

JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

January 25, 2024

Jennifer Busse, Esquire – <u>jbusse@rosenbergmartin.com</u> Rosenberg Martin Greenberg, LLP 25 S. Charles Street 21st Floor Baltimore, MD 21201

RE:

ORDER OF WITHDRAWAL AND DISMISSAL

Petitions for Special Hearing & Variance

Case No. 2023-0213-SPHA Property: 5200 Glen Arm Road

Dear Ms. Busse:

Enclosed please find a copy of the Order of Withdrawal and Dismissal 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,

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB:dlw Enclosure

c: See next page

2023-0213-SPHA Page 2

alivearts@gmail.com asher.l.collins@gmail.com claredonofrio@gmail.com cpgutwald@baltimorecountymd.gov hayakawah@baltimorecountymd.gov jhdeford1@gmail.com jnlabra@gmail.com jnugent@baltimorecountymd.gov jperlow@baltimorecountymd.gov kathy.burton428@gmail.com mclark@btrcapitalgroup.com mdmallinoff@gmail.com nancy.carol.hoffman@gmail.com peoplescounsel@baltimorecountymd.gov ruckster@rockhouseworld.org sandkwilliams@gmail.com sharonweeks@comcast.net tminer@fredward.com tsunami4newman@gmail.com

Petitioner *	Case No. 2023-0213-SPHA
Legal Owner *	FOR BALTIMORE COUNTY
3 rd Council District * BTR 5200 LLC	ADMINISTRATIVE HEARINGS
(5200 Glen Arm Road) 11 th Election District	OFFICE OF
IN RE: PETITIONS FOR SPECIAL HEARING * AND VARIANCE	BEFORE THE

ORDER OF WITHDRAWAL AND DISMISSAL

IT IS HEREBY ORDERED on this <u>25th</u> day of **January**, **2024**, by this Administrative Law Judge, pursuant to Rule 4, F of the Rules of Practice and Procedure of the Zoning Commissioner/Hearing Officer for Baltimore County, that upon consideration of Petitioner's Motion to Withdraw Petitions for Special Hearing and Variance filed on January 24, 2024, the above-captioned Case is **WITHDRAWN AND DISMISSED**, with prejudice.

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

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB/dlw



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 5200 Glen Arm Road, Glen Arm, MD 21057 which is presently zoned Deed References: 46073/00244 10 Digit Tax Account # 1 1 1 1 0 6 8 1 Property Owner(s) Printed Name(s) BTR 5200 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: a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for 3. X a Variance from Section(s) See 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 4 m

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:			Legal Owners (Petitioners):					
N/A			BTR 5200 LLC	1				
Name- Type or Print			Name #1 Type or Print	- Type or Print				
Signature		Signature #1	Signature	:#2				
			8004 Stansbury Road	Dundalk	Maryland			
Mailing Address	City	State	Mailing Address	City	State			
1	1		21222 /	J				
Zip Code Teleph	none # Email /	Address	Zip Code Tel	ephone # E	Email Address			
Attorney for Petition Jennifer Busse - Rosen	er: berg Martin Greenberg	LLP	Representative to k	e contacted:				
			Jennifer Busse - Rose	nberg Martin Greenb	erg LLP			
Name- Type or Plint	and the second s		Name - Type 0 Print					
Signature 25 S. Charles Street, 21	1st FL Baltimore	MD	Signature					
·			25 S. Charles Street, 2	21st FL Baltimore	e MD			
Mailing Address 410-72	27-8647 City jbusse@	rosenbergmartin.com	Mailing Address	City	State			
1			21201 / 410-72	7-6600 /jbus:	se: @rosenbergmartin.com			
Zip Code Teleph	ione # Email /	\ddress	Zip Code Tele	ephone# E	Email Address			
CASE NUMBER 7073	-0213-A Filing	n Date / 0 / 4 / 7 0 7	Do Not Schedule Dat	es:	Reviewer			

For Property with Tax ID: 1111068121 / Parcel 372:

Petition for Variance to allow a 49 foot rear setback in lieu of the otherwise required 50 feet for a proposed sports dome per BCZR §243.3 applying MR rear setback per §255.2.

