

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Pomona, Inc., legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.2A of the Baltimore County Zoning Regulations to allow a 6-story midrise building with a height of 85 feet instead of the allowed 50 feet in D.R. 2 and D.R. 10.5 Zones within Parcel "A" is a variance of 35 feet in height and Section 1802.2A to allow a 9-story highrise building with a height of 120 feet instead of the allowed 50 feet in a D.R. 10.5 Zone within Parcel "B" (a variance of 70 feet in height).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons: (Indicate hardship or practical difficulty) Practical difficulty and extreme hardship due to the following:

1. Restrictive covenants on said property resulting from an agreement with the neighborhood community association whereby a large percentage of the entire tract is restricted from any development whatsoever.

2. That the topographical characteristics of said property, including an existing stream and its natural flood plain and utility right-of-ways, make the development of the restricted portion of the property extremely difficult unless a portion thereof is developed in midrise units.

3. That the property contains numerous old, large trees and shrubs which cannot be preserved unless the density of development is concentrated to avoid destruction of these valuable and desirable natural assets. See attached description.

Property is to be posted and advertised as provided by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Gordon R. Sweet, Pomona, Inc., Contract purchaser, 503 Equitable Building, Baltimore, Maryland 21204, Attorney, 503 Equitable Building, Baltimore, Maryland 21204, Protestor's Attorney, 503 Equitable Building, Baltimore, Maryland 21204.

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of April, 1977, 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 held before the Zoning Commission of Baltimore County in Room 108, County Office Building in Towson, Baltimore, County, on the 6th day of April, 1977, at 10:00 o'clock.

(over)

It is further ORDERED that the amended request for Variances to permit a five story midrise building, with a height of 72 feet in lieu of the permitted 50 feet in D.R. 2 and D.R. 10.5 Zones within Parcel "A", and a seven story highrise building, with a height of 102 feet in lieu of the permitted 50 feet in a D.R. 10.5 Zone within Parcel "B", be and the same are hereby DENIED.

It is further ORDERED that Variances to permit a five story midrise building, with a height of 65 feet in lieu of the permitted 50 feet in D.R. 2 and D.R. 10.5 Zones within Parcel "A", and a seven story highrise building, with a height of 85 feet in lieu of the permitted 50 feet in a D.R. 10.5 Zone within Parcel "B", should be and the same are GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Robert A. Davis
Zoning Commissioner of
Baltimore County

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 77-198-A

ORDER OF DISMISSAL

Petition of Pomona, Inc. for variance from Section 1802.2A of the Baltimore County Zoning Regulations on property located beginning 831.30 feet southwest of Reisterstown Road on the north side of Naylor's Lane, in the Third Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of appeal, filed July 5, 1977 (a copy of which is attached hereto and made a part hereof), from the attorney representing the Protestors-Appellants in the above entitled matter.

WHEREAS, said attorney for the said Protestors-Appellants requests that the appeal filed on behalf of said Protestors be dismissed and withdrawn as of July 5, 1977.

IT IS HEREBY ORDERED, this 5th day of July, 1977, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert A. Davis
Robert A. Davis

Robert A. Davis
Robert A. Davis

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 77-198-A (Item No. 165)

ORDER OF DISMISSAL

MR. CLERK:

Please dismiss with prejudice the Appeal to the County Board of Appeals filed in this case on behalf of David M. and Nancy E. Paige, 4020 Old Court Road, Baltimore, Maryland, from the Order of the Zoning Commissioner entered in this matter on April 15, 1977.

Nancy E. Paige
Nancy E. Paige

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of June, 1977, a copy of the foregoing Order of Dismissal was mailed first-class, postage prepaid to W. Lee Harrison, Esquire, 503 Equitable Building, 401 Washington Avenue, Towson, Maryland 21204, attorney for Pomona, Inc.; and to John W. Messian, III, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, People's Counsel.

Nancy E. Paige
Nancy E. Paige

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of a Petition, filed by Pomona, Inc., for Variances to permit a six story mid-rise building, with a height of 85 feet in lieu of the permitted 50 feet in D.R. 2 and D.R. 10.5 Zones within Parcel "A", and a nine story highrise building, with a height of 120 feet in lieu of the permitted 50 feet in a D.R. 10.5 Zone within Parcel "B". The subject property is located at a point beginning 831.30 feet southwest of Reisterstown Road, on the north side of Naylor's Lane, in the Third Election District of Baltimore County.

At the time of the hearing, the Petitioner amended his request to a five story midrise building, with a height of 72 feet in lieu of the permitted 50 feet within Parcel "A", and a seven story highrise building, with a height of 102 feet in lieu of the permitted 50 feet within Parcel "B".

Without reviewing the evidence in detail, but based on all of the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the burden of proving practical difficulty and/or unreasonable hardship, in the strict enforcement of the Baltimore County Zoning Regulations, has been met by the Petitioner. However, in the Zoning Commissioner's opinion, the height Variances requested and as amended are excessive.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of April, 1977, that the original Petition for Variances to permit a six story midrise building, with a height of 85 feet in lieu of the permitted 50 feet in D.R. 2 and D.R. 10.5 Zones within Parcel "A", and a nine story highrise building, with a height of 120 feet in lieu of the permitted 50 feet in a D.R. 10.5 Zone within Parcel "B", be and the same are hereby DISMISSED without prejudice.

MCA
MCA ENGINEERING CORPORATION
CONSULTING
ENGINEERS

5000 Cromwell Bridge Road, Baltimore, Maryland 21204 • Tel. (301) 953-0900

DESCRIPTION

PARCEL "A"

2.1711 ACRE PARCEL

PART OF THE LAND OF POMONA, INC.

SOUTHWEST OF REISTERSTOWN ROAD

NORTHWEST OF NAYLOR'S LANE

THIRD ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

This Description is for Height Variance

Beginning for the same at the beginning of the fifth or S 24° 40' E 297 foot line of the land conveyed to Marcus M. Sternstein, Jr. and wife by deed recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. 1174, page 266, the beginning of said fifth line being located N 30° 55' 35" W 297.00 feet from the end thereof and from a point on the northwest side of Naylor's Lane, 39 feet wide, said last mentioned point being distant 831.40 feet, as measured S 50° 17' 25" W along said northwest side of Naylor's Lane from its intersection with the southwest side

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MCA ENGINEERING CORPORATION

of Reisterstown Road, 66 feet wide, running thence ending reversely on a part of the fourth line of said land, (1) S 40° 44' 25" W 252.00 feet, thence four courses: (2) N 55° 00' 00" W 270.00 feet, (3) N 35° 00' 00" W 310.00 feet, (4) S 55° 00' 00" E 303.17 feet, and (5) S 40° 44' 25" W 79.66 feet to the place of beginning.

Containing 2.1711 acres of land.

HGW:m J.O. 1-66210-D August 1st 1976

OFFICE OF
THE
TIMES
NEWSPAPERS

TOWSON, MD. 21204 Mar. 16, 1977

THIS IS TO CERTIFY that the annexed advertisement of Petition for a Variance-- Pomona, Inc. was inserted in the following:

☐ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ East Times ☐ Community Times
☐ Suburban Times East ☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 6th day of April 1977, that is to say, the same was inserted in the issues of March 16, 1977.

STROMBERG PUBLICATIONS, INC.

BY *Robert A. Davis*



Water Supply • Sewerage • Drainage • Highways • Structures • Developments • Planning • Papers

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

the above Variance should be had; and it further appearing that by reason of:

a Variance should be granted.
IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 197____, that the herein Petition for a Variance 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 Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 197____, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MCA 

MCA ENGINEERING CORPORATION
CONSULTING
ENGINEERS
1090 Cromwell Bridge Road, Baltimore, Maryland 21204 • Tel. (301) 823-0900

DESCRIPTION

PARGEL "B"

2.6997 ACRE PARCEL

PART OF THE LAND OF POMONA, INC.

