



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

June 6, 2024

Jason Vettori, Esquire – [jvettori@sgs-law.com](mailto:jvettori@sgs-law.com)  
Smith, Gildea & Schmidt, LLC  
600 Washington Avenue  
Suite 200  
Baltimore, MD 21204

RE: **DEVELOPMENT PLAN & ZONING -OPINION AND ORDER**  
Hampton Manor 1<sup>st</sup> Material Amendment – PAI #: 08-0847  
Zoning Case No: 2024-0086-SPHA  
Address: 229 St. David Court

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 blue ink, appearing to be "DJB", with a long horizontal line extending to the right.

DEREK J. BAUMGARDNER  
Administrative Law Judge  
for Baltimore County

DJB:dlm  
Enclosure

## DEVELOPMENT PLAN OPINION AND ORDER

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|                                          |   |                                   |
|------------------------------------------|---|-----------------------------------|
| IN RE: DEVELOPMENT PLAN HEARING          | * | BEFORE THE                        |
| & PETITIONS FOR SPECIAL                  | * | OFFICE OF                         |
| HEARING AND VARIANCE                     | * | ADMINISTRATIVE HEARINGS           |
| (229 St. David Court)                    | * | FOR                               |
| 8 <sup>th</sup> Election District        | * | BALTIMORE COUNTY                  |
| 3rd Council District                     | * |                                   |
| Hampton Manor – 1 <sup>st</sup> Material | * |                                   |
| Amendment                                | * |                                   |
| Hampton Manor Apartments, LLC            | * | <b>HOH Case No. 08-0847 &amp;</b> |
| c/o Paul Giulio                          | * | <b>2024-0086-SPHA</b>             |
| <i>Owner/Developer</i>                   |   |                                   |

\* \* \* \* \*

**ADMINISTRATIVE LAW JUDGE’S (“ALJ”)**  
**COMBINED DEVELOPMENT PLAN AND ZONING OPINION & ORDER**

This matter comes before the Office of Administrative Hearings for Baltimore County (“OAH”) pursuant to Baltimore County Code § 32-4-230, for a combined public hearing on a development proposal (1<sup>st</sup> Material Amendment to the Hampton Manor Development Plan) submitted pursuant to Article 32, Title 4, of the Baltimore County Code (“B.C.C.”) (HOH Case No. 08-0847), and a Petition for Special Hearing & Variance (OAH Case No. 2024-0086-SPHA). The owner of the subject property, Hampton Manor Apartments, LLC (hereinafter “the Developer”), submitted for approval a 6-sheet Redlined Development Plan (“Plan”) prepared by Josh Sharon of Morris & Ritchie Associates, Inc., known as “Hampton Manor 1<sup>st</sup> Material Amendment.” The Plan went through two additional revisions (the Bluelined Plan and the Blacklined Plan), resulting in the final Blacklined Development Plan marked as Dev. Exhibit 4 for review and final approval (“the Plan”). Unless indicated otherwise, final county reports indicating approval of the “Redlined Development Plan” are referring to the Blacklined Development Plan (“the Plan”), which is the plan submitted by the Developer for approval by the Hearing Officer.

This property received approval in 2008 under prior ownership for a similar proposal, but that project did not move forward at that time. *See* Dev. Exhibit 28 (Case No. VIII-847 and 08-090-SPHA). To ensure compliance with Title 4 and BCZR, Developer chose to move forward with new applications to ensure continued compliance with Baltimore County development and zoning regulations.

### **Standard of Review & Statutory Authority**

The Administrative Law Judge, sitting as the Hearing Officer in review of development plans, has only those powers delegated by statute. Baltimore County Code (BCC) § 32-4-229 mandates that a Hearing Officer shall grant approval of a development plan that complies with all development regulations and applicable policies, rules and regulations. Stated conversely, a Hearing Officer may not deny a development plan which meets all of the development rules, regulations and applicable policies. Pursuant to BCZR §500.7 (special hearing relief) and BCZR § 307.1 (variances), OAH Case No. 2024-0086-SPHA is evaluated below with the same set of facts as the development case but through the separate lens of special hearing and variance relief.

### **Public Notice**

The Notice of Hearing Officer's Hearing ("HOH") and Notice of Zoning Hearing were advertised and posted on the property for 20 working days prior to the hearing by an approved and authorized individual. *See* file. Public notice for the HOH is governed by BCC § 32-4-227:

#### **HEARING OFFICER'S HEARING - GENERAL REQUIREMENTS**

- (a) In general. Except as provided in § 32-4-106 of this title, final action on a Development Plan may not be taken until after a public quasi-judicial hearing before a Hearing Officer.
- (b) Notice.
  - (1) At the direction of the county, notice of the date, time, and place of the Hearing Officer's hearing shall be conspicuously posted on the lot, parcel, or tract that is the subject of the Development Plan at least 20 working days before the hearing.

(2) The posting of the notice of the date, time, and place of the Hearing Officer's hearing shall remain posted on the lot, parcel, or tract for at least 15 days before the hearing.

(3) Notice of the date, time, and place of the Hearing Officer's hearing shall be posted by the county on the county's internet website, including on the Zoning and Development hearings calendar and the community update newsletter webpages, at least 15 days before the hearing.

(4) The Hearing Officer may not consider the Development Plan unless notice for the property subject to the plan has been posted in accordance with this section.

Public notice for a zoning petition is governed by BCZR §32-3-302:

#### HEARING REQUIRED; NOTICE

(b) (1) The Department of Permits, Approvals and Inspections shall ensure that notice of the time and place of the hearing relating to the property under petition be provided:

- (i) By requiring the petitioner at petitioner's expense to conspicuously post 2 signs of the notice on the property for a period of at least 20 days before the date of the hearing, and to provide a certificate of posting to the Department of Permits, Approvals, and Inspections on the date of the posting and a second certification of posting within 5 days of the hearing. The signs shall be double-sided and be the same on each side. The signs shall measure at least 24 inches by 36 inches in size and be placed within view of and perpendicular to a public road where possible;
- (ii) By requiring the petitioner at petitioner's expense to place a notice in at least one newspaper of general circulation in the county at least 20 days before the hearing; and
- (iii) By the county posting notice on the county's internet website, including on the Zoning and Development hearings calendar and the community update newsletter webpages, at least 15 days before the hearing.

Community members Donald Gunsbach and Sam Nuttall both raised concerns regarding the lack of notice of the combined development plan review and zoning hearing. While they did not dispute signs were posted on the property, or that notice was published in the Maryland Daily Record and on PAI's website, they noted that placement of posted signs were not in locations readily accessible to members of the public, particularly those who do not reside in the Hampton Manor apartments complex.

The purpose of public posting via signage, publication in a newspaper of general circulation, and publication on the PAI website is to inform interested community members of the date and location of the hearing and to encourage public participation in the public hearing process. The record indicates that notice requirements for both the development plan and the zoning petition with respect to publication (including website publication) have been satisfied. Both were dually published under applicable guidelines in the Maryland Daily Record and PAI's website. The record further indicates that signage for the development plan review and zoning petition were compliant with respect to posting deadlines, duration, number, and content. The record is less clear with regard to the location of the required sign posting on the property.

With respect to the HOH for the 1<sup>st</sup> Material Amendment, the sign posting regulations under BCC § 32-4-227 only require that signs be "conspicuously posted on the lot, parcel, or tract that is the subject of the Development Plan at least 20 working days before the hearing" and that "The posting of the notice of the date, time, and place of the Hearing Officer's hearing shall remain posted on the lot, parcel, or tract for at least 15 days before the hearing." No further location specifications are identified. For these reasons, I find that the applicant has satisfied the public notice requirements of BCC § 32-4-227 for the reasons described above.

With respect to the zoning petition, the sign posting regulations under BCZR § 32-3-302(b)(1)(i) require that signs be placed "within view of and perpendicular to a public road where possible." The record is unclear as to where on the property the signs were placed. However, it is evident that the signs were placed in conspicuous locations and they were not hidden from public view. While it may have been more prudent for public posting to have occurred near and perpendicular to Scott Adam Road, a public road at the entrance to the Hampton Manor Apartments, nonetheless, public notice is satisfied. The signs were placed in a conspicuous

location and met the number and size requirements under the regulations. They were placed on the property at least 20 days before the date of the hearing and posting was recertified per regulation. For these reasons, I find that public posting was in substantial compliance with BCZR § 32-3-302. This finding is buttressed by the fact that there was no request for a postponement before, during, or after the hearing. Further, whether informed through the PAI website, newspaper publication, or by public signage, substantive public participation did occur at the hearing. Further, the record indicates that the Developer has engaged with the local community throughout the development process from the 2022 concept plan to present. For all these reasons I find that public notice requirements are satisfied.

