IN THE MATTER OF THE APPLICATION OF HAMILTOWNE IMPROVEMENT ASSOCIATION, INC. FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST END OF BLUEGRASS ROAD, 280' WEST OF THE CENTERLINE OF HAMILTOWNE CIRCLE 14TH ELECTION DISTRICT

* BEFORE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 86-509-SPH

* * * * * * * * *

ORDER OF DISMISSAL

This is an appeal from the decision of the Zoning Commissioner dated June 24, 1986 granting the Petition for Special Hearing to determine if density can be transferred on the subject property located in the Fourteenth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a request for a dismissal filed September 21, 1989 (a copy of which is attached hereto and made a part hereof) from Newton A. Williams, Esquire, Counsel for Protestants in the above-entitled case; and

WHEREAS, said Counsel for Protestants requests that the appeal filed on behalf of the Protestants be dismissed and withdrawn as of September 21, 1989,

IT IS HEREBY ORDERED this 21st day of September, 1989 that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

John G. Disney
John G. Disney

Michael B. Sauer
Michael B. Sauer

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT E. CAHILL, SR.
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
LOUIS G. CLOCE, III
THOMAS A. ALDERMAN
KERA L. KOSTUN
*ALSO ADMITTED IN D.C.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF (1940-1986)
JAMES D. NOLAN (RETIRED, 1980)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

September 20, 1989

Baltimore County Board of Appeals
County Office Building
3rd Floor
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Ms. Kathi Weidenhammer

Re: Hamiltowne Improvement Association
Case No. 86-509-SPH

Dear Ms. Weidenhammer:

As I have several times told you verbally, this matter has been resolved without the need for a density transfer.

Accordingly, my clients are no longer interested in pursuing the appeal in this matter, and on behalf of all of the Petitioners, Lillian and Company, John Fink, et al., please consider this letter as a request for an Order of Satisfaction in this matter, and please dismiss it without prejudice.

Thanking you and your staff for your kind attention to this matter, I am,

Sincerely,

Newton A. Williams

NAW:med

c.c.s. Mr. John Fink
Sapero & Company
6999 Reisterstown Road
Baltimore, Maryland 21215

RECEIVED
COUNTY BOARD OF APPEALS
89 SEP 21 AM 11:31

ORDER RECEIVED FOR FILING
DATE 9/21/89
BY Kathi C. Weidenhammer
ADMINISTRATIVE SECRETARY

IN RE: PETITION SPECIAL HEARING W/end of Bluegrass Road, 280' W of the centerline of Hamiltowne Circle - 14th Election District
Hamiltowne Improvement Association, Inc.,
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 86-509-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests an interpretation of a Zoning Office policy to permit the transfer of density from one portion of a tract of land to another where the two portions are separated by Interstate 95 (I-95), as more particularly described on Petitioner's Exhibit 1.

John F. Thackston, Sr., President, Hamiltowne Improvement Association, Inc., appeared and testified. Delegate William Burgess, a property owner in the community, also appeared and testified on behalf of the Petitioner. The property owners, Lillian Sapero and Lillian & Company, were represented by Counsel.

The subject property, located off Hamiltowne Circle, is bifurcated by I-95 in its northwestern area, with six-tenths of an acre zoned D.R.10.5 to the north of I-95 and approximately 15 acres zoned D.R.5.5 to the south. The property owners purchased the property in the 1950's, after which the State condemned a portion of the tract to be used for the construction of I-95. The property is identified by one metes and bounds description in one deed, and there is one tax bill. If combined, the acreage would permit 89 units, with 83 units to the south of I-95 and six to the north. The property owners propose to transfer the permitted six units to the south side of I-95 in order to develop the 15-acre portion with 89 units. In April, 1986, the County Review Group (CRG) approved a plan, Petitioner's Exhibit 1, which proposed 83 units rather than 89. If the requested density transfer were approved, an amended CRG plan would need to be submitted for another public meeting, pursuant to the Development Regulations.

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The issue here is whether the bifurcation of this property by I-95 affects the transfer of density. The Petitioner argued that the owner should not be permitted to transfer the density because it would not be within the spirit and intent of the Baltimore County Zoning Regulations (BCZR). Further, the Petitioner argued that at the time of the original condemnation, the property owners were compensated for both the loss of that portion of the property used for I-95 and for the loss of use of the remaining six-tenths of an acre, which was effectively landlocked. If this is so, then the property owners should not be permitted to claim use of that parcel for which they were already paid. In addition, the County is now proposing to take another portion of the six-tenths of an acre for a utility easement, and the Petitioner argued that this would in effect allow the property owners a third bite of the proverbial apple.

Section 1B01.2.A.2, BCZR, permits the transfer of density wherever a single tract is divided by a zone boundary so that portions of such tract lie within D.R. zones of different classifications.

In Gruver-Cooley Jade Corp. v. Perlis, 25 A.2d 589 (1969), the transfer of density from one part of a subdivision to another part of the same subdivision separated by a 80-foot-wide roadway was permitted. The Court of Appeals determined that the two parts of the subdivision were contiguous and that density could be transferred from one part to the other, notwithstanding the existence of the roadway.

The property to be subdivided, as shown on Petitioner's Exhibit 1, is in effect one lot of record, which is defined by the BCZR as a parcel of land

with boundaries as recorded in the Land Records of Baltimore County. Although subdivision of the tract will create smaller lots of record, all will be contiguous to each other and subject to the regulations governing their use. The two portions of this tract are contiguous. In Swarthmore v. Kaestner, 266 A.2d 341 (1970), the Court of Appeals quoted Black's Law Dictionary to define "contiguous" as being "in close proximity; near though not in contact; neighboring; adjoining; near in succession; an actual close contact; touching; bounded or traversed by." See Grand Union Co. v. Laurel Plaza, Inc., 256 F Supp. 78 (Dist. Ct. of Md., 1966).

The use of the term "single tract" in Section 1B01.2.A.2, BCZR, is predicated by the use of the term "subdivision tract" in Section 1B01.2.A.1, BCZR, which establishes density zoning. Clearly, then, the zoning regulations intend that contiguous property within the subdivision tract should be considered as a single tract, and if one metes and bounds description exists for the single tract, transfer of density be permitted.

"The meaning of the plainest words in a statute may be controlled by the context. A statute should be construed that all its parts harmonize with each other and render them consistent with its general object and scope." Pitman v. Housing Authority, 25 A.2d 466, 469.

The BCZR defines "subdivision" as the division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots. Obviously, therefore, any lots of record created would be subject to the zoning regulations then in existence. Indeed, this "single tract" created by the metes and bounds description is one lot of record. See Protestant's Exhibits 1 and 2. As such, its bifurcation by I-95, which occurred after purchase of the tract, does not negate the impact of the current zoning regulations to permit transfer of density across zone boundary lines within the

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BY Kathi C. Weidenhammer
ADMINISTRATIVE SECRETARY

subdivision tract itself. The two portions of the tract are in fact contiguous.

It is a long-standing policy of the Zoning Commissioner to permit such a transfer in a D.R. zone where the tract is divided by a public road and where the tract, as in this case, is one lot of record. The existence of I-95 should not negate the right to transfer six units to the D.R.5.5-zoned portion. However, if the property owners benefited by the original condemnation, then they cannot now have a financed windfall by transferring the density.

Although density zoning did not exist in the 1950's, when the property was taken for I-95, the property owners were certainly compensated to whatever degree the property owners and State thought appropriate, subject to the normal negotiations occurring during condemnation procedures. The Petitioner's agreement to this point is well taken. It is presumed that the taking of the property by the State would cause the owners distress in that the portion of the property to the north of the then proposed I-95 would be landlocked, which would be the basis for negotiations at that time. The property owners cannot receive higher compensation for the proposed condemnation and then later use the principal factor on which the compensation was based, i.e., the development potential or lack thereof, to increase the value of contiguous property. To permit such would contradict the spirit and intent of Section 1B00.2.C and E, BCZR. Although no evidence was presented as to the actual compensation received, it is of interest to note that the County is presently moving to condemn a portion of that parcel north of I-95 for a public utility easement. Once again, the owner would benefit. If the density were transferred, the owners would benefit a third time.

The State paid "something" to the owners for the loss of use of the land, and now, the County is offering compensation for the taking of another portion of the same land, further diminishing the size of that landlocked portion of

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ADMINISTRATIVE SECRETARY

the single tract. Regardless of what the owner received then, the construction of I-95 minimized the value of that parcel to the north, and any value placed and received for its taking was based thereon.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief prayed for by the Petitioner should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of June, 1986, that the density transfer of six units across I-95 be disapproved and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. John F. Thackston, Sr.
Newton A. Williams, Esquire
People's Counsel

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 16, 1987

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 86-509-SPH

HAMILTOWNE IMPROVEMENT ASSOCIATION, INC.
FOR SPH -DETERMINE IF DENSITY CAN BE TRANSFERRED PER §1B01.2A.1 and/or 1B.01.3.B.1
WEST END OF BLUEGRASS ROAD, 280' W OF THE C/L OF HAMILTOWNE CIRCLE
14th DISTRICT
6/24/86 -Z.C. GRANTED PETITION FOR SPECIAL HEARING: DISAPPROVED DENSITY TRANSFER

Scheduled for hearing on Tuesday, February 3, 1987 at 10 a.m. has been POSTPONED at the request of Counsel for Appellants.

cc: Newton A. Williams, Esquire — Counsel for Appellants/Protestants-Owners
Mr. John Fink — Appellant/Protestant-Owner
Mr. John F. Thackston, Sr. — Appellee/Petitioner
Phyllis Cole Friedman, Esquire — People's Counsel
Mr. Russell Fitchett
Mr. Martin C. Castle
Mr. & Mrs. Charles Machen
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

Kathi C. Weidenhammer
Administrative Secretary



HYDROGEOLOGIC MAP

SCALE: 1" = 2000'

Kzc

Arundel Formation

Kac *Clay facies. Gray, brown, black, and red kaolinitic and illitic clays with locally interbedded quartz silt or sand lenses and pods. The clays are typically poorly bedded to massive with occasional color mottling. Sparse to abundant irregular lacertite concretions and/or lignitized wood. Silts and clays contain sparse to abundant fern, cycadinod, and conifer debris as well as rare angiosperms. Lithologically similar to the Patuxent clay facies but stratigraphically distinct. Deposition occurred primarily within a fluvial plain–back swamp complex with variable sediment input.*

Kks

Patuxent Formation

Kps *Sand facies. Highly variable, interbedded sand, gravel, silt, and clay containing ferruginous cements. Sand and gravel typically quartzose with a buff, kaolinitic clay-silt matrix. Sediments are organized into fining-upward packages 3 to 5 m (10 to 15 ft) thick consisting of plane-bedded gravel with clay clasts or cross-bedded sands at the base grading upward to laminated or massive silt-clay at the top. Elsewhere vertical sequences show abrupt sediment size changes and erosive contacts. The heavy mineral suite is characterized by staurolite, zircon, tourmaline, and kyanite. Sparse silicified and abundant iron-oxide replacements of both cycadean and coniferous wood are present throughout the Formation. These sediments were deposited in a high gradient, braided stream complex.*

LILLIAN SAPERO, WIDOW
W.J.R. 3367-546
G.L.B. 2014-474
UTILITY EASEMENT
AREA = 14,453 SQ FT = 0.332 Ac ±

TEMPORARY CONSTRUCTION
AREA = 10,425 SQ FT = 0.239 Ac ±

MATCH LINE SEE R/W 67-276-5

DR:10.5

BALTIMORE CITY & COUNTY LINE

BALTIMORE COUNT GRID NORTH

MEMORIAL HIGHWAY

JOHN F. KENNEDY

95

UNIT #1 LOT 2 PROPOSED UTILITY EASEMENT

750' PT. A TO

EMB

S.B.L.

EX CURB & GUTTER

EX. 50' R/W

PROP. 8" S

EX. 30' PAVING

SEE NOTE #24

CROSSETT CIRCLE NORTH

HAMILTOWNE

SUBDIVISION PLAT No 2
HAMILTOWNE
30/23
DR-5.5

EDNAP. & CARA BETH ZOZLISKI 4476/225

WALTER A. & LILLIAN E. GREENE 4491/533

RAPHAEL DIALHUS 4450/120

SAVILLE & ROSE DOLLING 4505/320

WILLIAM L. & CATHERINE UELOOU 4491/553

LEO E. & SYLVIA G. SIZEMORE 4491/523

RICHARD T. JONES 5207/46

BERTHA A. KOZYCKI 4541/137

JACOB REALTY LLC ETAL 4771/307

THOMAS R. & THERESA SPURRIER 4691/618

EDWARD & JOSEPH MILLER 4650/388

REVISE WATER

BLUEGRASS ROAD

CMC2 Ch B2

SEE NOTE #24

MOORES RED HOUSE

RUN RUN

H.O.A. OPEN SPACE 0.5 AC

HOA OPEN SPACE 17 AC ±

HOA OPEN SPACE 10 AC ±

HOA OPEN SPACE 37 AC ±

SWM FACILITY TO BE CONSTRUCTED BEFORE DEVELOPMENT
10 YR STORM 27.55 CF STORAGE AREA REQUIRED 0.63 Ac/Ft

SWM FACILITY TO BE CONSTRUCTED AFTER DEVELOPMENT
10 YR STORM 27.55 CF STORAGE AREA REQUIRED 0.63 Ac/Ft

NO PARKING

10' DRAINAGE UTILITY & WALKWAY EASEMENT

10' DRAINAGE UTILITY & WALKWAY EASEMENT

BALTIMORE COUNTY CITY

FENCE

ALBERT COURT

12 SPACES @ 9'x18'

8 SPACES @ 9'x18'

9 SPACES @ 9'x18'

13 SPACES @ 9'x18'

5 UNITS

8 UNITS

HOA OPEN SPACE 0.37 AC ±

SUBDIVISION PLAT No 3
HAMILTOWNE
30/50

BLOCK H
DR 5.5

TOWNE CIRCLE SOUTH

EX. 8" SAN

EX. 10" WATER

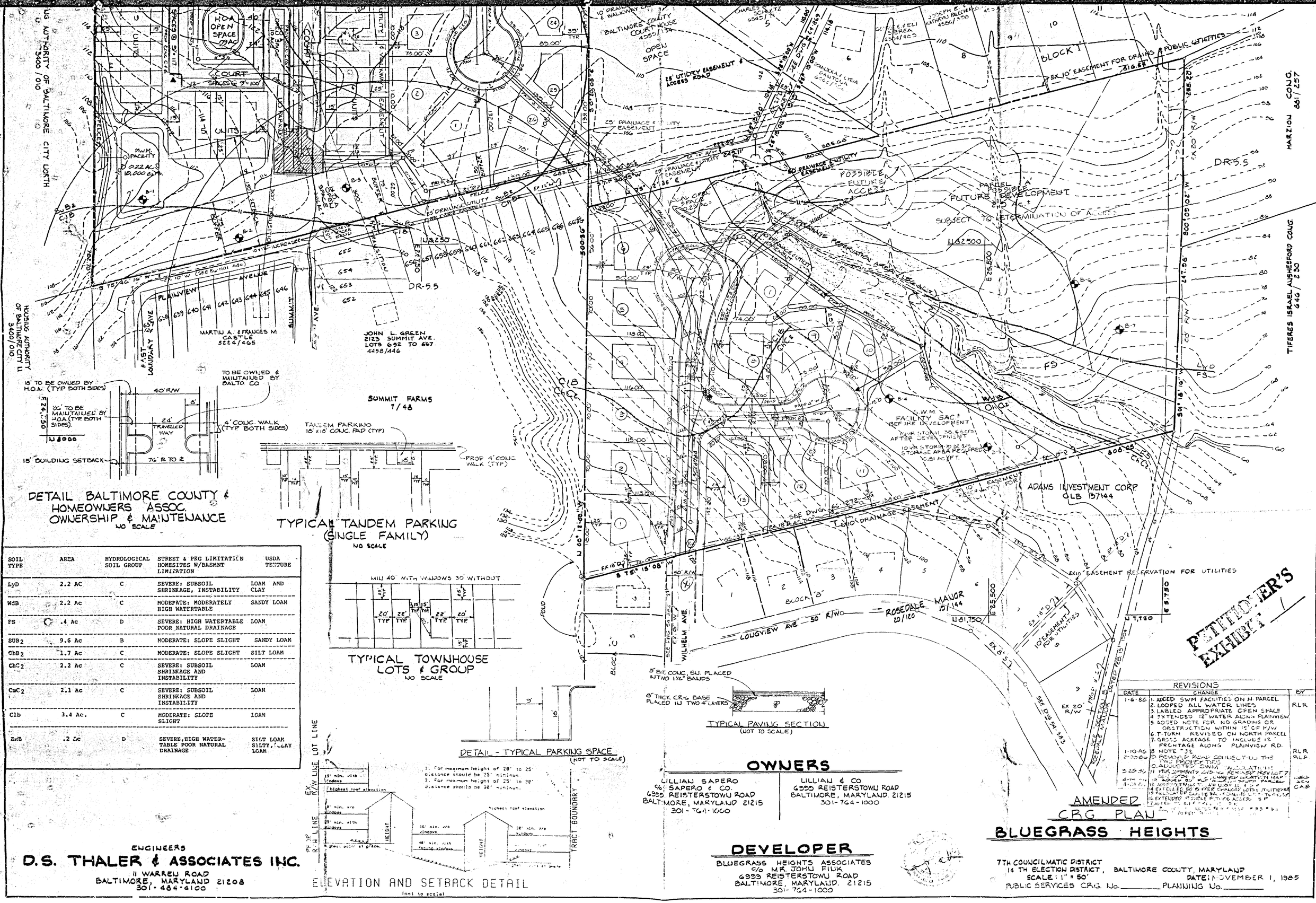
EX. 8" SAN

EX. 6" WATER (SEE SAN. BAS. A-D)

EX. 8" SAN (SEE SAN. BAS. A-D)

EX. 8" SAN (SEE SAN. BAS. A-D)

EX. 8" SAN


H.O.A. OPEN SPACE 1.9 AC
COURT
SPACES @ 9' x 18'
SPACES @ 9' x 100'
COURT
COURT
OPEN SPACE
OPEN SPACE
S.W.M. FACILITY 0.22 AC ± 10,000 CU.FT.
75' BUFFER
75' BUFFER
PLAINVIEW AVENUE
SUMMIT AVE.
EAST BOUNDARY
MARTIN A. & FRANCES M CASTLE 5226/465
JOHN L. GREEN 2123 SUMMIT AVE. LOTS 652 TO 667 4498/446
DR-5.5
SUMMIT FARMS 7/48
BALTIMORE COUNTY COURT HOUSE 4555/154
OPEN SPACE
25' UTILITY EASEMENT & ACCESS ROAD
CHARLES SCHULTZ 6545/174
JOSEPH & KATHRYN PALMER 4506/330
SCHLUCKA & LYDIA CAUTION 6665/462
BLOCK 1
5X 10' EASEMENT FOR DRAINS & PUBLIC UTILITIES
816.68'
25' DRAINAGE & UTILITY EASEMENT
80' DRAINAGE & UTILITY EASEMENT
POSSIBLE FUTURE ACCESS
PARCEL 'A' POSSIBLE FUTURE DEVELOPMENT 34.5 AC ± SUBJECT TO DETERMINATION OF ACRES
FUTURE DRAINAGE RESERVATION AREA 1.24 AC ±
DR5.5
HARZION CONG. 861/257
TIFERES ISRAEL AUSHESFORD CONG 646/250
S.W.M. FACILITY 5AC ± BEFORE DEVELOPMENT
10 YR STORM 20.6 CFS
AFTER DEVELOPMENT
10 YR STORM 20.6 CFS
STORAGE AREA REQUIRED 9.51 AC.FT.
ADAMS INVESTMENT CORP OLB 157/144
10' DRAINAGE EASEMENT
EX 10' EASEMENT RESERVATION FOR UTILITIES
BLOCK 'B'
ROSEDALE MANOR 10/144
LOUGVIEW AVE 50' R/WD
WILHELM AVE
POND
BLOCK 'C'
EX 18" D.I.
EX 8" S.I.
10' EASEMENT FOR UTILITIES
PROP 8" S.I.
SEE PLAT 3489
SEE PLAT 3488
SEE DWG 66-272
SEE DWG 66-273
SEE DWG 66-274
SEE DWG 66-275
SEE DWG 66-276
SEE DWG 66-277
SEE DWG 66-278
SEE DWG 66-279
SEE DWG 66-280
SEE DWG 66-281
SEE DWG 66-282
SEE DWG 66-283
SEE DWG 66-284
SEE DWG

CHERRY HILL ROAD

N 18° 55' 04" E 99.03'

℄ ROAD

N 27° 39' 49" E 303.13'

426.22'

107.10'
S 62° 18' 40" E 12.98'

N 62° 18' 40" W 12.93'
S 72° 41' 21" W 33.94'
N 62° 18' 40" W 9.09'

S 62° 18' 40" E 9.09'

33.94'
S 17° 18' 40" E

15.52'

IRON PIPE FND ON LINE

STUART ENEOR
5223/63

R=1287.50'
A=105.24'

N 46° 05' 07" E 221.08'

FRANKLIN BOULEVARD
(RELOCATED)
(UNDER CONSTRUCTION)
6976/282
RW 84-325-4.5

A=98.74'
R=1212.50'
N 46° 05' 07" E 221.08'

ROAD R/W AREA = 1.1523 Ac±

N 03° 21' 42" E 21.42'

N 41° 25' 56" E 86.22'

R=350.00'
A=112.39'

N 43° 54' 53" W 4.18'

SCHOOL ACCESS DRIVE

A=131.64'
R=410.00'

N 43° 54' 53" W 3.78'
N 68° 44' 00" W 17.68'

189.84'

79.21'

66 4.00'

McWILLIAMS
2281/180

RAYMOND T. BEAN & WF
4247/65

669.46'
298.54'

75.00'

31.96'

JEROME GLOSS
3726/629

B.C.M.D.

