

IN RE: **DEVELOPMENT PLAN HEARING** * BEFORE THE OFFICE OF
8th Election District *
6th Council District * ADMINISTRATIVE HEARINGS
(8620 Ellen Court) * FOR

8620 ELLEN COURT- RESUBDIVISION * BALTIMORE COUNTY
OF LOT 1 *

Baltimore Ellen Rehabilitation * **CASE NO. 09-0737**

Owner/Applicant

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ADMINISTRATIVE LAW JUDGE’S (“ALJ”)
DEVELOPMENT PLAN OPINION & ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code (“BCC”). Baltimore Ellen Rehabilitation, Owner/Applicant (herein known as “Developer”) submitted for approval a 1-sheet redlined development plan known as “8620 Ellen Court – Resubdivision of Lot 1” (“Redlined Development Plan”) prepared and sealed by Geoffrey Schultz of Polaris Land Consultants.

The Developer proposes to subdivide Lot 1 (8620 Ellen Court) (“Lot 1”) of an existing three-lot minor subdivision into two lots (8620 and 8620A) to become a four-lot major subdivision (8620, 8620A, 8622 and 8624). In 2001, a minor subdivision (Case No.: 01-008m) was filed to create Lot 1 (8620), Lot 2 (8622) and Lot 3 (8624). Lot 1 and the proposed Lot 1A are south of 8622 and 8624. Lot 1 is 0.274 +/- acres, is zoned DR 10.5, and is currently developed with a single-family home and driveway which will remain. After the resubdivision, Lot 1 will measure 0.14 +/- (8620A) and Lot 1A (8620) will measure 0.13 +/- . All the lots front on Ellen Court with a public alley in the rear.

Details of the proposed resubdivision are more fully depicted on the Redlined Development Plan

(Dev. Ex. 1). A Community Input Meeting was held on November 14, 2019 at Parkville High School. No citizens from the community were present. The property was posted with the Notice of Hearing Officer's Hearing ("HOH") on January 9, 2021, in compliance with the regulations. Due to the COVID-19 pandemic, a public virtual WebEx hearing in lieu of an in-person public hearing was held on February 4, 2021 at 10:00 a.m.

Paul Vogel, representative of Developer, attended the HOH in support of the Redlined Development Plan along with Geoffrey Schultz, registered land surveyor of Polaris Land Consultants.

AGENCY WITNESSES

Numerous representatives of the various Baltimore County agencies who reviewed the Redlined Development Plan also attended the hearing, including the following individuals from the Department of Permits, Approvals and Inspections ("PAI"): Patrick Williams, Project Manager; James Hermann on behalf of Development Plans Review ("DPR") and Recreation and Parks (R&P); Brad Knatz from Real Estate Compliance ("REC"); Gary Hucik from Office of Zoning Review ("OZR"); Eugene Cauley of DPR; Steve Ford from the Department of Environmental Protection and Sustainability ("DEPS") on behalf of Ground Water Management ("GWM"), Storm Water Management ("SWM") and Environmental Impact Review ("EIR"); and Brett Williams from the Department of Planning ("DOP").

Each County agency representative indicated the Plan addressed all comments submitted by their agency, and each recommended approval of the Redlined Development Plan. Specifically, Mr. Hermann testified that a schematic landscape plan was not required because that was a resubdivision of a single lot. As such, DPR did not have any unresolved issues and recommended approval. On behalf of R&P, Mr. Hermann testified that an open space waiver requesting a fee-in-lieu in the amount of \$3,510.00 was approved on January 7, 2021. (County Ex. 1). Brad Knatz testified that REC had no

comments because there were no public dedications. Gary Hucik from OZR testified that no variances would be required for the proposed Lot 1A and confirmed that the Redlined Development Plan met all zoning requirements. Eugene Cauley from DPR testified that he reviewed the Redlined Development Plan and that all comments and changes were made. Mr. Cauley added that the record plat would need to be amended to include the additional lot. (County Ex. 5, p. 4). Steve Ford of DEPS, testifying GWM, SWM and EIR, indicated there were no environmental issues and recommended approval.

Finally, Brett Williams testified for DOP which agency prepared a HOH Final Report dated 1/26/2021. (County Ex. 2). The HOH Report indicated that Lot 1 is within a Community Conservation Area as set forth in Master Plan 2020 (“MP 2020”) which consists of lower to moderate density suburban residential neighborhoods. (MP 2020, p. 29). The Carney-Cub Hill Parkville Area Community Plan (the “Parkville Plan”) designated the area in which Lot 1 is located as “Single Family Attached” and its mission, goals and objectives are to ensure that new development and redevelopment is of high quality and compatible with its surroundings”. (Parkville Plan, pp 5, 47). Mr. Williams stated that he had reviewed the Redlined Development Plan and found it to be in compliance with MP 2020, the Parkville Plan, and the Comprehensive Manual of Development Policies (“CMDP”).

The resubdivision is also subject to Adequate Public Facilities Ordinance, School Impact Analysis (“SIA”), BCC, §32-6-103 which was reviewed by DOP. (County Ex. 3 and 4). The SIA revealed that, as of the official filing date (July 14, 2020), none of the schools referenced in the SIA (i.e. Oakleigh Elementary School, Pine Grove Middle School and Parkville High School) has a projected full time equivalent enrollment equal to or over 115% of the state rated capacity (SRC). Accordingly, the Redlined Development Plan meets the requirements of BCC, §32-6-103.

With regard to the Residential Performance Standards (BCZR, §260), DOP approved a request for a waiver from submitting the required pattern book due to the addition of one lot. In this regard,

DOP will review and approve the architectural elevations prior to permitting. The DOP recommends approval of the Redlined Development Plan.

DEVELOPER'S CASE

Geoffrey Schultz with Polaris Land Consultants testified as an expert registered surveyor on behalf of the Developer. Mr. Schultz prepared and sealed the Redlined Development Plan. (Dev. Ex. 1). He explained each of the redlined changes made in response to County agency comments. He confirmed that one additional single-family home is proposed to be constructed on Lot 1A and stated that no area variances would be needed. He repeated that no schematic landscape plan was required and that the open space fee waiver request was submitted. He confirmed that there were no specimen trees on Lot 1. He explained that this was a straight forward, simple resubdivision with no outstanding issues or complications. In Mr. Schultz professional opinion, the Redlined Development Plan meets all the requirements of the BCC and BCZR. There was no opposition at the hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The BCC provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." BCC, §32-4-229. After considering the testimony and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the Redlined Development Plan satisfies those agency requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the Redlined Development Plan. (Dev. Ex. 1). Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the BCC, the "8620 Ellen Court" Development Plan shall be approved.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this **10th** day of **February, 2021**, that the “8620 Ellen Court – Resubdivision of Lot 1” Redlined Development Plan marked and accepted into evidence as Developer’s Exhibit 1, be and hereby is **APPROVED**.

The relief above is granted herein shall be subject to the following:

1. The Developer shall amend the existing record plat for recordation of the resubdivision of Lot 1.
2. Any appeal of this Order shall be taken in accordance with BCC, § 32-4-281.

Signed _____
MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm