

IN RE: DEVELOPMENT PLAN HEARING *
W/side of Greenspring Avenue, N of *
Walnut Avenue *
4th Election District *
2nd Council District *
(Raintree Farm Lot 15, 3rd Refinement) *
Guy L. & Dorothy Shaneybrook, *
Morton & Norman R. Seidman, *Owners*; *
Prestige Development, Inc., *Developer* *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
HOH Case No. IV-592

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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.”). Prestige Development, Inc., the developer of the subject property (hereinafter “the Developer”), submitted for approval a redlined Development Plan prepared by Colbert Matz Rosenfelt, Inc., known as “Raintree Farm.”

In the instant matter, the Developer proposes a material amendment to the previously approved Development Plan for one additional lot within an existing 14 lot subdivision; subdividing existing Lot 13 into two lots (Lot 13 and new Lot 15). The addition of this additional lot makes the total proposal for 15 single-family dwelling units. The original Development Plan was approved in July, 2004. A first refinement was granted in August, 2005 for resizing of Lots 12 and 13. A second refinement was granted in November, 2006 to add one additional lot (Lot 14).

The property was posted with the Notice of Hearing Officer’s Hearing on April 16, 2012 for 20 working days prior to the hearing, in order to inform all interested citizens of the date and

location of the hearing.

Appearing at the requisite Hearing Officer's Hearing in support of the Development Plan on behalf of the Developer and property owner were Alan Klatsky and Richard E. Matz, P.E., with Colbert Matz Rosenfelt, Inc., the professional engineering firm that prepared the site plan.

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 Cook (Project Manager), Bruce Gill and Vishnu Desai (Development Plans Review [DPR]), Aaron Tsui (Office of Zoning Review), and LaChelle Imwiko (Real Estate Compliance). 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. In addition, written comments were received from the Baltimore County Fire Marshal's Office and the Maryland State Highway Administration. These and other agency remarks are contained within the case file.

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. It should also be noted that 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.

Each of the Baltimore County agency representatives identified above indicated that the redlined Development Plan (marked as Developer's Exhibit 1) addressed any and all comments submitted by their agency, and they each recommended approval of the plan. Mr. Gill, from DPR, indicated that an open space waiver had been granted conditioned upon the payment of \$3,430.00, as reflected on Baltimore County Exhibit 1.

Richard Matz, a licensed professional engineer, who was accepted as an expert in the areas of land use and development, presented the Developer's case. Mr. Matz testified that Lot 13 would be approximately 12 acres and Lot 15 would be approximately 2.15 acres, assuming the plan is approved. Mr. Matz also testified that in his opinion, the plan (Developer's Exhibit 1) complied with all applicable provisions of the B.C.C. and development regulations.

The Baltimore County Code clearly 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 Raintree Farm Development Plan shall be approved consistent with the comments contained

herein.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 23rd day of May, 2012, that the two-sheet redlined “**RAINTREE FARM**” Development Plan, marked and accepted into evidence as Developer’s Exhibit 1, be and is hereby **APPROVED**.

This Development Plan approval is expressly conditioned upon the Developer submitting an updated school impact analysis to the Department of Planning.

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