6128/106
6.3051 Ac.±

½" IRON PIPE FND ON LINE

N 48° 52' 32" W 262.96'

RICHARD & MARTHA DUBOIS
2666/321

S 45° 32' 21" E 379.43'

ELINE & SONS
5675/111

PROTESTANT'S EXHIBIT 4

86-509-SPH

GREENSPRING REALTY
5343/848

3/4" IRON PIPE FND

S 24° 05' 33" W 488.99'

3/4" IRON PIPE FND

BLOCK 'B'

BLOCK 'A'
PLAT 1
HATHAWAY
30/128

OUTLINE BOUNDARY SURVEY
OF THE
ROSCHEN PROPERTY

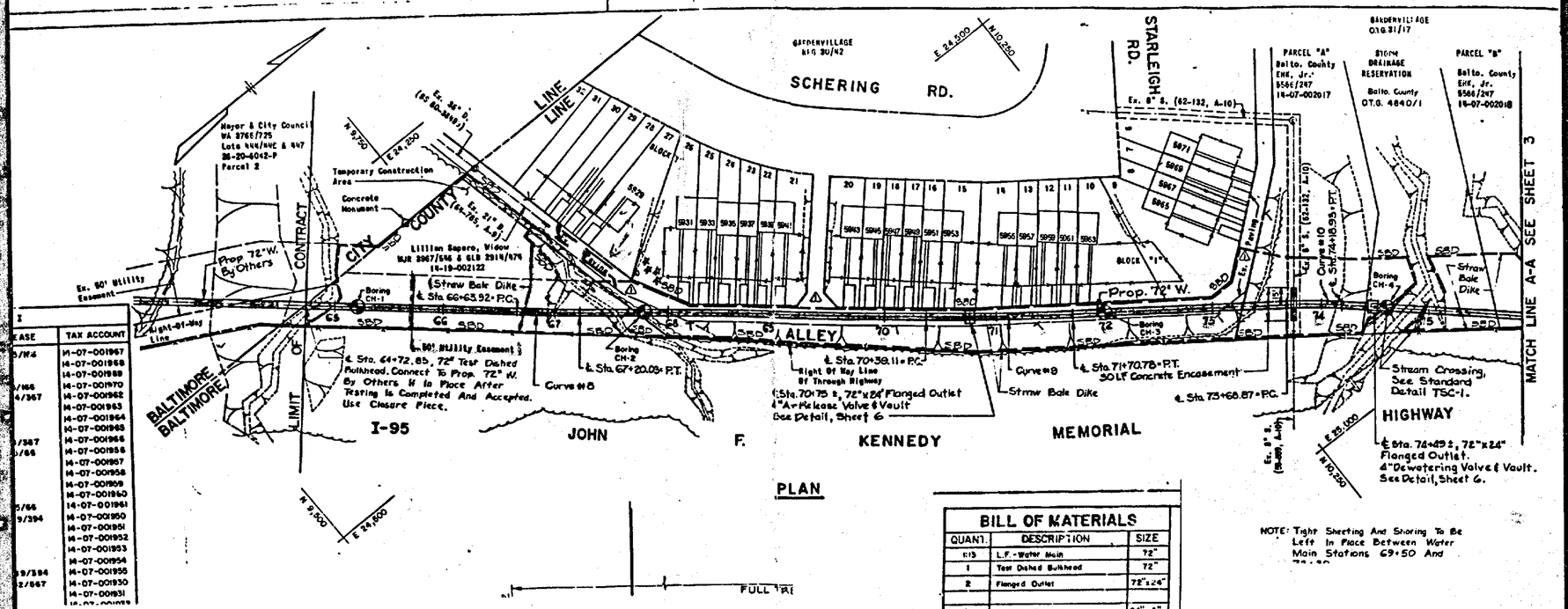
4 TH ELECTION DIST. BALTIMORE COUNTY, MD
SCALE : 1" = 50' JANUARY 6, 1986

1/6/86

D.S. THALER ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
11 WARREN ROAD BALTIMORE, MARYLAND 21208
(301)-484-4100

86-509-SPH

Paid from person of Utility Co. of sites used to identify property and post #3 sign



PLAN

BILL OF MATERIALS		
QUANT.	DESCRIPTION	SIZE
615	L.F. - Water Main	72"
1	Test Dished Bulkhead	72"
2	Flanged Outlet	72"x24"
2	Reducing Flange	24"x4"
2	Blind Flange	4"
1	Dewatering Valve	4"
1	Air Release Valve	4"

NOTE: Tight Sheeting And Shoring To Be Left In Place Between Water Main Stations 69+50 And

EASE	TAX ACCOUNT
5/W4	14-07-001967
	14-07-001968
	14-07-001969
	14-07-001970
5/165	14-07-001962
4/367	14-07-001963
	14-07-001964
	14-07-001965
	14-07-001966
5/387	14-07-001956
5/66	14-07-001957
	14-07-001958
	14-07-001959
	14-07-001960
5/66	14-07-001961
9/394	14-07-001950
	14-07-001951
	14-07-001952
	14-07-001953
	14-07-001954
9/394	14-07-001955
2/567	14-07-001930
	14-07-001931

S 61°-10' E 411.10'

IRON PIPE

LARGE PIPE EAST OF LINE

STONE

PIPE 1.11' EAST OF LINE

IRON PIPE

15 75/100 ACRES

IRON PIPE

N 62°-21' W 1552.16'

33 foot Road

IRON PIPE

STONE

Baltimore City
Baltimore County

24 ACRES

IRON PIPE

S 6°-40' W 1884.3'

John H. Koppelman

IRON PIPE

STONE

IRON PIPE

N 62°-21' W 952.2'

EXHIBIT "A"

Property of
John H. Koppelman
Tract
Situate
In the District of Baltimore County

REVISIONS
Lots Pts 34 Assd in 25-6-7027 N Lot | For 1959 C.Sh 1936

Redeche Bno.

LINE

26-20-6042

S 11°-W 100'

N 6°-W 200'

505'

385'

3
5.604 Ac.

N 18°-E 403'

26-20-6042

26-20-6042

2
L MAX
22.50 Ac

EXPRESSWAY TUNNEL

BOUNDARY

375'

400'

26-22-5202

J Langenfeder

CITY

S 88°-30 W 178.80'

250'

MAINVIEW AVE

LIFE RESERVATION

BALTIMORE NORTHEASTERN HARBOR (Assd in block 25-6-7027 N lot 11)

N 60°-E 249.79'

PLAINVIEW AVE.

26-20-6224

26-20-6227

31
IA
S 69°-3'
69.5'

PLAINVIEW AVE.

Sub Plan #1
Scale 1"-100'

HJS-605-78

Notes See Old Block Plat For 1958

TRACED BY
LETTERED BY
CHECKED BY

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF SURVEYS
PROPERTY LOCATION DIVISION
WARD 26 SECTION 20
BLOCK 6218 LOT 1
SCALE 1"= 300 ft. DATE July 1958

PETITION FOR SPECIAL HEARING

86-509-SPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

DETERMINE DENSITY CAN BE TRANSFERRED PER SECTION 1B01.2A.2 AND/OR 1B01.3.B.1 SEE CRG Plan for Bluegrass Heights

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

I, or we, agree to pay expenses of the above Special Hearing 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

MAP NE 3E
48
14B
DATE 7-10-86
CASH 050
CK 6008
VAR

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Petitioner
Legal Owner(s):

HAMILTOWNE IMPROVEMENT ASSOC. INC.
(Type or Print Name)

JOHN F. THACKSTON SR.
Signature

(Type or Print Name)

John F. Thackston Sr.
Signature

2310 Holyoke RD 866-5405
Address Phone No.

Baltimore, Co. MARYLAND 21237
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

John Fink % Triangle Realty
Name

6999 Reisterstown Rd Balto 21215
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of May, 19 86, 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 16th day of June, 19 86, at 10:00 o'clock A. M.

Zoning Commissioner of Baltimore County.

(over)

RECEIVED FOR FILING
DATE 5-14-86
BY

PROPERTY DESCRIPTION

Located at the west end of Bluegrass Road 200' west of the centerline of Hamiltowne Circle, being the same property processing through the Baltimore County County Review Group (CRG) process as Bluegrass Heights (XIV - 217).

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

October 22, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-509-SPH

HAMILTOWNE IMPROVEMENT ASSOCIATION, INC.

FOR SPH -DETERMINE IF DENSITY CAN BE TRANSFERRED PER §1B01.2A.2 and/or 1B.01.3.B.1

WEST END OF BLUEGRASS ROAD, 280' W OF THE C/L OF HAMILTOWNE CIRCLE

14th DISTRICT

6/24/86 - Z.C. GRANTED PETITION FOR SPECIAL HEARING; DISAPPROVED DENSITY TRANFER

ASSIGNED FOR: TUESDAY, FEBRUARY 3, 1987 at 10 a.m.

cc: Newton A. Williams, Esq. — Counsel for Appellants/Protestants-Owners
Mr. John Fink — Appellant/Protestant-Owner
Mr. John F. Thackston, Sr. — Appellee/Petitioner
Phyllis Cole Friedman, Esq. — People's Counsel
Mr. Russell Fitchett
Mr. Martin C. Castle
Mr. & Mrs. Charles Machen
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. duBois

Kathi C. Weidenhammer
Administrative Secretary

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 25, 1986

Mr. John F. Thackston, Sr.
Hamiltowne Improvement Assoc., Inc.
2310 Holyoke Road
Baltimore, Maryland 21237

RE: PETITION FOR SPECIAL HEARING
West End of Bluegrass Rd., 280' W of the c/l of Hamiltowne Circle
14th Election District
Hamiltowne Improvement Assoc., Inc. - Petitioner
Case No. 86-509-SPH

Dear Mr. Thackston:

Please be advised that on July 14, 1986, an appeal was filed by the Appellants/Protestants-Owners, John Fink, Lillian Sapero, and Lillian & Company, from the decicion rendered by me on June 24, 1986 in this matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:med

ccs: Newton A. Williams, Esquire
Mr. John Fink
Phyllis Cole Friedman, Esquire, People's Counsel

bl. cc: Board of Appeals

96-261A
6/19/86

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
RUSSELL J. WHITE

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM H. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS

*ALSO ADMITTED IN D.C.

June 18, 1986

JUN 19 AM
Arnold
Jean
Pat
Pic
Chas
ZONING DEPT.

Honorable Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing
Item No. 252, Case No. 86-509-SPH
Hamiltowne Improvement Assoc., Inc.

Dear Commissioner Jablon:

As I stated at the conclusion of the hearing on June 16, 1986, there are certain points which my clients, members of the Sapero family, wish me to bring out.

First of all, as you stated at the outset of the hearing, it has been the policy of the Zoning Commissioner's Office to permit transfer of density since the 1955 Regulations were enacted.

Furthermore, it is clearly the philosophy of Bill 100, and most particularly Sections 1B01.3B.1. and 1B01.2A.2., to allow clustering and transfer of density, including across zoned boundaries.

Furthermore, we would like to point out the following factors about this particular case:

1. The property has always been all one tract, and we offered two (2) deeds in evidence showing this.

2. The property in Baltimore County has always been taxed on a single tax bill, and that tax bill was offered in evidence.

Honorable Arnold Jablon
June 18, 1986
Page 2

3. The property is zoned DR 10.5 to the northwest of the expressway and DR 5.5 to the southeast of the expressway, which is specifically within the intent of Section 1B01.2A.2., which allows a single tract under such circumstances to be treated as one for average density purposes, irrespective of the zoned boundary.

4. A plat was offered in evidence from the Roschen property, wherein Franklin Boulevard, not a developer's road, was taken, and the property was treated as one tract for subdivision purposes.

5. As for the taking recently for a Baltimore City park, I am enclosing herewith a copy of a settlement sheet dated June 6, 1979 showing that the property owner settled with the Mayor and City Council for $106,000.00, notwithstanding the fact that they had an appraisal of the property for $276,000.00 in fee simple, including that small portion in Baltimore County, which was not taken, but which was treated as landlocked. Certainly, a settlement of $106,000.00 against a appraisal of $276,000.00 does not indicate that payment was made for this Baltimore County property either in fee or as consequential damages.

6. Furthermore, this is not a "tail wagging the dog" situation, since we are only talking about six tenths of an acre and six units, and it does not represent putting twelve pounds in a ten pound bag, as was argued.

Furthermore, I do not believe that my clients would be better off with a decision that these units cannot be transferred, contrary to Baltimore County policy and statutory language, since

Honorable Arnold Jablon
June 18, 1986
Page 3

the units are worth more southeast of the expressway than northwest of the expressway and are more usable on the side of the expressway where development is to occur, rather than on the other side.

In Summary, we believe that this tract, which was acquired in one deed, always so taxed, never voluntarily in any way divided by the property owner, should be continued to be treated as one tract and that the density transfer of six units should be allowed for the reasons set out herein.

Thanking you for your attention to this important matter, I am

Respectfully,

Newton A. Williams
Newton A. Williams

NAW:ylm

Enclosure

cc: Honorable William Burgess (w/encl.)
Mr. John F. Thackston, Sr. (w/encl.)
Mr. John Fink (w/encl.)
Mr. Hank Sadler (w/encl.)

JUN 16 AM

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
RUSSELL J. WHITE

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NEWTON A. WILLIAMS
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THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS

*ALSO ADMITTED IN D.C.

July 10, 1986

Honorable Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Hamiltowne Improvement Assoc., Inc.
Case No. 86-509-SPH

Dear Commissioner Jablon:

On behalf of our clients, John Fink and Lillian Sapero and Lillian & Company, owners of the property, which is the subject of this special hearing, please note an appeal to the County Board of Appeals from your Findings of Fact and Conclusions of Law dated June 24, 1986.

Our firm check in the amount of $120.00 made payable to Baltimore County, Maryland is enclosed.

Thanking you and your staff for your attention to this matter, I am

Respectfully,

Williams

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 021790

DATE 7/14/86 ACCOUNT R-01-615-000

AMOUNT $ 120.00

RECEIVED FROM Nolan, Plumhoff & Williams, Chartered
204 W. Pennsylvania Ave., Towson, Md. 21204

FOR APPEAL & SIGN POSTING FEE re Case #86-509-SPH

B 01****120:Ca 2142F

VALIDATION OR SIGNATURE OF CASHIER

THE TITLE GUARANTEE CO...
LE BUILDING, ST. PAUL AND LEXINGTON ST...TS
BALTIMORE, MARYLAND 21202

Dated June 16th 19 79

App. No. H - 85957 - Frankford Gardens, Inc.
SALE/MORTGAGE LOAN made by Mayor & City Council of Baltimore
to Thomas & Mildred Woodall & Ann E. Adjustments made as of December 19 79
Property 4 Bluegrass Rd. (Dist. 14 Sec. 2) Plat 446/446

CREDIT TO SELLER AMOUNT OF PURCHASE PRICE		$ 209,000
19 Taxes paid in advance ___ months ___ days		
Accruing Ground Rent ___ months ___ days		
Fire Insurance		
Acknowledgment (Interest (10%) on $197,000.00 unpaid balance 5/19/79-6/16/79		6763
DEDUCT FROM SELLER		$ 208,763
Cash paid on account Deposit in Cod Common Pleas	$ 85,000 00	
19 Taxes (current) 1st 1977/140 months 0 days		
19 Water (current) Qrt 1986/1 months ___ days		
Ground Rent ___ months ___ days		
House Rent ___ months ___ days		
Mortgage		
U. S. Revenue Stamps ½ Md. Stamps ½		
Transfer Tax ½		
Total Deductions	$ 125,000 00	$ 125,000
Net Amount Due Seller by Purchaser		$ 83,763
COST OF TRANSFER		
Fee for Title Insurance	$ 758 40	
Mortgagee Title Insurance Policy or Conveyancing		
Recording Rel. ___ Lease ___ Asst. ___ Deed ___ Mtg. ___		
Notary Fees ___ Judg. Reports ___ Lien Certf. ___		
U. S. Revenue Stamps ___ Md. Samps ___		
Taxes for 19		
Tax Accrual 19 ___ Mos. @		
Ground Rent Accrual ___ Mos. @		
FHA Insurance Accrual ___ Mos. @		
Insurance Accrual ___ Mos. @		
Insurance		
Interest to (Extra Days to Note)	+0 00	
Service Charge ___ Credit Report ___ Photos ___		
Appraisal		
Survey		
Transfer Tax		
Total Cost of Transfer	$ 758 40	$ 758
Gross Amount Due By Purchaser		$ 84,521
AMOUNT MORTGAGE LOAN BY Check from MyCC		$ 77,000
Balance Paid to/by Borrower or Purchaser E/O.		$ 7521
DISBURSEMENTS FOR SELLER Net Amount Due Seller by Purchaser		$ 83,763
Mortgage to	$	
(Int. Pack. + Gara Attys)	84,565 50	
Judgments & Interest Thereon		
Taxes for Year (s)		
Past Due Metered Water To 11/78 TAXES:	839 70	
Recording Release of Mortgage		
Broker's Commission		
- Total Deductions from Seller	$ 30,405 20	$ 30405
Balance Due Seller		$ 53357

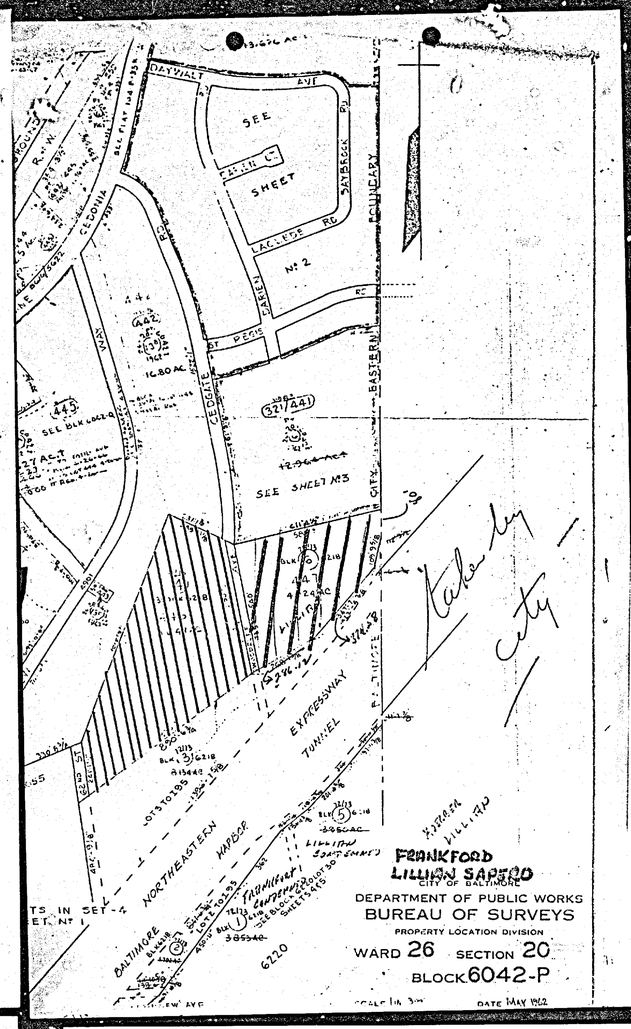
THE TITLE GUARANTEE COMPANY
Deborah A. Berger
Settlement Officer

Settlement are made subject to further adjustment between parties in event of errors in calculations.