SOUTHWEST OF REISTERSTOWN ROAD

NORTHWEST OF NAYLOR'S LANE

THIRD ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

This Description is for Height Variance

Beginning for the same at a point located N 55° 16' 11" W 687.71 feet from the beginning of the fifth or S 24° 40' E 297 foot line of the land conveyed to Marcus M. Bernstein, Jr. and wife by deed recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. 1174, page 266, the beginning of said fifth line being located N 30° 55' 35" W 297.00 feet from the end thereof and from a point on the northwest side of Naylor's Lane, 30 feet wide, said last mentioned point being distant 831.30 feet, as measured S 50° 17' 25" W along said northwest side of Naylor's

Water Supply • Sewerage • Drainage • Highways • Structures • Development • Planning • Research

MCA 

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2.

Lane from its intersection with the southwest side of Reisterstown Road, 66 feet wide, running from the aforementioned point of beginning five courses: (1) S 35° 00' 00" W 380.00 feet, (2) N 55° 00' 00" W 347.50 feet, (3) N 35° 00' 00" E 210.00 feet, (4) N 80° 00' 00" E 246.42 feet, and (5) S 55° 00' 00" E 177.50 feet to the place of beginning.

Containing 2.6997 acres of land.

HOW:MPL

J.O. 1-66210-B

August 19, 1976



BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



RETURN AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 31, 1977

Mr. W. Lee Harrison
303 Equitable Bldg.
401 Washington Ave.
Towson, MD 21204

RE: Variance Petition
Item #165
Pomona, Inc.

Dear Mr. Harrison:

The Zoning Plans 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 regard 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.

Located on the northwest corner of Reisterstown Road and Naylor's Lane in the 3rd Election District, this 71 acre site, partially zoned D.R.2 10.5, 16, and B.L., is improved with two dwellings and assorted farm buildings. To the east and northeast, properties are improved with two service stations, and restaurant and the facilities of the Hilton Hotel (including tennis barn, retail and office use) respectively. Property to the west and south, across Old Court Road and Naylor's Lane, are zoned residential and improved with dwellings on large tracts of land.

A residential community, including garden apartments, a midrise and a high-rise building, with the commercially zoned portion of this site planned to be developed with a community shopping center, is proposed. This property was the subject of a number of previous zoning hearings in which the property was rezoned, a special hearing to permit off-street parking in a residential zone to support

Mr. W. Lee Harrison
Page 2
March 31, 1977

the proposed shopping center and a Special Exception for a community building (ice skating rink) were granted. This particular Variance request is necessitated by the proposed heights of the two large apartment buildings, located in parcels A and B as shown on the submitted plan.

Particular attention should be afforded the comments of the State Highway Administration and the Office of Project and Development Planning.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Yours very truly,


NICHOLAS B. COMMODARI,
Acting Chairman, Zoning
Plans Advisory Committee

ENC1rf
Enclosure (Blue Slip)
cc: Mr. Paul Lee R.C.A. Engineering Corp.
Mr. Robert Baker, Eng.


BALTIMORE COUNTY
Department of Public Works
TOWSON, MARYLAND 21204
THORNTON M. MCGURK, P.E.
DIRECTOR

March 14, 1977

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

Re: Item #165 (1976-1977)
Property Owner: Pomona, Inc.
S/W cor. Reisterstown Rd. & Naylor's Lane
Existing Zoning: Parcel "A" - D.R. 10.5
Parcel "B" - D.R. 2 & D.R. 10.5
Proposed Zoning: Variance to permit a height for a mid-rise building in Parcel "A" of 85' in lieu of the required 50' and a height for a high-rise building in Parcel "B" of 120' in lieu of the required 50'.
Acres: Parcel "A" - 2.17 acres District: 3rd
Parcel "B" - 2.70 acres

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.

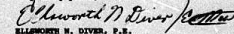
General:

Comments were supplied in connection with the Zoning Advisory Committee review of this property for Item #5 (Cycle VIII October 1974 - April 1975), and comments were supplied by the Baltimore County Bureau of Public Services January 21, 1976, in connection with the preliminary plan of "Pomona".

Baltimore County highway and utility improvements are secured by Public Works Agreement #37607 executed in connection with the proposed development of "Pomona".

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #165 (1976-1977).

Very truly yours,


EDMUND M. DYER, P.E.
Chief, Bureau of Engineering

END:DM:FD:iss

cc: R. Norton, P. Koch
P-NE & JE Key Sheets
30 & 31 NW 22 & 23 Pos. Sheets
WB & F Nops
70 Tax Map


Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Assistant
Barbara M. Evans
Assistant

February 9, 1977

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204
Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Feb. 1, 1977
Item: 16
Property Owner: Pomona, Inc.
Location: SW/C Reisterstown Rd. & Naylor's Lane
Existing Zoning: Parcel "A"-D.R. 10.5
Parcel "B"-D.R. 2 & D.R. 10.5

Proposed Zoning: Variance to permit height for a mid-rise bldg. in Parcel "A" of 85' in lieu of the required 50' and a height for a high-rise bldg. in Parcel "B" of 120' in lieu of the required 50'.
Acres: Parcel "A" - 2.17 acres
Parcel "B" - 2.70 acres
District: 3rd

Dear Mr. DiNenna:

The petitioned height variances will have no adverse effect on the State highways. The proposed entrance from Reisterstown road is basically acceptable. The existing entrances must be closed.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
John E. Meyers

By: John E. Meyers

CLJEM:uj

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 484-3211

March 8, 1977

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

Dear Mr. DiNenna:

Comments on Item #165, Zoning Advisory Committee Meeting, February 2, 1977, are as follows:

Property Owner: Pomona, Inc.
Location: SW/C Reisterstown Road and Maylors Lane
Existing Zoning: Parcel "A" - D.R. 10.5
Parcel "B" D.R. 2 and D.R. 10.5
Proposed Zoning: Variance to permit a height for a mid-rise building in Parcel "A" of 85' in lieu of the required 50' and a height for a high-rise building in Parcel "B" of 120' in lieu of the required 50'

Acres: Parcel "A": 2.17 acres
Parcel "B": 2.70 acres
District: 3d

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The developer must comply with the subdivision requirements before building permits are obtained.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planner III
Project and Development Planning

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21204
(301) 668-2882

STEPHEN E. COLLINS
DIRECTOR

March 8, 1977

Mr. S. Eric DiNenna
Zoning Commissioner
2nd Floor, Courthouse
Towson, Maryland 21204

Re: Item 165 - ZAC - February 2, 1977
Property Owner: Pomona, Inc.
Location: SW/C Reisterstown Rd. & Maylors Ln.
Existing Zoning: Parcel "A" - D.R. 10.5
Parcel "B" - D.R. 2 & D.R. 10.5
Proposed Zoning: Variance to permit a height for a mid-rise building in Parcel "A" of 85' in lieu of the required 50' and a height for a high-rise building in Parcel "B" of 120' in lieu of the required 50'.

Acres: Parcel "A" - 2.17 acres
Parcel "B" - 2.70 acres
District: 3rd

Dear Mr. DiNenna:

Since no increase in density is proposed, no increase in trip generation is expected by the requested variances to the height of the buildings.

Very truly yours,
Michael F. Flanigan
Michael F. Flanigan
Traffic Engineer Associate

MEF/11E

Baltimore County
Department of Health
TOWSON, MARYLAND 21204
(301) 484-3211

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

February 7, 1977

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

Dear Mr. DiNenna:

Comments on Item #65, Zoning Advisory Committee Meeting, February 2, 1977, are as follows:

Property Owner: Pomona, Inc.
Location: SW/C Reisterstown Rd. & Maylors Ln.
Existing Zoning: Parcel "A" - D.R. 10.5
Parcel "B" - D.R. 2 & D.R. 10.5
Proposed Zoning: Variance to permit a height for a mid-rise building in Parcel "A" of 85' in lieu of the required 50' and a height for a high-rise building in Parcel "B" of 120' in lieu of the required 50'.

