

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(10101 Grand Central Avenue)</b>		
4 <sup>th</sup> Election District	*	OFFICE OF
4 <sup>th</sup> Council District		
	*	ADMINISTRATIVE HEARINGS
Owings Mills Transit, LLC		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	<b>Case No. 2016-0285-SPH</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Owings Mills Transit, LLC, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve a waiver of the Department of Public Works Standards (Design Plate DR-1) to allow a 13 ft. setback in lieu of the required 20 ft. from the line which is created by adding the required freeboard to the 100 year water surface elevation.

Professional engineer Stephen Warfield, whose firm prepared the site plan appeared in support of the petition. David H. Karceski, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and the Department of Public Works (DPW). The comments submitted by those agencies will be attached to the Order which follows.

The subject property is 33.847 acres and zoned BM-CT. The Metro Center at Owings Mills is located at the site. This project is known as a transit-oriented development and features offices, retail, apartments and a branch of the Baltimore County Public Library (BCPL) and

Community College of Baltimore County (CCBC). At present, the Petitioner is proposing to construct a full-service hotel at the site, and the waiver is sought in connection with that project.

Mr. Warfield prepared an Exhibit (Petitioner's 1B) which shows in green the location of the 100 year riverine floodplain at the subject property. That exhibit also shows in yellow a line representing the 20 ft. setback from the floodplain, as dictated by County regulations. No portion of the hotel will be constructed within the floodplain. As such, strictly speaking this is not a floodplain waiver, as described in various sections of the County Code. B.C.C. §32-8-301 *et. seq.*; §32-4-414.

Instead, it is only a portion of a cantilevered second floor of the hotel which would encroach upon the 20 ft. setback. Mr. Warfield opined that granting the request would not result in the increase in flood levels and would be consistent with sound floodplain management. In addition, the DPW indicated it had no objection to granting the request. Based on this testimony and the evidence in the record, I believe granting the request would not result in an increased risk to life and/or property.

THEREFORE, IT IS ORDERED this 15<sup>th</sup> day of **July, 2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to approve a waiver of the Department of Public Works Standards (Design Plate DR-1) to allow a 13 ft. setback in lieu of the required 20 ft. from the line which is created by adding the required freeboard to the 100 year water surface elevation, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

2. Petitioner must comply with the ZAC comments of DPW and DEPS, copies of which are attached.

Any appeal of this decision must be filed within thirty (30) days of the date of this Order.

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

JEB:sln