Petition for Variance to allow a 0 foot side yard setback in lieu of the otherwise required 50 feet for proposed sports dome per BCZR §243.2 applying MR side setback per §255.2.

Petition for Variance to allow a 75 foot high structure in lieu of the otherwise permitted 40 feet for proposed sports dome per BCZR §254.1.

Petition for Variance to allow a 32 foot side yard setback in lieu of the otherwise required 50 feet for proposed ballfield per BCZR §243.2 applying MR side setback per §255.2.

Petition for Special Hearing to confirm the proposed ballfields are permitted in accordance with the definition a Commercial Recreational Facility as provided in BCZR §101.

And, any further relief as deemed required by the Administrative Law Judge.



P.O. Box 727, 5 South Main Street Bei Air, Maryland 21014-0727 410-879-2090 410-893-1243 fax

www.frederickward.com

ZONING DESCRIPTION - TAX MAP 0053, PARCEL 0372

September 1, 2023

Beginning for the same on the northwest side of the former Maryland and Pennsylvania Railroad right of way at the beginning of that tract or parcel of land conveyed by Anna Fitchett Stick and Gordon M.F. Stick, her husband to Koppers Company, Inc. by a deed dated July 12, 1967 as recorded among the land records of Baltimore County in Liber OTG 4781, folio 78. Said point of beginning also bears coordinates, referenced to the Maryland Coordinate System (NAD83/2011) of North 652695.80 and East 1455074.88. Thence, leaving the railroad right of way and binding on the first through the seventh courses of the said conveyance unto Koppers Company, Inc., the seven following courses;

- 1) North 42°23'55" West 230.23 feet,
- 2) South 47°20'05" West 348.45 feet,
- 3) South 44°23'05" West 348.45 feet,
- 4) South 45°59'05" West 241.78 feet,
- 5) South 65°16'05" West 35.18 feet,
- 6) South 44°50'25" West 228.67 feet to intersect the fifth or North 56°46'00" West 216.19 feet course of that tract or parcel of land described in a deed by United Container Machinery, Inc. to United Container Acquisition Corp. by a deed dated July 31, 2002 as recorded among the land records of Baltimore County in Liber SM 16664, folio 648. Thence, binding on a part of said fifth course,
- 7) North 57°01'05" West 7.82 feet. Thence binding on the eighth through the nineteenth courses of the aforesaid conveyance unto Koppers Company, Inc. and on the sixth through the seventeenth courses of the aforesaid conveyance unto United Container Acquisition Corp, the twelve following courses;
 - 8) North 45°24'45" East 64.40 feet,
 - 9) North 38°28'45" East 41.40 feet,
 - 10) North 44°29'45" East 113.30 feet,
 - 11) North 44°29'45" East 34.00 feet,

Zoning Description – Tax Map 0053 Parcel 0372 September 1, 2023 Page 2

- 12) North 42°38'25" West 290.37 feet,
- 13) North 46°57'55" East 650.10 feet,
- 14) South 43°02'05" East 16.02 feet,
- 15) North 46°57'55" East 40.00 feet,
- 16) North 42°24'23" West 110.06 feet,
- 17) North 46°57'55" East 342.56 feet,
- 18) South 42°24'23" East 622.36 feet,
- 19) South 47°36'55" West 82.00 feet to the point of beginning hereof.

CONTAINING 8.40 acres of land, more or less.

BEING a part of that tract or parcel of land conveyed by United Container Acquisition Building Business Trust to BTR-5200, LLC by a deed dated October 28 and recorded among the land records of Baltimore County on December 21, 2021 in Liber JLE 46073, folio 244 and more particularly being described in the deed by Anna Fitchett Stick and Gordon M.F. Stick, her husband to Koppers Company, Inc. by a deed dated July 12, 1967 as recorded among the land records of Baltimore County in Liber OTG 4781, folio 78.