Acres: Parcel "A" - 2.17 acres
Parcel "B" - 2.70 acres
District: 3rd

A notification was placed on new sewer connections in the Guyton Falls Drainage Basin by Dr. Bill Salomon, Secretary of Health and Mental Hygiene, on May 14, 1974; therefore approval may be withheld for this connection.

Metropolitan water is available.

Very truly yours,
Donald J. Moff
DONALD J. MOFF
DEPUTY STATE AND COUNTY HEALTH OFFICER

MEF/11E/12E

Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21204
(301) 484-3210

JOHN D. SEYFERT
DIRECTOR

January 31, 1977

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

Dear Mr. DiNenna:

Comments on Item # 165 Zoning Advisory Committee Meeting, February 2, 1977 are as follows:

Property Owner: Pomona, Inc.
Location: SW/C Reisterstown Road & Maylors Lane
Existing Zoning: Parcel "A" D.R. 10.5 Parcel "B" D.R. 2 & D.R. 10.5
Proposed Zoning: Variance to permit a height for a mid-rise building in Parcel "A" of 85' in lieu of the required 50' and a height for a high-rise building in Parcel "B" of 120' in lieu of the required 50'.

Acres: Parcel "A" - 2.17 Acres Parcel "B" - 2.70 Acres
District: 3rd

The items checked below are applicable:

☒ A. Structure shall conform to Baltimore County Building Code (i.e.C.C.A.) 1970 Edition and the 1973 Supplement and other applicable codes.

☒ B. A building permit shall be required before construction can begin.

☐ C. Three sets of construction drawings will be required to file an application for a building permit.

☒ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

☐ F. No comment.

☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,
Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CEB/rjs

BOARD OF EDUCATION
OF BALTIMORE COUNTY
TOWSON, MARYLAND - 21204

Date: February 1, 1977

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

Z.A.C. Meeting of: February 2, 1977

RE: Item No: 165
Property Owner: Pomona, Inc.
Location: SW/C Reisterstown Rd & Maylors Ln.
Present Zoning: Parcel "A" - D.R. 10.5 ; Parcel "B" - D.R. 2 & D.R. 10.5
Proposed Zoning: Variance to permit a height for a mid-rise building in Parcel "A" of 85' in lieu of the required 50' and a height for a high-rise building in Parcel "B" of 120' in lieu of the required 50'.

District: 3rd
No. Acres: Parcel "A" 2.17 acres
Parcel "B" 2.70 acres

Dear Mr. DiNenna:

Little or no effect on student population.

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich
Field Representative

MEF/bp

JOSEPH R. HIGDON, PRESIDENT
J. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARVON R. DUFFY, JR.

THOMAS H. BOYER
MRS. LORENAE F. CHICUS
RODOLPH S. HARTMAN

ALVIN LORICK
MRS. HELEN K. SMITH, JR.
RICHARD W. TRACY, D.V.M.

ROBERT T. DUFFY, SUPERINTENDENT

RE: PETITION FOR VARIANCES : BEFORE THE
Beginning 831.30' SW of : ZONING COMMISSIONER
Reisterstown Road, on the :
W/S of Maylors Lane - : OF
3rd Election District : BALTIMORE COUNTY
Pomona, Inc. - Petitioner
NO. 77-198-A (Item No. 165) :

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APPEAL TO THE COUNTY BOARD OF APPEALS

MR. CLERK:

Please enter an appeal to the County Board of Appeals on behalf of David M. and Nancy E. Paige, 4020 Old Court Road, Baltimore, Maryland, from the Order of the Zoning Commissioner entered in this matter on April 15, 1977.

Nancy E. Paige
Nancy E. Paige

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of May, 1977, a copy of the foregoing Appeal to the County Board of Appeals was mailed first-class, postage prepaid, to W. Lee Harrison, Esquire, 503 Equitable Building, 401 Washington Avenue, Towson, Maryland 21204, attorney for Pomona, Inc.; and to John W. Hession, III, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, People's Counsel.

Nancy E. Paige
Nancy E. Paige

MAY 13 77 AM
OFFICE OF PLANNING & ZONING

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/C Reisterstown Rd. & Maylors Lane :
3rd District : OF BALTIMORE COUNTY
POMONA, INC., Petitioner : Case No. 77-198-A
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ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kuntz, Jr.
Charles E. Kuntz, Jr.
Deputy People's Counsel

John W. Hession III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 4th day of April, 1977, a copy of the foregoing Order was mailed to W. Lee Harrison, Esquire, 503 Equitable Building, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession III
John W. Hession, III

APR 5 77 AM
ZONING DEPARTMENT

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: March 16, 1977

FROM: Norman E. Gerber, Acting Director of Planning

SUBJECT: Petition 77-198-A. Petition for Variance for Building Height Beginning 831.30 feet Southwest of Reisterstown Road North Side of Maylors Lane. Petitioner - Pomona, Inc.

2nd District

HEARING: Wednesday, April 6, 1977 (1:00 P.M.)

This office is opposed to the requested height variances. Elevator apartment buildings such as those proposed by the petitioner should be located near adequate community and town-enter commercial facilities in properties in one of the R1F zoning classifications.

Norman E. Gerber
Norman E. Gerber
Acting Director of Planning

NEO: PGR/rw

APR 27 1977

THIS AGREEMENT, made this 10th day of April, 1974 by and between POMONA, INC., GORDON E. SUGAR and CAROLINE BERNSTEIN, parties of the first part, and THE PINE RIDGE ASSOCIATION, INC., MARK D. DOPKIN and ILENE K. DOPKIN, his wife, ANTHONY G. MARISOLLA and ESTHER R. MARISOLLA, his wife, and SAR KAUFMAN and SAR KAUFMAN, his wife, parties of the second part, all of the said parties being in Baltimore County, State of Maryland.

WHEREAS, Pomona, Inc. is the fee simple owner of a tract of land located at the northwest corner of Reisterstown Road and Naylors Lane in the Third Election District of Baltimore County containing 68.55 acres, more or less, which is known as "Pomona" (hereinafter sometimes referred to as the "Pomona property") and Gordon E. Sugar is the contract purchaser of the Pomona property; and

WHEREAS, Caroline Bernstein is the fee simple owner of a tract of land located on Naylors Lane, adjoining the Pomona property, the Bernstein property together with the Pomona property being more particularly described in Exhibit "A" attached hereto and made a part hereof and hereinafter collectively referred to as the "Property"; and

WHEREAS, Pomona Inc. and Gordon E. Sugar have filed Petitions with Baltimore County, Maryland requesting that the Pomona property be reclassified from B. L. and D. R. -2 zoning to B. L., D. R. 10.5 and D. R. 16 zoning; and

WHEREAS, the parties of the second part by a vote of membership have agreed to terminate their objection of the granting of the reclassification and to support the same (as herein defined) upon the execution of this Agreement by the parties of the first part.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That in Consideration of the mutual agreements, covenants, restrictions and conditions herein

WITNESSETH:
Gordon E. Sugar
Caroline Bernstein

contained and the payment of the sum of Five (\$5,000) Dollars from each party to the other and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby enter into this Agreement for the purpose of establishing covenants, restrictions and conditions set forth herein which shall become effective as provided in Articles V and VI hereof, and shall thereafter run with and be binding upon the Property and upon the presents and/or future owners thereof and shall inure to the benefit of all of the parties hereto, their respective personal representatives, heirs and assigns.

1. The parties of the first part agree that the use of the Property shall be restricted in the following manner:

1. The total number of "dwelling units" (as that term is described in the Zoning Regulations now in effect in Baltimore County, Maryland) on the property shall not exceed five hundred thirty-five (535) in the aggregate, of which not more than two hundred sixteen (216) of said dwelling units shall be constructed within the so-called "Mid-Rise" units (as defined in Paragraph 2, herein) and the balance shall be garden type non-elevator units of townhouse units.

2. The "Mid-Rise" units shall not consist of more than two buildings nor shall either building exceed a height of nine (9) stories above mean ground level.

3. Except as specifically modified by this Agreement the Property shall be developed substantially in accordance with the plat entitled "Revised Plat to Accompany Petition for Reclassification of Property of Vicinity Reisterstown Road and Naylors Lane" prepared by Matz, Childs & Associates and dated August 24, 1973, revised to April 3, 1974, which plat is attached hereto as Exhibit "B" and made a part hereof.

4. The proposed commercial area indicated on the said plat shall

not exceed 3.2 acres, and the construction thereon shall not exceed eighty thousand (80,000) square feet in the aggregate of which not more than forty thousand (40,000) square feet shall be devoted to retail use. This Paragraph shall not be construed to prohibit the construction of an outdoor pond and/or outdoor skating rink within the said commercial area for aesthetic and recreational purposes. The commercial floor space constructed thereon shall contain offices, specialty shops, medical and similar facilities but shall not contain any supermarkets or drive-ins and said commercial area and the parking therefor shall be located as to not be closer than three hundred (300) feet from the center line of Naylors Lane at its closest point or farther than six hundred (600) feet from the center line of Reisterstown Road (as that road is presently constructed) at its farthest point to the west. Except for the commercial area referred to in this Paragraph 4, no portion of the Property shall be used for any commercial purpose whatsoever.

5. Except as specifically provided herein the "buffer zone" (as herein-after defined) shall not have any structure or other improvements placed upon it including but not limited to buildings, parking facilities, recreational facilities, including swimming pools, tennis courts, ball diamonds, etc. The "buffer zone" shall be defined as an area around the perimeter of the Property four hundred (400) feet in width measured from the property lines of the Property on Naylors Lane and Old Court Road, along the southernmost boundary of the Property and along the westernmost boundary of the Property to a point three hundred two (302) feet south of the southernmost right-of-way line of the Baltimore Beltway (I-895).

6. That the parties of the first part covenant to develop the Property substantially in accordance with the plan attached hereto as Exhibit "B" except that the locations of buildings and parking, for the garden apartment and townhouse units, may be changed if there is no greater encroachment into the buffer

zone than indicated on said plan hereof. The said plan shows the intrusion or protrusion of two (2) buildings and three (3) parking areas into the buffer zone behind or to the north of the Bernstein Property along Naylors Lane and if any adjustment or relocation of either the buildings or the parking areas is made, in no event shall there be allowed any additional intrusions and those permitted shall not be relocated closer than Three Hundred (300) feet from its nearest point to the center line of Naylors Lane, the approximate distance shown on said plan; and three (3) structures and four (4) parking areas are shown on said plan as projecting or being located within the Four Hundred (400) feet wide buffer zone located on the west boundary of said property which also may be relocated, revised or altered within the discretion of the parties of the first part, except that not more than three (3) buildings nor four (4) parking areas may protrude into said four hundred (400) feet wide buffer zone along the west boundary of said property but in no event shall any protrusion be less than one hundred eighty (180) feet from its closest point to the westernmost boundary of the Property, except that there shall be no protrusions into said buffer zone within six hundred (600) feet of the center line of Old Court Road; and the parties of the first part reserve the right to utilize the area adjacent to the existing Tennis Barn on which D. R. 16 zoning has been requested for parking lots or structures, swimming pools and outdoor or indoor tennis courts.

7. The parties of the first part agree and covenant to landscape the Property as shown on the said plat and to erect a fence and landscape around the periphery of the Property similar to that erected at the Cross Keys Development on Falls Road in Baltimore City and to supplement existing landscaping and screening presently existing along Naylors Lane and Old Court Roads which may be occasioned by the loss of any trees or shrubs due to widening of those roads.

8. All entrances to the development shall be controlled by a Mechanical Gate House, manned by a guard or closed after 11:00 P. M.

-6-

9. Except for an easement which is now a matter of public record and which concerns the use of the 60 foot right-of-way, direct access to the Hilton Hotel project and Tennis Barn, located to the north of the Pomona property, at the southwest corner of the Baltimore Beltway (I-895) and Reisterstown Road, access to the remainder of the Property from said right-of-way shall be prohibited unless controlled by a Mechanical Gate House or manned by a guard and the parties of the first part shall provide a dual, controlled Gate House entrance and exit from a roadway used in common with the Hilton project to their proposed shopping and office facility as the direct primary access to such facility and will discourage use of other entrances as access to said shopping and office area.

10. Access from the development to Old Court Road will be limited to one point of access, said roadway to consist of two lanes and shoulders, the location of which will roughly approximate the location shown on the plan. At the entrance of Old Court Road from said access road the width of said entrance may not exceed two lines and such point of access shall be closed to all traffic after 11:00 P. M. daily.

11. Access to Naylors Lane will be restricted to one point of access, which point shall not be used as a primary access to the commercial area and which shall be either closed at 11:00 P. M. daily or controlled by a Gate House. There shall be no vehicular access or entrance to the proposed relocated B. L. area from the proposed 30' drive extending northerly from Naylors Lane, within 500 feet northerly from the northernmost edge of paving of Naylors Lane without the prior written consent of the parties of the second part.

12. The pace of residential development shall be limited so that development of residential facilities shall be spaced over at least a five (5) year period following commencement of construction, with not more than one hundred fifty (150) garden apartment or townhouse units or in the alternative one hundred (100) Mid-Rise units, to be completed during each of the first two (2) years.

13. During construction of improvements on the Property, whether residential or commercial, no construction vehicles shall enter the Property

-6-

or exit therefrom directly onto Old Court Road.

11. The parties of the second part on behalf of itself or themselves, its or their heirs, successors and assigns agree that they will not contest the granting of the requested reclassification of the Pomona property from a D. R. 2 zone and B. L. zone to a D. R. 10.5 zone, D. R. 16 zone and B. L. zone and upon the filing of any Order granting the requested Reclassification, the parties of the second part, agree not to pursue any appeal therefrom and thereby allow the Property to be reclassified. In addition, said parties of the second part agree to support the Petition for Reclassification before the Board of Appeals of Baltimore County by its or their appearance and testimony in favor thereof. The "support" required to be given by the parties of the second part shall consist of an officer of The Pine Ridge Association, Inc. appearing before the Zoning Commissioner and, if necessary, before the Board of Zoning Appeals and further that the parties of the second part are required to support the Petition only and shall not be required to support subsequent rezoning petitions, if any.

11. All agreements, covenants, restrictions and conditions contained in this instrument shall be binding upon and inure to the benefit of the heirs, successors, and assigns of the parties hereto and shall run with the land and be binding upon the property hereinafter referred to.

IV. The failure to enforce any of the covenants, restrictions and conditions herein contained in any instance shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction, and condition in the event of any violation of the herein contained covenants. Moreover, in the event that any one or more of the covenants, restrictions, and conditions herein contained shall be for any reason declared invalid, the remaining covenants, restrictions and conditions shall continue in full force and effect.

-7-

V. The mutual agreements, covenants, restrictions and conditions contained in this agreement shall become effective only in the event the property is acquired by Gordon E. Sugar, individually, or by any corporation, partnership, joint venture or other entity or combination thereof in which the said Gordon E. Sugar has an interest, direct or beneficial; and in the event that such an acquisition does not occur the mutual agreements, covenants, restrictions and conditions contained in this agreement will not be effective. At the time that Pomona makes a transfer of all or any portion of the Property Pomona will certify, either as part of the document of transfer or by a separate instrument in writing, whether or not the transfer is to Gordon E. Sugar, individually, or by a corporation, partnership, joint venture or other entity or combination thereof of which the said Gordon E. Sugar has an interest, direct or beneficial, and such certification by Pomona will be binding and conclusive upon all persons, for title purposes only.

