

<b>IN RE: DEVELOPMENT PLAN HEARING</b>	*	BEFORE THE
304 Timber Grove Road		
4 <sup>th</sup> Election District	*	OFFICE OF
2 <sup>nd</sup> Councilmanic District		
<b>(Timber Grove Estates)</b>	*	ADMINISTRATIVE HEARINGS
Timbergrove Associates, LLC	*	FOR
Owner/Developer		
	*	BALTIMORE COUNTY
	*	<b>HOH Case No. 04-650</b>

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

This matter comes before the Office of Administrative Hearings (OAH) 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.”). Timbergrove Associates, LLC, the developer of the subject property (hereinafter “the Developer”), submitted for approval a two-sheet Development Plan prepared by Tesseract Sites, Inc., known as “Timber Grove Estates.”

The Developer proposes to construct 15 single-family detached residential units on 4.0 acres of land zoned DR 5.5. Currently, the land is improved with one single-family residential detached home located in the center of the site with driveway access off of Timber Grove Road. The site is mostly open with some large specimen trees around the home as well as landscape screening along the property’s boundary. There are no wetlands, steep slopes, or environmentally sensitive areas associated with the subject site.

Details of the proposed development are more fully depicted on the two-sheet Development Plan that was marked and accepted into evidence as Developer’s Exhibit 1A and 1B. The property was posted with the Notice of Hearing Officer’s Hearing on January 16, 2013 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 was Michael S. Greenspun and John Trueschler, with Tesseract Sites, Inc., the consulting firm that prepared the site plan. Howard L. Alderman, Jr., Esquire with Levin & Gann, P.A. appeared and represented the Developer.

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: Darryl Putty, Project Manager, Dennis A. Kennedy (Development Plans Review [DPR]), Bruce Gill (DPR), Brad Knatz, Real Estate Compliance, and Jeffrey Perlow (Office of Zoning Review). Also appearing on behalf of the County were David Lykens from the Department of Environmental Protection and Sustainability (DEPS), and Lynn Lanham 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. 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. At the hearing, each of the Baltimore County agency representatives identified above indicated that the Development Plan (marked as Developer's Exhibit 1A and 1B) addressed any and all comments submitted by their agency, and they each recommended approval of the plan. Ms. Lanham provided a pattern book for the development (Baltimore County Exhibit 1), which she indicated satisfied the residential performance standards in Baltimore County Zoning Regulations (B.C.Z.R.) § 260. She also presented a school analysis (Baltimore County Exhibit 2) indicating that the area schools are not overcrowded using state guidelines. Finally, Mr. Gill submitted a letter (Baltimore County Exhibit 3) indicating the Developer will pay a "fee in lieu" of \$91,050.00 to satisfy the Local Open Space regulations.

In the "formal" portion of the case, the Developer presented one witness, John Trueschler, who is a licensed landscape architect. Mr. Trueschler described in general the proposed development making reference to both sheets of the Development Plan. The witness testified he attended meetings with the community during the development review process, and indicated he prepared the two-sheet Development Plan in this case. Mr. Trueschler opined the Development Plan (Developer's Exhibit 1A and 1B) satisfied all rules, regulations and requirements set forth in the B.C.C. and the zoning 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 Timber Grove Estates Development Plan shall be approved.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 19<sup>th</sup> day of February, 2013, that the redlined “**TIMBER GROVE ESTATES**” Development Plan, marked and accepted into evidence as Developer’s Exhibit 1A and 1B, be and is hereby **APPROVED**.

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

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB/dlw