Mayor & City Council of Baltimore by Authority of P. Palubicki, Asst. City Sol.
Buyer's or Borrower's Signature

Seller's Signature

Estimated
Mortgage Payments:
Prin. & Int.
Taxes (Estimated)
Ground Rent
F. H. A. Ins.
Hazard Ins.
Maint. Charge



PETITION FOR SPECIAL HEARING

14th Election District

Case No. 86-509-SPH

LOCATION: West end of Bluegrass Road, 280 feet West of the Centerline of Hamiltowne Circle

DATE AND TIME: Monday, June 16, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to determine if density can be transferred

Hamiltowne Improvement Assoc., Inc.
Being the property of _____, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
West End of Bluegrass Rd., 280' W of the C/L of Hamiltowne Circle : OF BALTIMORE COUNTY
14th District :

HAMILTOWNE IMPROVEMENT ASSOC., INC., Petitioner : Case No. 86-509-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 27th day of May, 1986, a copy of the foregoing Entry of Appearance was mailed to John F. Thackston, Sr., Hamiltowne Improvement Assn., Inc., 2310 Holyoke Rd., Baltimore, MD 21237, Petitioner; and Mr. John Fink, c/o Triangle Realty & Construction Co., 6999 Reisterstown Rd., Baltimore, MD 21215, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

June 10, 1986

Mr. John F. Thackston, Sr.
Hamiltowne Improvement Assoc., Inc.
2310 Holyoke Road
Baltimore, Maryland 21237

Re: Petition for Special Hearing
West end of Bluegrass Rd., 280' W of the c/l
of Hamiltowne Circle
14th Election District
Hamiltowne Improvement Assoc., Inc. - Petitioner
Case No. 86-509-SPH

Dear Mr. Thackston:

This is to advise you that $100.95 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hear... e County, Maryland, and remit ...ding, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 021768
DATE 7-2-86 ACCOUNT R-01-615-000
AMOUNT $ 100.95
Hamiltowne Improvement Association, Inc.
RECEIVED FROM
Advertising and Posting 86-509-SPH
100.95
VALIDATION OR SIGNATURE OF CASHIER

Mr. John F. Thackston, Sr. May 16, 1986
Hamiltowne Improvement Assoc., Inc.
2310 Holyoke Road
Baltimore, Maryland 21237

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
West end of Bluegrass Rd., 280' W of the c/l
of Hamiltowne Circle
14th Election District
Hamiltowne Improvement Assoc., Inc. - Petitioner
Case No. 86-509-SPH

TIME: 10:00 a.m.

DATE: Monday, June 16, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 86-509-SPH

District 14th Date of Posting 5/16/86
Posted for: Special Hearing
Petitioner: Hamiltowne Improvement Assoc., Inc.
Location of property: West end of E. Bluegrass Rd. 280' W/Hamiltowne Circle on the S. to Nend of Wilshire Rd. W to Northern Parkway & E.S. Mem. Hwy.
Location of Signs: Pat end of E. Bluegrass Rd. & Pat end of Wilshire Rd. (2) on Parcel NW of E.S. Mem. Hwy. Posted on 5/16/86 & 5/17/86
Remarks: Hearing Rd. 10 a.m. property of Petitioner
Posted by [signature] Date of return: 5/23/86
Signature
Number of Signs: 3

PETITION FOR ZONING VARIANCES
9th Election District
Case No. 86-506-A

LOCATION: Southwest Corner of Dunleavy Valley Road and Seminary Avenue, 713 feet Southwest of the Corner

DATE AND TIME: Monday, June 9, 1986, at 11:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances to permit an existing accessory building to be located in the front yard in lieu of the required rear yard and that the building be 26 feet in height in lieu of the required 15 feet in height.

Being the property of F. F. & M. Enterprises, Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County

May 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 22, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 22, 1986.

THE JEFFERSONIAN,
[signature]
Publisher

Cost of Advertising
24.75

PETITION FOR SPECIAL HEARING
14th Election District
Case No. 86-509-SPH

LOCATION: West end of Bluegrass Road, 280 feet West of the Centerline of Hamiltowne Circle

DATE AND TIME: Monday, June 16, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to determine if density can be transferred

Being the property of Hamiltowne Improvement Assoc., Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County

May 29.

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 29, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 29, 1986.

THE JEFFERSONIAN,
[signature]
Publisher

Cost of Advertising
24.75

PETITION FOR ZONING VARIANCES
9th Election District
Case No. 86-506-A

LOCATION: Southwest Corner of Dunleavy Valley Road and Seminary Avenue, 713 feet Southwest of the Corner

DATE AND TIME: Monday, June 9, 1986, at 11:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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Petition for Zoning Variances to permit an existing accessory building to be located in the front yard in lieu of the required rear yard and that the building be 26 feet in height in lieu of the required 15 feet in height.

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BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

76921-LB9452 May 21

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 21, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 21, 1986.

TOWSON TIMES,
[signature]
Publisher

38.25

PETITION FOR SPECIAL HEARING
14th Election District
Case No. 86-509-SPH

LOCATION: West end of Bluegrass Road, 280 feet West of the Centerline of Hamiltowne Circle

DATE AND TIME: Monday, June 16, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to determine if density can be transferred

Being the property of Hamiltowne Improvement Assoc., Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

May 29, 1986

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Zoning Hearings - P.O. #76965 - Req. #LB9458 - 78 lines @ $31.20. was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 30th day of May 1986; that is to say, the same was inserted in the issues of May 29, 1986

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: May 28, 1986

FROM: Norman E. Gerber, AICP, Director, Office of Planning and Zoning

SUBJECT: Zoning Petition No. 86-509-SPH

In view of the lack of adequate information in the file, this office cannot comment on the subject petition.

Norman E. Gerber, AICP
Director

86-509-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of May, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Hamiltowne Improvement Association, Inc. Received by: James E. Dyer
Petitioner's Attorney:

Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

June 3, 1986

Mr. John F. Thackston, Sr.
Hamiltowne Improvement Association, Inc.
2310 Holyoke Road
Baltimore, Maryland 21237

RE: PETITION FOR SPECIAL HEARING
Item No. 252, Case No. 86-509-SPH
Hamiltowne Improvement Assoc., Inc. - Petitioner

Dear Mr. Thackston:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following 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 suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:med
Enclosures

ccs: Mr. John Fink
Triangle Realty and Construction Co.

James Stephen Patton, P.E.
D. S. Thaler & Associates, Inc.

COUNTY REVIEW GROUP MEETING MINUTES

Thursday, January 9, 1986

CRG comments XIV-217

BLUEGRASS HEIGHTS

COUNTY REVIEW GROUP - *THOSE PRESENT*

Robert E. Covahey, Chairman - Dept. of Public Works
Susan Carrell, Co-Chairman - Office of Current Planning

Agency Representatives

Greg Jones	- Traffic Engineering Department
Capt. Jos. Kelly	- Fire Department
Gary Kerns	- Office of Planning
Frank Hiner	- Dept. of Recreation & Parks

Developer and/or Representatives

D. S. Thaler	- D. S. Thaler & Associates, Inc.
R. Roger	- D. S. Thaler & Associates, Inc.
Jon Fink	- Bluegrass Heights Assoc.

*Interested Citizens - See attached list

Mr. Covahey opened the meeting at 10:35 a.m., introduced the staff, and explained the purpose of the meeting.

Mr. Thaler presented the Plan.

Ms. Carrell summarized the staff comments submitted from the Health Dept., Developer. Engineering Division, Storm Water Management Review, Bureau of Sanitation, Fire Department, Traffic Engineering, State Highway Administration, Office of Planning, Office of Zoning, Fire Department, Dept. of Recreation & Parks, and Board of Education. These comments have been made a part of these minutes, and a copy was also given to the developer and developer's engineer.

The citizens were invited to comment. Delegate Burgess raised the following issues: 1) location of open space relative to the flood plain; 2) transfer of density from parcel to parcel; 3) open space requirements for the north parcel; 4) explanation of no parking required by the Fire Dept.; 5) construction vehicle access; 6) traffic impact on the neighborhood (study recommended); 7) will the decision of the Zoning Commissioner affect open space requirements. Delegate Burgess recommended that the CRG meeting be continued. Mr. Thackston, President of the Hamiltowne Association, advised that their Association had voted for the extension of the road through the proposed new subdivision. He requested, however, that a traffic impact study be required. He advised that Bluegrass Road was not fully improved and the intersection with Hamilton Avenue is dangerous. Mr. Fitchett, spokesman for 200 homes in Rosedale Manor, opposed the extension of the road through the proposed subdivision because of the impact on recreational facilities in the existing open space. Additional reasons for opposing the road extension are the creation of a shortcut on existing narrow streets with

BLUEGRASS HEIGHTS

parking along these roads and the poor intersection of Longview Road and Route 7. Pictures were presented to the Committee. Mr. Adelung opposed any removal of the recreational areas and opposed the extension of a through road which would increase traffic on Longview Road. Mrs. Clark was opposed to the through road and stated that the existing fence adjacent to the existing low cost housing should be maintained and/or extended. Mr. Cocnavitch favored the through road because it provides three means of access. He advised that Bluegrass Road is not completed with a full paving width to Hamilton Ave. and that there is an old dump site within this property near the city line. Mr. Castel advised that Longview Road at Route is a narrow intersection and not adequate for additional traffic. He also raised questions regarding the allowance of townhouses in this area, fire protection and ambulance service, H.O.A. open space and the construction access. He was also opposed to the through road.

The staff comments to be addressed are as follows:

Health Dept. required that the stream channels on-site be shown on the Plan.

Traffic Engineering required that grading and clearing areas for sight distance beyond the right-of-way line be shown. Planning requested that a note be added that R.T.A. Buffer Area planting may need to be supplemented. Trees to be retained should be clarified. The future development area should be labeled Parcel "A". Zoning advised that a special hearing was filed on this project to determine whether the density of the three separate parcels can be calculated as one. Most of the other comments were of a technical nature and have been taken care of on the Plan. Recreation & Parks gave their comments verbally since they were based on a field inspection of the site as well as review of the Plan. The local open space requirements appear to be met. An exchange of existing open space for new open space appears satisfactory if there is no adverse impact on existing recreational facilities. A field stake out of the areas to be exchanged is required. No open space money was involved in the acquisition of the existing open space.

The Bureau of Land Acquisition advised that in addition to Recreation & Parks' approval and the fact that no program open space money is involved, the parcels must be appraised to determine if the land acquired by Baltimore County is of equal or greater value than that released.

The developer's representative informed the Committee that each parcel's density was independently computed and that the Homeowners Association would be for the townhouses only. He asked for a conditional approval of the Plan.

BLUEGRASS HEIGHTS

CONCLUSION: After consideration of all of the issues raised, the Committee decided that a Continued Meeting was necessary for this project. The issues needing to be resolved are the traffic circulation in the area and whether a through road in this subdivisio is recommended by the County since the community was split on this question. The approval of the open space exchange by Recreation & Parks must also be confirmed. Delegate Burgess also questioned if the decision of the special zoning hearing would affect the computation of open space area for each individual parcel.

The meeting was adjourned at 12:15 p.m.

R.E.C.

CONT. CRG MEETING OF APRIL 30, 1986

AMENDED CRG PLAN

BLUEGRASS HEIGHTS

1. Comment #1 for the meeting of 1/9/86 has been addressed.

2. Regarding original comment #2, the original diversion of 5± acres from Moores Run to Redhouse Run has been significantly reduced. Any diversion of more than one acre requires volume management of the 2, 10 & 100 year storms.

3. Regarding original comment #3, it appears that 2 SWM facilities are proposed in the Moores Run portion of the site, although the facility in the southwest corner should be labelled

4. Original comment #4 still applies.

5. Regarding original comment #5, infiltration of the runoff from the one inch storm must be investigated at the proposed SWM facilities. All facilities which utilize infiltration must be maintained privately.

6. Original comments #6 & #7 remain valid.

7. In addition to the above, any off-site R/W required for the SWM outfalls must be acquired prior to SWM plan approval.

Thomas L. Vidmar
2/13/86
4/14/86

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: April 28, 1986

FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Bluegrass Heights
PROJECT NUMBER: #85303
LOCATION: Bluegrass Road and Wilhelm Avenue
DISTRICT: 14C7

The Amended Plan for the subject site, dated November 1, 1985, with the latest revision dated March 25, 1986, has been reviewed by the Developers Engineering Division and we comment as follows:

HIGHWAY COMMENTS:

Crosset Road and Wilhelm Avenue shall be improved with a 30-foot combination curb and gutter cross-section on a 50-foot right-of-way. Curbing shall tie-in to the existing curb and gutter at each existing dead-end and shall be the Developer's full cost responsibility.

Since the main street through the subdivision is no longer proposed as a continuous street, the existing local open space adjacent to the "Hamiltowne" Subdivision remains unaffected and is, therefore, no longer an issue.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

Management of the 2 and 10-year frequency storm must be provided and the Amended Plan now shows a storm water management facility for that area tributary to the Moores Run. It appears that offsite rights-of-way will be necessary for two of the storm water management ponds, and the Developer is hereby advised that the final plat and/or building permits will not be approved until these offsite easements have been acquired. The County reserves the right to make the necessary contacts for these acquisitions.

* * * * * * *

All other comments, dated January 6, 1986, remain valid.

EDWARD A. MCDONOUGH, P.E., Chief
Developers Engineering Division

EAM:DBS:ss
cc: File

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING
DATE: April 29, 1986

PROJECT NAME: BLUEGRASS HEIGHTS
COUNCIL & ELECTION DISTRICT XIV-217
PLAN XXXXXXXXXXXXXXXXXX
PLAN EXTENSION
REVISED PLAN
PLAT

The Office of Planning has reviewed the revised CRG plan dated March 25, 1986 and submits the following comments:

The plan must clearly identify existing trees which can be retained, particularly along the Expressway. Supplemental landscaping and screening may be needed to minimize the impact of the Expressway. The Landscape Manual (Sec. XX.A.2(c)) requires screening where dwelling units are proposed within 100 ft. of the right-of-way of an Interstate Highway.

This site contains soils with moderate to severe limitations for development. The plan must indicate the measures which will be employed to mitigate these limitations.

A final landscape plan must be approved by this office prior to issuance of building permits.

Gary Kerns
Gary Kerns

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS — DATE: April 30, 1986

FROM: ZONING OFFICE — (continued from 1/9/86)

PROJECT NAME: BLUEGRASS HEIGHTS — PLAN: 3/25/86

LOCATION: E/S of Baltimore City/County Line at termination of Summit Avenue — DEVELOPMENT PLAN:

DISTRICT: 14th Election District — PLAT:

1. As in Comment #1 (1/9/86) a special hearing was filed in this office on 12/31/85 under Item #252 to determine if the density of 3 separate parcels could be calculated as one. As of this writing the attorney has requested that a hearing date not be scheduled until the end of April.

2. Comment #3 (1/9/86) was not fully complied with. The buffer must be extended to a line of sight that extends from the NE/corner of Lot #667, Summitt Farms, to the point where the 300 ft. R.T.A. arc intersects the rear of the adjoining proposed 6 unit townhouse building. This includes part of the proposed Lot #26 on Crossett Road.

3. Inclusion of comments #4 and #5 made on 1/9/86. Comment #4 to be addressed on this plan and #5 on the Final Development Plan.

4. Show the required 35' tract boundary setback on Lot #13 Wilhelm Avenue.

5. Change the "Elevation and Setback Detail" to reflect Zoning Policy RM-6.

W. Carl Richards

W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:bg

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS — DATE: January 9, 1986

FROM: ZONING OFFICE

PROJECT NAME: BLUEGRASS HEIGHTS — PLAN:

LOCATION: ES Baltimore City/County Line at termination of Summit Avenue — DEVELOPMENT PLAN:

DISTRICT: 14th Election District — PLAT:

1. A special hearing to determine whether the density of the three separate parcels can be calculated as one was filed with this office on December 31, 1985 (Item No. 252). As of this writing a hearing date has not been scheduled. For our purposes the following comments will be written based on the plan as submitted. Regardless of the outcome of said hearing, the proposed use, if any, and method of maintaining the triangular shaped parcel on the north side of J. F. Kennedy Highway must be indicated.

2. No part of the required buffer area may be counted as required local open space.

3. Rear yard setback of 150 feet must be maintained between townhouses and the southerly property line along Plainview Avenue. In keeping with this the buffer areas along this property line should be extended further to the east to Crossett Road.

4. The outline of the tract should be clearly indicated and include the area to be given by Baltimore County for a portion of the proposed Crossett Road and exclude that portion of the subject property owned by the developer and given to Baltimore County.

5. Area listed as "future development" (2.9 acres) should be further explained. At the time of final development plan, a 300' provisory section must be delineated and the type of development (i.e. single family dwellings, etc.) must be indicated.

6. Dimension 5 and 6 unit townhouse groups 35 feet from the I-95 boundary and show any property lines dividing adjoining property on the S/S of the north parcel and the W/S of the south parcel. Also, any vacant lots should be identified. Acreages, lot lines and dwellings should be shown on all adjoining properties.

7. On the Development Plan Note:

   a. If drainage, utility and walkway easements are fenced that at lease 5 feet must remain open for pedestrian access.

COUNTY REVIEW COMMENTS — - 2 - — January 9, 1986
RIDGELY'S CHOICE

   b. If townhouses are built near to or on the 500 square foot envelope setback line, that on grade decks will require a zoning variance (public hearing) if they project more than 4' x 10' and extend into the required 500 square foot open yard space. Walk-outs or second level decks are permitted to extend into the required yard space if they remain open underneath. See policy S-11.C.3.d. The interior lots on this plan contain only square feet of open yard space.

NBC/WCR

NICHOLAS B. COMMODARI
W. CARL RICHARDS, JR.

NBC:WCR:bg

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING 10:00 — DATE: January 8, 1986

PROJECT NAME: BLUEGRASS HEIGHTS — PLAN
COUNCIL & ELECTION DISTRICT: XIV-217 — PLAN EXTENSION
REVISED PLAN
PLAT

The Office of Planning has reviewed the subject plan dated 11/1/85 and submits the following comments:

A note should be added to the plan indicating that the R.T.A. buffer area planting may need to be supplemented. A field investigation to determine the adequacy of the buffer planting will be required prior to approval of the final development plan.