VI. This agreement shall become final and effective only upon the subject property being acknowledged or heretofore acknowledged.

This Agreement contains the entire understanding of the parties and each of the parties hereto.

WITNESS THE HANDS AND SEALS of the parties hereto on the day and year first above written.

ATTEST:
POMONA, INC.
By Caroline A. Bernstein (SEAL)
GORDON E. SUGAR
Caroline A. Bernstein (SEAL)
CAROLINE BERNSTEIN

-8-

ATTEST:
THE PINE RIDGE ASSOCIATION, INC.
By Mark D. Dopkin (SEAL)
MARK D. DOPKIN (SEAL)
ILENE K. DOPKIN, his wife
Anthony G. Marisolla (SEAL)
ESTHER R. MARISOLLA, his wife
SAR KAUFMAN (SEAL)
SAR KAUFMAN, his wife
EDITH S. KAUFMAN, his wife

STATE OF MARYLAND,
OF BALTIMORE, TO WIT:
I HEREBY CERTIFY that on this 23 day of April, 1974, before me, the undersigned, a Notary Public in and for the State of Maryland, personally appeared PAUL S. HODDY, President of The Pine Ridge Association, Inc., and he made oath in due form of law that the foregoing was the act and deed of said Corporation and also personally appeared MARK D. DOPKIN, ILENE K. DOPKIN, his wife, ANTHONY G. MARISOLLA, ESTHER R. MARISOLLA, his wife, SAR KAUFMAN and EDITH S. KAUFMAN, his wife, known to me (or satisfactorily proven) to be the persons whose names they subscribed to the within Agreement and acknowledged that they executed the same for the purposes therein contained.
AS WITNESS my hand and Notarial Seal.
Paul S. Hoddy
Notary Public
My Commission Expires: July 7, 1979

RE: PETITION FOR RECLASSIFICATION
from D.R. 2 and D.R. 3.5 to
D.R. 16 and B.L.
NW corner Reisterstown Road
and Naylor Lane
3rd District - Northwestern Sector,
and RECLASSIFICATION
from D.R. 2 to D.R. 10.5
and D.R. 16
SW/S Reisterstown Road, 998'
NW of Naylor Lane
3rd District
Pomona, Inc.,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 72-82-R
and
No. 72-221-R

OPINION

This case involves a property owned by Pomona, Inc. (also known as the Hutzler property), located on the inside of the southwest quadrant of the intersection of Reisterstown Road and the Beltway, in the Third Election District, Northwest Sector, of Baltimore County. The subject property has been the subject of previous zoning petitions which have been in and out of the zoning process from time to time, the latest cases involve a reclassification for part of the property from D.R. 2 and D.R. 3.5 to D.R. 10.5 and D.R. 16, and also for a reclassification of a small portion of the area to B.L.

The property is now mostly zoned, under the maps adopted on March 24, 1971 as D.R. 2, with exception of the portion of it fronting directly on Reisterstown Road, which is zoned B.L. and D.R. 3.5. It abuts the Baltimore Beltway to the north and for most of its northern perimeter, and to the east along Reisterstown Road it is surrounded by commercial development, most of which has taken place since the adoption of the maps in March of 1971 and which needs no more than a viewing to determine that there has been a substantial change in the character of the immediate neighborhood since that time. For example, a large hotel-motel complex, known as the Baltimore Hilton Inn, has been constructed since that time, back of which is a large structure used as a commercial tennis barn, and along Reisterstown Road there are gasoline stations, a Ponderosa Steak House and other stores. Immediately across Reisterstown Road there are two other motels and a number of gasoline stations. The subject property is now, and has been for a long time, used only as a farm for the grazing of cattle which is, of course, a wasteful use for property as valuable as this and in this location.

Exhibit 1

Pomona, Inc. - #72-82-R and #72-221-R

ORDER

For the reasons set forth in the foregoing Opinion, it is this 16th day of May, 1974, by the County Board of Appeals, ORDERED that the reclassification petitioned for, as shown on the revised plat, dated August 24, 1973, and entered into evidence as Petitioner's Exhibit No. 5, be and the same is hereby GRANTED as follows:

36.4 acres, outlined in green on the above mentioned exhibit, shall be reclassified from its present zoning to D.R. 10.5;
6.2 acres, outlined in blue on the above mentioned exhibit, shall be reclassified from its present zoning to D.R. 14; and
the small parcel fronting on the Reisterstown Road consisting of 1.4 acres shall be reclassified from D.R. 3.5 to B.L.,

subject to site plan approval by the Office of Planning and Zoning, the State Highway Administration, and the Bureau of Public Services.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

W. Glen Fowler

Robert L. Offord

Pomona, Inc. - #72-82-R and #72-221-R

2.

At the time the petition was filed with the Zoning Commissioner there were a number of protests. However, since that time and during the past two or more years, the petitioner has amended his plans and redesigned the whole layout so that before the close of this case before the Board of Appeals there were no protests, and the numerous counsel for the various protests had also struck their appearance and, in fact, the principal protestant, namely, the Pine Ridge Association, is now strongly in favor of the proposal as modified and their President testified that they felt that the present plans would stabilize the area and prevent further commercialization.

Mr. Gordon Sugar, a well-known and highly qualified builder of homes as well as apartments, appeared as the contract purchaser at the Board hearing and testified as to his plans at great length and submitted plans by way of exhibits. His testimony is impressive to the Board, and we have no difficulty in finding that the proposed development of this tract would be in the best interest of the neighborhood and the surrounding area. He further indicated it would take from five to seven years to complete this project. It is to be noted that Mr. Sugar appears as a party to the agreement between the present owners of the property, the Pine Ridge Association, and a number of neighbors who were previously protestants. This agreement will be recorded as a binding covenant upon reclassification of the property and is hereby made a part of this Opinion by reference, it appearing among the exhibits as Petitioner's Exhibit No. 9. It is also to be noted that the revised plans will show but one traffic access directly to Reisterstown Road.

In addition to the above, the petitioner presented testimony of qualified engineers as to the availability of utilities which appear to be satisfactory. There was testimony by Dr. W. W. Ewell, a recognized traffic expert, who ventured his opinion that there would be no problem as to congestion arising solely as a result of this development, and pointed out that in March of 1971 no money had been allocated for the Northwest Expressway, which is now the case, and the plans are for its completion during the period 1976-1978. There is a proposed rapid transit stop within walking distance of the subject property. It was also brought out that a bridge of the Northwest Expressway has already been constructed to cross the Baltimore Beltway.

LIBR590 NRE019

AMENDED AGREEMENT

THIS AMENDED AGREEMENT, made this 24th day of November, 1975, by and between Pomona, Inc., Gordon E. Sugar and Caroline Bernstein, Parties of the First Part; David M. Paige and Nancy E. Paige, his wife, (hereinafter called the "Paiges") Parties of the Second Part, all of said Parties being in Baltimore County, State of Maryland.

WHEREAS, the Parties of the First Part and the Pine Ridge Association, Inc., Mark D. Dopkin and Ilene K. Dopkin, his wife, Anthony G. Marsiglia and Esther R. Marsiglia, his wife, and Bar Kaufman and Edith Kaufman, his wife, entered into an Agreement, dated April 23, 1974, imposing or intending to impose certain restrictive covenants on a tract of land located at the northwest corner of Reisterstown Road and Naylor Lane in the 3rd Election District of Baltimore County known as "Pomona"; and

WHEREAS, Parties of the First Part and Paiges are intended into a Deed and Agreement dated June 20, 1974, recorded EHK Jr. 5456, folio 972 imposing certain additional restrictions on Pomona land for benefit of Paiges land and which incorporated therein the said April 23, 1974 Agreement,

NOW, THEREFORE, this Amended Agreement Witnesseth: That in consideration of the mutual agreements, covenants, restrictions and conditions herein contained and the payment of the sum of Five (\$5.00) Dollars from each Party to the other and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto hereby enter into this Amended Agreement for the purpose of establishing covenants, restrictions and conditions set forth

Pomona, Inc. - #72-82-R and #72-221-R

3.