THIS ZONING DESCRIPTION was prepared by Vincent X. Nohe, a Professional Land Surveyor in the State of Maryland and in accordance with the Minimum Standards of Practice for Land Surveyors of the Code of Maryland Regulation (09.13.06.12). My current license expires August 8, 2024.



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:
For Newspaper Advertising: Case Number:
Property Address: Stoo Glin Arm Rd
Legal Owners (Petitioners): 3+0 5200 LUC
Contract Purchaser/Lessee: NA
, and the second
PLEASE FORWARD ADVERTISING BILL TO:
Name: Company/Firm (if applicable):
Address: 25 S. Charles St., 21st Floor
Balto, MD 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.

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Certificate of Posting

Case# 2023-0213-SPHA

Petitioner/Developer

Rosenberg Martin Greenberg

Jennifer Busse

Date of Hearing/Closing

January 30, 2024

Baltimore County Department of Permits and Management

County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204 Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the [property located at 5200 Glen Arm Rd. on January 5, 2024. Signs 2A & 2B

Sincerely, Martin Ogle

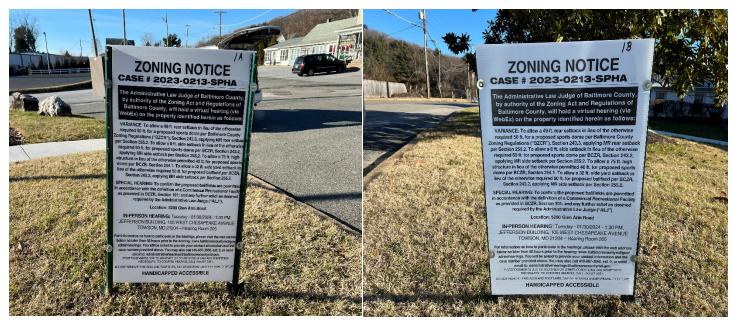
yosker gl

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411



Certificate of Posting

Case# <u>2023-0213-SPHA</u>

Petitioner/Developer

Rosenberg Martin Greenberg

Jennifer Busse

Date of Hearing/Closing

January 30, 2024

Baltimore County Department of Permits and Management

County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204 Attention:

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Sincerely, Martin Ogle

mosen gle

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2022 0212 SDUA		
CASE NO. <u>2023-0213-SPHA</u>		ZONINGNOTICE
PETITIONER/DEVELOPER		CASE # 2023-0213-SPHA The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of
Rosenberg Martin Greenberg		Baltimore County, will hold a virtual hearing (VIa WebEx) on the property identified herein as follows: VARIANCE: To allow a 49 ft. rear setback in lieu of the otherwise required 50 ft. for a propoped sports dome per Baltimore County
Jennifer Busse		Zoning Regulations ("BZCR"), Section 243.3, applying MR rear security per Section 252.2. To allow a 01. side setbleck in file of the otherwise required 50 ft. for proposed sports dome per BCZR, Section 243.2, and the per BCZR, Section 243.2, and the per BCZR is the period of the pe
DATE OF HEARING/CLOSING		applying Mrs Soci Setulock per occupation 40 ft. for proposed sports structure in lead of the Vost Schall 1, 20 ft. or 23 ft. dick yard sethack in dome to the otherwise received 50 ft. for proposed ballfad per BCZR, Section 243.2, applying MR aid setsless per Section 255.2. SPECIAL MEANING. To confirm the proposed ballfields are permitted
December 7, 2023		SPECIAL HEARING, To confirm the proposed butlineds are permission in accordance with the definition of a Commerce Recreational Packing as provided in BCZR, section 101; and any further need an deemed no enemal properties of the Administrative Law Judgey (AU.). WebEX Hearing: Thursday - 120/77/2023 - 01:30 PM En Identification in the benefits place visit the unb address
		WEIGER FIELD 18; 11 to 30-bit horselp, jinste widt für wich alldrass Far internation on horse begründig in the horselp, jinste widt für wich alldrass for international properties of the horselp, with a bit horselp or international properties some mention provided shows. Or not paid to all 4 sept 3-bit days and one consumption provided shows. Or not paid to all 4 sept 3-bit days at our order consumption of the supplies of
BALTIMORE COUNTY DEPARTMENT C	OF A V	резполежен в свет то чественно предполежение межения выпользование общения выстрание общения выпользование общения выпользование общения выпользование общения выпользование общения выпользование общения выстрание общения выпользование общения выпользование общения выпользование общения выпользование общения выпользование общения выстрание общения выпользование общения выпользование общения выпользование общения выпользование общения выпользование общения вы
PERMITS AND DEVELOPMENT MANA	GEMENT	
COUNTY OFFICE BUILDING ROOM 11	1	
111 WEST CHESAPEAKE AVENUE		
ATTENTION:		
LADIES AND GENTLEMEN:		
THIS LETTER IS TO CERTIFY UNDER PE	NALTIES OF PERJU	RY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAY	W WERE POSTED CO	ONSPICUOUSLY ON
THE PROPERTY LOCATED AT		
5200 Glen Arm Road	Sign 2	
		_
THE SIGN(S) POSTED ON November	er 15, 2023	
(MONTH, D	AY, YEAR)	
SINCERLEY,		AI
MARTIN OGLE	yavtn	O gra
MARTIN OGLE	O	
9912 MAIDBROOK RD.		
PARKVILLE, MD 21234		
1/13-629-3/11		