### **Findings of Fact**

Developer submitted this 1<sup>st</sup> Material Amendment to the underlying Hampton Manor Development Plan proposing 131 additional dwelling units with a mix of apartments and stacked townhouses and additional community amenities. The property constitutes approximately 17.2 acres of land zoned primarily DR 16 with a small area of DR 3.5 and is located on the southwest side of Scott Adam Road just south of Warren Road in Cockeysville, Baltimore County, Maryland. The site is an irregularly shaped parcel, and the portion to be developed under the Plan is an isolated pocket improved with surface parking lots and amenities like the existing pool and pool deck. This site is part of a larger development based upon the Warren apartments subdivision dating to the 1960s. The proposed site for additional density is limited by potential access points from adjacent public roads, as the majority of roads at Hampton Manor Apartments are private roads. The primary access point from Scott Adam Road at St. David Court will remain, modified to include an expanded bifurcated entrance, while the Plan indicates a second gated emergency ingress/egress at Southfork Court. The proposed additional permitted density will be located in

four new buildings to include the following: (1) 39-unit apartment building with clubhouse; (2) 44-unit apartment building; (3) 30-unit apartment building; and (4) 18-unit stackable townhome building. The construction of these buildings will require the relocation of the existing pool and pool deck area as well as the existing playground and dog park. Currently there are 160 dwelling units on site and with the proposed additional 131 units will bring the total to 291 dwelling units. Parking lots are proposed to serve the additional density created by the apartment buildings and the townhomes are proposed to have 2-car integral garages. The Plan shows all sidewalks proposed will connect to those existing within the current development. Access to the parking lots will be provided via the existing length of St. David Court and an extension of St. Elmo Court. Additional vehicular access to Southfork Court will be discussed below.

On June 14, 2022, Developer participated in a Concept Plan Conference and the Concept Plan was subsequently approved. On August 17, 2022, Developer conducted a Community Input Meeting. On August 2, 2023, a Development Plan Conference was held. As a result of community outreach, Developer obtained community approval for the Plan from the Hunt Meadow Community Association and the Greater Timonium Community Council. *See* Dev. Exhs. 29 & 30.

Details of the proposed development are more fully depicted on the Redlined Development Plan, with modifications to open space and amenities indicated in the Bluelined Development Plan, resulting in the final Blacklined Development Plan. These plans were marked and accepted into evidence as Developer's Exhibits 1, 2 and 4 respectively. Additionally, and in concert with the proposed 1<sup>st</sup> Material Amendment, the Developer filed Petitions for Special Hearing and Variance relief (Case No. 2024-0086-SPHA) as follows:

**SPECIAL HEARING:** To determine whether or not the Administrative Law Judge ("ALJ") should approve a modification of the Residential Transition Area ("RTA") variance granted in Case No. VIII-847 and Case No. 08-090-SPHA; and

**VARIANCE:** From the Baltimore County Zoning Regulations (“BCZR”), § 1B01.2.C.1.a, to allow a rear building face setback to a rear property line of as little as 21 ft. in lieu of the minimum permitted setback of 30 ft. for the pool (nonresidential principal building); From the Comprehensive Manual of Development Policies (“CMDP”), Division II, Section A (p.32), to permit a landscaped peninsula or island separating as many as 15 parking spaces in lieu of the maximum permitted 12 parking spaces for multi-family buildings; for such other and further relief as may be required by the ALJ for Baltimore County.

A combined public hearing on the 1<sup>st</sup> Material Amendment and the zoning petition was conducted on May 23, 2024, using the virtual platform WebEx in lieu of an in-person hearing. Developer’s representative, Paul Guilio, attended the Hearing Officer’s Hearing (HOH) in support of the Plan. Also, in attendance on behalf of the Developer were Joshua Sharon of Morris & Ritchie Associates, Inc., Henry Leskinen of Eco-Science Professionals, Inc., and J. Mark Keeley of Traffic Concepts, Inc. Jason Vettori, Esq. of Smith Gildea and Schmidt, LLC represented the Developer. Several citizens from the surrounding community also participated in the hearing including Donald Gunsbach, Sam Nuttall, and Michael Curran. Mr. Curran was permitted to submit written testimony with regard to traffic issues after the conclusion of the public hearing. He did so on the following day, May 24, 2024, and after receiving a response from Developer, the record was then closed. Mr. Curran’s written testimony is marked as Community Exhibit 1. Developer’s response is marked as Developer’s Exhibit 31.

#### **COUNTY AGENCY WITNESSES**

The following representatives of Baltimore County agencies reviewed the Plan, attended and participated in the hearing, and provided testimony: Darryl Putty, Project Manager, Permits, Approvals and Inspections (“PAI”); Michael Viscarra, Development Plans Review (“DPR”); James Hermann on behalf of both Development Plans Review (“DPR”) and Recreation and Parks (“R&P”); LaChelle Imwiko, Real Estate Compliance; Mitchell Kellman, Office of Zoning Review (“OZR”); Jeff Livingston, Department of Environmental Protection and Sustainability (“DEPS”);

and Krystle Patchak, Department of Planning (“DOP”).

The role of the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the Development Plan as it pertains to their specific areas of concern and expertise. The agencies specifically comment on whether the Plan complies with all applicable Federal, State, and/or County laws, policies, rules and regulations pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan review and approval process, which includes providing input to the Hearing Officer either in writing or in person at the hearing. Continued review of the Plan is undertaken after the HOH review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

On behalf of DPR, Mr. Viscarra testified with regard to the County’s review of vehicular access to the site. Mr. Viscarra stated that Developer addressed all relevant comments with regard to traffic access and circulation and that Developer’s 1<sup>st</sup> Material Amendment satisfied county requirements and recommended approval of the Plan. *See* County Exhibit 1. Mr. Viscarra further opined on the need for secondary vehicular access to the Hampton Manor site. The Concept Plan did not show a secondary access point to the site. Per comments received from DPR, Developer modified the Concept Plan to include secondary access connecting the community to Southfork Court. *See* DPR Policy Manual §XIII.B.1.a. From information gathered at the CIM and gleaned from the 2008 approval, Developer understood that community members on Southfork Court wishes to limit pass-through traffic on Southfork Court and otherwise limit car travel between the Hampton Manor apartments and their residential street. Pursuant to DPR Policy Manual §XIII.B.1.c, emergency access points in place of full-use access points, while discouraged, can be approved in unusual circumstances. To accommodate the community’s request to limit access to

Hampton Manor from Southford Road, DPR agreed to permit an emergency gated access point from Southfork Road as shown on the Plan, and Developer agreed to this modification which is now reflected in the Plan.

Also, on behalf of DPR, Mr. Herman testified with regard to landscaping and stated that Developer's Schematic Landscape Plan was reviewed and approved with minor modifications as outlined in the Bluelined Development Plan. He further stated that DPR recommended approval of the Redline Development Plan (modified as the Bluelined Development Plan) and that RTA planting buffers would need to be addressed during Final Landscape Plan preparation and submittal. The Schematic Landscape Plan with Mr. Herman's signature was received and admitted as County Exhibit 2 (Sheets 1-3). *See also* DPR's comment recommending approval (County Exhibit 3); and DPR's general comments (County Exhibit 4).

On behalf of Recreation & Parks, Mr. Herman stated that Recreation & Parks reviewed the Redlined Development Plan and recommended approval of the Plan. The following materials were received and admitted in to the record: Local Open Space Waiver request & approval (County Exhibit 5); Local Open Space Waiver fee-in lieu request (County Exhibit 6); Local Open Space Waiver fee-in lieu calculation (County Exhibit 7); Local Open Space Waiver fee-in lieu approval (County Exhibit 8); Local Open Space RTA approval (County Exhibit 9); and memorandum recommending approval (County Exhibit 10).

On behalf of DEPS, Mr. Livingston stated that DEPS reviewed the Redlined Development Plan for purposes of Development Coordination (DC), Environmental Impact Review (EIR), Groundwater Management (GWM), and Stormwater Management (SWM), and DEPS found no open issues with respect to environmental compliance. As such, DEPS recommended approval of the Plan. *See* County Exhibit 11.

On behalf of Planning, Krystle Patchak summarized DOP's report recommending approval of the Redlined Development Plan. *See* County Exhibit 12. That Report provided a School Impact Analysis corresponding to the additional density proposed under the Plan for Mays Chapel Elementary School, Cockeysville Middle School, and Dulaney High School indicating that all schools would maintain below 115% of state-rated capacity. *See* County Exhibit 13 (School Impact Analysis). DOP's report also provided a zoning evaluation and a review of residential performance standards. *See* County Exhibit 14 for a point-by-point response by Developer to Planning's comments. Ms. Patchak stated that all issues were resolved, Developer satisfied their obligations under the statute, and recommended approval of the Plan.

On behalf of Real Estate Compliance, LaChelle Imwiko stated that the application did not adversely impact any county held easements and recommended approval of the Plan.

