

IN RE: DEVELOPMENT PLAN HEARING	*	BEFORE THE
9 th Election District		
2 nd Council District	*	OFFICE OF
(EDWARD BROWN PROPERTY)		
111 Woodbrook Lane	*	ADMINISTRATIVE HEARINGS
Edward W. and Joyce S. Brown (Trustee)		
<i>Owner</i>	*	FOR
Benhoff Brooks, LLC, c/o Gaylord		
Brooks Realty Company, <i>Developer</i>	*	BALTIMORE COUNTY
	*	HOH Case No. 09-0834

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**ADMINISTRATIVE LAW JUDGE'S
DEVELOPMENT PLAN OPINION & ORDER**

This matter comes before the Office of Administrative Hearings for Baltimore County for a public hearing on a development proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code (“B.C.C.”). Edward W. and Joyce S. Brown (Trustee), Owner, and Benhoff Brooks, LLC, c/o Gaylord Brooks Realty Company, the developer of the subject property (hereinafter “the Developer”), submitted for approval a three-sheet redlined Development Plan prepared by Daft, McCune & Walker, Inc., known as “Edward Brown Property Development Plan.” Developer’s Exhibit 1A-1C.

The Developer proposes to subdivide the lot to create six (6) residential dwelling units (2 existing and 4 proposed dwelling units) on 11.32+/- acres of land zoned DR 1. The majority of the site is open landscaped lawn and several large specimen trees are scattered throughout.

The property was posted with the Notice of Hearing Officer’s Hearing on October 15, 2013 for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. The undersigned conducted the hearing on Thursday, November 14, 2013, at 10:00 AM, Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson,

Maryland.

Appearing at the Hearing Officer's Hearing in support of the Development Plan on behalf of the Developer and property owner was Steve Smith with Gaylord Brooks Realty Company, and Kristy Bischoff, P.E., with Daft, McCune & Walker, Inc., the consulting firm that prepared the site plan. Christopher D. Mudd, Esquire with Venable, LLP, appeared and represented the Developer.

Representatives from the surrounding community attended the hearing, and their names are reflected on the sign-in sheets.

Numerous representatives of the various Baltimore County agencies, who reviewed the Development Plan, also attended the hearing, including the following individuals from the Department of Permits and Development Management: Jan M. Cook (Project Manager), Dennis Kennedy, Development Plans Review, Brad Knatz, Real Estate Compliance, and Jason Seidelman (Office of Zoning Review). Also appearing on behalf of the County were David Lykens from the Department of Environmental Protection and Sustainability (DEPS), and Jenifer Nugent from the 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 Hearing Officer's Hearing during the "Phase II" review of the project. This continues until a plat is recorded in the Land Records of Baltimore County

and permits are issued for construction.

Pursuant to §§32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct of the Hearing Officer's Hearing, I am required first to identify any unresolved comments or issues as of the date of the hearing. At the hearing, each of the Baltimore County agency representatives identified above indicated that the redlined Development Plan (marked as Developer's Exhibit 1A-1C) addressed any and all comments submitted by their agency, and they each recommended approval of the Plan. Mr. Kennedy submitted correspondence dated October 3, 2013, indicating that the Developer will pay to Baltimore County a fee in the amount of \$5,520.00, in lieu of providing open space land as required by County law. County Exhibit 1. Ms. Nugent submitted a School Impact Analysis (County Exhibit 2) which indicates the project is in compliance with Maryland State law concerning student capacity of the elementary, middle and high schools serving the community, as well as a pattern book (County Exhibit 3) containing photos of homes in the neighborhood along with proposed elevations and floor plans of the dwellings to be constructed on the site. Ms. Nugent also indicated that the property is within the Ruxton Riderwood Design Review Area; as such, she explained that the Design Review Panel (DRP) must approve the design and elevation drawings for each of the proposed single family dwellings before building permits can be issued.

DEVELOPER'S CASE

The only witness in Developer's case was Kristy Bischoff, P.E., who was accepted as an engineering expert with particular knowledge of the County's development and zoning regulations. Ms. Bischoff explained the project by referring to the three-sheet Development Plan. Ms. Bischoff explained the orientation of the proposed lots and also pointed out certain environmental features of the site. She noted that the third sheet of the Plan was a landscape plan

for the site, which has been approved by the Baltimore County Landscape Architect. The witness opined that the development proposal satisfied all Baltimore County rules and regulations.

The Baltimore County Code provides that the “Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations.” B.C.C. §32-4-229. After due consideration of the testimony and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the development plan satisfies those agencies’ requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the redlined Development Plan.

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 Baltimore County Code, the Edward Brown Property Development Plan shall be granted consistent with the comments contained herein and the conditions noted below.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 14th day of November, 2013, that the three-sheet redlined “**EDWARD BROWN PROPERTY**” Development Plan, marked and accepted into evidence as Developer’s Exhibit 1A-1C, be and is hereby **APPROVED**.

The Development Plan herein is expressly subject to and conditioned upon the following:

- Design Review Panel (DRP) approval is a condition precedent to the issuance of building permits for construction of single family dwellings on any of the lots shown on the redlined Development Plan.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw