

PE TITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

I, or we, the undersigned, legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (a) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D. R. 1 Zone to an D. R. 3.5 Zone.

(b) for the following reasons: There was error in adoption of the Zoning Map applicable to the subject property because said property cannot be developed for any purpose permitted in the D.R. Zone unless a maximum gross residential density of not less than 3.5 dwelling units per acre is authorized. Changes in conditions in the area since adoption of the Zoning Map for the subject area justify reclassification of the property from the D.R. 1 Zone to the D.R. 3.5 Zone. Your Petitioners were never granted a proper hearing in the course of adoption of the Zoning Map for the subject area, and, accordingly, are now entitled to present any factor relative to the appropriate zoning of the property, and such zoning ought to be determined herein, without limitation as to error or change. The property ought to be located in the D.R. 3.5 Zone under all applicable planning standards and principles.

see attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

By: *James F. Offutt, Jr.*
Legal Owner
Charfield Estates Limited Partnership
1000 Cromwell Bridge Road
Baltimore, Maryland 21204

By: *John J. Dillon, Jr.*
Contract purchaser
Address: 10 Light Street,
Baltimore, Maryland 21202

By: *James F. Offutt, Jr.*
Petitioner's Attorney
Address: 107 Jefferson Building,
Towson, Md. 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of April, 1973, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of September, 1973, at 10:00 o'clock P. M.

James F. Offutt, Jr.
Zoning Commissioner of Baltimore County

(over)

James F. Offutt, Jr., Esq.
Item 21
April 13, 1973
Page 2

the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by the Committee, shall be submitted to this office prior to Friday, June 1, 1973 in order to allow time for final Committee review and advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between September 1, 1973 and October 15, 1973 will be forwarded to you well in advance of the date and time.

Very truly yours,
John J. Dillon, Jr.
JOHN J. DILLON, JR.,
Chairman,
Zoning Advisory Committee

JJDjr:jdo
(Enclosure)

cc: Matz, Childs & Associates, Inc.
1020 Cromwell Bridge Road
Baltimore, Md. 21204

RTKL Associates, Inc.
806 Cathedral Street
Baltimore, Md. 21201

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Baltimore County, Maryland Department Of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DIVER, P.E., CHIEF

April 24, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #21 (April to October 1973 - Cycle V)
Property Owner: Roger A. Clapp, et al
N/S of Overshot Road at Pot Spring Road
District: 8th
Present Zoning: D.R. 1
Proposed Zoning: Reclass. to D.R. 3.5
No. Acres: 17.9

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

The extension and connection of Pot Spring Road with Lakespring Road as a public road has previously been determined to be necessary to satisfy the need for access to the subject tract and circulation and public safety for this and adjacent developed and developing properties.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This site is traversed by three drainage courses conveying drainage from four principal points of entry to the Loch Raven Watershed which bounds this site to the north and east. Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

When this property is improved, public storm drains or drainage reservations are required for the conveyance of off-site drainage through this site. Their design, construction or reservation shall be in accordance with the policies of the Department of Public Works.

On-site drainage facilities serving only areas within the site, proposed to remain in private title, are considered private. Such facilities are subject to the Baltimore County Building and Plumbing Code.

James F. Offutt, Jr., Esq.
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Item 21

Your Petition has been received and accepted for filing

this 13th day of April, 1973.

James F. Offutt, Jr.
James F. Offutt, Jr., Esq.,
Zoning Commissioner

Petitioner: *Roger A. Clapp, et al*
Petitioner's Attorney: *James F. Offutt, Jr.*
1000 Cromwell Bridge Road (21204)
RTKL Associates, Inc.
806 Cathedral Street (21201)

Reviewed by: *John J. Dillon, Jr.*
John J. Dillon, Jr.,
Zoning Advisory Committee

Item #21 (April to October 1973 - Cycle 7)
Property Owner: Roger A. Clapp, et al
Page 2
April 24, 1973

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Waters:

This property is inside the Urban Rural Demarcation Line as established April 15, 1971.

This property is located outside of the Baltimore County Metropolitan District. An extension of the Metropolitan District Boundary is required, to include the property, before public water can be extended to serve this property.

Public water facilities shall be extended from Pot Spring Road to Lakespring Way in the proposed public road. Such an extension will provide a loop system which with proper valving will permit small areas of service disruption should system malfunctions occur as opposed to massive disruptions, and reduce pressure fluctuation during peak service periods or major conflagrations.

Sanitary Sewer:

With the requisite extension of the Metropolitan District, and correction of problems existing in the major systems serving this area, public sewer service could be provided for the development of this property.

Due to the topography of the site, the extension of gravity service from the existing metropolitan system will be extremely limited. Two or more satellite pumped systems will be necessary.

Proposals for the provision of sewerage service to the tract are not shown. Existing master plans of the Metropolitan District show that capacity for the area west of the topographic saddle, elevation 140, was provided in the sewer system presently terminating at the end of Lakespring Way. The area east of the saddle was to be collected and pumped to the system terminating at the end of Pot Spring Road (Ref. Drawings #67-0210-1 and #68-0512-1). When this property develops, engineering studies of both the existing pumping facilities of the Metropolitan District and their outfall systems to assure their adequacy or needed improvements, and of the systems necessary to extend their area of service will be required.

Due to the proximity of the Loch Raven Water Supply and the hazards attendant on the adequate and prompt operation and maintenance of sanitary pumping facilities during times of trouble any pumping station or stations required and their outfalls to the existing facilities of the Metropolitan District required to serve more than one building shall be public.

Very truly yours,
Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END/PAN/GMK:rs

D-SW Key Sheet, h3 and 52 Tax Maps
NE 17A and 17B Topo

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 13, 1973

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

JOHN J. DILLON, JR.
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF

TRAFFIC ENGINEERING

STATE ROAD COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

GENERAL ADMINISTRATION

DEVELOPMENT

James F. Offutt, Jr., Esq.,
107 Jefferson Building
Towson, Maryland 21204

RE: Rec. ssification Petition
Item 21
Roger A. Clapp, et al - Petitioners

Dear Mr. Offutt:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with respect to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the north side of Overshot Road at Pot Spring Road, in the 8th District of Baltimore County. The Petitioner is requesting a Reclassification from a DR 1 to a DR 3.5 on 17.9 acres of land. The subject property is currently improved with a working farm and consists of rolling hills and some woodland. It is directly adjacent to the subdivision known as Springdale. Curb and gutter exists on all the improved streets in this subdivision, and the road ends at this intersection. Water and sewer are available to the site.

The petitioner's site plan does not indicate all setbacks to all buildings at this time. However, he is reminded that prior to any building permit approval, a complete development plan would be required that indicates setbacks, road widths, etc. A copy of this petition and plat is being forwarded to the Baltimore City Office of Planning for their review and comment, as this property is directly adjacent to the Baltimore City water shed (Loch Raven Reservoir).