On behalf of Zoning Review, Mr. Kellman stated that the Redlined Development Plan was recommended for approval based upon the uses and densities proposed. In sum, all agency witnesses testified that the Plan is in conformance with the development regulations and all recommended approval.

All exhibits offered by Baltimore County were admitted into the record.

#### COMMUNITY TESTIMONY

As noted above, several members of the community appeared and participated in the hearing. Mr. Donald Gunsbach and Mr. Samuel Nuttall expressed concerns regarding public notice, setbacks, and fencing. Developer and their representatives responded to questions from Mr. Gunsbach and Mr. Nuttall regarding the placement of screening and fencing, the distances of proposed structures from existing property lines adjacent to Greentop Road (e.g., setbacks), and the placement of other features including stormwater mitigation facilities. Specifically, Mr. Nuttall

requested clarification on stormwater sheeting and proposed stormwater management facilities impacting neighboring communities and properties. Mr. Michael Curran expressed concerns regarding internal vehicular circulation within the Hampton Manor apartment complex, particularly internal traffic congestion on St. David Court and St. Elmo Court. *See* Community Exhibit 1. Developer responded in writing to Mr. Curran's concerns. *See* Developer's Exhibit 31.

#### DEVELOPER'S CASE

Paul Guilio, on behalf of the Developer, Hampton Manor Apartments, LLC, testified regarding the history and acquisition of Hampton Manor Apartments and the background of associated entity Hill Management. Mr. Guilio described the general contours of the application and the housing product provided.

Developer's environmental consultant, Henry Leskinen of Eco-Science Professionals, Inc., was qualified and admitted as an expert in environmental science for purposes of development review. *See* Developer's Exhibit 7 (CV). Mr. Leskinen testified regarding the environmental features on and surrounding the property including forest buffers, forest stand delineations, streams, and other relevant environmental considerations for the development of this property. Mr. Leskinen further described the forest conservation and forest buffer variances approved by DEPS in support of this application, as well as the alternatives analysis, forest buffer continued use, and county-approved Final Forest Conservation Plan. *See* Dev. Exhibits. 10-18. Mr. Leskinen concluded that the development application satisfied all state and county environmental regulations.

Developer's traffic consultant, Mark Keeley of Traffic Concepts, Inc., was qualified and admitted as an expert in traffic engineering. Mr. Keeley described the traffic analysis performed in the support of the development application including queuing analysis, lane configuration,

existing traffic volumes, growth rates, site generated traffic including peak hour trips under the trip generation manual based upon residential density, potential signalization, and total future traffic volumes. *See* Dev. Exhibit 19 (Traffic Impact Study). Mr. Keeley concluded that key intersections would continue to operate within adequate levels of service and new site trips would have only a minor impact at the primary intersection (Scott Adam Road at Warren Road). *Id.* at 17. Mr. Keeley testified that the development application satisfied county requirements with respect to traffic and road congestion.

Developer's project engineer, Joshua Sharan of Morris & Ritchie Associates, Inc., was qualified and admitted as an expert in civil engineering and in the Baltimore County zoning and development regulations. *See* Dev. Exhibit 9. Mr. Sharon described the history of the project. Mr. Sharon further testified to community engagement with respect to traffic access and design and the evolution of the Plan from Concept Plan, to Redlined plan, to Bluelined Plan, to final Blacklined Plan.

Mr. Sharon explained the final Blacklined Plan in detail including the proposed stormwater management facilities as both water quality and water volume control to support the additional density as the site currently lacks stormwater management facilities because of its age. Because of the proposed facilities and implementation of best practices, Mr. Sharon concluded there would be no net increase in stormwater runoff from the Plan improvements under 1<sup>st</sup> Material Amendment to the development plan. The Plan also includes a parking tabulation indicating that 536 off-street parking spaces are required for the proposed residential density and 548 off-street parking spaces are being provided, satisfying the parking requirement.

All exhibits offered by Developer were admitted into the record.

## Conclusions of Law

### 1<sup>st</sup> Material Amendment, Hampton Manor Development Plan

The Administrative Law Judge, sitting as the hearing Officer in review of development plans, has only those powers delegated by statute. BCC, Sec. 32-4-229 *mandates* that a Hearing Officer grant approval of a development plan which meet all development rules, regulations and applicable policies as follows:

Hearing Officer *shall grant approval* of a development plan that complies with these development regulations and applicable policies, rules and regulations.

Stated conversely, a Hearing Office may not deny a development plan which meets all of the development rules, regulations and applicable policies. In *People's Counsel v. Elm Street Development, Inc.*, 172 Md. App. 690 (2007), the Court of Special Appeals held that if the county agencies recommend approval of a development plan, it is "then up to [protestants] to provide evidence rebutting the Director's recommendations." *Id.* at 703. It should also be noted that in Baltimore County "the development process is indeed an ongoing process, and the hearing officer's affirmation of the plan is just the first step." *Monkton Preservation Association, et al. v. Gaylord Brooks Realty Corp.*, 107 Md. App. 573, 585 (1996).

Pursuant to BCC § 32-4-26(2), any material amendment to an approved residential Development Plan or plat shall be reviewed in accordance with Title 4, and with respect to that portion of the original plan or plat to which the amendment pertains, the amendment shall be reviewed for compliance with all current law. Any amendment to a plan or plat that results in an increase in residential density or increase in the number of buildable residential lots is a material amendment. *Id.* The role of County agencies in the development review process under Title 4 is to perform an independent and thorough review of the development plan as it pertains to their specific areas of expertise and responsibility. With respect to this 1<sup>st</sup> Materials Amendment, County

agencies reviewed numerous iterations of the development plan as the Developer refined the Plan in response to agency and community comments during the course of the development process leading up to the Hearing Officer Hearing. The final six-sheet Blacklined Development Plan (Developer's Exhibit 4) was recommended for approval by all county agencies. These agencies will continue to review and require refinement of the Plan as necessary during Phase II review of the project. This review and approval process will culminate with the recordation of a final development plat in the Land Records of Baltimore County and the vesting of entitlements.

As detailed above, the Developer presented three expert witnesses and thirty-one Exhibits in support of their proposal. Each of these experts testified that the Plan meets or exceeds all laws and regulations. The proposed density, zoning regulations including use and bulk regulations, environmental compliance, vehicular and pedestrian access and circulation, as well as school capacity, landscaping, DPR Policy Manual requirements, and other county development regulations are satisfied. The testimony and evidence adduced at the hearing demonstrate the quality and compatibility of the proposed 1<sup>st</sup> Material Amendment to the Hampton Manor Development Plan. All county agency comments were adequately addressed by Developer and all county agencies recommended approval of the Plan, with all recommended modifications represented in the final Blacklined Development Plan. For these reasons, I find that the development plan complies with all development regulations and applicable policies, rules and regulations, and the Plan is hereby approved.

#### Petition for Special Hearing & Variance Relief

#### **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).

Developer requests special hearing relief to approve a modification of the Residential Transition Area ("RTA") variance granted in the prior case. In Case No. VIII-847 and Case No. 08-090-SPHA, among other relief, a Residential Transition Area ("RTA") variance was granted to permit "a reduction of side building face to side building face to 20 feet in lieu of the required 25 feet...". HO's Opinion and Development Plan Order, Case No. VIII-847 & 08-090-SPHA, p. 1. The Hearing Officer found that permitting deviation was "necessary and in the best interest of the surrounding neighborhoods and would allow the Developer to achieve compatibility objectives." *Id.* at 13. The Hearing Officer further opined that granting the RTA setback "would not negatively impact the residents of Greentop Road" as no residential structures were proposed within the RTA setback area and the residential lots on Greentop Road abutting the subject property were deep enough to act as an additional buffer between the RTA and existing residential structures. *Id.* at 14.

The subject Plan presents a similar development scheme from the 2008 approval and there is no indication from this record that other site changes have occurred that would impact or alter that analysis. Further, the subject Plan benefits from principles of collateral estoppel and the rule of the law of the case, in that prior relief afforded the property, absent a change in facts, conditions, or circumstances, will likely extend to a future and subsequent application for similar relief. For these reasons, I find that the minor modifications proposed to the 2008 RTA setback variance under this Plan would remain compatible with the community and generally consistent with the spirit and intent of the RTA regulations. Therefore, I find that such modifications are approved and granted.

#### **Variance(s)**

Developer requests variance relief from Baltimore County Zoning Regulations (“BCZR”) § 1B01.2.C.1.a to allow a rear building face setback to a rear property line of as little as 21 ft. in lieu of the minimum permitted setback of 30 ft. for the pool (nonresidential principal building) and from the Comprehensive Manual of Development Policies (“CMDP”), Division II, Section A (p.32), to permit a landscaped peninsula or island separating as many as 15 parking spaces in lieu of the maximum permitted 12 parking spaces for multi-family buildings.

