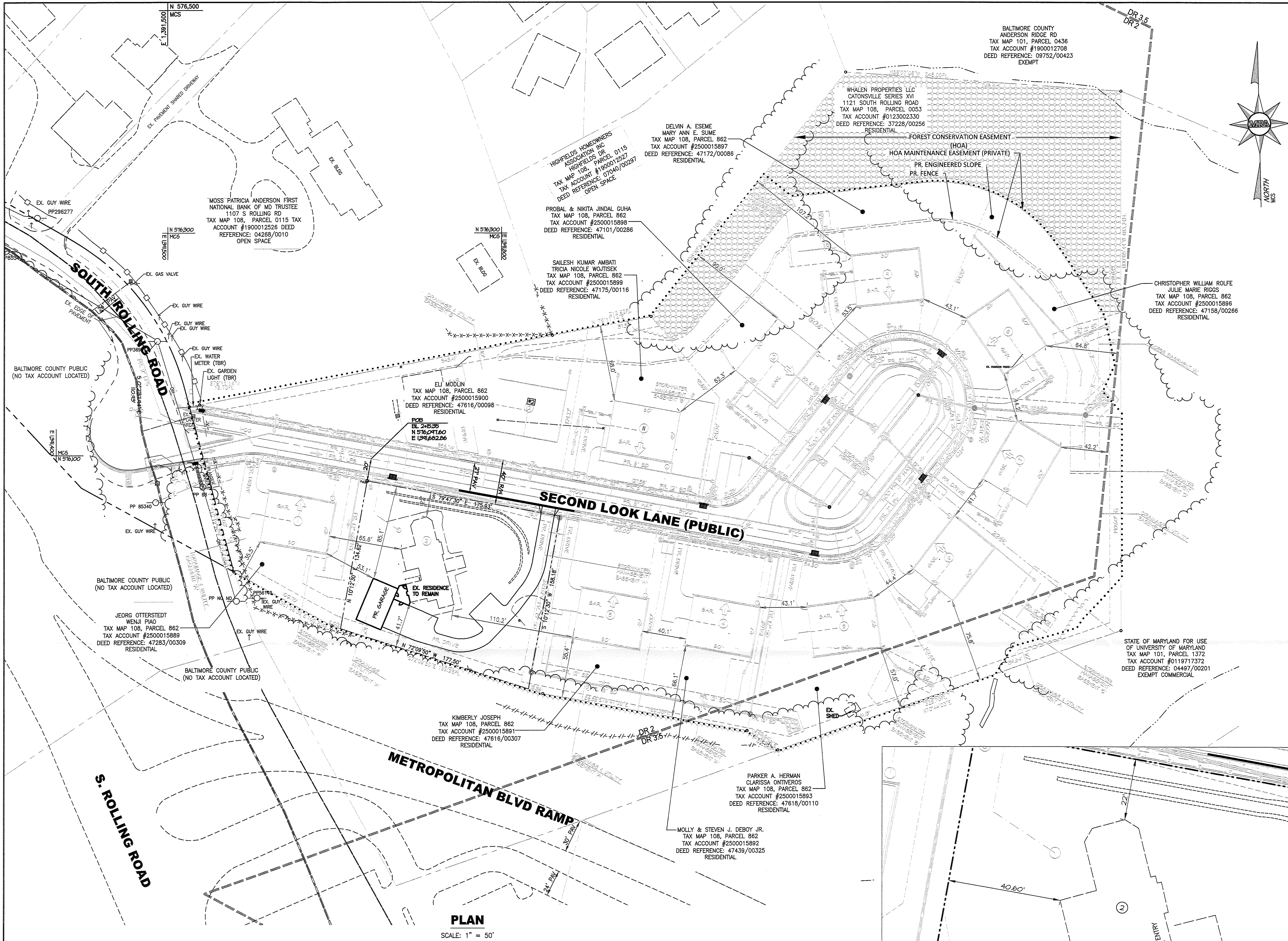
For Newspaper Advertising:

Case Number: 203-0144-SPHA
Property Address: 3 Second Look Lane
Catonville Md, 21228
Legal Owners (Petitioners): Whalen Properties Co Stephen W. Whalen Jr
Contract Purchaser/Lessee: _____