Clearly identify on the plan existing trees and indicate trees which can be maintained, particularly adjacent to the expressway. Additional landscaping and screening may be needed to minimize the impact of the expressway.

The land to be transferred for the road exension should be clearly identified on the plan.

The open space in the southern portion of the site should be identified as public local open space.

The future development area should be labeled Parcel "A". Development of Parcel "A" is contingent upon the provision of adequate access. At this time, the 20' right-of-way does not appear to be acceptable access.

This site contains soils with moderate to severe limitations for development. Adequate measures to mitigate these limitations will be required prior to final development plan approval.

Gary Kerns

Gary Kerns

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Brooks Stafford, Director, Environmental Support Services — Date: April 21, 1986

FROM: Loretta Plott, Waste and Water Quality Management

SUBJECT: ENVIRONMENTAL EFFECTS REPORT — BLUEGRASS HEIGHTS (Name)

CRG MEETING: April 30, 1986 (Date) — 1:30 (Time)

PLAN REVIEW NOTES

1. Townhouses and single family unit proposed (Describe Site) on approx. 25 acres.
2. Public water and public sewer is proposed.
3. Streams on E & W/B shown. (Describe streams on-site)
5. Fillington mapped with steep (Describe wetland soils on-site)
6. Storm Water Management _____ required.
7. _____ proposed impervious area.

RESPONSES

___ The Environmental Effects Report is not approved. In order to receive approval, the following checked items/conditions must be met.

✓ The Environmental Effects report is approved, subject to the following checked items/conditions.

A. ___ No development is allowed in _____ (soil/name & symbol)

B. ___ A revised site plan indicating no development in _____ must be submitted.

Mr. Brooks Stafford
Environmental Effects Report BLUEGRASS HEIGHTS (Name)
Page Two

___ 1. The developer must follow the Health Department Wetland Guidelines.

___ 2. _____ (Other)

C. BEST MANAGEMENT PRACTICES

✓ 1. All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.

✓ 2. Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.

✓ 3. Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used.

✓ 4. Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service.

✓ 5. Filling will not occur in grassed or lined drainage ditches or swales.

___ 6. _____

:pms

4-28-86
Date

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

BLUEGRASS HEIGHTS
Subdivision Name, Section and/or Plat

Bluegrass Heights Assoc — D.S. Thaler
Developer and/or Engineer

Watershed	No. of Lots or Units	Total Acreage	Water	Sewer
Back River	100	24.6	Public	Public

COMMENTS ARE AS FOLLOWS:

___ Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 494-2762.

___ Soil percolation test have been conducted. Revised plans, _____ must be submitted prior to approval of plat, _____ are not required and the plat can be approved as submitted. Contact this office for more complete information, 494-2762.

✓ Public sewers ✓, public water ✓, must be utilized and/or extended to serve the property.

✓ A Hydrogeological Study and Environmental Effects Report for this subdivision, _____ must be submitted, _____ are not required, _____ is incomplete and must be revised, ✓ has/have been reviewed and approved.

___ A Water Appropriation Permit Application, _____ must be submitted, _____ has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.

✓ It is recommended the plan, _____ be approved as submitted, ✓ be approved as submitted subject to the following conditions noted: on the attached memo dated 4-21-86

___ It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS:

SS 783R

FILE MEMO — OK to file _____ — Follow-up date _____

Inspection ✓ — Telephone ___

ACTION REPORT

Baltimore County Department of Health
Division of Environmental Support Services

Date 4/23/86 — Dist. ___
Time 2pm
File ___
LOCATION: BLUE-GRASS HEIGHTS DEVELOPMENT

MISC SOLID WASTE

CRG- PLAN

PERSON CONTACTED: EDWARD D COCNAVITCH (name and title)
ADDRESS: 2300 HAMILTOWNE CIRCLE — Phone # (W) 575-6930 (H) 866-2751
REASON FOR INSPECTION: DUMP SITE INSPECTION .. (SEE ATTACHED LETTER DATE 1/22/86)

RECORD OF ACTION: AN INSPECTION OF SEVERAL AREAS WITHIN THE PROPOSED BLUEGRASS HEIGHTS DEVELOPMENT SITE WAS CONDUCTED ON 4/23/86, ACCOMPANIED BY MR EDWARD COCNAVITCH. THE INSPECTION WAS CONDUCTED AFTER MR COCNAVITCH HAD REPORTED THAT WASTE MATERIALS OF SOME KIND MAY HAVE BEEN DUMPED ONTO THE SITE PROPOSED FOR DEVELOPMENT. THE INSPECTION REVEALED MISC DEBRIS INCLUDING, FURNITURE, TREES, BLDG RUBBLE, SCATTERED ON THE GROUND SURFACE BUT NO EVIDENCE OF THE BURIAL OF WASTE MATERIALS. ACCORDING TO MR COCNAVITCH MUCH OF THE SITE HAD BEEN PREVIOUSLY USED AS A FARM, HOWEVER MR COCNAVITCH COULD FURNISH NO INFORMATION CONCERNING THE QUANTITY OR NATURE OF MATERIAL WHICH MAY HAVE BEEN USED ON THE SITE. IT WILL BE RECOMMENDED THAT THE DEBRIS BE REMOVED FOR PROPER DISPOSAL AND THAT EXCAVATION WORK BE HALTED, AND THIS OFFICE CONTACTED, SHOULD CHEMICAL WASTES BE DISCOVERED

RECOMMENDATIONS: _____

DATE: (4/28/86) — SANITARIAN _____

REFERRED TO: _____ — FOR _____

DATE _____ — BY _____

COPY TO _____

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

BALTIMORE COUNTY, MARYLAND

DATE: APRIL 15, 1986

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION
BUREAU, PLANS REVIEW DIVISION
CAPTAIN JOSEPH KELLY

PROJECT NAME: BLUEGRASS HEIGHTS

PROJECT NUMBER: CRG AGENDA 4/30/86

LOCATION: BLUEGRASS ROAD AND WILHELM AVENUE

DISTRICT # 14

COMMENTS:

CRG 01
PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA 101 LIFE SAFETY CODE, 1981 EDITION.

CRG 02
FIRE FLOW TEST IS REQUIRED TO BE CONDUCTED BY THE BALTIMORE CITY WATER DEPARTMENT AS CLOSE TO THE SITE AS POSSIBLE. TEST RESULTS ARE TO BE FORWARDED TO THE OFFICE OF THE FIRE PROTECTION ENGINEER.

Planning

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments Date April 29, 1986

From: Dept. of Recreation and Parks

Project Name: Bluegrass Heights — Preliminary Plan ___
Project Number: 85303 — Development Plan ___
Location: Bluegrass Road — Final Plat ___
Districts: 14, C-7 — CRG Plan X

COMMENTS: Revision Date - 3/25/86

The L.O.S. and H.O.A. Open Space shown is acceptable. Existing trees and regetation must be protected during construction and all other requirements of the Local Open Space Manual must be adhered to.

Francis R. Niner
Facilities Coordinator

FRN:rlw

DEPARTMENT OF TRAFFIC ENGINEERS
BALTIMORE COUNTY, MARYLAND

TO : Mr. James Markle — Date: 4-29-86

FROM : C. Richard Moore

SUBJECT: C.R.G. Comments

PROJECT NAME: Bluegrass Heights — C.R.G. PLAN: X

PROJECT NUMBER & DISTRICT: 85303 — DEVELOPMENT PLAN: ___

LOCATION: Bluegrass Rd. — RECORD PLAT: ___

Note 24 applies to lot 8 off of Wilhelm Ave. also and needs to be noted on all future plans including the development plan.

C. Richard Moore
Deputy Director
Department of Traffic Engineering

CRM:GMJ:lt

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

January 23, 1986

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Att: James Dyer

RE: Baltimore County
Item No. 252
Proepry Owner:
Hamiltowne Improvement Association, Inc.
Location: West End of Blue Grass Road, 200' west of centerline of Hamiltowne Cir.
S/E of J.F. Kennedy
I-95
Existing Zoning
D.R. 5.5
Proposed Zoning: Special hearing to determine density can be transferred per section 1B01.2A.2 and/or 1B01.3.B.1 SEE CRG PLAN FOR BLUEGRASS HEIGHTS

Acres: 24.576
District: 14th

Dear Mr. Dyer:

On review of the submittal of 11/1/85, for Bluegrass Heights, the S.H.A. finds the site plan generally acceptable.

Very truly yours,

Charles Lee, Chief
Bureau of Engr. Access Permits

by: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-65901350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5562 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

MAY 21, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of JANUARY 14, 1986
Item # 252
Property Owner: HAMILTOWNE IMPROVEMENT ASSOC., INC.
Location: WEST END OF BLUE GRASS RD. & OF HAMILTOWNE CIRCLE 200' WEST OF

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

( ) There are no site planning factors requiring comment.
(X) A County Review Group Meeting is required.
( ) A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
( ) A record plat will be required and must be recorded prior to issuance of a building permit.
( ) The access is not satisfactory.
( ) The circulation on this site is not satisfactory.
( ) The parking arrangement is not satisfactory.
( ) Parking calculations must be shown on the plan.
( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
( ) Construction in or alteration of the Floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
( ) The amended Development Plan was approved by the Planning Board on
(X) Landscaping: Must comply with Baltimore County Lanscape Manual.
( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
(X) Additional comments:
THE CRG XIV-217 (K/A BLUEGRASS HEIGHTS) WAS APPROVED 4/30/86

cc: James Hoswell

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 252 -ZAC- Meeting of January 14, 1986
Property Owner: Hamiltowne Improvement Association, Inc.
Location: West End of Blue Gradd Road, 200' W centerline of
Existing Zoning: D.R. 5.5 Hamiltowne Circle
Proposed Zoning: Special Hearing to determine density can be transferred per section 1B 01.2A.2 and/or 1B01.3.B.1 SEE CRG PLAN FOR BLUEGRASS HEIGHTS.

Acres: 24.576
District: 14th

Dear Mr. Jablon:

For items 252, please see CRG comments.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

2/3/86 to file

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
RUSSELL J. WHITE

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS

*ALSO ADMITTED IN D.C.

January 27, 1986

JAN 30 AM 9 10 11 12 1 2 3 4 5 6 7 8
ZONING DEPARTMENT
By .....

96-152A

Honorable Arnold Jablon
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Honorable Jean M. H. Jung
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Special Hearing Case Filed by
Hamiltowne Improvement Association
Concerning Transfer of Density
Item 252

Dear Commissioner Jablon and Commissioner Jung:

This office represents Bluegrass Heights Association. The developers of Bluegrass Heights, a presently pending CRG matter, identified as Project XIV - 217.

On January 9, 1986 the initial CRG meeting was held for Bluegrass Heights, and it was continued on two issues relating to a road connection and Recreation and Parks question.

The subject property is composed of two (2) parcels, a so called north parcel and a south parcel, both of which are proposed for individual home and townhouse development.

The subject property is shown in the enclosed CRG plan. It is located at I-95 and the Baltimore City line in the Rosedale area.

The so called north parcel is crossed by I-95, and the northwest corner of the north parcel comprising 0.57 acres lies on the northwest side of I-95, with the bulk of the parcel of 15.14 acres lying on the southeast side of I-95.

Honorable Arnold Jablon
Honorable Jean M. H. Jung
January 27, 1986
Page 2

The Hamiltowne Community, which is the existing DR5.5 individual home community immediately to the east of the main portion of the north parcel, has filed a special hearing case concerning the transfer of density between the two portions of the north parcel.

In actuality, Bluegrass Heights is the petitioner for all practical purposes, and we wish to hereby enter our appearance on behalf of Bluegrass Heights, and have copies of all correspondence relating to this matter sent to this office as well.

Of course, we would also ask that the matter not be scheduled for hearing or any action be taken with regard to this matter without informing the developers, as well as the original filing community.

Thanking you and your staff for your cooperation in this regard, and looking forward to receiving all copies of all materials pursuant to this entry of appearance, I am

Respectfully,

Newton A. Williams

NAW:ylm

Enclosure

cc: Mr. James Dyer
Mr. John Fink
Mr. David S. Thaler, P.E.
Mr. John F. Thackston, Sr.

Prot. 3

07/01/1
STATE AND COUNTY REAL PROPERTY TAXES
METROPOLITAN CHARGES
JULY 1, 1985-JUNE 30, 1986
COUNTY TAX
STATE TAX
SPECIAL TAX DISTRICTS
STORM DRAIN
STREET LIGHTING
WATER CONNECTION
TOTAL METROPOLITAN CHARGES
ASSESSMENT RATES PER $100
21,533
21,533
2.955
2.21
GROSS BILL
DISCOUNT
INTEREST
NET BILL
BOOK FOLIO
LOT
BLOCK
WC
PLAT
DATE PAID OR ENTERED
PROPERTY ADDRESS
OWNER'S NAME ADDRESS
14-19-002122 A6 0
HAMILTOWNE IMPROVEMENT A
ASSOC., INC.
2310 HOLYOKE RD
BALTIMORE MD 21218
B 063******6762RB 80188
10 HAMILTON AV

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
86-509 SPH

District 14th Date of Posting 8/1/86
Posted for: Appeal
Petitioner: Hamiltowne Improvement Assoc., Inc.
Location of property: West end of Bluegrass Rd., 280' W/ of Hamiltowne Circle
Location of Signs: 1st sign to be placed on the W. side of Bluegrass Rd., 2nd sign to be placed on E. side of Bluegrass Rd., 3rd sign on central property on the
Remarks: NW/s of I-95 Highway
Posted by [signature] Date of return: 8/8/86
Signature
Number of Signs: 3

Prot. 1

LIBER 2914 PAGE 474 10106 PAGE 575

Form 2007 THE MARYLAND TITLE GUARANTEE COMPANY—DEED IN FEE — Appl. No. 12[illegible],121

This Deed, *Made this* 20th *day of* April *in the year one thousand nine hundred and* fifty-six, by and between CONRAD J. LANGENFELDER and MARTHA V. LANGENFELDER, his wife, of Baltimore County, in the State of Maryland, parties of the first part, Grantors; and ALBERT SAPERO and LILLIAN SAPERO, his wife, of Baltimore County, in the State of Maryland, and BERNARD DEBOSKEY and HILDA DEBOSKEY, his wife, of Baltimore City, in the State of Maryland, parties of the second part, Grantees.

Witnesseth, *that in consideration of the sum of* Five Dollars ($5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey an undivided two-third interest in and to the hereinafter described lot of ground unto Albert Sapero and Lillian Sapero, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple; and do hereby grant and convey an undivided one-third interest in and to the hereinafter described lot of ground unto Bernard Deboskey and Hilda Deboskey, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple; said lot of ground being situate partly in Baltimore City and partly in Baltimore County

[redacted] *in the State of Maryland, and described as follows, that is to say:*

BEGINNING for the same at the end of 87-1/2 perches on the seventh line of the whole parcel of land conveyed by George Hammersly to Joseph Colloday, et al, by Deed dated August 15, 1851, and recorded among the Land Records of Baltimore County in Liber A.W.B. No. 464, folio 337, said beginning being at the end of the first line of the lot conveyed by Deed dated December 30, 1956, to James H. Millikin, said beginning being the beginning of the land conveyed by William Y. Colloday and wife to John Langenfelder by Deed dated October 25, 1877, and recorded among the Land Records of Baltimore County in Liber J.B. No. 103, folio 283, thence running with and binding on said last mentioned land, the two following courses viz: south 78-1/2 degrees west 57.7 perches to the west side of a road laid out along the western boundary line of the whole parcel of ground as above mentioned thence with and binding on the west side of said road, north 10½ degrees west 64.1 perches to the end of the second line of the land conveyed by Ann Thompson, et al, to John Langenfelder by Deed dated December 22, 1869, and recorded among the Land Records of Baltimore County in Liber E.H.A. No. 64, folio 505, thence running with and binding on the second and part of the first lines of said last mentioned land reversely and on the west side of a road above referred to, north 10-1/2 degrees west 30 perches, north 79-1/2 degrees east 77.7 perches more or less until it intersects a line drawn north 5 degrees east from the place of beginning thence reversing said line and binding thereon, south 5 degrees west 95.6 perches, more or less to the place of beginning. Containing 39-1/2 Acres, more or less

BEING the same parcel of land described in a Deed dated February 28, 1944, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1334, folio 315, from John F. Langenfelder and wife to the within named Grantors, said Deed also being recorded among the Land Records of Baltimore City prior hereto.

UNLOCATED

[illegible] TO THE LAND RECORDS OF

FEE-SIMPLE DEED—CODE—City or Co.

LIBER 1254 PAGE 485 LIBER 3967 PAGE 506 Prot. 2

27088

This Deed, Made this 26th day of February in the year one thousand nine hundred and SIXTY TWO, by and between Pascal Construction Company, Inc., a body corporate, duly incorporated under the Laws of the State of Maryland and Bernard DeBoskey and Hilda DeBoskey, his wife of Baltimore City in the State of Maryland, of the first part, and Albert A. Sapero and Lillian Sapero, his wife, of Baltimore County, State of Maryland of the second part.

Witnesseth, that in consideration of the sum of Five Dollars ($5.00) the said parties of the first part do grant and convey unto the said parties of the second part, their heirs and assigns, in fee simple, all those two lots their interests in of ground, situate, lying and being in the City of Baltimore and/or County of Baltimore, aforesaid, and described as follows, that is to say:—

Beginning for the first thereof (situate partly in Baltimore City and partly in Baltimore County) at the end of 87-1/2 perches on the seventh line of the whole parcel of land conveyed by George Hammersly to Joseph Colloday, et al, by Deed dated August 15, 1851, and recorded among the Land Records of Baltimore County in Liber A.W.B. No. 464, folio 337, and said beginning being at the end of the first line of the lot conveyed by Deed dated December 30, 1956, to James H. Millikin, said beginning being the beginning of the land conveyed by William Y. Colloday and wife to John Langenfelder by Deed dated October 25, 1877, and recorded among the Land Records of Baltimore County in Liber J. B. No. 103. folio 283, thence running with and binding on said last mentioned land, the two following courses viz: South 78-1/2 degrees West 57.7 perches to the West side of a road laid out along the Western boundary line of the whole parcel of ground as above mentioned thence with and binding on the West side of said road, North 10½ degrees West 64.1 perches to the end of the second line of the land conveyed by Ann Thompson, et al, to John Langenfelder by Deed dated December 22, 1869, and recorded among the Land Records of Baltimore County in Liber E.H.A. No. 64, folio 505, thence running with and binding on the second and part of the first lines of said last mentioned land reversely and on the West side of a road above deferred to, North 10½ degrees West 30 perches, North 79½ degrees East 77.7 perches more or less until it intersects a line drawn North 5 degrees East from the place of beginning thence reversing said line and binding thereon, South 5 degrees West 95.6 perches, more or less to the place of beginning. Containing 39½ Acres, more or less.

BEING the same lot or parcel of ground which by Deed dated April 20, 1956, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2914, folio 474, was granted and conveyed by Conrad J. Langenfelder and wife to Albert Sapero and Lillian Sapero, his wife, and Bernard DeBoskey and Hilda DeBoskey, his wife, four of the within Grantors. (Recorded, Baltimore City M.L.P. No. 10106, folio 575)

BALTIMORE CITY, LIBER J.F.C.

LIBER 3967 PAGE 506 1254 PAGE 487

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lots of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, their heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors PASCAL CONSTRUCTION COMPANY, INC. by Bernard DeBoskey, its President and Bernard DeBoskey and Hilda DeBoskey as tenants by entireties.