Pursuant to BCZR § 307.1, “...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as

to grant relief without injury to public health, safety and general welfare...” 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).

Notwithstanding and without addressing Developer’s valid inquiry as to whether a pool is a “nonresidential principal building” with respect to setback requirements under BCZR § 1B01.2.C.1.a, I find that the property and design satisfy the requirements for a variance under BCZR § 307.1 and state law. The property is unique in its shape and the specific site’s location within the existing development creates practical difficulty in complying with setback requirements because of the proximity to existing adjacent residential lots. Furthermore, the immediately adjacent lot from the proposed relocated pool (15 Southfork Court) is a corner lot with a substantial side yard that enjoys forest cover that will act as a natural buffer from the decrease setback proposed. Because of these site constraints, I find that special circumstances or conditions exist that are peculiar to the site and the pool structure and strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty. I further find that the requested variance can be granted as it remains in strict harmony with the spirit and intent of setback regulations and will not injure the public health, safety or general welfare.

Likewise, I find that special circumstances or conditions exist that are peculiar to the site with respect to the proposed landscape islands pursuant to CMDP Division II, Section A (p. 32), separating as many as 15 parking spaces in lieu of the maximum permitted 12 parking spaces, as indicated on the Plan. The proposed separation of landscape islands is driven by site design to

overcome site constraints to enhance walkability and further accommodate crosswalks and other similar design features. Strict compliance with CMDP Division II, Section A would result in practical difficulty and I find that the requested variance can be granted while maintaining strict harmony with the spirit and intent of CMDP and not injuring the public health, safety or general welfare.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 6th day of **June, 2024**, that the “**HAMPTON MANOR 1<sup>ST</sup> MATERIAL AMENDMENT**” Blacklined Development Plan, marked and accepted into evidence as Developer’s Exhibit 4, be and is hereby **APPROVED**, subject to any conditions noted below; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a modification of the Residential Transition Area (“RTA”) variance granted in Case No. VIII-847 and Case No. 08-090-SPHA, be and is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR § 1B01.2.C.1.a, to allow a rear building face setback to a rear property line of as little as 21 ft. in lieu of the minimum permitted setback of 30 ft. for the pool (nonresidential principal building); and from the Comprehensive Manual of Development Policies (“CMDP”), Division II, Section A (p.32), to permit a landscaped peninsula or island separating as many as 15 parking spaces in lieu of the maximum permitted 12 parking spaces for multi-family buildings be and is hereby **GRANTED**.

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



---

DEREK J. BAUMGARDNER  
Administrative Law Judge  
for Baltimore County

DJB/ dlm - dlw



# PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections  
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 229 St. David Ct. Currently Zoned DR 16 & DR 3.5  
Deed Reference 32412 / 00368 10 Digit Tax Account # 1800012043  
Owner(s) Printed Name(s) Hampton Manor Apartments, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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 attached.

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

3. ☒ **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/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

Jason T. Vettori  
Name - Type or Print Jason T. Vettori  
Signature [Signature]  
600 Washington Ave., Ste 200 Towson MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
21204 (410) 821-0070 jvettori@sgs-law.com  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### Legal Owners (Petitioners):

Paul Giulio, Authorized Representative of Hampton Manor Apartments, LLC  
Name #1 - Type or Print Paul Giulio Name #2 - Type or Print \_\_\_\_\_  
Signature #1 [Signature] Signature #2 \_\_\_\_\_  
9640 Deereco Rd. Timonium MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
21093 (410) 561-1300 pgiulio@hillmgt.com  
Zip Code \_\_\_\_\_ Telephone #'s (Cell and Home) \_\_\_\_\_ Email Address \_\_\_\_\_

### Representative to be contacted:

Jason T. Vettori  
Name - Type or Print Jason T. Vettori  
Signature [Signature]  
600 Washington Ave., Ste 200 Towson MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
21204 (410) 821-0070 jvettori@sgs-law.com  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

Case Number 2024-0086-SPHA Filing Date 3/21/24 Do Not Schedule Dates \* Reviewer MJK

\* Schedule w/ Development Plan hearing Revised 8/2022

**ATTACHMENT TO PETITION FOR ZONING HEARING**

229 St. David Court  
(Tax ID No. 1800012043)  
3<sup>rd</sup> Councilmanic District  
8<sup>th</sup> Election District

Special Hearing to determine whether the Administrative Law Judge should approve:

1. A modification of the Residential Transition Area (RTA) variance granted in Case Number VIII-847 and 08-090-SPHA;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) for Baltimore County.

A Variance from Section(s):

1. 1B01.2.C.1.a of the BCZR to allow a rear building face setback to a rear property line of as little as 21 feet in lieu of the minimum permitted setback of 30 feet for the pool (nonresidential principal building); and
2. CMDP Division II, Section A (p. 32) to permit a landscaped peninsula or island separating as many as 15 parking spaces in lieu of the maximum permitted 12 parking spaces for multi-family buildings; and
3. For such other and further relief as may be required by the ALJ for Baltimore County.

# MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



March 7, 2024

## ZONING DESCRIPTION

Being at point on the north side of Scott Adam Road which is 60 foot wide at the distance of 101 feet southwest of the centerline of Sunnyvale Court which is 50 foot wide.

Thence binding thereon Northwesterly by a curve to the left having a radius of 520.00 feet and length of 220.10 feet said curve being subtended by a chord bearing North 41° 32' 42" East, 218.45 feet to a point; thence for a new line of division, for part of the distance crossing the bed of said Scott Adam Road, for part of the distance crossing the bed of said Scott Adam Road, in all South 60° 34' 48" East, 130.00 feet. running thence continuing for new lines of division, the following four (4) courses and distances South 01° 56' 46" West, 41.90 feet to a point; thence South 85° 01' 16" East, 165.82 feet to a point; thence North 05° 39' 44" East, 299.67 feet to a point; thence South 84° 54' 43" East, 460.00 feet to a point on the easterly outline of the herein, running thence binding on part of said outline South 05° 39' 44" West, 1,271.82 feet to a corner of said outline: thence binding on the outline North 84° 42' 16" West, 270.00 feet; thence leaving said outline, binding on the southwesterly side of a drainage and utility easement, the following four courses and distances North 35° 16' 00" West, 108.00 feet to point; thence North 57° 36' 20" West, 100.00 feet to a point; thence North 31° 07' 30" West, 119.00 feet to a point; thence North 47° 50' 20" West, 122.74 feet to a point on the westerly outline; thence binding on part of said westerly outline North 05° 39' 44" East, 228.00 feet to a corner of said outline, running thence binding on part of the southerly outline. North 85° 01' 16" West, 18.00 feet to a point; thence leaving said outline, binding on part of the northeasterly side of the heretofore mentioned drainage and utility easement, North 25° 34' 08" West, 22.25 feet to a point; thence for new lines of division the two following courses and distances North 71° 47' 14" West, 239.33 feet to a point; thence North 34° 49' 57" West, 193.23 feet to a point on the southeasterly side of Scott Adam Road 60 feet wide, thence binding on part of the southeasterly side of said road northeasterly by a curve to the left having a radius of 580.00 feet and a length of 183.33 feet, said curve being subtended by a chord bearing North 62° 43' 30" East, 182.56 feet; thence crossing said Scott Adam Road for a new line of Division North 36° 19' 48" West, 60.00 feet to the northwesterly side of said road; to the point of beginning containing 797,437 for a combined 756,265 square feet or 18.30663 acres of land.

Morris & Ritchie Associates, Inc.  
Jared L. Barnhart P.E.  
Professional Engineer  
Maryland License No. 36725 Exp. 02/26/25



1220-B East Joppa Road, Suite 400K, Towson, Maryland 21286 Tel: (410) 821-1690 Fax: (410) 821-1748

Abingdon, MD • Laurel, MD • Towson, MD • Georgetown, DE • Wilmington, DE • Raleigh, NC • Sterling, VA  
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2024-0086-SPHA

MICHAEL PAUL SMITH  
DAVID K. GILDEA  
LAWRENCE E. SCHMIDT  
JASON T. VETTORI  
MELISSA L. ENGLISH\*  
\* Admitted in MD, NC



24-0295 MSK

GREGORY D. GALLI  
AMY L. HICKS GROSSI  
STEPHEN T. HARRIS  
CARMELO D. MORABITO  
REBECCA G. WYATT  
*senior counsel:*  
ERIC R. HARLAN  
*of counsel:*  
EUGENE A. ARBAUGH, JR.  
STEPHEN J. NOLAN

March 27, 2024

*Sent Via Email and First Class Mail*

Jeff Perlow  
County Office Building  
111 West Chesapeake Avenue  
Room 124  
Towson, MD 21204

Re: Hampton Manor  
PAI #08-0847

Dear Mr. Perlow,

Please accept this request for a combined hearing as provided in BCC § 32-4-230. While no requirement for special exception, variance, special hearing, or interpretation of the Baltimore County Zoning Regulations was noted in the Concept Plan Conference Comments from Zoning Review, the Development Plan Conference (DPC) Comments from Zoning Review indicated certain zoning relief would be necessitated. As we continue to address substantive DPC Comments, we have identified certain zoning relief that is included in the attached Petition for Zoning Hearing. Please combine the public hearing required under Title 3, Subtitle 3 of Article 32 and under the Baltimore County Zoning Regulations with the public hearing to be held by the Hearing Officer on the Development Plan. Once our redline changes to the Development Plan are completed and we set it in for a hearing, we respectively request a combined hearing.