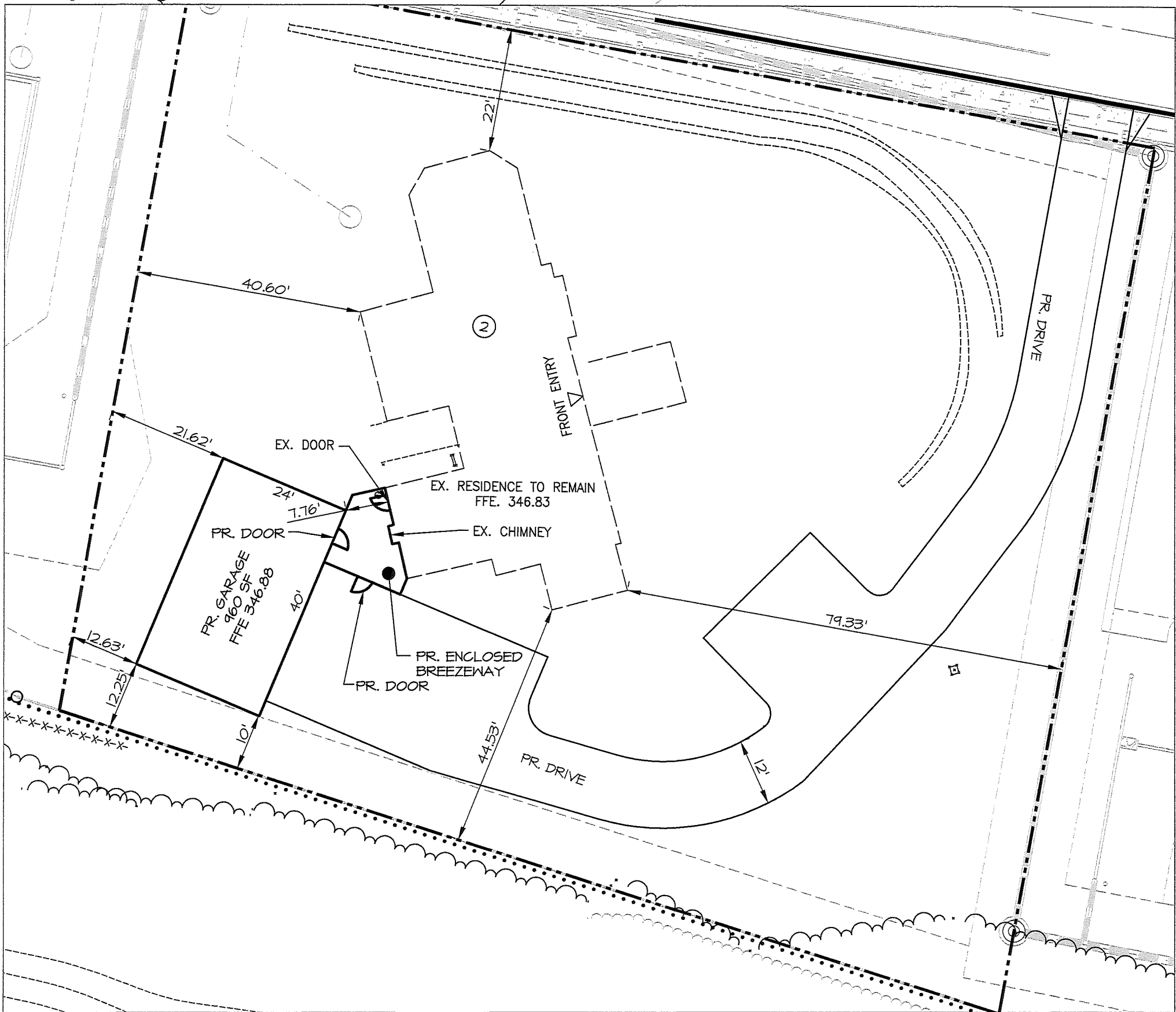
PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): _____
Address: 3 Second Look Lane
Catonville Md, 21228
Telephone Number: 0 410-747-2900

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.



PLAN
SCALE: 1" = 50'



ENLARGEMENT PLAN- PROPOSED GARAGE AT LOT 2
SCALE: 1" = 20'

OWNER / APPLICANT / DESIGN CONSULTANT

- OWNER/APPLICANT:
WHALEN PROPERTIES
2 WEST ROLLING CROSSROADS
CATONVILLE, MD 21228
ATTN: STEPHEN WHALEN
TEL: (410) 747-2900
- PLAN PREPARED BY:
MORRIS & RITCHIE ASSOCIATES, INC. (MRA)
1220-B EAST JOPPA ROAD SUITE 400K
TOWSON, MD 21286
ATTN: MICHAEL G. COUGHLIN
TEL: 410-821-1690