TEST:

PASCAL CONSTRUCTION COMPANY, INC. (SEAL)
Bernard DeBoskey, President
Hilda DeBoskey (SEAL)
Hilda DeBoskey and
Bernard DeBoskey (SEAL)
Bernard DeBoskey
, to wit:

STATE OF MARYLAND, day of February

I HEREBY CERTIFY, That on this 26 in the year one thousand nine hundred and sixty two, before me, the subscriber, a Notary Public of the State of Maryland, in and for City of Baltimore aforesaid, personally appeared Bernard DeBoskey and Hilda DeBoskey, tenants by entireties and Bernard DeBoskey, President of the Pascal Construction Company, Inc. the above named grantors, and they acknowledged the foregoing Deed to be their act. And also, Bernard DeBoskey acknowledged the foregoing deed to be the act of the Corporation. As Witness my hand and Notarial Seal.

Notary Public

my COMMISSION EXPIRES MAY 6, 1963

Recd for record MAR 20 1962 at 12 P.M. and recorded
per Walter J. Rasmussen, Clerk
Recd for record APR 3 1962 at 1254 P.M. & RECORDED IN THE LAND RECORDS OF
BALTIMORE CITY, LIBER J.F.C. PAGE 485 JAMES P. CARNEY, CLERK

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 25, 1986

Mr. John F. Thackston, Sr.
Hamiltowne Improvement Assoc., Inc.
2310 Holyoke Road
Baltimore, Maryland 21237

RE: PETITION FOR SPECIAL HEARING
West End of Bluegrass Rd., 280' W of the c/l of Hamiltowne Circle
14th Election District
Hamiltowne Improvement Assoc., Inc. - Petitioner
Case No. 86-509-SPH

Dear Mr. Thackston:

Please be advised that on July 14, 1986, an appeal was filed by the Appellants/Protestants-Owners, John Fink, Lillian Sapero, and Lillian & Company, from the decision rendered by me on June 24, 1986 in this matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:med

cc: Newton A. Williams, Esquire
Mr. John Fink
Phyllis Cole Friedman, Esquire, People's Counsel

bl. cc: Board of Appeals

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
RUSSELL J. WHITE

*ALSO ADMITTED IN D.C.

July 10, 1986

Honorable Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Hamiltowne Improvement Assoc., Inc.
Case No. 86-509-SPH

Dear Commissioner Jablon:

On behalf of our clients, John Fink and Lillian Sapero and Lillian & Company, owners of the property, which is the subject of this special hearing, please note an appeal to the County Board of Appeals from your Findings of Fact and Conclusions of Law dated June 24, 1986.

Our firm check in the amount of $120.00 made payable to Baltimore County, Maryland is enclosed.

Thanking you and your staff for your attention to this matter, I am

Respectfully,

Newton A. Williams

NAW:ylm
Enclosure
cc: People's Counsel
Hon. William T. Hackett
Mr. John Fink
Mr. David Thaler
Mr. Hank Sadler
Hon. William Burgess
Mr. John F. Thackston, Sr.

COUNTY BOARD OF APPEALS RECEIVED 1986 JUL 14 A 10 56

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STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
LOUIS G. CLOSE, III

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
RUSSELL J. WHITE

*ALSO ADMITTED IN D.C.

January 16, 1987

Mr. William T. Hackett, Chairman
BALTIMORE COUNTY BOARD OF APPEALS
Court House
Towson, Maryland 21204

Re: Hamiltowne Improvement Association, Inc.
Case No. 86-509-SPH,
Scheduled Hearing Date: Tuesday, February 3, 1987
Request for Continuance to Allow Sale to Baltimore County with Order of Dismissal thereupon

Dear Chairman Hackett:

Our firm represents Bluegrass Heights Associates, the Fink family, owners and developers of Bluegrass Heights, a CRG approved development on the southeast side of I-95 in the Rosedale section of Baltimore City.

In connection with that CRG proceeding, Hamiltowne Improvement Association filed for this special hearing because of the possibility that the developer/owner would ask to transfer six density units from a 0.571 acre portion of the tract on the northwest side of I-95 to that portion of the site on the south side.

The approved CRG plan did not seek this transfer of D.R. density units.

In an associated condemnation case, Baltimore County vs. Sapero, Circuit Court for Baltimore County Jury 85CG-3538, the County had sought a 0.332 acre utility easement and an 0.239 acre construction easement through that 0.571 acre parcel. In settlement of that case, scheduled for trial on February 4, 1987, the County has agreed to acquire the entire parcel in fee, rendering the developer's appeal of Commissioner Jablon's Opinion and Order of June 24, 1986, moot.

Accordingly, we would respectfully request the Board to continue this matter, without a hearing on the merits on February 3rd, and a formal Order of Dismissal will be filed upon complete acquisition and payment by Baltimore County.

COUNTY BOARD OF APPEALS RECEIVED 1987 JAN 16 P 2 51

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 16, 1987

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 86-509-SPH — HAMILTOWNE IMPROVEMENT ASSOCIATION, INC.

FOR SPH -DETERMINE IF DENSITY CAN BE TRANSFERRED PER §1B01.2A.1 and/or 1B.01.3.B.1

WEST END OF BLUEGRASS ROAD, 280' W OF THE C/L OF HAMILTOWNE CIRCLE

14th DISTRICT

6/24/86 -Z.C. GRANTED PETITION FOR SPECIAL HEARING: DISAPPROVED DENSITY TRANSFER

Scheduled for hearing on Tuesday, February 3, 1987 at 10 a.m. has been POSTPONED at the request of Counsel for Appellants.

cc: Newton A. Williams, Esquire — Counsel for Appellants/Protestants-Owners
Mr. John Fink — Appellant/Protestant-Owner
Mr. John F. Thackston, Sr. — Appellee/Petitioner
Phyllis Cole Friedman, Esquire — People's Counsel
Mr. Russell Fitchett
Mr. Martin C. Castle
Mr. & Mrs. Charles Machen
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois
Delegate William Burgess

Kathi C. Weidenhammer

IN THE MATTER OF THE APPLICATION OF HAMILTOWNE IMPROVEMENT ASSOCIATION, INC. FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST END OF BLUEGRASS ROAD, 280' WEST OF THE CENTERLINE OF HAMILTOWNE CIRCLE 14TH ELECTION DISTRICT

* BEFORE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 86-509-SPH

* * * * * * * * *

ORDER OF DISMISSAL

This is an appeal from the decision of the Zoning Commissioner dated June 24, 1986 granting the Petition for Special Hearing to determine if density can be transferred on the subject property located in the Fourteenth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a request for a dismissal filed September 21, 1989 (a copy of which is attached hereto and made a part hereof) from Newton A. Williams, Esquire, Counsel for Protestants in the above-entitled case; and

WHEREAS, said Counsel for Protestants requests that the appeal filed on behalf of the Protestants be dismissed and withdrawn as of September 21, 1989,

IT IS HEREBY ORDERED this 21st day of September, 1989 that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

John G. Disney
John G. Disney

Michael B. Sauer
Michael B. Sauer

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT E. CAHILL, SR.
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
LOUIS G. CLOCE, III
THOMAS A. ALDERMAN
KERA L. KOSTUN
*ALSO ADMITTED IN D.C.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF (1940-1986)
JAMES D. NOLAN (RETIRED, 1980)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

September 20, 1989

Baltimore County Board of Appeals
County Office Building
3rd Floor
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Ms. Kathi Weidenhammer

Re: Hamiltowne Improvement Association
Case No. 86-509-SPH

Dear Ms. Weidenhammer:

As I have several times told you verbally, this matter has been resolved without the need for a density transfer.

Accordingly, my clients are no longer interested in pursuing the appeal in this matter, and on behalf of all of the Petitioners, Lillian and Company, John Fink, et al., please consider this letter as a request for an Order of Satisfaction in this matter, and please dismiss it without prejudice.

Thanking you and your staff for your kind attention to this matter, I am,

Sincerely,

Newton A. Williams

NAW:med

c.c.s. Mr. John Fink
Sapero & Company
6999 Reisterstown Road
Baltimore, Maryland 21215

RECEIVED
COUNTY BOARD OF APPEALS
89 SEP 21 AM 11:31

ORDER RECEIVED FOR FILING
DATE 9/21/89
BY Kathi C. Weidenhammer
ADMINISTRATIVE SECRETARY

IN RE: PETITION SPECIAL HEARING W/end of Bluegrass Road, 280' W of the centerline of Hamiltowne Circle - 14th Election District
Hamiltowne Improvement Association, Inc.,
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 86-509-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests an interpretation of a Zoning Office policy to permit the transfer of density from one portion of a tract of land to another where the two portions are separated by Interstate 95 (I-95), as more particularly described on Petitioner's Exhibit 1.

John F. Thackston, Sr., President, Hamiltowne Improvement Association, Inc., appeared and testified. Delegate William Burgess, a property owner in the community, also appeared and testified on behalf of the Petitioner. The property owners, Lillian Sapero and Lillian & Company, were represented by Counsel.

The subject property, located off Hamiltowne Circle, is bifurcated by I-95 in its northwestern area, with six-tenths of an acre zoned D.R.10.5 to the north of I-95 and approximately 15 acres zoned D.R.5.5 to the south. The property owners purchased the property in the 1950's, after which the State condemned a portion of the tract to be used for the construction of I-95. The property is identified by one metes and bounds description in one deed, and there is one tax bill. If combined, the acreage would permit 89 units, with 83 units to the south of I-95 and six to the north. The property owners propose to transfer the permitted six units to the south side of I-95 in order to develop the 15-acre portion with 89 units. In April, 1986, the County Review Group (CRG) approved a plan, Petitioner's Exhibit 1, which proposed 83 units rather than 89. If the requested density transfer were approved, an amended CRG plan would need to be submitted for another public meeting, pursuant to the Development Regulations.

ORDER RECEIVED FOR FILING
DATE 9/21/89
BY Kathi C. Weidenhammer
ADMINISTRATIVE SECRETARY

The issue here is whether the bifurcation of this property by I-95 affects the transfer of density. The Petitioner argued that the owner should not be permitted to transfer the density because it would not be within the spirit and intent of the Baltimore County Zoning Regulations (BCZR). Further, the Petitioner argued that at the time of the original condemnation, the property owners were compensated for both the loss of that portion of the property used for I-95 and for the loss of use of the remaining six-tenths of an acre, which was effectively landlocked. If this is so, then the property owners should not be permitted to claim use of that parcel for which they were already paid. In addition, the County is now proposing to take another portion of the six-tenths of an acre for a utility easement, and the Petitioner argued that this would in effect allow the property owners a third bite of the proverbial apple.

Section 1B01.2.A.2, BCZR, permits the transfer of density wherever a single tract is divided by a zone boundary so that portions of such tract lie within D.R. zones of different classifications.

In Gruver-Cooley Jade Corp. v. Perlis, 25 A.2d 589 (1969), the transfer of density from one part of a subdivision to another part of the same subdivision separated by a 80-foot-wide roadway was permitted. The Court of Appeals determined that the two parts of the subdivision were contiguous and that density could be transferred from one part to the other, notwithstanding the existence of the roadway.

The property to be subdivided, as shown on Petitioner's Exhibit 1, is in effect one lot of record, which is defined by the BCZR as a parcel of land

with boundaries as recorded in the Land Records of Baltimore County. Although subdivision of the tract will create smaller lots of record, all will be contiguous to each other and subject to the regulations governing their use. The two portions of this tract are contiguous. In Swarthmore v. Kaestner, 266 A.2d 341 (1970), the Court of Appeals quoted Black's Law Dictionary to define "contiguous" as being "in close proximity; near though not in contact; neighboring; adjoining; near in succession; an actual close contact; touching; bounded or traversed by." See Grand Union Co. v. Laurel Plaza, Inc., 256 F Supp. 78 (Dist. Ct. of Md., 1966).

The use of the term "single tract" in Section 1B01.2.A.2, BCZR, is predicated by the use of the term "subdivision tract" in Section 1B01.2.A.1, BCZR, which establishes density zoning. Clearly, then, the zoning regulations intend that contiguous property within the subdivision tract should be considered as a single tract, and if one metes and bounds description exists for the single tract, transfer of density be permitted.

"The meaning of the plainest words in a statute may be controlled by the context. A statute should be construed that all its parts harmonize with each other and render them consistent with its general object and scope." Pitman v. Housing Authority, 25 A.2d 466, 469.

The BCZR defines "subdivision" as the division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots. Obviously, therefore, any lots of record created would be subject to the zoning regulations then in existence. Indeed, this "single tract" created by the metes and bounds description is one lot of record. See Protestant's Exhibits 1 and 2. As such, its bifurcation by I-95, which occurred after purchase of the tract, does not negate the impact of the current zoning regulations to permit transfer of density across zone boundary lines within the

ORDER RECEIVED FOR FILING
DATE 9/21/89
BY Kathi C. Weidenhammer
ADMINISTRATIVE SECRETARY

subdivision tract itself. The two portions of the tract are in fact contiguous.

It is a long-standing policy of the Zoning Commissioner to permit such a transfer in a D.R. zone where the tract is divided by a public road and where the tract, as in this case, is one lot of record. The existence of I-95 should not negate the right to transfer six units to the D.R.5.5-zoned portion. However, if the property owners benefited by the original condemnation, then they cannot now have a financed windfall by transferring the density.

Although density zoning did not exist in the 1950's, when the property was taken for I-95, the property owners were certainly compensated to whatever degree the property owners and State thought appropriate, subject to the normal negotiations occurring during condemnation procedures. The Petitioner's agreement to this point is well taken. It is presumed that the taking of the property by the State would cause the owners distress in that the portion of the property to the north of the then proposed I-95 would be landlocked, which would be the basis for negotiations at that time. The property owners cannot receive higher compensation for the proposed condemnation and then later use the principal factor on which the compensation was based, i.e., the development potential or lack thereof, to increase the value of contiguous property. To permit such would contradict the spirit and intent of Section 1B00.2.C and E, BCZR. Although no evidence was presented as to the actual compensation received, it is of interest to note that the County is presently moving to condemn a portion of that parcel north of I-95 for a public utility easement. Once again, the owner would benefit. If the density were transferred, the owners would benefit a third time.

The State paid "something" to the owners for the loss of use of the land, and now, the County is offering compensation for the taking of another portion of the same land, further diminishing the size of that landlocked portion of

ORDER RECEIVED FOR FILING
DATE 9/21/89
BY Kathi C. Weidenhammer
ADMINISTRATIVE SECRETARY

the single tract. Regardless of what the owner received then, the construction of I-95 minimized the value of that parcel to the north, and any value placed and received for its taking was based thereon.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief prayed for by the Petitioner should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of June, 1986, that the density transfer of six units across I-95 be disapproved and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. John F. Thackston, Sr.
Newton A. Williams, Esquire
People's Counsel

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 16, 1987

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 86-509-SPH

HAMILTOWNE IMPROVEMENT ASSOCIATION, INC.
FOR SPH -DETERMINE IF DENSITY CAN BE TRANSFERRED PER §1B01.2A.1 and/or 1B.01.3.B.1
WEST END OF BLUEGRASS ROAD, 280' W OF THE C/L OF HAMILTOWNE CIRCLE
14th DISTRICT
6/24/86 -Z.C. GRANTED PETITION FOR SPECIAL HEARING: DISAPPROVED DENSITY TRANSFER

Scheduled for hearing on Tuesday, February 3, 1987 at 10 a.m. has been POSTPONED at the request of Counsel for Appellants.

cc: Newton A. Williams, Esquire — Counsel for Appellants/Protestants-Owners
Mr. John Fink — Appellant/Protestant-Owner
Mr. John F. Thackston, Sr. — Appellee/Petitioner
Phyllis Cole Friedman, Esquire — People's Counsel
Mr. Russell Fitchett
Mr. Martin C. Castle
Mr. & Mrs. Charles Machen
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

Kathi C. Weidenhammer
Administrative Secretary



HYDROGEOLOGIC MAP

SCALE: 1" = 2000'

Kzc

Arundel Formation

Kac *Clay facies. Gray, brown, black, and red kaolinitic and illitic clays with locally interbedded quartz silt or sand lenses and pods. The clays are typically poorly bedded to massive with occasional color mottling. Sparse to abundant irregular lacertite concretions and/or lignitized wood. Silts and clays contain sparse to abundant fern, cycadinod, and conifer debris as well as rare angiosperms. Lithologically similar to the Patuxent clay facies but stratigraphically distinct. Deposition occurred primarily within a fluvial plain–back swamp complex with variable sediment input.*

Kks

Patuxent Formation

Kps *Sand facies. Highly variable, interbedded sand, gravel, silt, and clay containing ferruginous cements. Sand and gravel typically quartzose with a buff, kaolinitic clay-silt matrix. Sediments are organized into fining-upward packages 3 to 5 m (10 to 15 ft) thick consisting of plane-bedded gravel with clay clasts or cross-bedded sands at the base grading upward to laminated or massive silt-clay at the top. Elsewhere vertical sequences show abrupt sediment size changes and erosive contacts. The heavy mineral suite is characterized by staurolite, zircon, tourmaline, and kyanite. Sparse silicified and abundant iron-oxide replacements of both cycadean and coniferous wood are present throughout the Formation. These sediments were deposited in a high gradient, braided stream complex.*

LILLIAN SAPERO, WIDOW
W.J.R. 3367-546
G.L.B. 2014-474
UTILITY EASEMENT
AREA = 14,453 SQ FT = 0.332 Ac ±

TEMPORARY CONSTRUCTION
AREA = 10,425 SQ FT = 0.239 Ac ±

MATCH LINE SEE R/W 67-276-5

DR:10.5

BALTIMORE CITY & COUNTY LINE

BALTIMORE COUNT GRID NORTH

MEMORIAL HIGHWAY

JOHN F. KENNEDY

95

UNIT #1 LOT 2 PROPOSED UTILITY EASEMENT

750' PT. A TO

EMB

S.B.L.