CERTIFICATE OF POSTING

CASE NO. <u>2023-0213-SPHA</u>	
PETITIONER/DEVELOPER	ZONING NOTICE 'CASE # 2023-0213-SPHA
Rosenberg Martin Greenberg	The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing (via WebEx) on the property identified herein as follows:
Jennifer Busse	VARIANCE: To allow a 40 fb, rear setable, in lists of the observice required 50 ft, for a proposed apoint dome per Balamore County Zonling Regulations (*EZCRT.). Section 243.3, arphying MR nar setabook per Section 255.2. To fall to a 16 railed setable of the otherwise required 50 ft, for proposed apoints dome per BCZR, Section 243.2, applying MR after setable by Section 253.2, applying MR after setable by Section 253.2, to flow or 75.1. Night
DATE OF HEARING/CLOSING	succure in Bull of the continues permitted 0 ft. for proposed sports domo per ECRP, Section A.1. To allow a 2R of year actinact in lieu of the otherwise required 50 ft. for proposed ballfield per ECRP, Section 28.2, applying R and enables, before 28.5. Section 28.2, applying R and enables, before 28.5.2. SPECIAL HEARING. To confirm the proposed ballfields are permitted SPECIAL HEARING. To confirm the proposed ballfields are permitted
December 7, 2023	as provided in IGCR, Geolan 101; and any further secretical Faculty required by the Anti-Microsoft Acad Faculty and Faculty an
BALTIMORE COUNTY DEPARTMENT C	WANDIO CORP. LA CARROLL CORP. CARROLL CARROLL CORP. CARROLL CORP. CARROLL CORP. CARROLL CORP. CARROLL CARROLL CORP. CARROLL CORP. CARROLL CORP. CARROLL CORP. CARROLL CARROLL CORP. CARROLL CORP. CARROLL CORP. CARROLL CORP. CARROLL CARROLL CORP. CARROLL CORP. CARROLL CORP. CARROLL CORP. CARROLL CA
PERMITS AND DEVELOPMENT MANA	GEMENT
COUNTY OFFICE BUILDING ROOM 11	1
111 WEST CHESAPEAKE AVENUE	
ATTENTION:	
LADIES AND GENTLEMEN:	
THIS LETTER IS TO CERTIFY UNDER PE	NALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LA	W WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT	
5200 Glen Arm Road	Sign 1
THE SIGN(S) POSTED ON <u>Novemb</u> (MONTH, D	
SINCERLEY,	
MARTIN OGLE	martin Ogu
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: November 6, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0213-SPHA

Address: 5200 Glen Arm Rd. Legal Owner: BTR 5200, LLC

Zoning Advisory Committee Meeting of November 6, 2023.

