

IN THE MATTER OF	*	BEFORE THE
ESPLANADE AT RED RUN	*	BOARD OF APPEALS
RE: REFINEMENT - DRC	*	FOR
PDM NO. IV-616	*	BALTIMORE COUNTY
DRC NO. 062210A	*	
4 TH ELECTION DISTRICT	*	CASE NO.: CBA-11-001
4 TH COUNCILMANIC DISTRICT	*	
* * * * *	*	

OPINION AND ORDER

This matter comes to this Board by way of an appeal filed by Margaret-Hope W. Smith and Raleigh-Elizabeth Smith, Individually ("Protestants"), from the June 24, 2010 Administrative Order and Decision from the Director of the Department of Permits and Development Management ("PDM") that, upon review of the Development Review Committee's ("DRC") recommendations, he determined that the project meets the requirements of a refinement under Section 32-4-106(b)(2) of the BCC, and that the recommendations of the DRC are adopted.

The Protestants filed the instant appeal because of its concerns with respect to, among other things, the three (3) apartment buildings proposed in the 5th Refinement of the Development Plan. The Developer, for settlement purposes, revised the Development Plan, whereby the Property would be developed with town homes in lieu of the three (3) 48-unit apartment buildings, as illustrated in the attached revised 5th Refinement, a copy of which is attached hereto as Exhibit A. The Developer and the Protestants have jointly requested that the limited exemption approved by the Director of PDM, under Baltimore County Code ("BCC") Section 32-4-106(b)(2), be amended and approved with respect to the development as amended in the revised 5th Refinement of the Development Plan marked as Exhibit A.

The Developer and the Protestants, along with the remainder of the community, have entered into a Settlement Agreement regarding the proposed amendment of the 5th Refinement of the Development Plan. The recitals in the Settlement Agreement, a copy of which is attached hereto as Exhibit B, are hereby incorporated into the Board's consideration of the parties' joint request for approval of the instant limited exemption request as amended in the revised 5th Refinement. The Developer has further entered into restrictive covenants restricting development of the Property as apartments.

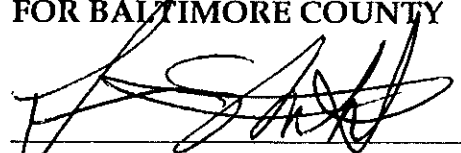
The parties further request that the revised 5th Refinement of the Development Plan be submitted to PDM for review and approval.

Accordingly, upon review of the record, and for the above reasons, IT IS ORDERED this 27th day of August, 2010 by the Board of Appeals of Baltimore County:

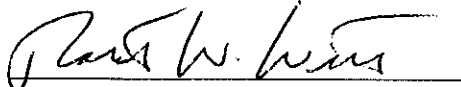
1. That Petitioner Esplanade Development Corporation's refinement application to the DRC and Director of PDM in PDM No.: IV-616 (DRC No.: 062210A) is hereby Approved as revised by Exhibit A herein;
2. That the Petitioner draft and process a revised 5th Refinement to the Development Plan ("Revised 5th Refinement") which converts the conceptual plan as described in the Settlement Agreement by Exhibit A into a Development Plan that meets all county requirements for submittal;
3. That the County accept for filing and processing the Revised 5th Refinement and replace the previously filed 5th Refinement to the Development Plan with the Revised 5th Refinement;
4. That the County review the Revised 5th Refinement for substantial compliance with Subtitles 3, 4 and 5 of Article 32, Title 4 of the BCC and all applicable Baltimore County Zoning Regulations; and

5. That the appeal in Case No. CBA No. 11-001 is thus hereby concluded.
Any petition for judicial review must be filed within 30 days from the date of this
Order.

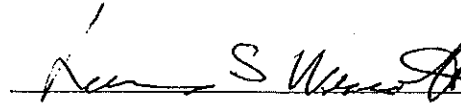
**BOARD OF APPEALS
FOR BALTIMORE COUNTY**



Lawrence M. Stahl, Chairman



Robert W. Witt



Lawrence S. Wescott