EX CURB & GUTTER

EX. 50' R/W

PROP. 8" S

EX. 30' PAVING

SEE NOTE #24

CROSSETT CIRCLE NORTH

HAMILTOWNE

SUBDIVISION PLAT No 2
HAMILTOWNE
30/23
DR-5.5

EDNAP. & CARA BETH ZOZLISKI 4476/225

WALTER A. & LILLIAN E. GREENE 4491/533

RAPHAEL DIALHUS 4450/120

SAVILLE & ROSE DOLLING 4505/320

WILLIAM L. & CATHERINE UELOOU 4491/553

LEO E. & SYLVIA G. SIZEMORE 4491/523

RICHARD T. JONES 5207/46

BERTHA A. KOZYCKI 4541/137

JACOB REALTY LLC ETAL 4771/307

THOMAS R. & THERESA SPURRIER 4691/618

EDWARD & JOSEPH MILLER 4650/388

REVISE WATER

BLUEGRASS ROAD

CMC2 Ch B2

SEE NOTE #24

MOORES RED HOUSE

RUN RUN

H.O.A. OPEN SPACE 0.5 AC

HOA OPEN SPACE 17 AC ±

HOA OPEN SPACE 10 AC ±

HOA OPEN SPACE 37 AC ±

SWM FACILITY TO BE CONSTRUCTED BEFORE DEVELOPMENT
10 YR STORM 27.55 CF STORAGE AREA REQUIRED 0.63 Ac/Ft

SWM FACILITY TO BE CONSTRUCTED AFTER DEVELOPMENT
10 YR STORM 27.55 CF STORAGE AREA REQUIRED 0.63 Ac/Ft

NO PARKING

10' DRAINAGE UTILITY & WALKWAY EASEMENT

10' DRAINAGE UTILITY & WALKWAY EASEMENT

BALTIMORE COUNTY CITY

FENCE

ALBERT COURT

12 SPACES @ 9'x18'

8 SPACES @ 9'x18'

9 SPACES @ 9'x18'

13 SPACES @ 9'x18'

5 UNITS

8 UNITS

HOA OPEN SPACE 0.37 AC ±

SUBDIVISION PLAT No 3
HAMILTOWNE
30/50

BLOCK H
DR 5.5

TOWNE CIRCLE SOUTH

EX. 8" SAN

EX. 10" WATER

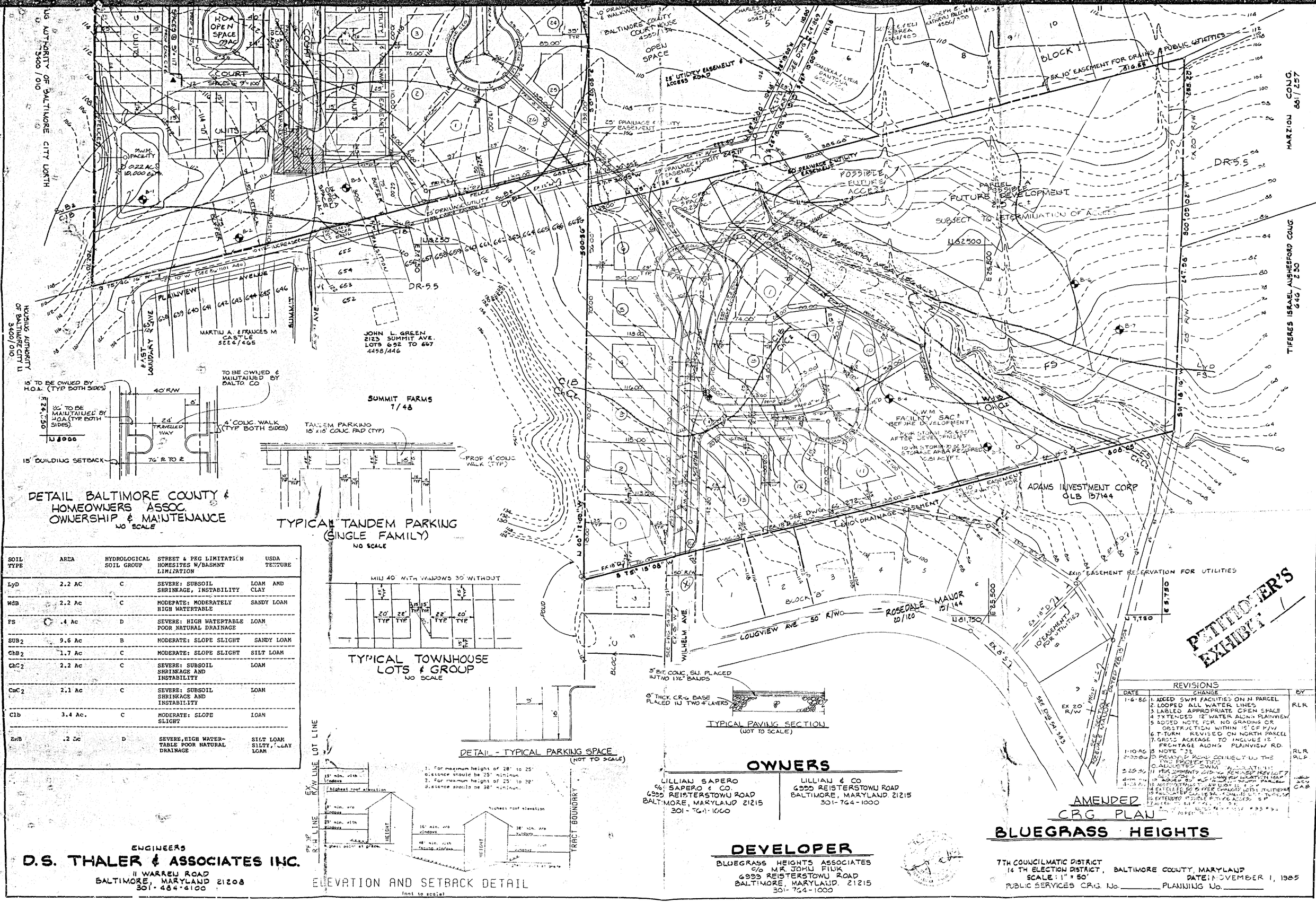
EX. 8" SAN

EX. 6" WATER (SEE SAN. BAS. A-D)

EX. 8" SAN (SEE SAN. BAS. A-D)

EX. 8" SAN (SEE SAN. BAS. A-D)

EX. 8" SAN


H.O.A. OPEN SPACE 1.9 AC
COURT
SPACES @ 9' x 18'
SPACES @ 9' x 100'
COURT
COURT
OPEN SPACE
OPEN SPACE
S.W.M. FACILITY 0.22 AC ± 10,000 CU.FT.
75' BUFFER
75' BUFFER
PLAINVIEW AVENUE
SUMMIT AVE.
EAST BOUNDARY
MARTIN A. & FRANCES M CASTLE 5226/465
JOHN L. GREEN 2123 SUMMIT AVE. LOTS 652 TO 667 4498/446
DR-5.5
SUMMIT FARMS 7/48
BALTIMORE COUNTY COURT HOUSE 4555/154
OPEN SPACE
25' UTILITY EASEMENT & ACCESS ROAD
CHARLES SCHULTZ 6545/174
JOSEPH & KATHRYN PALMER 4506/330
SCHLUCKA & LYDIA CAUTION 6665/462
BLOCK 1
5X 10' EASEMENT FOR DRAINS & PUBLIC UTILITIES
816.68'
25' DRAINAGE & UTILITY EASEMENT
80' DRAINAGE & UTILITY EASEMENT
POSSIBLE FUTURE ACCESS
PARCEL 'A' POSSIBLE FUTURE DEVELOPMENT 34.5 AC ± SUBJECT TO DETERMINATION OF ACRES
FUTURE DRAINAGE RESERVATION AREA 1.24 AC ±
DR5.5
HARZION CONG. 861/257
TIFERES ISRAEL AUSHESFORD CONG 646/250
S.W.M. FACILITY 5AC ± BEFORE DEVELOPMENT
10 YR STORM 20.6 CFS
AFTER DEVELOPMENT
10 YR STORM 20.6 CFS
STORAGE AREA REQUIRED 9.51 AC.FT.
ADAMS INVESTMENT CORP OLB 157/144
10' DRAINAGE EASEMENT
EX 10' EASEMENT RESERVATION FOR UTILITIES
BLOCK 'B'
ROSEDALE MANOR 10/144
LOUGVIEW AVE 50' R/WD
WILHELM AVE
POND
BLOCK 'C'
EX 18" D.I.
EX 8" S.I.
10' EASEMENT FOR UTILITIES
PROP 8" S.I.
SEE PLAT 3489
SEE PLAT 3488
SEE DWG 66-272
SEE DWG 66-273
SEE DWG 66-274
SEE DWG 66-275
SEE DWG 66-276
SEE DWG 66-277
SEE DWG 66-278
SEE DWG 66-279
SEE DWG 66-280
SEE DWG 66-281
SEE DWG 66-282
SEE DWG 66-283
SEE DWG 66-284
SEE DWG

CHERRY HILL ROAD

N 18° 55' 04" E 99.03'

℄ ROAD

N 27° 39' 49" E 303.13'

426.22'

107.10'
S 62° 18' 40" E 12.98'

N 62° 18' 40" W 12.93'
S 72° 41' 21" W 33.94'
N 62° 18' 40" W 9.09'

S 62° 18' 40" E 9.09'

33.94'
S 17° 18' 40" E

15.52'

IRON PIPE FND ON LINE

STUART ENEOR
5223/63

R=1287.50'
A=105.24'

N 46° 05' 07" E 221.08'

FRANKLIN BOULEVARD
(RELOCATED)
(UNDER CONSTRUCTION)
6976/282
RW 84-325-4.5

A=98.74'
R=1212.50'
N 46° 05' 07" E 221.08'

ROAD R/W AREA = 1.1523 Ac±

N 03° 21' 42" E 21.42'

N 41° 25' 56" E 86.22'

R=350.00'
A=112.39'

N 43° 54' 53" W 4.18'

SCHOOL ACCESS DRIVE

A=131.64'
R=410.00'

N 43° 54' 53" W 3.78'
N 68° 44' 00" W 17.68'

189.84'

79.21'

66 4.00'

McWILLIAMS
2281/180

RAYMOND T. BEAN & WF
4247/65

669.46'
298.54'

75.00'

31.96'

JEROME GLOSS
3726/629

B.C.M.D.

6128/106
6.3051 Ac.±

½" IRON PIPE FND ON LINE

N 48° 52' 32" W 262.96'

RICHARD & MARTHA DUBOIS
2666/321

S 45° 32' 21" E 379.43'

ELINE & SONS
5675/111

PROTESTANT'S EXHIBIT 4

86-509-SPH

GREENSPRING REALTY
5343/848

3/4" IRON PIPE FND

S 24° 05' 33" W 488.99'

3/4" IRON PIPE FND

BLOCK 'B'

BLOCK 'A'
PLAT 1
HATHAWAY
30/128

OUTLINE BOUNDARY SURVEY
OF THE
ROSCHEN PROPERTY

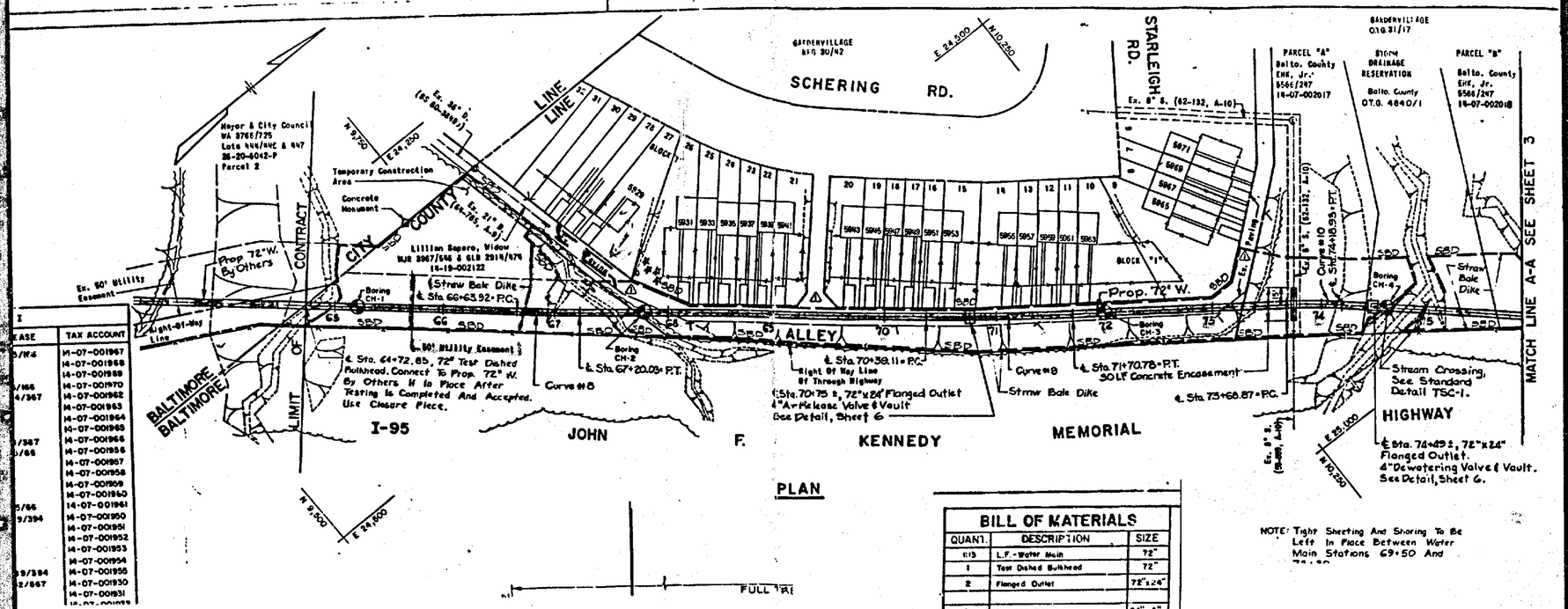
4 TH ELECTION DIST. BALTIMORE COUNTY, MD
SCALE : 1" = 50' JANUARY 6, 1986

1/6/86

D.S. THALER ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
11 WARREN ROAD BALTIMORE, MARYLAND 21208
(301)-484-4100

86-509-SPH

Paid from person of Utility Co. of sites used to identify property and post #3 sign



PLAN

BILL OF MATERIALS		
QUANT.	DESCRIPTION	SIZE
615	L.F. - Water Main	72"
1	Test Dished Bulkhead	72"
2	Flanged Outlet	72"x24"
2	Reducing Flange	24"x4"
2	Blind Flange	4"
1	Dewatering Valve	4"
1	Air Release Valve	4"

NOTE: Tight Sheeting And Shoring To Be Left In Place Between Water Main Stations 69+50 And

EASE	TAX ACCOUNT
5/W4	14-07-001967
	14-07-001968
	14-07-001969
	14-07-001970
5/165	14-07-001962
4/367	14-07-001963
	14-07-001964
	14-07-001965
	14-07-001966
5/387	14-07-001956
5/66	14-07-001957
	14-07-001958
	14-07-001959
	14-07-001960
5/66	14-07-001961
9/394	14-07-001950
	14-07-001951
	14-07-001952
	14-07-001953
	14-07-001954
9/394	14-07-001955
2/567	14-07-001930
	14-07-001931

S 61°-10' E 411.10'

IRON PIPE

LARGE PIPE EAST OF LINE

STONE

PIPE 1.11' EAST OF LINE

IRON PIPE

15 75/100 ACRES

IRON PIPE

N 62°-21' W 1552.16'

33 foot Road

IRON PIPE

STONE

Baltimore City
Baltimore County

24 ACRES

IRON PIPE

S 6°-40' W 1884.3'

John H. Koppelman

IRON PIPE

STONE

IRON PIPE

N 62°-21' W 952.2'

EXHIBIT "A"

Property of
John H. Koppelman
Tract
Situate
In the District of Baltimore County

REVISIONS
Lots Pts 34 Assd in 25-6-7027 N Lot | For 1959 C.Sh 1936

Redeche Bno.

LINE

26-20-6042

S 11°-W 100'

N 6°-W 200'

505'

385'

3
5.604 Ac.

N 18°-E 403'

26-20-6042

26-20-6042

2
L MAX
22.50 Ac

EXPRESSWAY TUNNEL

BOUNDARY

375'

400'

26-22-5202

J Langenfeder

CITY

N 88°-50 W 1780'

250'

MAINVIEW AVE

LIFE RESERVATION

26-20-4227

BALTIMORE NORTHEASTERN HARBOR (Assd in block 25-6-7027N lot 11)

N 60°-E 549'

PLAINVIEW AVE.

26-20-6224

31
R 69.3'

1A

PLAINVIEW AVE.

Sun Plan #1
Scale 1"-100'

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF SURVEYS
PROPERTY LOCATION DIVISION
WARD 26 SECTION 20
BLOCK 6218 LOT 1
SCALE 1"= 300 ft. DATE July 1958

Notes See Old Block Plat For 1958

HJS-605-78

TRACED BY
LETTERED BY
CHECKED BY

PETITION FOR SPECIAL HEARING

86-509-SPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

DETERMINE DENSITY CAN BE TRANSFERRED PER SECTION 1B01.2A.2 AND/OR 1B01.3.B.1 SEE CRG Plan for Bluegrass Heights

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

I, or we, agree to pay expenses of the above Special Hearing 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

MAP NE 3E
48
14B
DATE 7-10-86
CASH 050
CK 6008
VAR

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Petitioner
Legal Owner(s):

HAMILTOWNE IMPROVEMENT ASSOC. INC.
(Type or Print Name)

JOHN F. THACKSTON SR.
Signature

(Type or Print Name)

John F. Thackston Sr.
Signature

2310 Holyoke RD 866-5405
Address Phone No.

Baltimore, Co. MARYLAND 21237
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

John Fink % Triangle Realty
Name

6999 Reisterstown Rd Balto 21215
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of May, 19 86, 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 16th day of June, 19 86, at 10:00 o'clock A. M.

Zoning Commissioner of Baltimore County.

(over)

RECEIVED FOR FILING
DATE 5-14-86
BY

PROPERTY DESCRIPTION

Located at the west end of Bluegrass Road 200' west of the centerline of Hamiltowne Circle, being the same property processing through the Baltimore County County Review Group (CRG) process as Bluegrass Heights (XIV - 217).

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

October 22, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-509-SPH

HAMILTOWNE IMPROVEMENT ASSOCIATION, INC.

FOR SPH -DETERMINE IF DENSITY CAN BE TRANSFERRED PER §1B01.2A.2 and/or 1B.01.3.B.1

WEST END OF BLUEGRASS ROAD, 280' W OF THE C/L OF HAMILTOWNE CIRCLE

14th DISTRICT

6/24/86 - Z.C. GRANTED PETITION FOR SPECIAL HEARING; DISAPPROVED DENSITY TRANFER

ASSIGNED FOR: TUESDAY, FEBRUARY 3, 1987 at 10 a.m.

cc: Newton A. Williams, Esq. — Counsel for Appellants/Protestants-Owners
Mr. John Fink — Appellant/Protestant-Owner
Mr. John F. Thackston, Sr. — Appellee/Petitioner
Phyllis Cole Friedman, Esq. — People's Counsel
Mr. Russell Fitchett
Mr. Martin C. Castle
Mr. & Mrs. Charles Machen
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. duBois

Kathi C. Weidenhammer
Administrative Secretary

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 25, 1986

Mr. John F. Thackston, Sr.
Hamiltowne Improvement Assoc., Inc.
2310 Holyoke Road
Baltimore, Maryland 21237

RE: PETITION FOR SPECIAL HEARING
West End of Bluegrass Rd., 280' W of the c/l of Hamiltowne Circle
14th Election District
Hamiltowne Improvement Assoc., Inc. - Petitioner
Case No. 86-509-SPH

Dear Mr. Thackston:

Please be advised that on July 14, 1986, an appeal was filed by the Appellants/Protestants-Owners, John Fink, Lillian Sapero, and Lillian & Company, from the decicion rendered by me on June 24, 1986 in this matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:med

ccs: Newton A. Williams, Esquire
Mr. John Fink
Phyllis Cole Friedman, Esquire, People's Counsel

bl. cc: Board of Appeals

96-261A
6/19/86

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
RUSSELL J. WHITE

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM H. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS

*ALSO ADMITTED IN D.C.

June 18, 1986

JUN 19 AM
Arnold
Jean
Pat
Pic
Chas
ZONING DEPT.

Honorable Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing
Item No. 252, Case No. 86-509-SPH
Hamiltowne Improvement Assoc., Inc.

Dear Commissioner Jablon:

As I stated at the conclusion of the hearing on June 16, 1986, there are certain points which my clients, members of the Sapero family, wish me to bring out.

First of all, as you stated at the outset of the hearing, it has been the policy of the Zoning Commissioner's Office to permit transfer of density since the 1955 Regulations were enacted.

Furthermore, it is clearly the philosophy of Bill 100, and most particularly Sections 1B01.3B.1. and 1B01.2A.2., to allow clustering and transfer of density, including across zoned boundaries.

Furthermore, we would like to point out the following factors about this particular case:

1. The property has always been all one tract, and we offered two (2) deeds in evidence showing this.

2. The property in Baltimore County has always been taxed on a single tax bill, and that tax bill was offered in evidence.

Honorable Arnold Jablon
June 18, 1986
Page 2

3. The property is zoned DR 10.5 to the northwest of the expressway and DR 5.5 to the southeast of the expressway, which is specifically within the intent of Section 1B01.2A.2., which allows a single tract under such circumstances to be treated as one for average density purposes, irrespective of the zoned boundary.

4. A plat was offered in evidence from the Roschen property, wherein Franklin Boulevard, not a developer's road, was taken, and the property was treated as one tract for subdivision purposes.