Very truly yours,

Jason T. Vettori

JTV/am

cc: C. Pete Gutwald, Director of Permits Approvals and Inspections  
The Honorable Maureen E. Murphy, Chief Administrative Law Judge

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600 WASHINGTON AVENUE • SUITE 200 • BALTIMORE, MARYLAND 21204  
TELEPHONE (410) 821-0070 • FACSIMILE (410) 821-0071 • [www.sgs-law.com](http://www.sgs-law.com)

# 2024-0086-SPHA

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

No. 229563

Date: 3/28/2024

| Fund | Dept | Unit | Sub Unit | Rev     | Sub  | Dept | Obj | BS Acct | Amount  |
|------|------|------|----------|---------|------|------|-----|---------|---------|
|      |      |      |          | Source/ | Rev/ |      |     |         |         |
| 601  | 806  | 0000 |          | 6150    |      |      |     |         | \$1,000 |
|      |      |      |          |         |      |      |     |         |         |
|      |      |      |          |         |      |      |     |         |         |
|      |      |      |          |         |      |      |     |         |         |
|      |      |      |          |         |      |      |     |         |         |

Total: \$1,000

Rec  
From:

Peak Manage Disb AC

For:

Special Hearing & Variance  
229 Saint David Ct.  
Case # 2024-0086-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S  
VALIDATION

MTE

**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 fifteen (15) 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.**

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**For Newspaper Advertising:**

Case Number: 2024-0086-SPHA

Property Address: 229 St. David Court

Property Description: Southeast Side of Scott Allen Road  
at North and South Sides of Saint David Court

Legal Owners (Petitioners): Hampton Manor Apartments, LLC

Contract Purchaser/Lessee: N/A

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Paul Giulio

Company/Firm (if applicable): Hampton Manor Apartments, LLC

Address: 9640 Deereco Road  
Timonium, MD 21093

Telephone Number: pgiulio@hillmgt.com or (410) 561-1300

Revised 5/20/2014



Baltimore County Government, Esq. HERE, Garmin, INCREMENT P, USGS, EPA, USDA,

Real Property Data Search ( )  
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 1800012043

**Owner Information**

Owner Name: HAMPTON MANOR APARTMENTS LLC  
Mailing Address: 9640 DEERCO RD  
TIMONIUM MD 21093-  
Use: APARTMENTS  
Principal Residence: NO  
Deed Reference: /32412/ 00368

**Location & Structure Information**

Premises Address: SCOTT ADAM RD  
0-0000  
Legal Description: 17.235 AC  
725 E YORK RD  
WARREN APARTMENTS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
0051 0005 0270 20000.04 0000 2023 Plat Ref: 0030/ 0096

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
17.2300 AC 12

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

**Value Information**

|                    | Base Value | Value<br>As of<br>01/01/2023 | Phase-in Assessments<br>As of<br>07/01/2023 | As of<br>07/01/2024 |
|--------------------|------------|------------------------------|---------------------------------------------|---------------------|
| Land:              | 3,585,200  | 3,585,200                    |                                             |                     |
| Improvements       | 11,476,800 | 13,994,500                   |                                             |                     |
| Total:             | 15,062,000 | 17,579,700                   | 15,901,233                                  | 16,740,467          |
| Preferential Land: | 0          | 0                            |                                             |                     |

**Transfer Information**

Seller: HAMPTON MANOR LIMITED PARTNERSHIP  
Type: ARMS LENGTH MULTIPLE  
Deed1: /32412/ 00368  
Deed2:  
Price: \$14,275,000  
Seller: MILESTONE ELAINE KALMAR RICHARD  
Type: ARMS LENGTH IMPROVED  
Deed1: /22972/ 00115  
Deed2:  
Price: \$13,000,000  
Seller: MILESTONE DAVID  
Type: NON-ARMS LENGTH OTHER  
Deed1: /06061/ 00305  
Deed2:  
Price: \$0

**Exemption Information**

| Partial Exempt Assessments: | Class | 07/01/2023 | 07/01/2024 |
|-----------------------------|-------|------------|------------|
| 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:

2024-0086-SPHA

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN LEWIS

**DATE:** 4/25/2024

**Case Number:** 2024-0086-SPHA

**Petitioner / Developer:** SMITH, GILDEA & SCHMIDT, LLC ~  
HAMPTON MANOR APARTMENTS, LLC

**Date of Hearing:** MAY 23, 2024 & MAY 24, 2024 (if needed)

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:  
229 ST DAVID COURT

The sign(s) were posted on: APRIL 25, 2024

**ZONING HEARING**

The Administrative Law Judge of Baltimore County,  
by authority of the Zoning Act and Regulations of  
Baltimore County, will hold a hearing virtually via  
WebEx, and/or in-person upon request (see below)  
for the Property identified herein as follows:

**CASE # 2024-0086-SPHA**  
**229 ST. DAVID COURT**  
**Corner of SE/S of Scott Adam Rd. N & S/S of  
St. David Court**  
**Council District 3, Election District 8**  
**Legal Owners: Hampton Manor Apartments,  
LLC Paul Giulio, Authorized Rep.**

**PETITION REQUEST: SPECIAL HEARING:**  
To determine whether or not the Administrative Law  
Judge ("ALJ") should approve a modification of the  
Residential Transition Area ("RTA") variance granted  
in Case # VIII-847 and Case No. 08-090-SPHA; for such  
other and further relief as may be deemed necessary by  
the ALJ for Baltimore County.

**WebEx Hearing: Thursday - 5/23/2024 - 10:00 am and if needed  
Friday-05/24/2024 - 10:00 AM**

If an in-person hearing has been requested in writing and granted, the hearing location is: The  
Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please  
contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing  
format at the phone number or email address shown below.

Office of Administrative Hearings  
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0  
Email: [administrativehearings@baltimorecountymd.gov](mailto:administrativehearings@baltimorecountymd.gov)

Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley, MD 21030  
(City, State, Zip of Sign Poster)

410-666-5366  
(Telephone Number of Sign Poster)

1st Sign

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**DATE:** April 10, 2024

**FROM:** Derek M. Chastain  
Bureau of Building Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
Case 2024-0086-A

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

**BPR: No comment**

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge  
Office of Administrative Hearings

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

DATE: April 9, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0086-SPHA  
Address: 229 ST. DAVID CT.  
Legal Owner: Hampton Manor Apartments, LLC  
Paul Giulo, Authorized Rep.

Zoning Advisory Committee Meeting of April 9, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

## BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**DATE:** April 8, 2024

**FROM:** Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
Case 2024-0086-SPHA

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

**DPR:** No comment.

**DPW-T:** A.) The property is located within non-tidal (riverine), Special Flood Hazard Area. Current Baltimore County Code 32-4-414 and 32-8 prohibits development within a non-tidal special flood hazard area. The 2015 Baltimore County Building Code Part 125.1 states "No new Buildings or Additions shall be constructed in any riverine floodplain."

B.) A riverine flood plain that meets the qualifications of a Baltimore County flows overland very close to the property. Based on Baltimore County Code 32-4-414, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review (DPR) Policy Manual and DPWT Design Manual must be submitted and "Accepted for Filing" by DPR before the approval of the Variance for the addition. The proposed addition must also meet DPWT Design Manual Plate DF-1.

C.) Record Plat 30/96 shows existing easements on the property. These easements should be shown on the plan and their status.

**Landscaping:** If Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

**Recreations & Parks:** Local open space is required. No Master Plan Greenways affected.

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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

**DATE:** 4/11/2024

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 2024-0086-SPHA

**INFORMATION:**

**Property Address:** 229 St. David Court  
**Petitioner:** Paul Giulio, Authorized Representative of Hampton Manor Apartments LLC  
**Zoning:** DR 16, DR 3.5  
**Requested Action:** Special Hearing, Variance

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

*Special Hearing -*

1. To determine whether the Administrative Law Judge should approve a modification of the Residential Transition Area (RTA) Variance granted in Case Number VIII-847 and 2008-090-SPHA;
2. For any such other and further relief as may be deemed necessary by the Administrative Law Judge;

*Variance -*

3. From Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (BCZR) to allow a rear building face setback to a rear property line of as little as 21' in lieu of the minimum permitted setback of 30' for the pool (non-residential principal building);
4. From the Comprehensive Manual of Development Policies (CMDP) Division II, Section A (page 32) to permit landscaped peninsula or islands separating as many as 15 parking spaces in lieu of the maximum permitted 12 parking spaces for multi-family buildings; and
5. For any such other and further relief as may be deemed necessary by the Administrative Law Judge.