In the field of expertise in planning, the petitioner presented Mr. Frederick P. Klon, a qualified realtor and appraiser, and Mr. Frederick E. Vonschwermer, a planner, both of whom expressed the opinion that the present zoning was not only in error but "inconceivable" as it allowed no reasonable use of the property, and that the physical changes in the neighborhood would warrant rezoning even if there had been no error in the original zoning, which both of them felt had occurred for reasons stated in their testimony.

There was further testimony produced by means of Mr. James E. Kraft, an executive of the Capital Program Planning of the Board of Education of Baltimore County, the substance of whose testimony was that this proposed new construction would not cause any increase of capacity of the local schools and would have no adverse effect thereon, particularly view of the new school construction in the general area which is planned to be completed by 1977.

Mr. Norman Garber, the Chief of the Community Planning Division of the Office of Planning and Zoning of Baltimore County, testified that the Planning Board had recommended retention of D.R. 2 zoning for this area at the time of the petition under the cycle zoning but, however, in the same document they pointed out that this property would be a good location for apartment zoning which is, to the mind of the Board, unrealistic in the present classification of D.R. 2. Mr. Garber pointed out that the issue before the County Council in 1971, at the time of the map adoption, involved an entirely different plan for zoning with reference to density of use from what is now under consideration.

Without going further into the uncontested facts presented by the petitioner, and in the absence of any protest whatever, and in light of what appears to be a completely valid and legal restrictive agreement, the Board finds as a fact that there have been sufficient changes in the character of the immediate neighborhood from March 24, 1971 to warrant the rezoning as presently planned and agreed to.

herein which shall immediately become effective and shall thereafter run with and be binding upon the property and upon the present and/or future owners thereof and shall inure to the benefit of all of the Parties hereto, their respective representatives, heirs and assigns:

1. The Parties hereto hereby mutually agree that all of the covenants, agreements and undertakings set forth in the hereinbefore referenced Agreement of April 23, 1974, shall hereafter be effective and in full force and effect as to the parties hereto except as expressly modified by this Amended Agreement and except that Article V of said April 23, 1974 Agreement shall no longer be of any force and effect as to the parties hereto.

2. That the property shall be developed substantially in accordance with the plat entitled Pomona, Gordon Sugar Developer - Scheme M3, prepared by Schwartzman-Turkel-Rosen Partnership, dated September 9, 1975, a copy of which is attached hereto marked Amended Agreement Exhibit A and which is intended to be fully incorporated herein as a part hereof. The references in paragraph 3, 4 and 6 of the April 23, 1974 Agreement shall be deemed to refer to Exhibit A hereof.

3. That in addition to those restrictions, covenants and agreements set forth in said Agreement, dated April 23, 1974, which are not modified by this Amended Agreement, the Parties hereto do hereby mutually agree to the following additional covenants:

A. That the Parties of the First Part will plant and maintain, at their expense, pine trees 8 feet in height on Sugar's side of the westernmost common boundary of the Pomona property and the Paige lot as close as possible to the existing trees. All the trees will be staggered with center to center distance not to exceed 20 feet. Said trees to be planted no later than

B. That the Parties of the First Part will construct an earthen, sodded berm, 4 feet in height, on the west side of the roadway, shown on Amended Agreement Exhibit A, (which road runs northerly from Old Court Road), for the distance that Pomona abuts the Paige lot, except it being specifically understood that the construction of said berm will not be required along that portion of Pomona which abuts the driveway extending northerly from Old Court Road to the Paige property. This grading is to be accomplished as the first step of any roadwork on the portion of the road leading from Old Court Road towards 't' Beltway and

C. The fence to be constructed around the perimeter of the Pomona property shall be placed against the east or Pomona side of the existing fence running northerly from Old Court Road to a point where the southernmost boundary of the Paige property intersects the westernmost boundary of the Pomona property. At that point said fence shall be erected not closer than 20 feet east of the Paige easternmost boundary and shall run parallel to said boundary line to a point where the northernmost boundary line of the Paige property intersects the westernmost boundary line of the Pomona property. At that point, the fence shall be erected along the westernmost boundary line of the Pomona property. The area on the Paiges' side of the fence shall be maintained by the Paiges. On the first 25 feet, running northerly from Old Court Road, and on the Paiges' side of the fence, the Parties of the First Part will plant 8 feet tall pine trees approximately 15 feet on center.

4. This Amended Agreement shall be promptly recorded among the Land Records of Baltimore County. The provisions of Paragraph 3 hereof shall remain effective only so long as the Paiges own the property described in said Deed, dated June 20, 1974 or for fifteen years from the date hereof whichever is the lesser period of time.

5. The Parties agree and covenant that they will immediately dismiss an appeal filed by them from an Order of the Deputy Zoning Commissioner of Baltimore County, dated September 3, 1975, and will not oppose the Amended Petition for Reclassification and Special Hearing nor will they appear in opposition to said proposal in any hearings or proceedings before the Baltimore County Planning Board or the County Council.

WITNESS: Leif Wright

Leif Wright

Leif Wright

Leif Wright

POMONA, INC.

Pomona Ave.
BY Pauline A. Bernstein (SEAL)
President
Pauline A. Bernstein (SEAL)
Caroline Bernstein
Caroline Bernstein (SEAL)
Gordon E. Sugar

Parties of the First Part

Naomi K. Stephens Karen D. (SEAL)
David M. Paige

Naomi K. Stephens Karen D. Paige (SEAL)
Nancy S. Paige

Parties of the Second Part

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I hereby certify that on this 2nd day of November, 1975, before me, the Subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Caroline H. Bernstein President of Pomona, Inc. and made oath that the foregoing Amended Agreement is the act and deed of said body corporate.

As Witness my hand and Notarial Seal.

As Witness my hand and Notarial Seal.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I hereby certify that on this 21st day of November, 1975, before me, the Subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Gordon E. Sugar and he made oath that the foregoing Amended Agreement is his act and deed.

As Witness my hand and Notarial Seal.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:
I hereby certify that on this 7th day of November, 1975,
before me, the Subscriber, a Notary Public in and for the State
and County aforesaid, personally appeared David M. Paige and
Nancy E. Paige, his wife, and they made oath that the foregoing
Amended Agreement is their act and deed.

As Witness my hand and Notarial Seal.

Rec'd for records DEC 4 1975
Per Elmer H. Kahlins, Jr. Clerk
Mail to W. Lee Harrison
Receipt No. 200

District: 3rd Date of Posting: MAY 24, 1977
 Posted for: APPEAL
 Petitioner: REINER, AL.
 Location of property: 831 E. 5th St. of Reisterstown Rd. ex 100 N/S
of NAYKENS' LAKE
 Location of Sign: C. effluent 4011 Elk Creek Rd.
C. effluent 3961 Naykens Lakes
 Remarks:
 Posted by: James E. Nolan Date of return: MAY 23, 1977

District 9th Date of Posting MARCH 19, 1972
 Posted for William F. Fournier
 Petitioner William Mc
 Location of property 205 S. 4th St. of Westminster, Md. r. 205
N/S of Mathers Lane
 Location of Sign 205 S. 4th St. Mathers Lane
 Remarks _____
 Posted by Thomas Z. Hubbard Date of Issue MARCH 24, 1972

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 51743

DATE May 18, 1977 AMOUNT \$1-662

AMOUNT \$35.00

RECEIVED Nancy M. Peluso 1200 Old Court Rd., Baltto., Md.
FROM 21208
FOR Const. of Appeal For Prema. Inc.
677-198-A

2012-10-10 3 50.00 PK

VALIDATION OR SIGNATURE OF CARRIER

SALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 46473

DATE Mar. 14, 1977 ACCOUNT 01-662

AMOUNT \$25.00

RECEIVED
FROM Reese, Weinberg and Green 601 Myrtle Ave
Building, Towson, Md.
Petition For Variance For Potomac, Inc.
877-195-A

APR 7 1977

25.00 CASH

VALIDATION OR SIGNATURE OF CASHIER

Your Petition has been received and accepted for filing
this 2nd day of February 1977.