This petition for reclassification is accepted for filing on

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE A. CLAYTON, P.E.
Director



WM. T. MELLEN
Senior Traffic Engineer

April 27, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 21 - Cycle Zoning V - April to Oct. 1973
Property Owner: Roger A. Clapp, et al
Overshot Road at Pot Spring Road
Reclass. to DR 3.5 - District 8

Dear Mr. DiNenna:

The subject petition is requesting a change from DR 1 to DR 3.5 of 17.9 acres. This should increase the trip density from 1750 to 8700 vehicles a day.

The road system in this area has been overloaded for a number of years and the roads that are scheduled for construction in the near future, are not expected to relieve this situation greatly. Therefore, this increased density will increase the degree of congestion in the corridor.

Very truly yours,
Richard Moore
Richard Moore
Assistant Traffic Engineer

CEM:mc

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above Reclassification should be had, and it further appearing that by reason of

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of 197 that the herein described property or area should be and the same is hereby reclassified, from a zone to a zone, and/or a Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 197 that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone, and/or the Special Exception for be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
875-7510

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
Jack Dillon
Attention: Mr. S. Eric DiNenna, Chairman
Zoning Advisory Committee

Re: Property Owner: Roger A. Clapp, et al
Location: N/S of Overshot Road at Pot Spring Road

Item No. Reclassification Zoning Agenda Tuesday, April 10, 1973
Gentlemen: # 21

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 500 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at
- () 4. EXCEEDS the maximum allowed by the Fire Department. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: L. J. Webb Noted and Approved: Paul H. Priole
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/25/72

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 9, 1973

DONALD J. ROOP, M.D., J.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on reclassification, Zoning Advisory Committee Meeting, April 4, 1973, are as follows:

Property Owner: Roger A. Clapp, et al
Location: N/S of Overshot Road at Pot Spring Rd.
Present Zoning: D.R. 1
Proposed Zoning: Reclass to D.R. 3.5
District: 8
No. Acres: 174.9

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mn

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: April 25, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Z.A.S. Meeting of:

Re: Item #1
Property Owner: Roger A. Clapp, et al
Location: N/S of Overshot Road at Pot Spring Road
Present Zoning: D.R. 1
Proposed Zoning: Reclass to D.R. 3.5

District: 8
No. Acres: 174.9

Dear Mr. DiNenna:

SEE ATTACHED SHEET

WHP/ml

Very truly yours,
W. Nick Peterson
Field Representative

DR. EMILIO PARKS, M.D.
LINDA E. WELLS, M.D.
MRS. ROBERT L. BARNES

MARCUS W. HUTCHINS
JEROME W. WOODSON

T. GARY ALLAN, M.D.
ROBERT A. PEARSON, M.D.
MRS. ANNE M. PEARSON

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

December 22, 1976

James F. Offutt, Jr., Esq.
107 Jefferson Building
Towson, Maryland 21204

Re: File No. 74-67-R
Roger A. Clapp, et al

Dear Mr. Offutt:

As the Petitioner, or representative thereof, in the above referenced case, you are hereby advised that said case now pending before the Board of Appeals is considered moot. This decision is based on an opinion of the Baltimore County Solicitor's office concluding that any classification case pending before this Board on the date of the adoption of new comprehensive zoning maps (i.e. 10/15/76) is moot.

Therefore, unless you present written objection and/or an amended appeal, where applicable, to the Board within thirty (30) days from the date hereof, an Order of Dismissal shall be executed by this Board.

Very truly yours,

Walter A. Reiter, Jr., Chairman

cc: John H. Gormer, Esq.
Roger A. Clapp, Clyde M. Clapp
and Ellen R. Clapp
I. H. Hammerman, II
Mr. Edward D. Murphy
Mr. G. Wm. Goodwin, Jr.
Mrs. Barbara Muller
Mr. J. D. Wanken
Mr. Frank Haas
John W. Hazzian, III, Esq.

School Situation:

School	Sept. 20, '72	Capacity	Over/Under
Warren Elem.	675	635	+40
Cockeysville Jr.	1585	1170	+415
Dulaney Sr.	1938	1645	+293

Projections:

School	Sept. '73	Sept. '74	Sept. '75	Sept. '76	Sept. '77
Warren Elem.	752	833	919	1011	1112
Cockeysville Jr.	1650	1685	1745	1835	1890
Dulaney Sr.	1945	1985	1985	1995	1905

Budgeted Construction:

School	Status	Capacity	Estimated To Open
Cockeysville Jr. Add'n	Underway	380	Spg. '73-'74

Programmed Construction: (Subject to availability of funds)

School	Capacity	Year Programmed	Estimated To Open
*Padonia Sr. Hg.	1200	FY '78	FY '80
*Carroll Manor Jr-Sr	1350	FY '75	FY '77
*Jacksonville Elem.	650	FY '75	FY '76
*Dulaney Springs Elem.	650	FY '77	FY '78

Possible Student Yield:

	Elementary	Junior High	Senior High
Present Zoning:	148	37	38
Proposed Zoning:	From 22 to 376	From 4 to 165	From 2 to 89

Comments concerning effect on school housing matters: If all budgeted and programmed school construction at all grade levels, is provided; additional pupils from the proposed rezoning of this property can be accommodated.

WILLIAM D. FROMM
DIRECTOR

S. ERIC DINENNA
ZONING COMMISSIONER



May 17, 1973

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #21, V Zoning Cycle, April to October 1973, are as follows:

Property Owner: Roger A. Clapp, et al
Location: N/S of Overshot Road at Pot Spring Road
Present Zoning: D.R. 1
Proposed Zoning: Reclassification to D.R. 3.5
District: 8
No. Acres: 174.9

The petitioners site plan does not show enough detailed information to determine complete compliance with the "Comprehensive Manual of Development Policies", Section 504 of the Zoning Regulations, therefore, the schematic plan as submitted appears to be acceptable; but will be subject to further and more detailed review by the Joint Subdivision Planning Committee at the time of subdivision processing.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project Planning Division
Office of Planning and Zoning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 494-3211 ZONING 494-3281

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 1 to D.R. 3.5 : COUNTY BOARD OF APPEALS
N/S Overshot Road 984 :
NE of Saxon Hill Drive : OF
8th District :
Roger A. Clapp, et al : BALTIMORE COUNTY
Petitioners :
: No. 74-67-R

ORDER OF DISMISSAL

Petition of Roger A. Clapp, et al for reclassification from D.R. 1 to D.R.

3.5 on property located on the north side of Overshot Road 984 feet northeast of Saxon Hill Drive, in the Eighth Election District of Baltimore County.

WHEREAS, the Board of Appeals notified all parties of record in the above entitled matter that this Board considers said case to be moot (copy of said letter is attached hereto).

THEREFORE, this Board, on its own Motion, will dismiss the within named appeal.

IT IS HEREBY ORDERED, this 21st day of January, 1977, that said petition be and the same is declared moot and the petition DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

Robert L. Gilland

Herbert A. Davis

RE: PETITION FOR RECLASSIFICATION
CATION
N/S of Overshot Road, 984'
NE of Saxon Hill Drive -
8th District
Roger Clapp, et al -
Petitioners
NO. 74-67-R (Item No. 21)
BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioners request a Reclassification from a D.R. 1 Zone to a D.R. 3.5 Zone, for a parcel of property containing 174.9 acres of land, more or less, located on the north side of Overshot Road, 984 feet northeast of Saxon Hill Drive, in the Eighth Election District of Baltimore County.

Testimony presented at the hearing indicated that the Contract Purchaser, I. H. Hammerman, II, General Partner of Clearfield Estates Limited Partnership, anticipates developing the subject property into clustered townhouse condominiums and garden apartments, the total density of which would be 612 units on the subject tract. The development would be called Topfield II. It adjoins a 70 acre tract, presently under development and called Topfield I, which is located to the west. It also adjoins the Loch Raven water shed to the east and north.

There was testimony with reference to the rocky condition of the subject property, the feasibility of development and grading, and whether or not the subject property can be developed economically in its present zoning classification.

Mr. Richard Smith, a qualified engineer with MCA Engineering Corporation, testified that sewer is available and was available when the Comprehensive Zoning Map was adopted. He further testified that the Long Quarter Pumping Station, which is to be constructed in the near future, would relieve the present drainage into the Jones Falls System by providing drainage into

the Gunpowder system.

Mr. William Corgill, a qualified traffic engineer, testified that he made a study of the area with reference to the impact traffic emanating from the property would cause. In essence, he stated that the development of the subject property, as proposed, would not overload the roads at the present time. He indicated that one of the major roads, namely, Pot Spring Road, was very narrow and some problems could be anticipated.

Mr. Bernard Whilemain, a qualified planner, testified that there was no justification for the subject property to be classified D.R. 1 when the property to the west, namely Topfield I, was D.R. 3.5. Therefore, both properties should have been classified D.R. 3.5. The subject property could and should be a natural extension of Topfield I. He also gave testimony with reference to children yield in the public school system and stated that he felt the granting of this request would not adversely affect the welfare of the area. It was Mr. Whilemain's opinion, based on the engineering studies made, that the classification of D.R. 1 was economic confiscation, and this, in essence, was error.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgement of the Zoning Commissioner, the D.R. 1 classification of the subject property is not in error. It is felt that there have been no substantial changes in the character of the neighborhood to justify the requested Reclassification. As to possible error, water and sewer were available to the subject property when the Comprehensive Zoning Map was adopted, and, therefore, is presumed that the Baltimore County Council intended the property to be zoned D.R. 1 for sparse development, due to the fact that it adjoins the Loch Raven water shed.

The Comprehensive Zoning Map, as adopted, is presumed to be correct.

-2-

the subject premises for any residential purpose at a density lower than allowable in the D.R. 3.5 Zone. The premises have a very rough terrain, with elevations ranging from 300 to 500 feet above sea level. A substantial portion of the premises has grades in excess of 20 per cent. The topography divides the premises into two separate and distinct drainage areas, requiring installation of costly pumping facilities. Additionally, there are substantial rock deposits on the premises. An extensive engineering study of the premises shows that, with one additional sewer lift station, the entire 174.9 acre parcel provides only 62 developable acres of land.

3. The premises were erroneously classified D.R. 1 because their contour, surface and subsurface conditions, size and locale render same useless for any purpose permitted in the D.R. Zones, unless a maximum gross residential density of not less than 3.5 dwelling units per acre is authorized.

4. Changes in conditions in the area since adoption of the zoning maps justify reclassification of the premises from the D.R. 1 Zone to the D.R. 3.5 Zone. The principal changes involved are: change of character of housing accommodations in demand, from detached single family dwelling to condominium (exclusive, private, fee simple ownership of dwelling, with undivided fee simple interest in common elements appurtenant thereto, vested in homeowner), and failure to anticipate same by making adequate provision in the area to satisfy the changing housing market; expansion of nearby business and industrial centers, bringing

into the neighborhood an influx of managerial and executive personnel seeking the condominium home, tailored to meet needs of relatively affluent homeowner; installation and improvement of roads in the area adequately to service the relatively innocuous increased density; and other changes affecting the neighborhood, likely to occur before the hearing of the instant Petition.

5. The hearing on the zoning map for the subject area was, in reality, no hearing at all, but rather "a rowdy and uncontrolled mob making any intelligent presentation or discussion of issues or giving of testimony practically impossible" (Ford v. Baltimore County, 700 A.2d 204, 214). Accordingly, your petitioners were never granted any hearing in regard to the proposed zoning of the premises, so that there is now required in this matter, some proper hearing affording the petitioners the opportunity to present any factor relative to the appropriate zoning of the premises, and obligating the Zoning Authorities to determine such zoning, all without limitation as to error or change.

6. Development of the premises under the provisions of a D.R. 3.5 zoning category is entirely consistent with the urban development patterns heretofore established for the area. The proposed development, which will tie in with the current D.R. 3.5 development to the south and west of the premises, will be in keeping with the character of the dominant land use of the surrounding area. Clearly, no more desirable location can be found for development allowing for the traditional growth in the

and the burden of proving error is borne by the Petitioner. In the instant case, this burden has not been met.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of February, 1974, that the Reclassification be and the same is hereby DENIED and that the subject property be and the same is hereby continued as and to remain a D.R. 1 Zone.

[Signature]
Zoning Commissioner of
Baltimore County

IN THE MATTER OF THE PETITION OF :
ROGER A. CLAPP, CLYDE M. CLAPP, :
ELLEN R. CLAPP AND I. H. HAMMERMAN, :
II, OWNERS, AND CLEARFIELD ESTATES :
LIMITED PARTNERSHIP, A MARYLAND :
LIMITED PARTNERSHIP, CONTRACT :
PURCHASER, FOR ZONING RECLASSIFI- :
CATION OF 174.9 ACRES OF LAND :
LOCATED AT THE END OF POT SPRING :
ROAD, IN THE EIGHTH ELECTION :
DISTRICT OF BALTIMORE COUNTY, :
MARYLAND :
BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

STATEMENT IN SUPPORT OF
PETITION FOR ZONING RECLASSIFICATION

Roger A. Clapp, Clyde M. Clapp, Ellen R. Clapp and I. H. Hammerman, II, Owners, and Clearfield Estates Limited Partnership, a Maryland Limited Partnership, Contract Purchaser (Petitioners), for their statement in support of their petition for zoning Reclassification filed herein, say that:

1. The Petitioners request a change in the zoning classification of 174.9 acres of land (premises), located between the north end of Pot Spring Road and the Loch Raven Holdings of Baltimore City, Maryland, from a D.R. 1 Zone (Density Residential, 1.0 Dwelling Units Per Acre) to a D.R. 3.5 Zone (Density Residential, 3.5 Dwelling Units Per Acre), so that same may be used for residential purposes, with the lowest practicable density. The existing use of the premises is agricultural, except for a high power transmission line which passes through the property. A D.R. 3.5 development, authorized under rezoning granted by the 1971 zoning maps, is located to the south and west of the premises. There can be no development of any kind to the north or east of said premises, which abut Loch Raven.

2. It is not economically practicable to maintain for agricultural purposes, the subject premises, now located in an urbanizing area. However, it is economically unfeasible to develop

area. Adequate water, sanitary sewer and storm drainage facilities are available to service the proposed residential development and no health or environmental hazard is involved. The yield of elementary school pupils or secondary school students will be negligible because of the nature and character of the development. Further, the increase in density will have no appreciable effect on traffic in the area.

For all of which reasons, the petitioners respectfully request that their Petition for Zoning Reclassification be granted.

[Signature]
James P. Offutt, Jr.
Attorney for Petitioners
Jefferson Building
Towson, Maryland 21204
823-2397

MCA
MAY, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS

1020 Cromwell Bridge Rd., Baltimore, Md. 21204 Tel. 301-823-0900

LESTER MATT
JOHN MATT
ASS. S
ARNOLD W. BRYCES
ROBERT W. CRABBE
WILLIAM E. FRANKOWSKI
EDMUND F. HART
NORMAN E. HAMMERMAN
BERNARD S. HAYAT, JR.
PAUL LEE
FRANK F. MORGAN
PAUL S. SMITH

DESCRIPTION

174.9 ACRE PARCEL, LAND OF CLYDE A. CLAPP AND OTHERS, NORTH SIDE OF OVERSHOT ROAD AT POT SPRING ROAD, EIGHTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR "DR-3.5" ZONING.

Beginning for the same at the intersection of the center line of Overshot Road and the center line of Pot Spring Road, said point being distant 934 feet more or less, as measured northeasterly along said center line of Pot Spring Road, from the center line of Saxon Hill Drive said beginning point also being in the thirty-second line of the 223 acre parcel described in the deed to Clyde A. Clapp and others, recorded among the Land Records of Baltimore County in Liber C. W. B. Jr. 976, page 105, running thence binding on a part of said thirty-second line, (1) N 60° 30' W 240 feet, more or less, to the southeast corner of "Clearfield Estates", as shown on the plat thereof recorded among said Land Records in Plat Book E. H. K. Jr. 36, page 39, thence binding on the east and northeast outline of said "Clearfield Estates" five courses: (2) N 21° 04' E 1265.12 feet, (3) N 39° 28' W 1579.44 feet, (4) northeasterly, by a curve to the right with the radius of 618.61 feet, the distance of 206.00 feet, (5) northwesterly, by a curve to the left with the radius of 900.00 feet, the distance of 753.36 feet, and (6) N 04° 09' E 546.10 feet, thence along the south outline of the land shown on "Plat

Water Supply ■ Sewerage ■ Drainage ■ Highways ■ Structures ■ Developments ■ Planning ■ Reports

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 3rd day of

March 1972. Item # _____

R. D. H.
S. Eric D. Hines
Zoning Commissioner

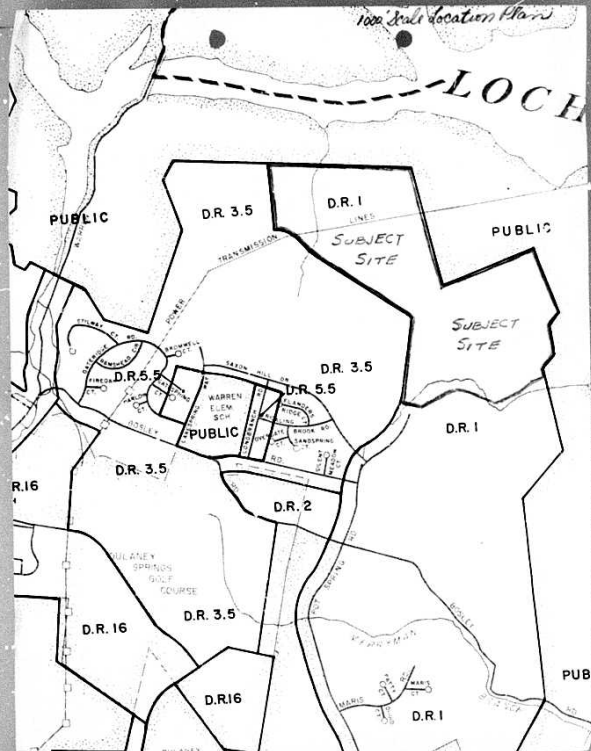
Petitioner Clapp Submitted by Offutt
Petitioner's Attorney Offutt Reviewed by J. B.

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map date by	Original date by	Duplicate date by	Tracing date by	200 Sheet date by
Descriptions checked and outline plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, BA, CG, CA					
Reviewed by: <i>J. B.</i>					
Previous case: _____					

Revised Plans:
Change in outline or description _____ yes
Map # _____ No



RECEIVED
BALTIMORE COUNTY
ZONING COMMISSION
RECEIVED
FROM: D.R. 1 to D.R. 3.5
LOCATION: North side of Over-
shot Road, just north of
Baltimore Avenue.
DATE: WEDNESDAY,
SEPTEMBER 19, 1973 at 1:00
P.M.
PUBLIC HEARING: Room 104,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.
The Zoning Commissioner of
Baltimore County, by authority of the
Baltimore County Board of Commissioners,
do hereby certify that the following
is a true and correct copy of the
Petition for Reclassification of
the subject property, as filed in the
Office of the Zoning Commissioner,
Baltimore County, and that the
same has been referred to the
Planning Board of Baltimore County
for their consideration.
Witness my hand and the seal of the
Baltimore County Office of Planning
& Zoning, this 19th day of September,
1973.
S. ERIC D. HINES
Zoning Commissioner of Baltimore County

ORIGINAL
OFFICE OF
THE TOWSON TIMES
TOWSON, MD. 21204 September 3 - 19 73

THIS IS TO CERTIFY, that the annexed advertisement of
"Eric D. Hines
Zoning Commissioner of Baltimore County
was inserted in THE TOWSON TIMES, a weekly newspaper published
in Baltimore County, Maryland, once a week for one successive
week before the 3rd day of September 1973 that is to say, the same
was inserted in the issue of August 30, 1973.

STROMBERG PUBLICATIONS, Inc.

Beth Morgan

BALTIMORE COUNTY, MARYLAND No. 8341

OFFICE OF FINANCE - REVENUE DIVISION

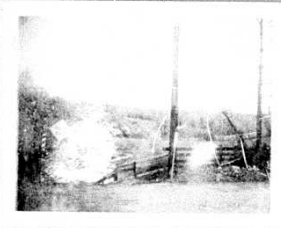
MISCELLANEOUS CASH RECEIPT

DATE Nov 3, 1973 ACCOUNT 01-662

AMOUNT \$50.00

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Clearfield Estates
10 Light Street
Baltimore, Md. 21202
Petition for Reclassification for Roger Clapp, et al.



PETITION FOR RECLASSIFICATION
OF THE SUBJECT
PROPERTY
ZONING: From D.R. 1 to D.R. 3.5
LOCATION: North side of Over-
shot Road, just north of
Baltimore Avenue.
DATE: WEDNESDAY, SEPTEMBER
19, 1973 at 1:00 P.M.
PUBLIC HEARING: Room 104,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.
The Zoning Commissioner of Baltimore County, by authority of the
Baltimore County Board of Commissioners,
do hereby certify that the following
is a true and correct copy of the
Petition for Reclassification of
the subject property, as filed in the
Office of the Zoning Commissioner,
Baltimore County, and that the
same has been referred to the
Planning Board of Baltimore County
for their consideration.
Witness my hand and the seal of the
Baltimore County Office of Planning
& Zoning, this 19th day of September,
1973.
S. ERIC D. HINES
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 30, 1973

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of one successive week before the 19th day of September 1973,
the first publication
appearing on the 19th day of August 1973.

THE JEFFERSONIAN
S. L. Hines
Manager

Cost of Advertisement, \$ _____

BALTIMORE COUNTY, MARYLAND No. 12420

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

DATE Sept. 30, 1973 ACCOUNT 01-662

AMOUNT \$154.42

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Clearfield Estates Limited Partnership
10 Light Street
Baltimore, Md. 21202
Advertising and posting of property for Roger A. Clapp
\$74-67-R 154.42

BALTIMORE COUNTY, MARYLAND No. 13104

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

DATE February 21, 1974 ACCOUNT 01-662

AMOUNT \$70.00

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

James F. Offutt, Jr., Esquire
Cost of Filing of an Appeal on Case No. 74-67-R
N/S of Overshot Road, 984' NE of Saxon Hill Drive - 8th
District
Roger Clapp, et al - Petitioners 700.00

BALTIMORE COUNTY, MARYLAND No. 14712

OFFICE OF FINANCE - REVENUE DIVISION

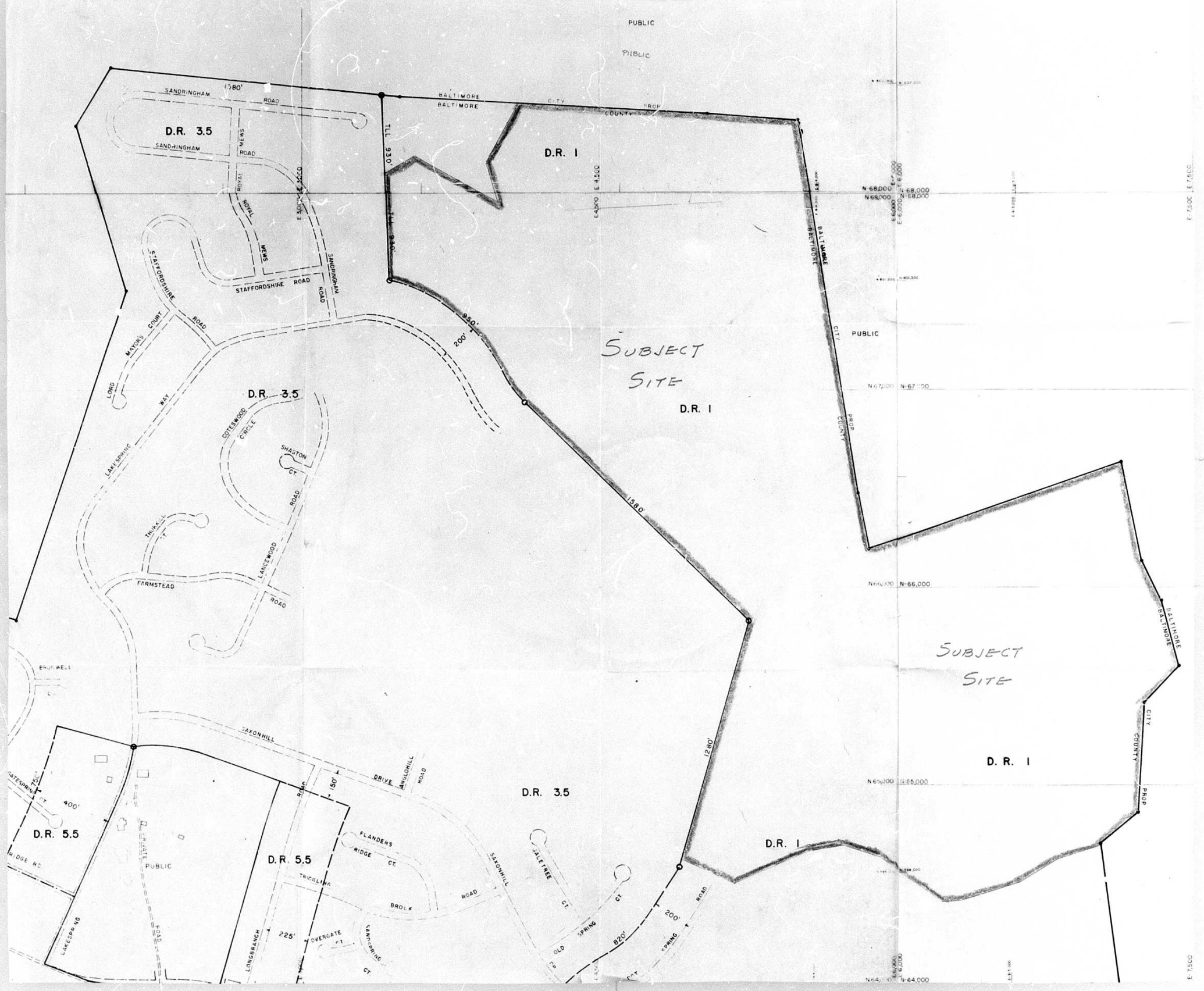
MISCELLANEOUS CASH RECEIPT

DATE April 11, 1974 ACCOUNT 01-662

AMOUNT \$10.00

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

James F. Offutt, Jr., Esquire
Cost of Posting Property of Roger Clapp, et al, for an
Appeal Hearing
N/S of Overshot Road, 984' NE of Saxon Hill Drive - 8th
District
Cash No. 74-67-R 10.00



SPRINGDALE
SECTION IV

PUBLIC
DR 3.5

PUBLIC

EXIST. WOODED AREAS
TO BE PRESERVED

DETAIL "A"

GARDEN APARTMENTS

GARDEN APARTMENTS

TOWNHOUSES

CLEARFIELD ESTATES
(UNDER CONSTRUCTION)

TRAIL WASH TO BE
CONVERTED TO COMMUNITY
RECREATION CENTER

SPRINGDALE
SECTION III

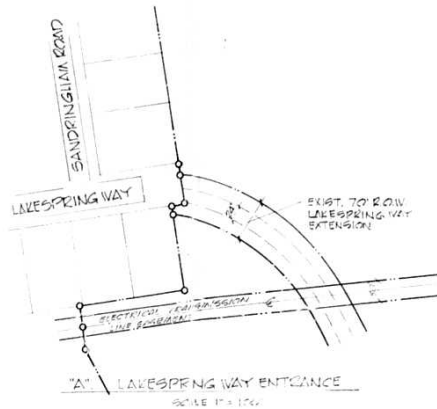
DETAIL "B"

PUBLIC
RD 1

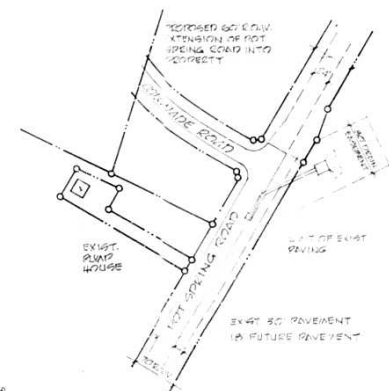
NORTH

TYPICAL GARDEN APARTMENT SITE PLAN
SCALE 1" = 50'

TYPICAL TOWNHOUSE SITE PLAN
SCALE 1" = 50'



"A" LAKESPRING WAY ENTRANCE
SCALE 1" = 100'



"B" POT SPRING ROAD ENTRANCE AREA
SCALE 1" = 100'

GENERAL NOTES

1. TOTAL AREA OF TRACT EQUALS 274.7 ACRES
2. EXISTING ZONING OF TRACT IS DC1
3. EXISTING USE OF TRACT IS AGRICULTURAL AND WOODLAND
4. PROPOSED ZONING OF TRACT IS DC2B
5. PROPOSED USE OF TRACT IS RESIDENTIAL - TOWNHOUSES - GARDEN APARTMENTS
6. TOTAL NUMBER OF DENSITY UNITS 1,100 EQUALS 612 FLOWING UNITS
7. TOTAL NUMBER OF DENSITY UNITS PROPOSED 612
8. BUILDING HEIGHTS SHALL NOT EXCEED 40'
9. EXISTING BUILDING HEIGHTS SHALL BE 10' MAX
10. FLOWING SHALL BE TYPICAL 1" OF 6" CONCRETE COVERAGE 1" OF 2" BITUMINOUS CONCRETE COVERAGE
11. BUILDING EXTERIOR SHALL BE BALTICORE 300 AND ELECTRIC COMPANY MOUNTED ON TYPICAL 1" OF 6" CONCRETE COVERAGE 1" OF 2" BITUMINOUS CONCRETE COVERAGE

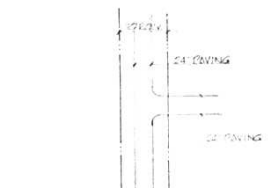
DENSITY TABULATIONS

EXISTING ZONING	DC1
PROPOSED ZONING	DC2B
PROPOSED AREA OF TRACT	174.7 ACRES
PROPOSED DENSITY	6.3 UNITS/ACRE
TOTAL UNITS	1,100
TOWNHOUSES	44
GARDEN APARTMENTS	408

OFFSTREET PARKING TABULATIONS

PROPOSED DENSITY	6.3 UNITS/ACRE
PROPOSED AREA OF TRACT	174.7 ACRES
PROPOSED DENSITY	6.3 UNITS/ACRE
PROPOSED AREA OF TRACT	174.7 ACRES
PROPOSED DENSITY	6.3 UNITS/ACRE
PROPOSED AREA OF TRACT	174.7 ACRES

FIRE HYDRANT SYMBOL



TYPICAL INTERSECTION ENTRANCE
SCALE 1" = 100'

PETITIONER'S EXHIBIT 24

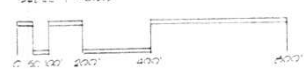
SITE DESIGN STUDY

TO ACCOMPANY PETITION FOR
RECLASSIFICATION OF PROPERTY
LAND OF CLYDE A. CLAPP, JR. & OTHERS

NORTH SIDE OF OVERSHOT ROAD AT POT SPRING ROAD

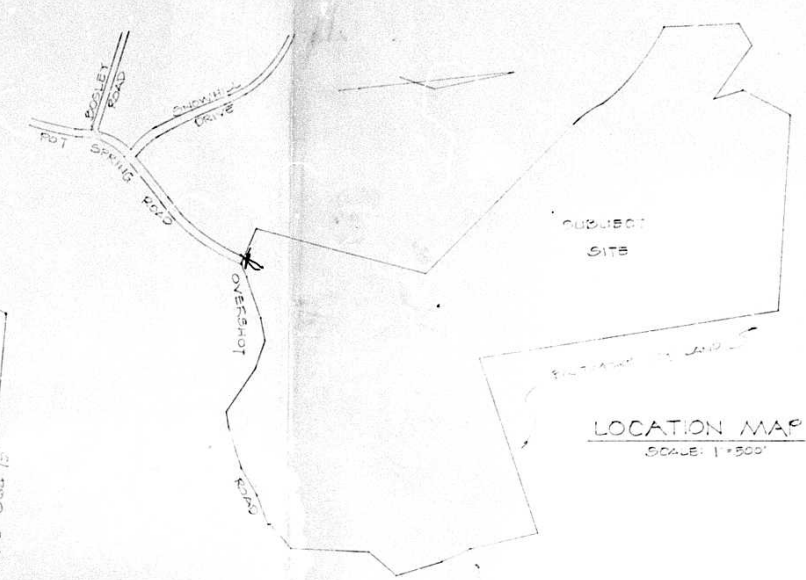
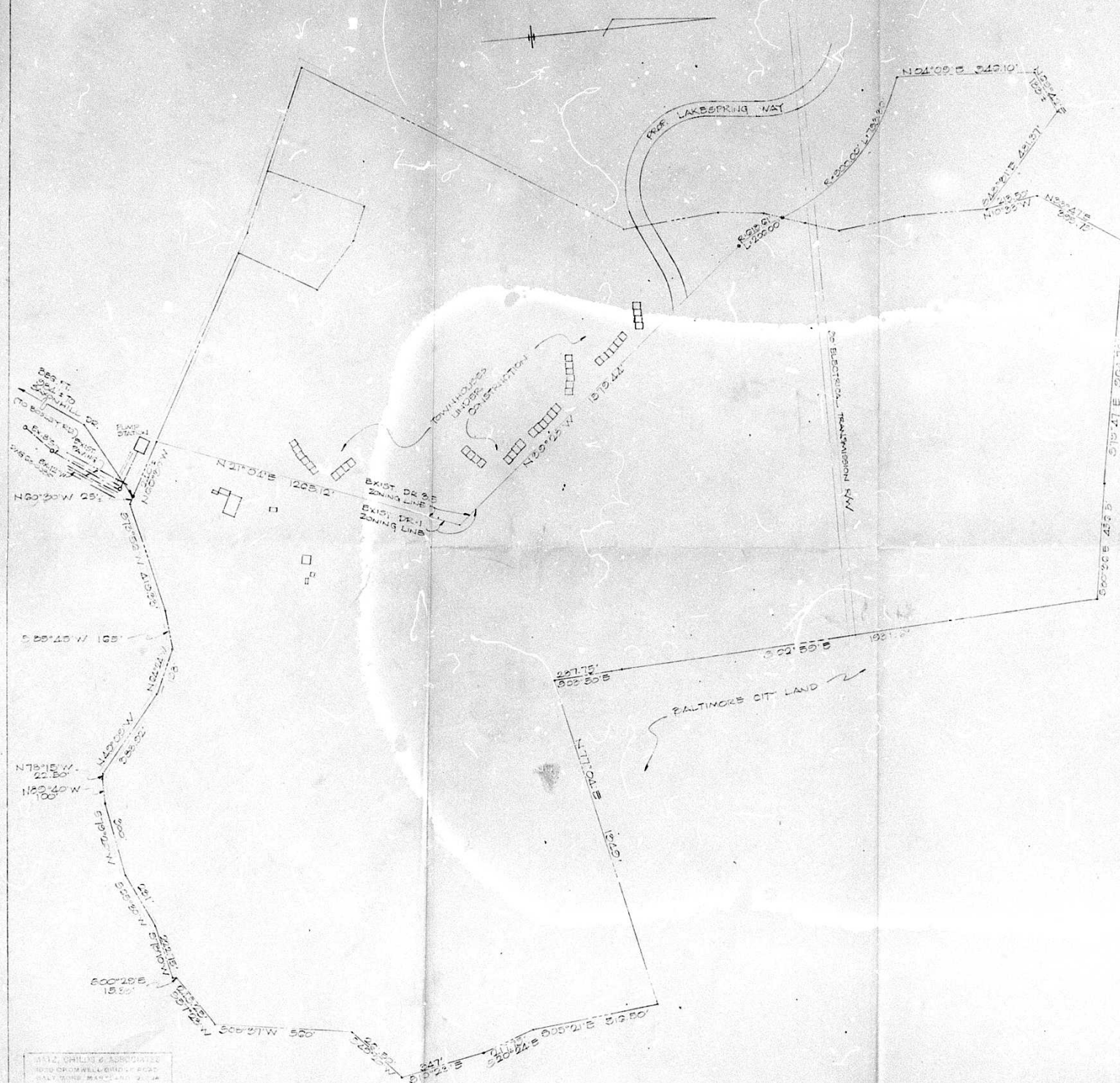
SIGHT TRIANGLE DISTRICT
SCALE 1" = 200'

BALTIMORE COUNTY, MARYLAND
MAY 1978



RTKL ASSOCIATES INC.
ARCHITECTS / PLANNERS / ENGINEERS
227 CRAWFORD STREET
BALTIMORE, MARYLAND

RTKL ASSOCIATES INC.
ARCHITECTS / PLANNERS / ENGINEERS
227 CRAWFORD STREET
BALTIMORE, MARYLAND



GENERAL NOTES

1. Total area of tract equals 174.0 Acres
2. Existing zoning of tract is C-1
3. Existing use of tract is agricultural & vacant land
4. Proposed zoning is Tract 2 C-1
5. Proposed use of tract is residential (single houses & garden apartments)
6. Total number of density units allowed equals 312 dwelling units
7. Total number of density units proposed equals 312

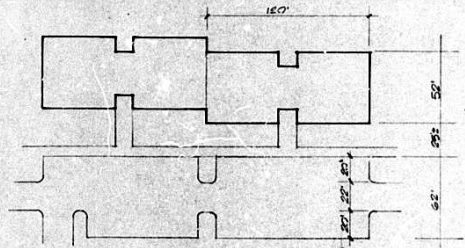
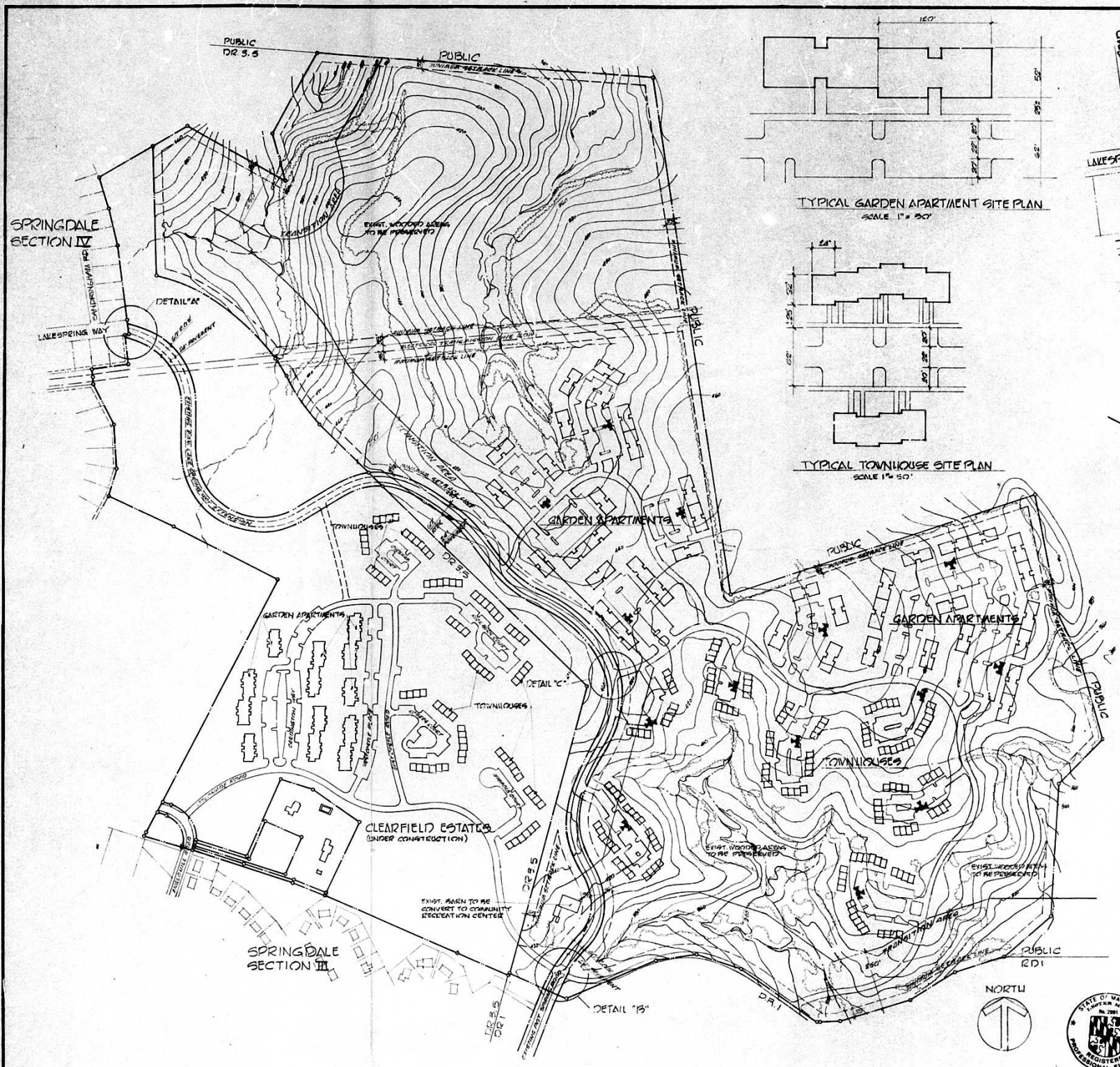
(SEE SITE DESIGN STUDY)