The subject site is an approximately 17.97 acre property in the Cockeysville area. It is improved with an apartment and townhouse community known as Hampton Manor Apartments and Townhomes. The property is currently undergoing County review for a material amendment to the Development Plan (PAI #08-0847) for the addition of 130 additional units that will be a mix of apartments and stacked townhouses. The construction of the new units requires the relocation of the pool area, playground, and dog park.

The subject site is within the area covered by the Hunt Valley/Timonium Master Plan, adopted October 10<sup>th</sup>, 1998. This site is within the Community Conservation area of the plan, which is focused on protecting and enhancing the existing residential community.

The site was previously the subject of Zoning Case 2008-090-SPHA which included, in part, a Residential Transition Area (RTA) setback of 24.4' in lieu of the required 50' buffer, and an RTA setback of 24.4' in lieu of the required 75' setback for parking spaces and private driveways. The RTA setback and buffer relief was granted as proposed.

The Department of Planning met with the representative for the Petition on April 9<sup>th</sup>, 2024 to gather additional information on the request. During the meeting, the representative explained the following:

- Parking is proposed within the 50' RTA buffer and 75' RTA setback, however, no new buildings are proposed within those limits.
- The closest setback for the new construction to the neighboring residences on Greentop Road will be approximately 37'. This will be for the parking and macadam trail east of stacked condo Building # 4. This is further from the property line than the existing three-story building at 236 St. David Court, which has a setback of 34.1'.
- The Variance request for a rear building face setback to a rear property line of as little as 21' is for the proposed relocation of the pool, not for a new multi-family residential building.
- The subject site has very few landscape islands in the parking lot as is. The request to have a landscape island as many as every fifteen parking spaces is for existing conditions. The petitioners are proposing adding landscape islands with the new development and will improve upon the existing conditions, where feasible.

The Department of Planning has no objections to the requested Special Hearing and/or Variance relief. The requests appear to be in keeping with previously approved requests for the subject site and improve upon various existing conditions.

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

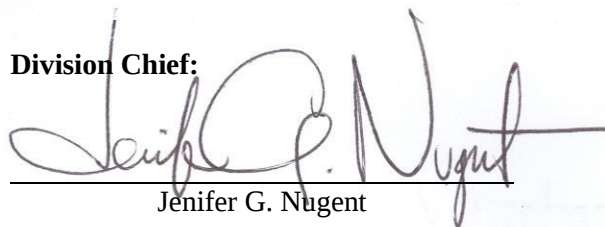
**Prepared by:**



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Krystle Patchak

**Division Chief:**



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Jenifer G. Nugent

SL/JGN/KP

c: Jason T. Vettori  
David Birkenthal, Community Planner  
Jeff Perlow, Zoning Review  
Kristen Lewis, Zoning Review  
Office of Administrative Hearings  
People's Counsel for Baltimore County

## ZONING HISTORY

- CASE NO. R-1960-4971 - PETITION FOR ZONING RE-CLASSIFICATION FROM A R-10 AND R-20 ZONE TO A M. ZONE. GRANTED JUNE 17, 1960. AN ORDER FOR APPEAL WAS GRANTED MARCH 29TH 1961.
- CASE NO. 1962-5472 - PETITION FOR ZONING RE-CLASSIFICATION FROM A R-10 AND R-20 ZONE TO AN R-A ZONE. GRANTED JANUARY 19, 1962.
- CASE NO. M.C. 2008-0090-SEHA - HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER TO CONSIDER ADDITIONAL 58 CONDOMINIUM GARAGE TOWNHOUSE UNITS IN COMBINATION WITH 121 EXISTING RENTAL APARTMENTS AND 29 EXISTING RENTAL TOWNHOUSES FOR A TOTAL OF 218 RESIDENTIAL UNITS ON 18.31 ACRES OF LAND PRIMARILY ZONED DR-16 LOCATED ON THE SOUTHEAST SIDE OF SCOTT ADAM ROAD. IN ADDITION TO DEVELOPMENT PLAN APPROVAL, A PETITION FOR SPECIAL HEARING RELIEF IS FILED PURSUANT TO SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.) REQUESTING APPROVAL TO PERMIT A MODIFICATION OF STANDARDS OF 8 UNITS IN LIEU OF 6 NOT TO EXCEED A LENGTH OF 180 FEET FOR A NUMBER OF UNITS IN A GROUP PER THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (CMOP), DIVISION II, PAGES 22-23 AND A REDUCTION OF SIDE BUILDING FACE TO SIDE BUILDING FACE TO 20 FEET IN LIEU OF THE REQUIRED 25 FEET, AND TO PERMIT A 20 FOOT WIDE RAMPED IN LIEU OF THE REQUIRED 24 FOOT WIDE RAMPED PURSUANT TO SECTION VI(4) OF THE BUREAU OF DEVELOPMENT PLANS REVIEW MANUAL. VARIANCE RELIEF IS REQUESTED FROM B.C.Z.R. SECTIONS) 1801.18.1.C(1) AND (2) AND 1801.18.1.E(2) AND THE CMOP, DIVISION I, SECTION A, RESIDENTIAL STANDARDS, TO PERMIT A 100 FOOT RESIDENTIAL TRANSITION AREA (RTA) BUFFER HAVING AN UNDISTURBED AREA OF 24.4 FEET AND TO HAVE PARKING AS CLOSE AS 24.4 FEET IN LIEU OF THE REQUIRED 50 FEET UNDISTURBED BUFFER AND THE 75 FOOT PARKING SETBACK REQUIREMENT. RESPECTIVELY, VARIANCE RELIEF IS ALSO REQUESTED FOR 376 PARKING SPACES IN LIEU OF THE REQUIRED 388 SPACES. GRANTED JANUARY 18, 2008.