SITE DATA

- PREMISES ADDRESS:
SUBDIVISION:
SUBDIVISION NUMBER:
EXISTING ZONING:
TOTAL TRACT AREA
 - LOT 2 ADDRESS:
TOTAL LOT 2 AREA
EXISTING LAND USE:
PROPOSED LAND USE:
PROPERTY INFORMATION (LOT 2)
 - TAX ACCOUNT NUMBER:
DEED REFERENCE:
COUNCILMANIC DISTRICT:
ELECTION DISTRICT:
CENSUS TRACT:
ADC MAP LOCATION:
BALTIMORE COUNTY
 - GIS TILE:
TAX MAP:
J. PARCEL:
K. WATERSHED:
L. SCHOOLS
 - WATER DESIGNATION
SEWER DESIGNATION
- 1121 SOUTH ROLLING ROAD
OLD ROLLING ROAD OVERLOOK
9855
DR 2
GROSS - 7.45 AC. (324,772 SF)
NET - 7.38 AC. (320,529 SF)
3 SECOND LOOK LANE
0.5913 AC.
RESIDENTIAL
RESIDENTIAL
- 2500015890
37228/2556
1
401602, 400400
4167, 4168
- 108B1
108
0862
PATAPSCO RIVER
CATONVILLE ES
ARBUTUS MS
CATONVILLE HS
W-3
S-3