S. Eric DiNenna
Zoning Commissioner

Petitioner Summa, Inc.
 Petitioner's Attorney Mr. W. Lee Harrison Reviewed by Nick Comasari
 GO: W. Paul Lee M.C.A. Engineering Corp. Nicholas B. Comasari,
Mr. Robert Baker, Esq. Planning & Zoning
 Associate III

Your Petition has been received * this 18 day of Jan 1977 Filing Fee \$ 25.00 Received Check Other

Eric H. Hanna
S. Eric Hanna
Zoning Commissioner

Petitioner James T. ... Submitted by Maude

Petitioner's Attorney W. C. Hanna Reviewed by DEJ

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

CEMETERY

AUTO SERVICE

REISTERSTOWN ROAD

HOLIDAY INN

QUALITY COURT

BALTIMORE BELTWAY (I-695)

NAVY LOAFERS LANE

OLD COURT ROAD

SCHEME M3

POMONA
GORDON SUGAR
DEVELOPER

THE
SCHWARTZMAN, TURNER & ROSEN
ARCHITECTS
POMONA, MARYLAND

100000' 1" = 1000'



SCALE: 1"=200'

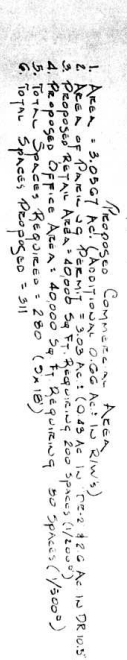
2C PETITIONERS EXHIBIT

15

9-18

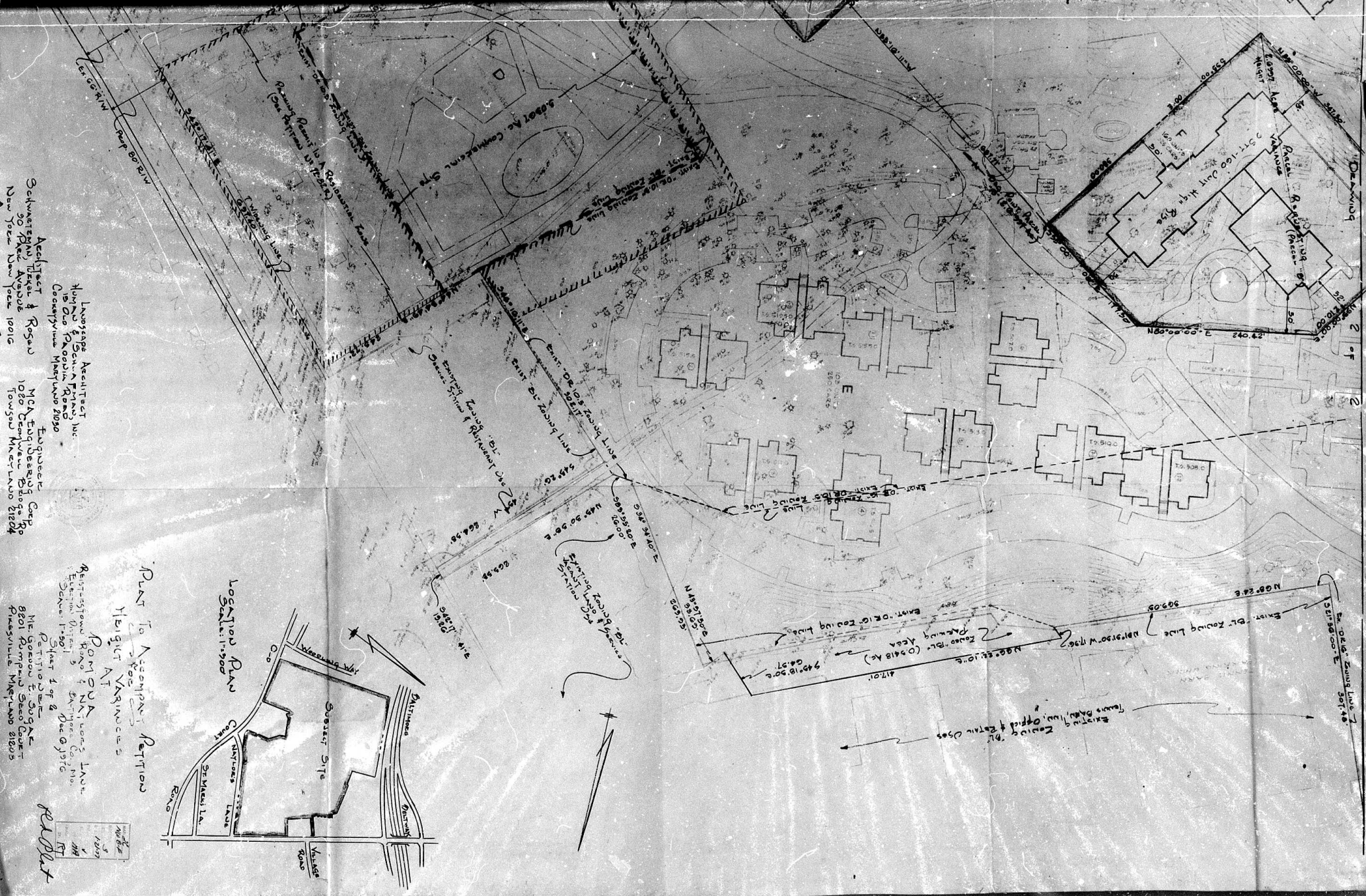
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OCT 27 1977



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 2.96. 10,000 Acres
 2.97. 10,000 Acres
 2.98. 10,000 Acres
 2.99. 10,000 Acres
 2.100. 10,000 Acres

* All Units on the Site Will Be 2 Bedroom Units
* 0.43 Ac. of "DE-2" & 2.0 Ac. of DR 10.5 Is To Be Used For Office/Industrial
Parking To Support The Commercial Area

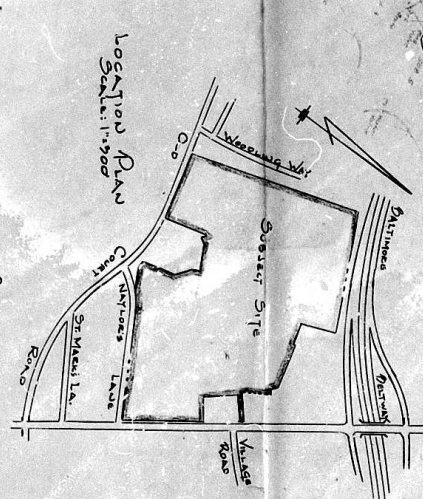


Architect: **Langston Architects**
 1000 Pennsylvania Ave.
 New York, New York 10001

Engineer: **MCA Engineering Corp.**
 1000 Pennsylvania Ave.
 New York, New York 10001

Plan to Accompany Section
 of the
 Project Variations
 AT
 1000 Pennsylvania Ave.
 New York, New York 10001