- \underline{X} The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
- 1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
- a. The proposed addition must meet GWM policies and regulations.

Additional Comments:

Reviewer: Rochelle V. Underwood

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 11/3/2023

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2023-0213-A

INFORMATION:

Property Address: 5200 Glen Arm

Petitioner: Michael Clark, BTR 5200 LLC

Zoning: BL CR / ML / RC 2

Requested Action: Variance and Special Hearing

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

Variance(s) -

- To allow a 49-foot rear setback in lieu of the otherwise required 50 feet for a proposed sports dome per BCZR §243.3 applying MR rear setback per §255.2.
- To allow a 0-foot side yard setback in lieu of the otherwise required 50 feet for proposed sports dome per BCZR §243.2 applying MR side setback per §255.2.
- To allow a 75-foot-high structure in lieu of the otherwise permitted 40 feet for proposed sports dome per BCZR §254.1.
- To allow a 32-foot side yard setback in lieu of the otherwise required 50 feet for proposed ballfield per BCZR §243.2 applying MR side setback per §255.2.

Special Hearing -

- To confirm the proposed ballfields are permitted in accordance with the definition a Commercial Recreational Facility as provided in BCZR §101.
- And, any further relief as deemed required by the Administrative Law Judge.

The property under consideration is located at the intersection of Hooper Lane and Glen Arm Road East. Spanning approximately 63 acres +/-, the property and is part of the Glen Arm Sports Complex. Factories, farms and forest conservation characterize the surrounding area.

The above Variance and Special Hearing requests add to the already existing sports complex as well as expands the opportunity for varied recreational activities. The Department of Planning does not object to the request relief.

For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:

Krystle Patchak

Jenifer G. Nugent

Division Chief:

SL/JGN/KP

c: Jennifer Busse – Rosenberg Martin LLP
 Joe Wiley and Abigail Rogers, Community Planners
 Jeff Perlow, Zoning Review
 Kristen Lewis, Zoning Review
 Office of Administrative Hearings
 People's Counsel for Baltimore County

Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 11 Account Number - 1111068121

Owner Information

Owner Name:

BTR 5200 LLC

Use:

INDUSTRIAL

Mailing Address:

8004 STANSBURY RD

Principal Residence:NO Deed Reference:

/46073/ 00244

DUNDALK MD 21222-

Location & Structure Information

Premises Address:

GLEN ARM RD GLEN ARM 21057Legal Description:

8,40 AC NER GLENARM

RER 290 FT

8.4000 AC

1330 NE LONG GREEN PIKE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year;

1.508 SF

Plat No:

0053 0018 0372 10000.04

0000

Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

Stories Basement Type

Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

NO

1973

STANDARD UNIT FRAME/2

1 full

Value Information

	Base Value	Value	Phase-in Assessments		
		As of 01/01/2022	As of 07/01/2023	As of 07/01/2024	
Land:	245,000	245,000			
Improvements	70,000	74,700			
Total:	315,000	319,700	318,133	319,700	
Preferential Land:	0	0			

Transfer Information

Seller: UNITED CONTAINER ACQUISITION Date: 12/21/2021

Type: ARMS LENGTH MULTIPLE

Deed1: /46073/ 00244

Price: \$8,491,000

Seller: UNITED CONTAINER Type: NON-ARMS LENGTH OTHER

Date: 04/29/2008 Deed1: /26939/ 00423 Deed2: Price: \$0 Deed2:

Seller: UNITED CONTAINER

Date: 08/01/2002

Price: \$2,000,000

Type: ARMS LENGTH MULTIPLE

Deed1: /16664/ 00648

Deed2:

Exemption Information

Partial Exempt Assessments: County:

Class 000 000

000

07/01/2023 0.00 0.00 0.00|0.00

07/01/2024

0.00|0.00

Special Tax Recapture: None

State:

Municipal:

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:

2023-0213-A