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
NORTH SIDE OF OVERSHOT RD. AT POT SPRING RD.
ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1"=200' MARCH 30, 1973

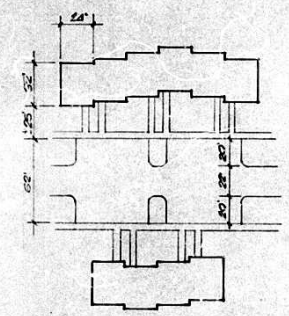
1512 CHILDS & ASSOCIATES
1000 CROMWELL BLVD. # 200
BALTIMORE, MARYLAND 21201
DATE: MARCH 27, 1973



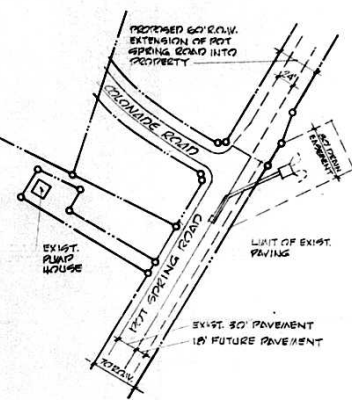
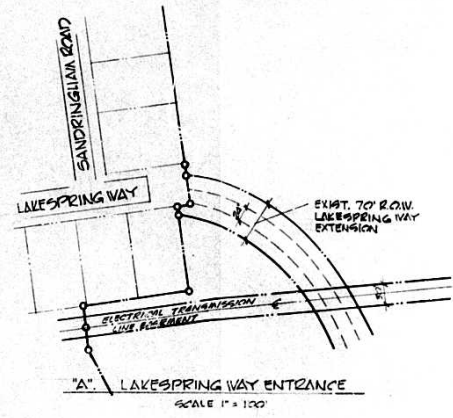
357812



TYPICAL GARDEN APARTMENT SITE PLAN
SCALE 1" = 50'



TYPICAL TOWNHOUSE SITE PLAN
SCALE 1" = 50'



"B" POT SPRING ROAD ENTRANCE AREA
SCALE 1" = 100'

GENERAL NOTES

1. TOTAL AREA OF TRACT EQUALS 217.4 ACRES
2. EXISTING ZONING OF TRACT IS DR 1
3. EXISTING USE OF TRACT IS AGRICULTURAL AND VACANT LAND
4. PROPOSED ZONING OF TRACT IS DR 3.5
5. PROPOSED USE OF TRACT IS RESIDENTIAL (TOWNHOUSES & GARDEN APARTMENTS)
6. TOTAL NUMBER OF DENSITY UNITS ALLOWED EQUALS 612 DWELLING UNITS
7. TOTAL NUMBER OF DENSITY UNITS PROPOSED EQUALS 612
8. BUILDING HEIGHTS SHALL NOT EXCEED 50'
9. TYPICAL PARKING SPACE SIZE IS 40' X 50'
10. DRIVEWAYS SHALL BE TYPICALLY OF 6" CRUSHED ROCK FILL WITH 2" BITUMINOUS CONCRETE TOPPING
11. LIGHTING FIXTURES SHALL BE BALDWIN 600 AND ELECTRIC COMPANY MANUFACTURED STYLING HOTEL (CANDOR EDITION) VESSEL JARRE FIXTURES ON 14' HIGH STANDARDS

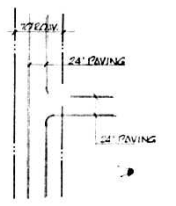
DENSITY TABULATIONS

1. EXISTING ZONING	DR 1
2. PROPOSED ZONING	DR 3.5
3. GROSS AREA OF TRACT	174.4 ACRES
4. DEDICATED "DENSITY"	
A. GROSS DENSITY	3.5 U./ACRE
B. TOTAL UNITS	612
C. TOWNHOUSES	144
D. GARDEN APARTMENTS	468

OFF-STREET PARKING TABULATIONS

1. GARDEN APARTMENTS	
A. NUMBER OF UNITS PROPOSED	468
B. NUMBER OF SPACES REQUIRED	190 (25% MINIMUM)
C. NUMBER OF SPACES PROVIDED	190
2. TOWNHOUSES	
A. NUMBER OF UNITS PROPOSED	144
B. NUMBER OF SPACES REQUIRED	200 (125% MINIMUM)
C. NUMBER OF SPACES PROVIDED	200
3. TOTAL SPACES REQUIRED	390
4. TOTAL SPACES PROVIDED	390

☒ FIRE EXTINGUISHER SYMBOL



"C" TYPICAL INTERSECTION ENTRANCE
SCALE 1" = 100'

SITE DESIGN STUDY
TO ACCOMPANY PETITION FOR
RECLASSIFICATION OF PROPERTY
LAND OF CLYDE A. CLAPP & OTHERS

NORTH SIDE OF OVERSHOT ROAD AT POT SPRING ROAD
EIGHTH ELECTION DISTRICT
SCALE 1" = 200'
BALTIMORE COUNTY, MARYLAND
MARCH 29, 1978



RTKL ASSOCIATES INC.
ARCHITECTS / PLANNERS / ENGINEERS
806 CATHEDRAL STREET
BALTIMORE, MARYLAND

ATZ, CHILDS & ASSOCIATES INC.
CONSULTING ENGINEERS
1227 CECILIA BRIDGE ROAD
BALTIMORE, MARYLAND