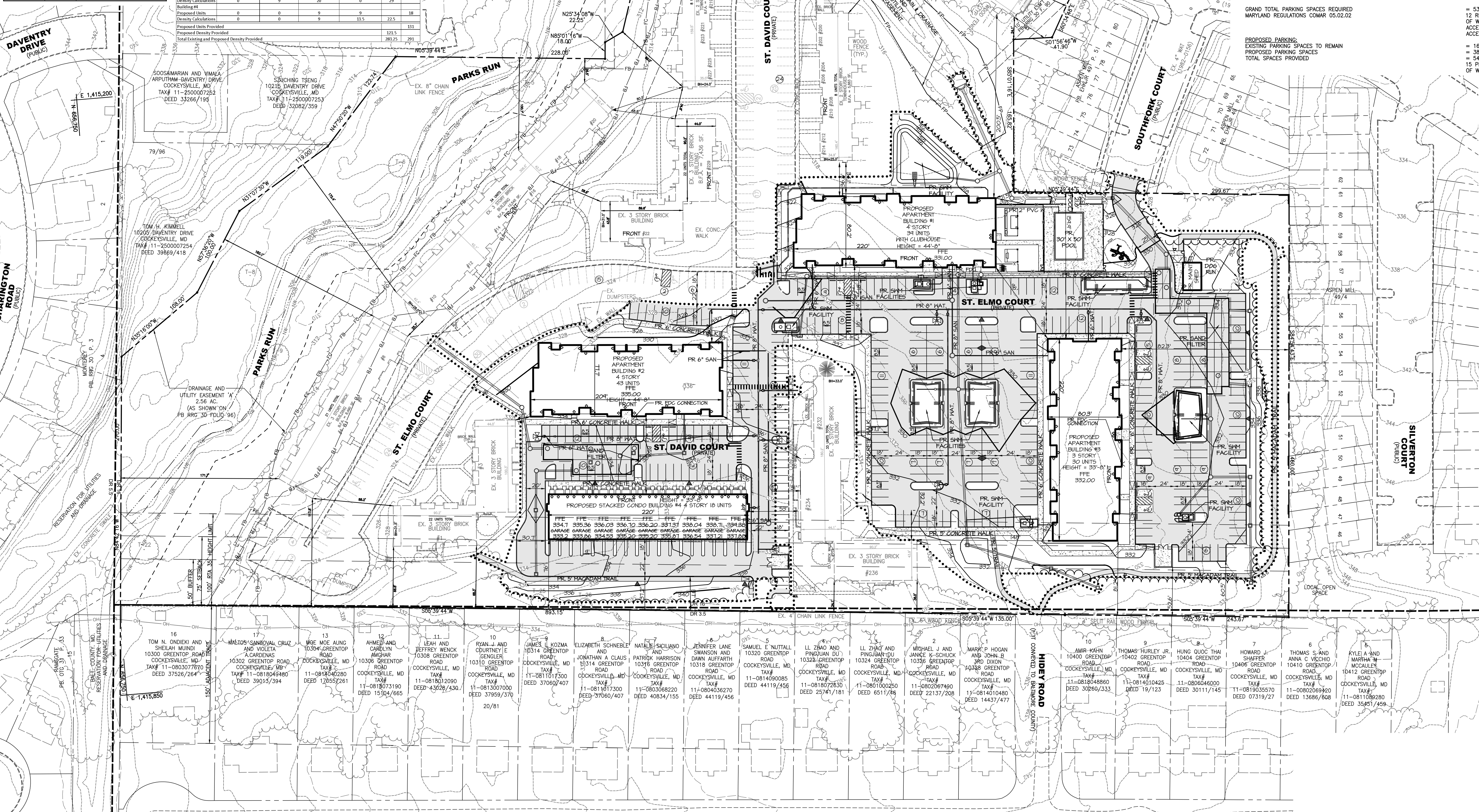
## PERMIT HISTORY

- PERMIT #8830168  
INSTALLATION FOR 2-SIDED MONUMENT SIGN; OCTOBER 2013.
- PERMIT #8735860, #7392316  
INSTALLATION OF NEW WET PIPE SYSTEM FOR LIGHT HAZARD OCCUPANCY; BUILDING #236, MAY 2010.
- PERMIT #8735860, #7392316  
INSTALLATION OF NEW WET PIPE SYSTEM FOR LIGHT HAZARD OCCUPANCY; BUILDING #217, MAY 2010.
- PERMIT #8735860  
RETURNS TO APARTMENT BUILDING DUE TO FIRE DAMAGE OF 40R 4,467 SF TO INCLUDE: HVAC, COMPLETE PLUMBING AND ELECTRIC REPLACEMENT NEW ROOF, DRYWALL PARTITIONS & FINISHES, SMOKE DETECTORS TO CODE; BUILDING #232, MARCH 2010.
- PERMIT #8724020  
ALTERATIONS/FIRE DAMAGE REPAIR, DEMOLITION OF DRYWALL AND INSULATION FINISHES; #232, AUGUST 2009.
- PERMIT #8634540  
WALL EX 50 TO BE TORN DOWN, DEBRIS TO BE HAULED TO APPROVED SANITARY LANDFILL IN ACCORDANCE WITH APPLICABLE BALTIMORE COUNTY SITE REGULATIONS; SEPTIC TO BE BACKFILLED; BUILT 1952, 1,928 SF.

## DENSITY CALCULATIONS

| EXISTING ZONING AND DENSITY PERMITTED | EXISTING ZONING | MAXIMUM DENSITY PERMITTED |
|---------------------------------------|-----------------|---------------------------|
| DWELLING TYPE                         | UNITS           | UNITS PERMITTED           |
| EXISTING APARTMENTS                   | 131             |                           |
| EXISTING TOWNHOUSES                   | 29              |                           |
| PROPOSED APARTMENTS                   | 113             |                           |
| PROPOSED CONDOMINIUM TOWNHOUSES       | 18              |                           |
| TOTAL UNITS                           | 291             | 292                       |

| Hampton Manor Apartments                     | 1 Bedroom (or 58 density unit) | 2 Bedroom (or 75 density unit) | 3 or more bedrooms (or 100 density unit) | Density | Units  |
|----------------------------------------------|--------------------------------|--------------------------------|------------------------------------------|---------|--------|
| Existing Apartments                          | 0                              | 51                             | 80                                       | 29      | 131    |
| Density Calculations                         | 0                              | 38.25                          | 80                                       | 41.5    | 161.75 |
| Proposed Apartments/Townhouses               | 1 Bedroom (or 58 density unit) | 2 Bedroom (or 75 density unit) | 3 or more bedrooms (or 100 density unit) | Density | Units  |
| Proposed Units                               | 4                              | 10                             | 25                                       | 0       | 39     |
| Density Calculations                         | 2                              | 7.5                            | 25                                       | 0       | 34.5   |
| Building #1                                  | 4                              | 20                             | 37                                       | 1       | 42     |
| Density Calculations                         | 2                              | 15                             | 37                                       | 1.5     | 35.5   |
| Building #2                                  | 0                              | 12                             | 20                                       | 0       | 32     |
| Density Calculations                         | 0                              | 9                              | 20                                       | 0       | 29     |
| Building #3                                  | 0                              | 0                              | 0                                        | 0       | 0      |
| Density Calculations                         | 0                              | 0                              | 0                                        | 0       | 0      |
| Proposed Units Provided                      | 6                              | 6                              | 9                                        | 33.5    | 22.5   |
| Density Calculations                         | 0                              | 0                              | 0                                        | 0       | 0      |
| Proposed Units Provided                      | 6                              | 6                              | 9                                        | 33.5    | 22.5   |
| Density Calculations                         | 0                              | 0                              | 0                                        | 0       | 0      |
| Total Existing and Proposed Density Provided | 6                              | 6                              | 9                                        | 33.5    | 22.5   |