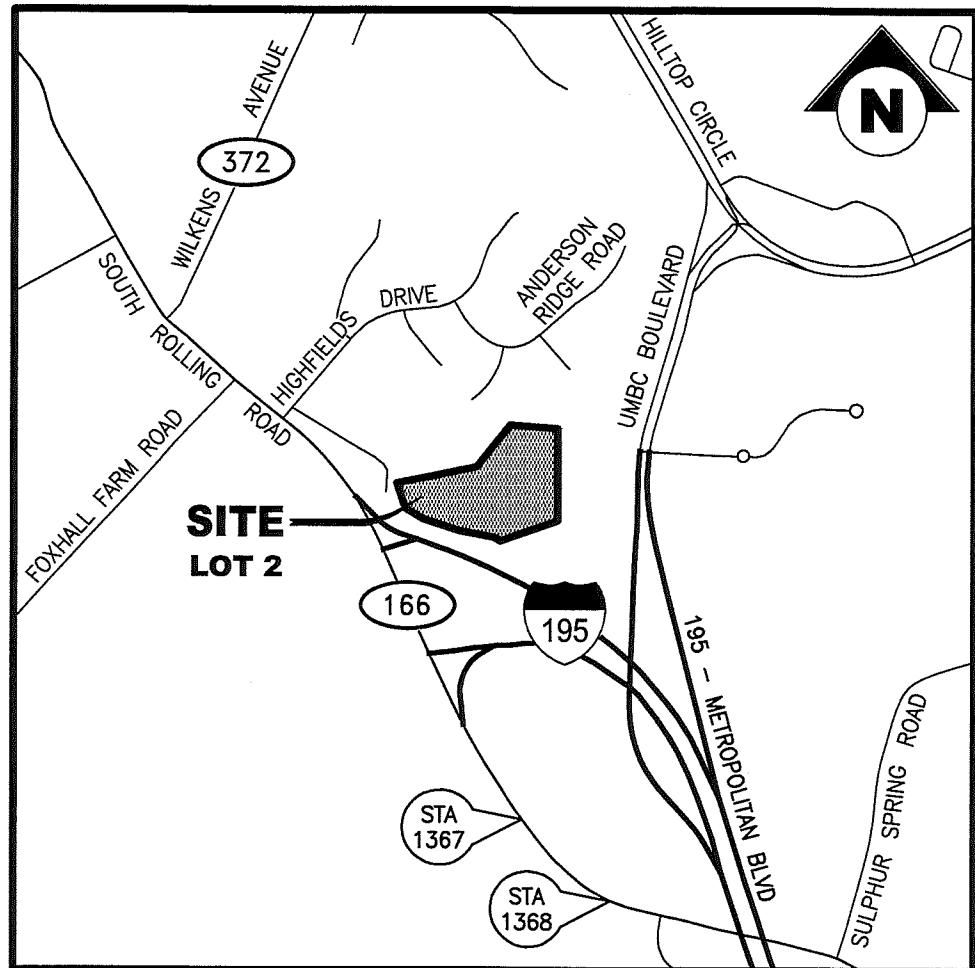
GENERAL NOTES

- THIS PROJECT IS LOCATED WITHIN THE URBAN RURAL DEMARCATION LINE.
- THE SITE IS NOT LOCATED WITHIN A TRAFFIC DEFICIENT AREA OR ANY OTHER DEFICIENT AREAS AS SHOWN ON THE 2015 BASIC SERVICES MAPS.
- THERE ARE NO KNOWN BUILDINGS, PROPERTIES, OR SITES WITHIN THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY (MHT), BALTIMORE COUNTY LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, OR THE MARYLAND ARCHEOLOGICAL SURVEY.
- THE PROJECT SITE IS NOT LOCATED IN ANY BALTIMORE COUNTY OR NATIONAL HISTORIC DISTRICT.
- THERE ARE NO WETLANDS OR 100 YEAR FLOODPLAINS ON THE SITE. THE SITE IS NOT LOCATED IN THE CRITICAL AREA.
- MAXIMUM BUILDING HEIGHT OF 50' IN DR 2. MAXIMUM ACCESSORY STRUCTURE HEIGHT IS 15'.

VARIANCE AND SPECIAL HEARING REQUEST

- 3 SECOND LOOK LANE, LOT #2
PETITION FOR VARIANCE FROM BCZR §1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 12' FROM REAR BUILDING FACE TO REAR PROPERTY LINE SHARED WITH LOT 1 IN LIEU OF THE OTHERWISE REQUIRED 30'.
- PETITION FOR VARIANCE FROM BCZR §1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 10' FROM THE SIDE BUILDING FACE TO SIDE PROPERTY LINE SHARED WITH THE TRACT BOUNDARY IN LIEU OF THE OTHERWISE REQUIRED 25'.
- PETITION FOR SPECIAL HEARING TO AMEND THE LAST APPROVED FDP OF OLD ROLLING ROAD OVERLOOK AKA 1121 SOUTH ROLLING ROAD.

SETBACK TYPE - DR 2	REQD.	PROV.
FRONT BUILDING STBK	25'	79.33'
REAR BUILDING STBK	30'	12.63'
SIDE BUILDING STBK	25'	10'



VICINITY MAP

SCALE: 1"=1000'

BENCHMARKS

STA #1367
ELEV. 291.05
DESCRIPTION: CAPPED REBAR LOCATED IN THE GRASS AREA ON THE WEST SIDE OF SOUTH ROLLING ROAD ACROSS THE STREET AND TO THE NORTHWEST OF THE ASPHALT DRIVEWAY FOR HOUSE #1231 AND APPROXIMATELY 90' DUE WEST OF BOE UTILITY POLE #497051.

N 574386.18
E 1392145.33

STA #1368
ELEV. 278.87
DESCRIPTION: CAPPED REBAR LOCATED IN THE GRASS AREA ON THE SOUTH SIDE OF SOUTH ROLLING ROAD ACROSS THE STREET AND TO THE SOUTHWEST OF ASPHALT DRIVEWAY FOR HOUSE #1309 AND APPROXIMATELY 90' DUE WEST OF BOE UTILITY POLE #500593.

N 573958.52
E 1392587.83

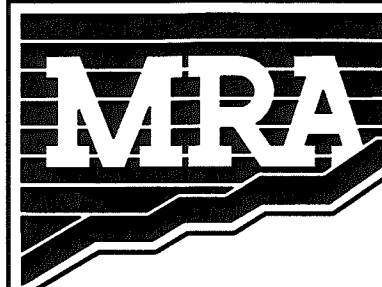
LEGEND

EXISTING	PROPERTY LINE
INTERIOR PROPERTY LINE	RIGHT OF WAY LINE
EXISTING EASEMENT	ZONING LINE
EXISTING 2' CONTOUR	EXISTING 10' CONTOUR
EXISTING BUILDING/STRUCTURE	EXISTING SIGN, MAILBOX, & STREET LIGHT
EXISTING CURB	EXISTING FENCE
EXISTING TREES/SHRUBS	EXISTING WOODS LINE
EXISTING SANITARY SEWER	EXISTING WATER
EXISTING STORM DRAIN PIPE/STRUCTURES	EXISTING OVERHEAD UTILITY/POLE
EXISTING GAS	EXISTING UNDER GROUND ELECTRIC
EXISTING UNDER GROUND TELE/COMM	PROPOSED
PROPOSED EASEMENT	PROPOSED EDGE OF PAVEMENT
PROPOSED CURB	PROPOSED FENCE
PROPOSED WATER	PROPOSED SEWER
PROPOSED STORM DRAIN	PROPOSED WOODS LINE
PROPOSED BUILDING/STRUCTURE	PROPOSED STREET LIGHT