1000 Pennsylvania Ave.
 New York, New York 10001



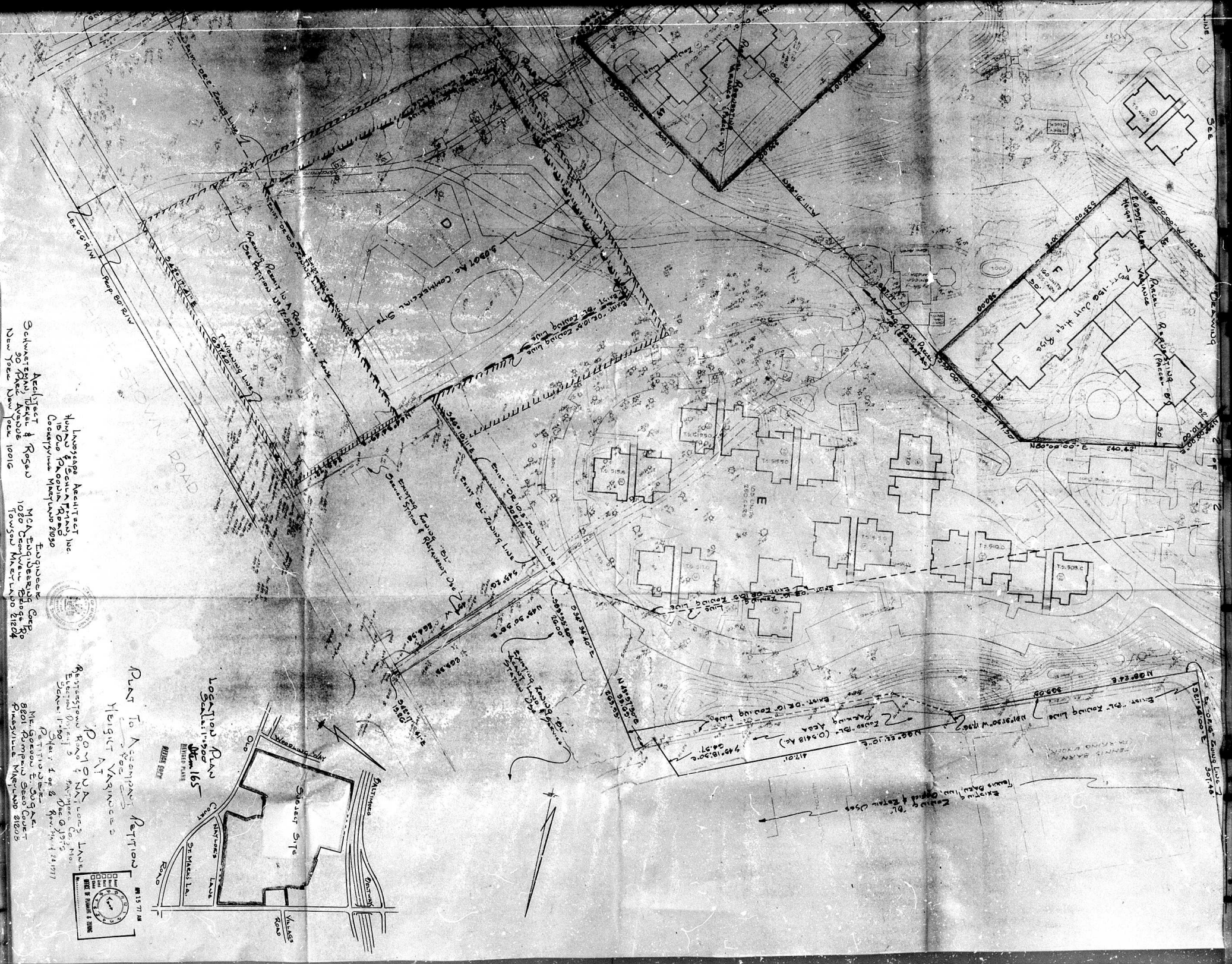
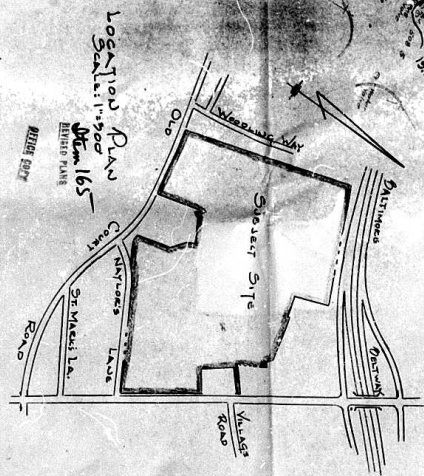
Architect
 Schwartz, Rosen & Rosen
 30 Park Avenue
 New York, New York 10016

Landscape Architect
 Hohn & Secchia, Inc.
 15 Old Rockville Road
 Cockeysville, Maryland 21030

Engineer
 MCA Engineering Corp.
 1080 Chesapeake Blvd.
 Towson, Maryland 21204

Plan To Accompany Petition
 Height At
 PONDONA
 RESTORATION ROAD & N. LONG LANE
 Elevation 1150' 5"
 Date 03/15/78
 Sheet 1 of 8
 Mr. Gordon E. Sogut
 8201 Rumpus Street
 Pikesville, Maryland 21093

03/15/78
 DATE OF PLAN & DRAWING



BALTIMORE

BELTWAY

I-695

NORTH

PLAT TO ACCOMPANY PETITION
HEIGHT VARIANCES

POMONA
RESTORATION ROAD & NATALIE LANE
DISTRICT 3
DATE 11-15-76
SHEET 2 of 2 Rev March 24, 1977



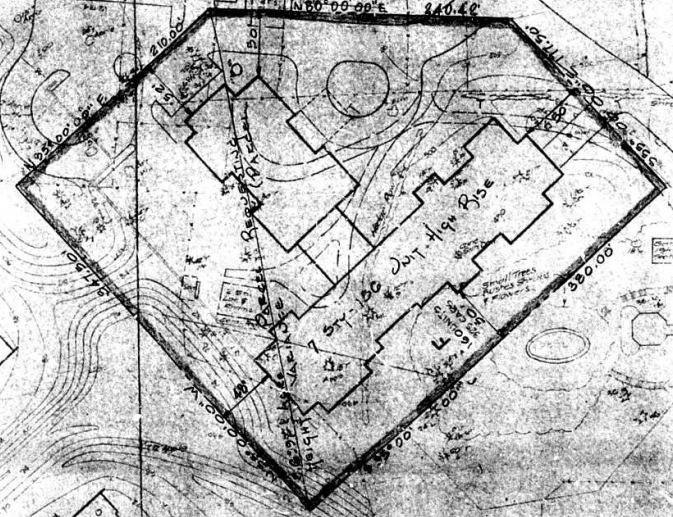
NOTE: SEE DRAWING 1012 FOR
GENERAL NOTES & DENSITY
CALCULATIONS.

NO	REV	DATE
1	1	5-14-77

SHEET 1012

City of Pomona
Planning Department
1000 E. Main St.
Pomona, CA 91768

Residential Uses
1607.00'



22"
17"
11"
5'8"
8.5"
11"
17"

22" 17" 11" 8.5" 11" 17" 22"

33" 11" 11" 8.2" 11" 11" 33"

RESIDENTIAL USES

EXISTING ZONING "DR 2"

N 19° 25' 30" W

S 20° 35' 00" W 27.07'
N 35° 00' 00" W 35.00'

N 11° 43' 40" W 15.00'

R 535.00'
12.95'

30' PRIVATE ROAD

400'

EXIST. DR 10.5' ZONING LINE
EXIST. DR 2' ZONING LINE

400'

S 15° 00' 25" E 304.55'
S 42° 55' 30" W 1641'
N 49° 00' 25" W 13.00'
S 41° 51' 35" W 56.48'

MATCH LINE - SEE SHEET 1 OF 2

EXISTING ZONING "DR 2"
RESIDENTIAL USES

268.57'
N 50° 07' 25" W 57.07'

OLD COURT ROAD

SEE SHEET 1 OF 2

Trugreen
MCA Engineering Corp
1020 Glenview Drive
Boulder, Maryland 21024