5. As for the taking recently for a Baltimore City park, I am enclosing herewith a copy of a settlement sheet dated June 6, 1979 showing that the property owner settled with the Mayor and City Council for $106,000.00, notwithstanding the fact that they had an appraisal of the property for $276,000.00 in fee simple, including that small portion in Baltimore County, which was not taken, but which was treated as landlocked. Certainly, a settlement of $106,000.00 against a appraisal of $276,000.00 does not indicate that payment was made for this Baltimore County property either in fee or as consequential damages.

6. Furthermore, this is not a "tail wagging the dog" situation, since we are only talking about six tenths of an acre and six units, and it does not represent putting twelve pounds in a ten pound bag, as was argued.

Furthermore, I do not believe that my clients would be better off with a decision that these units cannot be transferred, contrary to Baltimore County policy and statutory language, since

Honorable Arnold Jablon
June 18, 1986
Page 3

the units are worth more southeast of the expressway than northwest of the expressway and are more usable on the side of the expressway where development is to occur, rather than on the other side.

In Summary, we believe that this tract, which was acquired in one deed, always so taxed, never voluntarily in any way divided by the property owner, should be continued to be treated as one tract and that the density transfer of six units should be allowed for the reasons set out herein.

Thanking you for your attention to this important matter, I am

Respectfully,

Newton A. Williams
Newton A. Williams

NAW:ylm

Enclosure

cc: Honorable William Burgess (w/encl.)
Mr. John F. Thackston, Sr. (w/encl.)
Mr. John Fink (w/encl.)
Mr. Hank Sadler (w/encl.)

JUN 16 AM

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

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STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS

*ALSO ADMITTED IN D.C.

July 10, 1986

Honorable Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Hamiltowne Improvement Assoc., Inc.
Case No. 86-509-SPH

Dear Commissioner Jablon:

On behalf of our clients, John Fink and Lillian Sapero and Lillian & Company, owners of the property, which is the subject of this special hearing, please note an appeal to the County Board of Appeals from your Findings of Fact and Conclusions of Law dated June 24, 1986.

Our firm check in the amount of $120.00 made payable to Baltimore County, Maryland is enclosed.

Thanking you and your staff for your attention to this matter, I am

Respectfully,

Williams

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 021790

DATE 7/14/86 ACCOUNT R-01-615-000

AMOUNT $ 120.00

RECEIVED FROM Nolan, Plumhoff & Williams, Chartered
204 W. Pennsylvania Ave., Towson, Md. 21204

FOR APPEAL & SIGN POSTING FEE re Case #86-509-SPH

B 01****120:Ca 2142F

VALIDATION OR SIGNATURE OF CASHIER

THE TITLE GUARANTEE CO...
LE BUILDING, ST. PAUL AND LEXINGTON ST...TS
BALTIMORE, MARYLAND 21202

Dated June 16th 19 79

App. No. H - 85957 - Frankford Gardens, Inc.
SALE/MORTGAGE LOAN made by Mayor & City Council of Baltimore
to Thomas & Mildred Woodall & Ann E. Adjustments made as of December 19 79
Property 4 Bluegrass Rd. (Dist. 14 Sec. 2) Plat 446/446

CREDIT TO SELLER AMOUNT OF PURCHASE PRICE		$ 209,000
19 Taxes paid in advance ___ months ___ days		
Accruing Ground Rent ___ months ___ days		
Fire Insurance		
Acknowledgment (Interest (10%) on $197,000.00 unpaid balance 5/19/79-6/16/79		6763
DEDUCT FROM SELLER		$ 208,763
Cash paid on account Deposit in Cod Common Pleas	$ 85,000 00	
19 Taxes (current) 1st 1977/140 months 0 days		
19 Water (current) Qrt 1986/1 months ___ days		
Ground Rent ___ months ___ days		
House Rent ___ months ___ days		
Mortgage		
U. S. Revenue Stamps ½ Md. Stamps ½		
Transfer Tax ½		
Total Deductions	$ 125,000 00	$ 125,000
Net Amount Due Seller by Purchaser		$ 83,763
COST OF TRANSFER		
Fee for Title Insurance	$ 758 40	
Mortgagee Title Insurance Policy or Conveyancing		
Recording Rel. ___ Lease ___ Asst. ___ Deed ___ Mtg. ___		
Notary Fees ___ Judg. Reports ___ Lien Certf. ___		
U. S. Revenue Stamps ___ Md. Samps ___		
Taxes for 19		
Tax Accrual 19 ___ Mos. @		
Ground Rent Accrual ___ Mos. @		
FHA Insurance Accrual ___ Mos. @		
Insurance Accrual ___ Mos. @		
Insurance		
Interest to (Extra Days to Note)	+0 00	
Service Charge ___ Credit Report ___ Photos ___		
Appraisal		
Survey		
Transfer Tax		
Total Cost of Transfer	$ 758 40	$ 758
Gross Amount Due By Purchaser		$ 84,521
AMOUNT MORTGAGE LOAN BY Check from MyCC		$ 77,000
Balance Paid to/by Borrower or Purchaser E/O.		$ 7521
DISBURSEMENTS FOR SELLER Net Amount Due Seller by Purchaser		$ 83,763
Mortgage to	$	
(Int. Pack. + Gara Attys)	84,565 50	
Judgments & Interest Thereon		
Taxes for Year (s)		
Past Due Metered Water To 11/78 TAXES:	839 70	
Recording Release of Mortgage		
Broker's Commission		
- Total Deductions from Seller	$ 30,405 20	$ 30405
Balance Due Seller		$ 53357

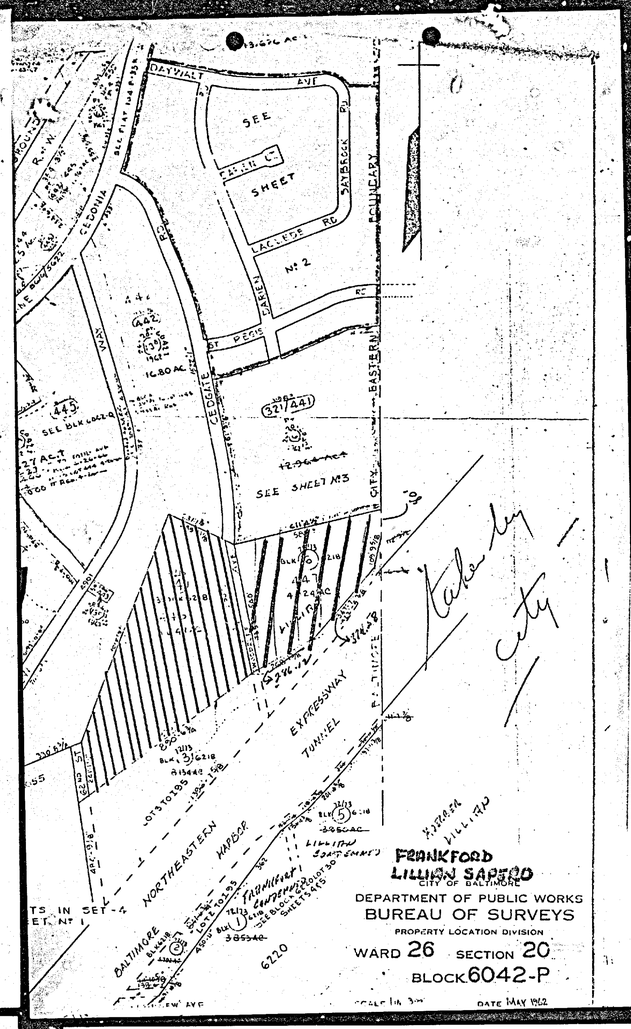
THE TITLE GUARANTEE COMPANY
Deborah A. Berger
Settlement Officer

Settlement are made subject to further adjustment between parties in event of errors in calculations.

Mayor & City Council of Baltimore by Authority of P. Palubicki, Asst. City Sol.
Buyer's or Borrower's Signature

Seller's Signature

Estimated
Mortgage Payments:
Prin. & Int.
Taxes (Estimated)
Ground Rent
F. H. A. Ins.
Hazard Ins.
Maint. Charge



PETITION FOR SPECIAL HEARING

14th Election District

Case No. 86-509-SPH

LOCATION: West end of Bluegrass Road, 280 feet West of the Centerline of Hamiltowne Circle

DATE AND TIME: Monday, June 16, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to determine if density can be transferred

Hamiltowne Improvement Assoc., Inc.
Being the property of _____, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
West End of Bluegrass Rd., 280' W of the C/L of Hamiltowne Circle : OF BALTIMORE COUNTY
14th District :

HAMILTOWNE IMPROVEMENT ASSOC., INC., Petitioner : Case No. 86-509-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 27th day of May, 1986, a copy of the foregoing Entry of Appearance was mailed to John F. Thackston, Sr., Hamiltowne Improvement Assn., Inc., 2310 Holyoke Rd., Baltimore, MD 21237, Petitioner; and Mr. John Fink, c/o Triangle Realty & Construction Co., 6999 Reisterstown Rd., Baltimore, MD 21215, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

June 10, 1986

Mr. John F. Thackston, Sr.
Hamiltowne Improvement Assoc., Inc.
2310 Holyoke Road
Baltimore, Maryland 21237

Re: Petition for Special Hearing
West end of Bluegrass Rd., 280' W of the c/l
of Hamiltowne Circle
14th Election District
Hamiltowne Improvement Assoc., Inc. - Petitioner
Case No. 86-509-SPH

Dear Mr. Thackston:

This is to advise you that $100.95 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hear... e County, Maryland, and remit ...ding, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 021768
DATE 7-2-86 ACCOUNT R-01-615-000
AMOUNT $ 100.95
Hamiltowne Improvement Association, Inc.
RECEIVED FROM
Advertising and Posting 86-509-SPH
100.95
VALIDATION OR SIGNATURE OF CASHIER

Mr. John F. Thackston, Sr. May 16, 1986
Hamiltowne Improvement Assoc., Inc.
2310 Holyoke Road
Baltimore, Maryland 21237

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
West end of Bluegrass Rd., 280' W of the c/l
of Hamiltowne Circle
14th Election District
Hamiltowne Improvement Assoc., Inc. - Petitioner
Case No. 86-509-SPH

TIME: 10:00 a.m.

DATE: Monday, June 16, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 86-509-SPH

District 14th Date of Posting 5/16/86
Posted for: Special Hearing
Petitioner: Hamiltowne Improvement Assoc., Inc.
Location of property: West end of E. Bluegrass Rd. 280' W/Hamiltowne Circle on the S. to Nend of Wilshire Rd. W to Northern Parkway & E.S. Mem. Hwy.
Location of Signs: Pat end of E. Bluegrass Rd. & Pat end of Wilshire Rd. (2) on Parcel NW of E.S. Mem. Hwy. Posted on 5/16/86 & 5/17/86
Remarks: Hearing Rd. 10 a.m. property of Petitioner
Posted by [signature] Date of return: 5/23/86
Signature
Number of Signs: 3

PETITION FOR ZONING VARIANCES
9th Election District
Case No. 86-506-A

LOCATION: Southwest Corner of Dunleavy Valley Road and Seminary Avenue, 713 feet Southwest of the Corner

DATE AND TIME: Monday, June 9, 1986, at 11:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances to permit an existing accessory building to be located in the front yard in lieu of the required rear yard and that the building be 26 feet in height in lieu of the required 15 feet in height.

Being the property of F. F. & M. Enterprises, Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County

May 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 22, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 22, 1986.

THE JEFFERSONIAN,
[signature]
Publisher

Cost of Advertising
24.75

PETITION FOR SPECIAL HEARING
14th Election District
Case No. 86-509-SPH

LOCATION: West end of Bluegrass Road, 280 feet West of the Centerline of Hamiltowne Circle

DATE AND TIME: Monday, June 16, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to determine if density can be transferred

Being the property of Hamiltowne Improvement Assoc., Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County

May 29.

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 29, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 29, 1986.

THE JEFFERSONIAN,
[signature]
Publisher

Cost of Advertising
24.75

PETITION FOR ZONING VARIANCES
9th Election District
Case No. 86-506-A

LOCATION: Southwest Corner of Dunleavy Valley Road and Seminary Avenue, 713 feet Southwest of the Corner

DATE AND TIME: Monday, June 9, 1986, at 11:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances to permit an existing accessory building to be located in the front yard in lieu of the required rear yard and that the building be 26 feet in height in lieu of the required 15 feet in height.

Being the property of F. F. & M. Enterprises, Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

76921-LB9452 May 21

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 21, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 21, 1986.

TOWSON TIMES,
[signature]
Publisher

38.25

PETITION FOR SPECIAL HEARING
14th Election District
Case No. 86-509-SPH

LOCATION: West end of Bluegrass Road, 280 feet West of the Centerline of Hamiltowne Circle

DATE AND TIME: Monday, June 16, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to determine if density can be transferred

Being the property of Hamiltowne Improvement Assoc., Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

May 29, 1986

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Zoning Hearings - P.O. #76965 - Req. #LB9458 - 78 lines @ $31.20. was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 30th day of May 1986; that is to say, the same was inserted in the issues of May 29, 1986

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: May 28, 1986

FROM: Norman E. Gerber, AICP, Director, Office of Planning and Zoning

SUBJECT: Zoning Petition No. 86-509-SPH

In view of the lack of adequate information in the file, this office cannot comment on the subject petition.

Norman E. Gerber, AICP
Director

86-509-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of May, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Hamiltowne Improvement Association, Inc. Received by: James E. Dyer
Petitioner's Attorney:

Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

June 3, 1986

Mr. John F. Thackston, Sr.
Hamiltowne Improvement Association, Inc.
2310 Holyoke Road
Baltimore, Maryland 21237

RE: PETITION FOR SPECIAL HEARING
Item No. 252, Case No. 86-509-SPH
Hamiltowne Improvement Assoc., Inc. - Petitioner

Dear Mr. Thackston:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following 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 suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:med
Enclosures

ccs: Mr. John Fink
Triangle Realty and Construction Co.

James Stephen Patton, P.E.
D. S. Thaler & Associates, Inc.

COUNTY REVIEW GROUP MEETING MINUTES

Thursday, January 9, 1986

CRG comments XIV-217

BLUEGRASS HEIGHTS

COUNTY REVIEW GROUP - *THOSE PRESENT*

Robert E. Covahey, Chairman - Dept. of Public Works
Susan Carrell, Co-Chairman - Office of Current Planning

Agency Representatives

Greg Jones	- Traffic Engineering Department
Capt. Jos. Kelly	- Fire Department
Gary Kerns	- Office of Planning
Frank Hiner	- Dept. of Recreation & Parks

Developer and/or Representatives

D. S. Thaler	- D. S. Thaler & Associates, Inc.
R. Roger	- D. S. Thaler & Associates, Inc.
Jon Fink	- Bluegrass Heights Assoc.

*Interested Citizens - See attached list

Mr. Covahey opened the meeting at 10:35 a.m., introduced the staff, and explained the purpose of the meeting.

Mr. Thaler presented the Plan.

Ms. Carrell summarized the staff comments submitted from the Health Dept., Developer. Engineering Division, Storm Water Management Review, Bureau of Sanitation, Fire Department, Traffic Engineering, State Highway Administration, Office of Planning, Office of Zoning, Fire Department, Dept. of Recreation & Parks, and Board of Education. These comments have been made a part of these minutes, and a copy was also given to the developer and developer's engineer.

The citizens were invited to comment. Delegate Burgess raised the following issues: 1) location of open space relative to the flood plain; 2) transfer of density from parcel to parcel; 3) open space requirements for the north parcel; 4) explanation of no parking required by the Fire Dept.; 5) construction vehicle access; 6) traffic impact on the neighborhood (study recommended); 7) will the decision of the Zoning Commissioner affect open space requirements. Delegate Burgess recommended that the CRG meeting be continued. Mr. Thackston, President of the Hamiltowne Association, advised that their Association had voted for the extension of the road through the proposed new subdivision. He requested, however, that a traffic impact study be required. He advised that Bluegrass Road was not fully improved and the intersection with Hamilton Avenue is dangerous. Mr. Fitchett, spokesman for 200 homes in Rosedale Manor, opposed the extension of the road through the proposed subdivision because of the impact on recreational facilities in the existing open space. Additional reasons for opposing the road extension are the creation of a shortcut on existing narrow streets with

BLUEGRASS HEIGHTS

parking along these roads and the poor intersection of Longview Road and Route 7. Pictures were presented to the Committee. Mr. Adelung opposed any removal of the recreational areas and opposed the extension of a through road which would increase traffic on Longview Road. Mrs. Clark was opposed to the through road and stated that the existing fence adjacent to the existing low cost housing should be maintained and/or extended. Mr. Cocnavitch favored the through road because it provides three means of access. He advised that Bluegrass Road is not completed with a full paving width to Hamilton Ave. and that there is an old dump site within this property near the city line. Mr. Castel advised that Longview Road at Route is a narrow intersection and not adequate for additional traffic. He also raised questions regarding the allowance of townhouses in this area, fire protection and ambulance service, H.O.A. open space and the construction access. He was also opposed to the through road.

The staff comments to be addressed are as follows:

Health Dept. required that the stream channels on-site be shown on the Plan.

Traffic Engineering required that grading and clearing areas for sight distance beyond the right-of-way line be shown. Planning requested that a note be added that R.T.A. Buffer Area planting may need to be supplemented. Trees to be retained should be clarified. The future development area should be labeled Parcel "A". Zoning advised that a special hearing was filed on this project to determine whether the density of the three separate parcels can be calculated as one. Most of the other comments were of a technical nature and have been taken care of on the Plan. Recreation & Parks gave their comments verbally since they were based on a field inspection of the site as well as review of the Plan. The local open space requirements appear to be met. An exchange of existing open space for new open space appears satisfactory if there is no adverse impact on existing recreational facilities. A field stake out of the areas to be exchanged is required. No open space money was involved in the acquisition of the existing open space.

The Bureau of Land Acquisition advised that in addition to Recreation & Parks' approval and the fact that no program open space money is involved, the parcels must be appraised to determine if the land acquired by Baltimore County is of equal or greater value than that released.

The developer's representative informed the Committee that each parcel's density was independently computed and that the Homeowners Association would be for the townhouses only. He asked for a conditional approval of the Plan.

BLUEGRASS HEIGHTS

CONCLUSION: After consideration of all of the issues raised, the Committee decided that a Continued Meeting was necessary for this project. The issues needing to be resolved are the traffic circulation in the area and whether a through road in this subdivisio is recommended by the County since the community was split on this question. The approval of the open space exchange by Recreation & Parks must also be confirmed. Delegate Burgess also questioned if the decision of the special zoning hearing would affect the computation of open space area for each individual parcel.

The meeting was adjourned at 12:15 p.m.

R.E.C.

CONT. CRG MEETING OF APRIL 30, 1986

AMENDED CRG PLAN

BLUEGRASS HEIGHTS

1. Comment #1 for the meeting of 1/9/86 has been addressed.

2. Regarding original comment #2, the original diversion of 5± acres from Moores Run to Redhouse Run has been significantly reduced. Any diversion of more than one acre requires volume management of the 2, 10 & 100 year storms.

3. Regarding original comment #3, it appears that 2 SWM facilities are proposed in the Moores Run portion of the site, although the facility in the southwest corner should be labelled

4. Original comment #4 still applies.

5. Regarding original comment #5, infiltration of the runoff from the one inch storm must be investigated at the proposed SWM facilities. All facilities which utilize infiltration must be maintained privately.

6. Original comments #6 & #7 remain valid.

7. In addition to the above, any off-site R/W required for the SWM outfalls must be acquired prior to SWM plan approval.

Thomas L. Vidmar
2/13/86
4/14/86

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: April 28, 1986

FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Bluegrass Heights
PROJECT NUMBER: #85303
LOCATION: Bluegrass Road and Wilhelm Avenue
DISTRICT: 14C7

The Amended Plan for the subject site, dated November 1, 1985, with the latest revision dated March 25, 1986, has been reviewed by the Developers Engineering Division and we comment as follows:

HIGHWAY COMMENTS:

Crosset Road and Wilhelm Avenue shall be improved with a 30-foot combination curb and gutter cross-section on a 50-foot right-of-way. Curbing shall tie-in to the existing curb and gutter at each existing dead-end and shall be the Developer's full cost responsibility.