PROFESSIONAL CERTIFICATION

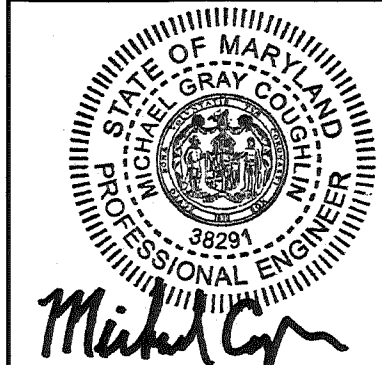
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 38291, EXPIRATION DATE: 01/13/2024

PAI#: 01-0589



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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OLD ROLLING ROAD OVERLOOK (3 SECOND LOOK LANE, LOT #2) PLAN TO ACCOMPANY ZONING REQUESTS

ELECTION DISTRICT 1 COUNCILMANIC DISTRICT 1

DATE	REVISIONS	JOB NO.:	19002
		SCALE:	AS SHOWN
		DATE:	06/21/2023
		DRAWN BY:	MRA
		DESIGN BY:	THS
		REVIEW BY:	MGC
		SHEET:	1 OF 1

ZONING AND HOH CASE HISTORY

ZONING CASE# 2017-0008-SPHA AND HOH CASE# 01-0589:

ORDER ON MOTION FOR RECONSIDERATION, COMMENTS ADDRESSED PER BALTIMORE COUNTY CODE §32-4-415 CONCERNING STEEP SLOPES, OLD ROLLING ROAD OVERLOOK DEVELOPMENT PLAN IS HEREBY APPROVED, GRANTED JUNE 5, 2017.

SPECIAL HEARING TO GRANT THE RECOMMENDATION OF THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY TO GRANT A SPECIAL VARIANCE TO PERMIT THE REMOVAL OF SPECIMEN TREES IN ACCORDANCE WITH BALTIMORE COUNTY CODE §33-6-116(G). GRANTED NOVEMBER 22, 2016

WAIVER WAS GRANTED FROM BALTIMORE COUNTY STANDARD DESIGN PLATE R-J-4 TO PERMIT A PRIVATE STREET WITH A 40' RIGHT OF WAY WITH 24' WIDE PAVING AND NO SIDEWALKS IN LIEU OF THE REQUIRED 50' RIGHT OF WAY WITH 30' WIDE PAVING AND SIDEWALKS. GRANTED NOVEMBER 22, 2016.

VARIANCE WAS GRANTED FROM BCZR SECTION 1801.2.C.1.B TO PERMIT A MINIMUM DISTANCE OF 11' FROM REAR BUILDING FACE TO REAR PROPERTY LINE IN LIEU OF THE REQUIRED 30 FEET FOR LOT NUMBER 12. GRANTED NOVEMBER 22, 2016

GENERAL NOTE

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

ALJ ORDER WAIVER, SPECIAL HEARING AND VARIANCE

IT IS FURTHER ORDERED that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to: (1) Accept the recommendation of the Director of Environmental Protection and Sustainability (DEPS) and to grant a Special Variance to permit the removal of sixteen (16) specimen trees in accordance with Baltimore County Code (B.C.C.) § 33-6-116(g); and (2) Approve a waiver from Baltimore County Standard Design Plate R-J-4 to permit a private street with a 40 ft. right-of-way with 24 ft. wide paving in lieu of the required 50 ft. right-of-way with 30 ft. wide paving, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date: 11-22-16
By: [Signature]

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. § 1801.2.C.1.b, to permit a minimum distance of 11 ft. from rear building face to rear property line in lieu of the required 30 ft. for the existing dwelling situated on Lot No. 12, be and is hereby GRANTED.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, §§ 33-4-01 and 33-4-281.

JOHN E. REYNOLDS
Administrative Law Judge
for Baltimore County

ALJ ORDER ON MOTION OF RECONSIDERATION

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 22nd day of June, 2017, that the "Old Rolling Road Overlook" Development Plan, a four-sheet plan, marked and submitted as Developer's Exhibit 22, be and is hereby APPROVED.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, §§ 33-4-01 and 33-4-281.

JOHN E. REYNOLDS
Administrative Law Judge
for Baltimore County

JEB/abw