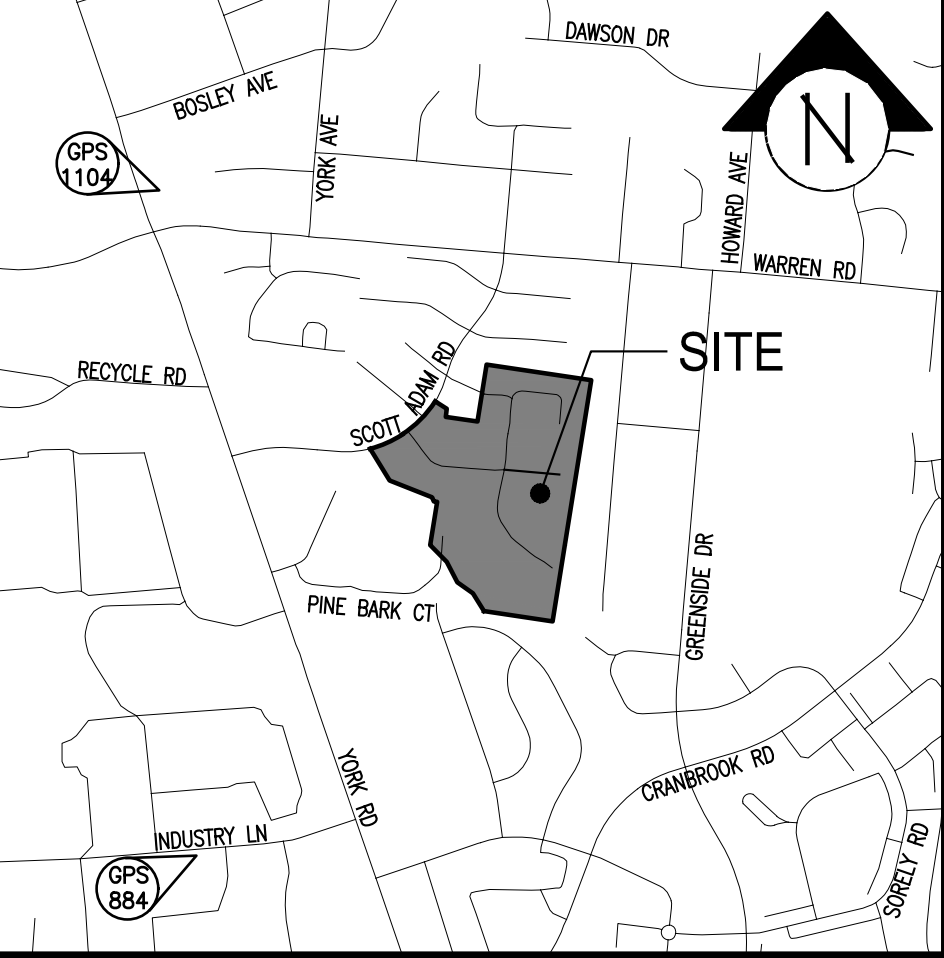


## SITE DATA

- OWNER: HAMPTON MANOR APARTMENTS
- LOCATION: 229 SAINT DAVID COURT COCKEYSVILLE, MD 21030
- GROSS AREA: PARCEL ONE, SCOTT ADAM ROAD: 758,265 SF OR (17.36 ACRES)  
PARCEL TWO, 100 ST. ELMO COURT: 41,172 SF OR (0.94618 ACRES)  
797,437 SF OR (18.31 ACRES)  
782,845 SF OR (17.97 ACRES)  
ZONE DR 16
- NET AREA: 51
- EXISTING ZONING: 270, 303
- PROPERTY INFORMATION: C. TAX MAP: 1800712043, 0804036200
- D. DEED REFERENCE: L. 32412 F. 368
- DEED SHEET: 65N/4, 64N/4
- POSITION SHEET: 1816, 1817
- CONUS TRACT: 0805,03
- OS SITE REFERENCE NUMBERS: 1001 RAVEN RESERVOIR WATERSHED
- WATERSHED: BEAVER DAM RUN SUBWATERSHED
- WATERSHED SUBWATERSHED: COCKEYSVILLE/TOWNHOMES
- EXISTING LAND USE: APARTMENTS
- PROPOSED LAND USE: APARTMENTS
- DR-16 ZONE SETBACKS (SECTION 1801.2.C.1.4):  
A. FRONT BUILDING FACE (FRONT OR REAR) 80' REQUIRED 80'  
B. BUILDING FACE TO PUBLIC STREET RIGHT-OF-WAY 25' REQUIRED 25'  
C. SIDE BUILDING FACE TO SIDE BUILDING FACE 1 FOOT OF SETBACK PER 1 FOOT OF HEIGHT OF SOFFIT LINE OF TALLEST BUILDING NOT LESS THAN 30' 53'  
D. BUILDING FACE TO TRACT BOUNDARY 40' 30' 21' (POOL) 81'  
E. BUILDING FACE TO TRACT BOUNDARY 40' 30' 21' (POOL) 81'
- SETBACKS FOR BUILDINGS LOCATED ADJACENT TO ARTERIAL ROADWAYS SHALL BE INCREASED BY AN ADDITIONAL 10' SETBACKS FOR ANY NON-COMMERICAL BUILDING WHERE THE LOT AREA IS GREATER THAN FOUR ACRES, THE PROPERTY BOUNDARY IS WITHIN ONE MILE OF A PUBLIC SCHOOL THAT IS OVER 100 PERCENT STATE-MAINTAINED, AND IS IN OR WITHIN 1,000 FEET OF A TIER 1 GROWTH AREA SHALL BE TWICE THE DISTANCE AS LISTED IN THIS TABLE.
- F. BUILDING HEIGHT: 60' 45'
- THE SITE IS NOT WITHIN ANY FAILING AREA ON THE 2023 BASIC SERVICES MAPS.
- SEWAGE ON THIS SITE SHALL CONFORM WITH THE SEWAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE IS NOT WITHIN A 100-YEAR FEMA FLOODPLAIN. FEMA PANEL #2400100235G. A RIVERLINE FLOODPLAIN EXISTS ON THIS SITE.

## PARKING REQUIREMENTS

- PARKING REQUIRED IN APARTMENT BUILDING:  
EXISTING DWELLINGS TO REMAIN: 160 UNITS (EXCLUDING 1 MODEL DISPLAY UNIT) = 160 TOTAL UNITS
- EXISTING EFFICIENCY AND/OR STUDIO  
EXISTING APARTMENTS WITH 1 OR 2 SEPARATE BEDROOMS = 0 UNITS  
EXISTING APARTMENTS WITH 3 SEPARATE BEDROOMS = 127 UNITS X 1.5 = 190.5 SPACES  
EXISTING APARTMENTS WITH 3 SEPARATE BEDROOMS = 33 UNITS X 2 = 66 SPACES
- PROPOSED EFFICIENCY AND/OR STUDIO  
PROPOSED APARTMENTS WITH 1 OR 2 SEPARATE BEDROOMS = 8 X 1.25 = 10 SPACES  
PROPOSED APARTMENTS WITH 3 SEPARATE BEDROOMS = 100 X 1.5 = 150 SPACES  
PROPOSED APARTMENTS WITH 3 SEPARATE BEDROOMS = 23 X 2 = 46 SPACES
- TOTAL NUMBER OF SPACES REQUIRED FOR PROPOSED AND EXISTING UNITS WITHOUT VISITOR PARKING = 463 SPACES
- VISITOR PARKING REQUIREMENTS  
18 (1) CAR GARAGE UNITS X 15% = 2.7 SPACES  
463 PERPENDICULAR PARKING SPACES X 15% = 69.5 SPACES  
TOTAL VISITOR PARKING REQUIREMENTS = 72.2 SPACES = 73 SPACES
- GRAND TOTAL PARKING SPACES REQUIRED  
MARYLAND REGULATIONS COMAR 05.02.02 = 536 SPACES  
12 REQUIRED HANDICAPPED SPACES OF WHICH THERE MUST BE 3 VAN ACCESSIBLE AND 9 STANDARD ACCESSIBLE SPACES = 165 SPACES  
PROPOSED PARKING SPACES = 383 SPACES  
TOTAL SPACES PROVIDED = 548 SPACES  
15 PROVIDED HANDICAPPED SPACES OF WHICH ALL ARE VAN ACCESSIBLE
- PROPOSED PARKING:  
EXISTING PARKING SPACES TO REMAIN = 165 SPACES  
PROPOSED PARKING SPACES = 383 SPACES  
TOTAL SPACES PROVIDED = 548 SPACES



## VICINITY MAP

SCALE: 1" = 1000'

## BENCHMARKS

|                                                     |                                |
|-----------------------------------------------------|--------------------------------|
| GPS 1104<br>ELEV. 331.81<br>DESCRIPTION: SPIKE      | N 658,796.04<br>E 1,413,673.37 |
| GPS 884<br>ELEV. 371.71<br>DESCRIPTION: CAPPED PIPE | N 655,478.91<br>E 1,413,828.41 |

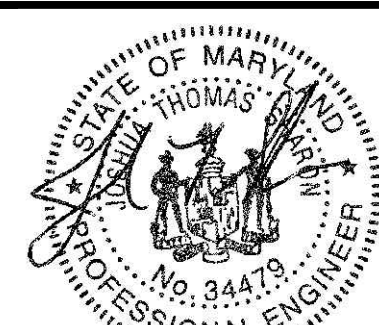
## LEGEND

- EXISTING
- EX. PROPERTY LINE
  - EX. ADJACENT PROPERTY LINE
  - EX. RIGHT OF WAY LINE
  - EX. EASEMENT LINE
  - EX. BUILDING
  - EX. STREAM
  - EX. 100 YEAR FLOOD PLAIN
  - EX. EDGE OF PAVEMENT
  - EX. CURB
  - EX. CHAINLINK FENCE
  - EX. PVC/WOOD SCREEN FENCE
  - EX. ZONING LINE
  - EX. WOODS LINE
  - EX. STORM DRAIN
  - EX. WATER
  - EX. FIRE HYDRANT
  - EX. SEWER
  - EX. GAS
  - EX. CABLE TELEVISION
  - EX. UNDERGROUND TELEPHONE
  - EX. OVERHEAD UTILITY
  - EX. TRANSFORMER
  - EX. PHONE, PEDESTAL
  - EX. CABLE TV PEDESTAL
  - EX. SIGN
  - EX. HANDICAPPED PARKING SPACE
  - EX. AIR CONDITIONING UNIT
  - EX. FOREST BUFFER
  - EX. FOREST BUFFER SETBACK
- PROPOSED
- PR. RIGHT OF WAY
  - PR. CURB
  - PR. BUILDING
  - PR. EASEMENT
  - PR. LOT LINE
  - PR. WOODS LINE
  - PR. LIMIT OF DISTURBANCE
  - PR. SIDEWALK
  - PR. PLAY AREA
  - PR. OUTDOOR TABLES
  - PR. BENCH
  - PR. PET WASTE STATION
  - PR. DUMPSTER LOCATIONS
  - PR. LIGHT



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TOWSON, MARYLAND 21286  
(410) 821-1690  
FAX (410) 821-1748  
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## HAMPTON MANOR APARTMENTS

229 SAINT DAVID COURT  
PLAN TO ACCOMPANY  
PETITION FOR ZONING HEARING

8 ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 3 COUNCILMANIC DISTRICT

| DATE | REVISIONS | JOB NO.          |
|------|-----------|------------------|
|      |           | 21081            |
|      |           | SCALE: AS SHOWN  |
|      |           | DATE: 03-26-2024 |
|      |           | DRAWN BY: CDH    |
|      |           | DESIGN BY: CDH   |
|      |           | REVIEW BY: JTS   |
|      |           | SHEET: 1 OF 1    |

DESIGN & DRAWING BASED ON  
MARYLAND COORDINATE SYSTEM (MCS):  
HORIZONTAL: NAD 83 (1981)  
VERTICAL: NAVD 88

## OWNER/APPLICANT

HAMPTON MANOR APARTMENTS, LLC  
9640 DEERCO ROAD  
TIMONUM, MARYLAND 21093  
ATTN: PAUL GIULIO  
PHONE: 410-830-1917

50 0 50 100  
1 INCH = 50 FEET  
PLAN  
SCALE: 1" = 50'

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.