Since the main street through the subdivision is no longer proposed as a continuous street, the existing local open space adjacent to the "Hamiltowne" Subdivision remains unaffected and is, therefore, no longer an issue.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

Management of the 2 and 10-year frequency storm must be provided and the Amended Plan now shows a storm water management facility for that area tributary to the Moores Run. It appears that offsite rights-of-way will be necessary for two of the storm water management ponds, and the Developer is hereby advised that the final plat and/or building permits will not be approved until these offsite easements have been acquired. The County reserves the right to make the necessary contacts for these acquisitions.

* * * * * * *

All other comments, dated January 6, 1986, remain valid.

EDWARD A. MCDONOUGH, P.E., Chief
Developers Engineering Division

EAM:DBS:ss
cc: File

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING
DATE: April 29, 1986

PROJECT NAME: BLUEGRASS HEIGHTS
COUNCIL & ELECTION DISTRICT XIV-217
PLAN XXXXXXXXXXXXXXXXXX
PLAN EXTENSION
REVISED PLAN
PLAT

The Office of Planning has reviewed the revised CRG plan dated March 25, 1986 and submits the following comments:

The plan must clearly identify existing trees which can be retained, particularly along the Expressway. Supplemental landscaping and screening may be needed to minimize the impact of the Expressway. The Landscape Manual (Sec. XX.A.2(c)) requires screening where dwelling units are proposed within 100 ft. of the right-of-way of an Interstate Highway.

This site contains soils with moderate to severe limitations for development. The plan must indicate the measures which will be employed to mitigate these limitations.

A final landscape plan must be approved by this office prior to issuance of building permits.

Gary Kerns
Gary Kerns

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS — DATE: April 30, 1986

FROM: ZONING OFFICE — (continued from 1/9/86)

PROJECT NAME: BLUEGRASS HEIGHTS — PLAN: 3/25/86

LOCATION: E/S of Baltimore City/County Line at termination of Summit Avenue — DEVELOPMENT PLAN:

DISTRICT: 14th Election District — PLAT:

1. As in Comment #1 (1/9/86) a special hearing was filed in this office on 12/31/85 under Item #252 to determine if the density of 3 separate parcels could be calculated as one. As of this writing the attorney has requested that a hearing date not be scheduled until the end of April.

2. Comment #3 (1/9/86) was not fully complied with. The buffer must be extended to a line of sight that extends from the NE/corner of Lot #667, Summitt Farms, to the point where the 300 ft. R.T.A. arc intersects the rear of the adjoining proposed 6 unit townhouse building. This includes part of the proposed Lot #26 on Crossett Road.

3. Inclusion of comments #4 and #5 made on 1/9/86. Comment #4 to be addressed on this plan and #5 on the Final Development Plan.

4. Show the required 35' tract boundary setback on Lot #13 Wilhelm Avenue.

5. Change the "Elevation and Setback Detail" to reflect Zoning Policy RM-6.

W. Carl Richards

W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:bg

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS — DATE: January 9, 1986

FROM: ZONING OFFICE

PROJECT NAME: BLUEGRASS HEIGHTS — PLAN:

LOCATION: ES Baltimore City/County Line at termination of Summit Avenue — DEVELOPMENT PLAN:

DISTRICT: 14th Election District — PLAT:

1. A special hearing to determine whether the density of the three separate parcels can be calculated as one was filed with this office on December 31, 1985 (Item No. 252). As of this writing a hearing date has not been scheduled. For our purposes the following comments will be written based on the plan as submitted. Regardless of the outcome of said hearing, the proposed use, if any, and method of maintaining the triangular shaped parcel on the north side of J. F. Kennedy Highway must be indicated.

2. No part of the required buffer area may be counted as required local open space.

3. Rear yard setback of 150 feet must be maintained between townhouses and the southerly property line along Plainview Avenue. In keeping with this the buffer areas along this property line should be extended further to the east to Crossett Road.

4. The outline of the tract should be clearly indicated and include the area to be given by Baltimore County for a portion of the proposed Crossett Road and exclude that portion of the subject property owned by the developer and given to Baltimore County.

5. Area listed as "future development" (2.9 acres) should be further explained. At the time of final development plan, a 300' provisory section must be delineated and the type of development (i.e. single family dwellings, etc.) must be indicated.

6. Dimension 5 and 6 unit townhouse groups 35 feet from the I-95 boundary and show any property lines dividing adjoining property on the S/S of the north parcel and the W/S of the south parcel. Also, any vacant lots should be identified. Acreages, lot lines and dwellings should be shown on all adjoining properties.

7. On the Development Plan Note:

   a. If drainage, utility and walkway easements are fenced that at lease 5 feet must remain open for pedestrian access.

COUNTY REVIEW COMMENTS — - 2 - — January 9, 1986
RIDGELY'S CHOICE

   b. If townhouses are built near to or on the 500 square foot envelope setback line, that on grade decks will require a zoning variance (public hearing) if they project more than 4' x 10' and extend into the required 500 square foot open yard space. Walk-outs or second level decks are permitted to extend into the required yard space if they remain open underneath. See policy S-11.C.3.d. The interior lots on this plan contain only square feet of open yard space.

NBC/WCR

NICHOLAS B. COMMODARI
W. CARL RICHARDS, JR.

NBC:WCR:bg

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING 10:00 — DATE: January 8, 1986

PROJECT NAME: BLUEGRASS HEIGHTS — PLAN
COUNCIL & ELECTION DISTRICT: XIV-217 — PLAN EXTENSION
REVISED PLAN
PLAT

The Office of Planning has reviewed the subject plan dated 11/1/85 and submits the following comments:

A note should be added to the plan indicating that the R.T.A. buffer area planting may need to be supplemented. A field investigation to determine the adequacy of the buffer planting will be required prior to approval of the final development plan.

Clearly identify on the plan existing trees and indicate trees which can be maintained, particularly adjacent to the expressway. Additional landscaping and screening may be needed to minimize the impact of the expressway.

The land to be transferred for the road exension should be clearly identified on the plan.

The open space in the southern portion of the site should be identified as public local open space.

The future development area should be labeled Parcel "A". Development of Parcel "A" is contingent upon the provision of adequate access. At this time, the 20' right-of-way does not appear to be acceptable access.

This site contains soils with moderate to severe limitations for development. Adequate measures to mitigate these limitations will be required prior to final development plan approval.

Gary Kerns

Gary Kerns

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Brooks Stafford, Director, Environmental Support Services — Date: April 21, 1986

FROM: Loretta Plott, Waste and Water Quality Management

SUBJECT: ENVIRONMENTAL EFFECTS REPORT — BLUEGRASS HEIGHTS (Name)

CRG MEETING: April 30, 1986 (Date) — 1:30 (Time)

PLAN REVIEW NOTES

1. Townhouses and single family unit proposed (Describe Site) on approx. 25 acres.
2. Public water and public sewer is proposed.
3. Streams on E & W/B shown. (Describe streams on-site)
5. Fillington mapped with steep (Describe wetland soils on-site)
6. Storm Water Management _____ required.
7. _____ proposed impervious area.

RESPONSES

___ The Environmental Effects Report is not approved. In order to receive approval, the following checked items/conditions must be met.

✓ The Environmental Effects report is approved, subject to the following checked items/conditions.

A. ___ No development is allowed in _____ (soil/name & symbol)

B. ___ A revised site plan indicating no development in _____ must be submitted.

Mr. Brooks Stafford
Environmental Effects Report BLUEGRASS HEIGHTS (Name)
Page Two

___ 1. The developer must follow the Health Department Wetland Guidelines.

___ 2. _____ (Other)

C. BEST MANAGEMENT PRACTICES

✓ 1. All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.

✓ 2. Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.

✓ 3. Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used.

✓ 4. Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service.

✓ 5. Filling will not occur in grassed or lined drainage ditches or swales.

___ 6. _____

:pms

4-28-86
Date

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

BLUEGRASS HEIGHTS
Subdivision Name, Section and/or Plat

Bluegrass Heights Assoc — D.S. Thaler
Developer and/or Engineer

Watershed	No. of Lots or Units	Total Acreage	Water	Sewer
Back River	100	24.6	Public	Public

COMMENTS ARE AS FOLLOWS:

___ Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 494-2762.

___ Soil percolation test have been conducted. Revised plans, _____ must be submitted prior to approval of plat, _____ are not required and the plat can be approved as submitted. Contact this office for more complete information, 494-2762.

✓ Public sewers ✓, public water ✓, must be utilized and/or extended to serve the property.

✓ A Hydrogeological Study and Environmental Effects Report for this subdivision, _____ must be submitted, _____ are not required, _____ is incomplete and must be revised, ✓ has/have been reviewed and approved.

___ A Water Appropriation Permit Application, _____ must be submitted, _____ has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.

✓ It is recommended the plan, _____ be approved as submitted, ✓ be approved as submitted subject to the following conditions noted: on the attached memo dated 4-21-86

___ It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS:

SS 783R

FILE MEMO — OK to file _____ — Follow-up date _____

Inspection ✓ — Telephone ___

ACTION REPORT

Baltimore County Department of Health
Division of Environmental Support Services

Date 4/23/86 — Dist. ___
Time 2pm
File ___
LOCATION: BLUE-GRASS HEIGHTS DEVELOPMENT

MISC SOLID WASTE

CRG- PLAN

PERSON CONTACTED: EDWARD D COCNAVITCH (name and title)
ADDRESS: 2300 HAMILTOWNE CIRCLE — Phone # (W) 575-6930 (H) 866-2751
REASON FOR INSPECTION: DUMP SITE INSPECTION .. (SEE ATTACHED LETTER DATE 1/22/86)

RECORD OF ACTION: AN INSPECTION OF SEVERAL AREAS WITHIN THE PROPOSED BLUEGRASS HEIGHTS DEVELOPMENT SITE WAS CONDUCTED ON 4/23/86, ACCOMPANIED BY MR EDWARD COCNAVITCH. THE INSPECTION WAS CONDUCTED AFTER MR COCNAVITCH HAD REPORTED THAT WASTE MATERIALS OF SOME KIND MAY HAVE BEEN DUMPED ONTO THE SITE PROPOSED FOR DEVELOPMENT. THE INSPECTION REVEALED MISC DEBRIS INCLUDING, FURNITURE, TREES, BLDG RUBBLE, SCATTERED ON THE GROUND SURFACE BUT NO EVIDENCE OF THE BURIAL OF WASTE MATERIALS. ACCORDING TO MR COCNAVITCH MUCH OF THE SITE HAD BEEN PREVIOUSLY USED AS A FARM, HOWEVER MR COCNAVITCH COULD FURNISH NO INFORMATION CONCERNING THE QUANTITY OR NATURE OF MATERIAL WHICH MAY HAVE BEEN USED ON THE SITE. IT WILL BE RECOMMENDED THAT THE DEBRIS BE REMOVED FOR PROPER DISPOSAL AND THAT EXCAVATION WORK BE HALTED, AND THIS OFFICE CONTACTED, SHOULD CHEMICAL WASTES BE DISCOVERED

RECOMMENDATIONS: _____

DATE: (4/28/86) — SANITARIAN _____

REFERRED TO: _____ — FOR _____

DATE _____ — BY _____

COPY TO _____

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

BALTIMORE COUNTY, MARYLAND

DATE: APRIL 15, 1986

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION
BUREAU, PLANS REVIEW DIVISION
CAPTAIN JOSEPH KELLY

PROJECT NAME: BLUEGRASS HEIGHTS

PROJECT NUMBER: CRG AGENDA 4/30/86

LOCATION: BLUEGRASS ROAD AND WILHELM AVENUE

DISTRICT # 14

COMMENTS:

CRG 01
PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA 101 LIFE SAFETY CODE, 1981 EDITION.

CRG 02
FIRE FLOW TEST IS REQUIRED TO BE CONDUCTED BY THE BALTIMORE CITY WATER DEPARTMENT AS CLOSE TO THE SITE AS POSSIBLE. TEST RESULTS ARE TO BE FORWARDED TO THE OFFICE OF THE FIRE PROTECTION ENGINEER.

Planning

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments Date April 29, 1986

From: Dept. of Recreation and Parks

Project Name: Bluegrass Heights — Preliminary Plan ___
Project Number: 85303 — Development Plan ___
Location: Bluegrass Road — Final Plat ___
Districts: 14, C-7 — CRG Plan X

COMMENTS: Revision Date - 3/25/86

The L.O.S. and H.O.A. Open Space shown is acceptable. Existing trees and regetation must be protected during construction and all other requirements of the Local Open Space Manual must be adhered to.

Francis R. Niner
Facilities Coordinator

FRN:rlw

DEPARTMENT OF TRAFFIC ENGINEERS
BALTIMORE COUNTY, MARYLAND

TO : Mr. James Markle — Date: 4-29-86

FROM : C. Richard Moore

SUBJECT: C.R.G. Comments

PROJECT NAME: Bluegrass Heights — C.R.G. PLAN: X

PROJECT NUMBER & DISTRICT: 85303 — DEVELOPMENT PLAN: ___

LOCATION: Bluegrass Rd. — RECORD PLAT: ___

Note 24 applies to lot 8 off of Wilhelm Ave. also and needs to be noted on all future plans including the development plan.

C. Richard Moore
Deputy Director
Department of Traffic Engineering

CRM:GMJ:lt

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

January 23, 1986

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Att: James Dyer

RE: Baltimore County
Item No. 252
Proepry Owner:
Hamiltowne Improvement Association, Inc.
Location: West End of Blue Grass Road, 200' west of centerline of Hamiltowne Cir.
S/E of J.F. Kennedy
I-95
Existing Zoning
D.R. 5.5
Proposed Zoning: Special hearing to determine density can be transferred per section 1B01.2A.2 and/or 1B01.3.B.1 SEE CRG PLAN FOR BLUEGRASS HEIGHTS

Acres: 24.576
District: 14th

Dear Mr. Dyer:

On review of the submittal of 11/1/85, for Bluegrass Heights, the S.H.A. finds the site plan generally acceptable.

Very truly yours,

Charles Lee, Chief
Bureau of Engr. Access Permits

by: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-65901350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5562 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

MAY 21, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of JANUARY 14, 1986
Item # 252
Property Owner: HAMILTOWNE IMPROVEMENT ASSOC., INC.
Location: WEST END OF BLUE GRASS RD. & OF HAMILTOWNE CIRCLE 200' WEST OF

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

( ) There are no site planning factors requiring comment.
(X) A County Review Group Meeting is required.
( ) A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
( ) A record plat will be required and must be recorded prior to issuance of a building permit.
( ) The access is not satisfactory.
( ) The circulation on this site is not satisfactory.
( ) The parking arrangement is not satisfactory.
( ) Parking calculations must be shown on the plan.
( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
( ) Construction in or alteration of the Floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
( ) The amended Development Plan was approved by the Planning Board on
(X) Landscaping: Must comply with Baltimore County Lanscape Manual.
( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
(X) Additional comments:
THE CRG XIV-217 (K/A BLUEGRASS HEIGHTS) WAS APPROVED 4/30/86

cc: James Hoswell

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 252 -ZAC- Meeting of January 14, 1986
Property Owner: Hamiltowne Improvement Association, Inc.
Location: West End of Blue Gradd Road, 200' W centerline of
Existing Zoning: D.R. 5.5 Hamiltowne Circle
Proposed Zoning: Special Hearing to determine density can be transferred per section 1B 01.2A.2 and/or 1B01.3.B.1 SEE CRG PLAN FOR BLUEGRASS HEIGHTS.

Acres: 24.576
District: 14th

Dear Mr. Jablon:

For items 252, please see CRG comments.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

2/3/86 to file

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
RUSSELL J. WHITE

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS

*ALSO ADMITTED IN D.C.

January 27, 1986

JAN 30 AM 9 10 11 12 1 2 3 4 5 6 7 8
ZONING DEPARTMENT
By .....

96-152A

Honorable Arnold Jablon
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Honorable Jean M. H. Jung
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Special Hearing Case Filed by
Hamiltowne Improvement Association
Concerning Transfer of Density
Item 252

Dear Commissioner Jablon and Commissioner Jung:

This office represents Bluegrass Heights Association. The developers of Bluegrass Heights, a presently pending CRG matter, identified as Project XIV - 217.

On January 9, 1986 the initial CRG meeting was held for Bluegrass Heights, and it was continued on two issues relating to a road connection and Recreation and Parks question.

The subject property is composed of two (2) parcels, a so called north parcel and a south parcel, both of which are proposed for individual home and townhouse development.

The subject property is shown in the enclosed CRG plan. It is located at I-95 and the Baltimore City line in the Rosedale area.

The so called north parcel is crossed by I-95, and the northwest corner of the north parcel comprising 0.57 acres lies on the northwest side of I-95, with the bulk of the parcel of 15.14 acres lying on the southeast side of I-95.

Honorable Arnold Jablon
Honorable Jean M. H. Jung
January 27, 1986
Page 2

The Hamiltowne Community, which is the existing DR5.5 individual home community immediately to the east of the main portion of the north parcel, has filed a special hearing case concerning the transfer of density between the two portions of the north parcel.

In actuality, Bluegrass Heights is the petitioner for all practical purposes, and we wish to hereby enter our appearance on behalf of Bluegrass Heights, and have copies of all correspondence relating to this matter sent to this office as well.

Of course, we would also ask that the matter not be scheduled for hearing or any action be taken with regard to this matter without informing the developers, as well as the original filing community.

Thanking you and your staff for your cooperation in this regard, and looking forward to receiving all copies of all materials pursuant to this entry of appearance, I am

Respectfully,

Newton A. Williams

NAW:ylm

Enclosure

cc: Mr. James Dyer
Mr. John Fink
Mr. David S. Thaler, P.E.
Mr. John F. Thackston, Sr.

Prot. 3

07/01/1
STATE AND COUNTY REAL PROPERTY TAXES
METROPOLITAN CHARGES
JULY 1, 1985-JUNE 30, 1986
COUNTY TAX
STATE TAX
SPECIAL TAX DISTRICTS
STORM DRAIN
STREET LIGHTING
WATER CONNECTION
TOTAL METROPOLITAN CHARGES
ASSESSMENT RATES PER $100
21,533
21,533
2.955
2.21
GROSS BILL
DISCOUNT
INTEREST
NET BILL
BOOK FOLIO
LOT
BLOCK
WC
PLAT
DATE PAID OR ENTERED
PROPERTY ADDRESS
OWNER'S NAME ADDRESS
14-19-002122 A6 0
HAMILTOWNE IMPROVEMENT A
ASSOC., INC.
2310 HOLYOKE RD
BALTIMORE MD 21218
B 063******6762RB 80188
10 HAMILTON AV

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
86-509 SPH

District 14th Date of Posting 8/1/86
Posted for: Appeal
Petitioner: Hamiltowne Improvement Assoc., Inc.
Location of property: West end of Bluegrass Rd., 280' W/ of Hamiltowne Circle
Location of Signs: 1st sign to be placed on the W. side of Bluegrass Rd., 2nd sign to be placed on E. side of Bluegrass Rd., 3rd sign on central property on the
Remarks: NW/s of I-95 Highway
Posted by [signature] Date of return: 8/8/86
Signature
Number of Signs: 3

Prot. 1

LIBER 2914 PAGE 474 10106 PAGE 575

Form 2007 THE MARYLAND TITLE GUARANTEE COMPANY—DEED IN FEE — Appl. No. 12[illegible],121

This Deed, *Made this* 20th *day of* April *in the year one thousand nine hundred and* fifty-six, by and between CONRAD J. LANGENFELDER and MARTHA V. LANGENFELDER, his wife, of Baltimore County, in the State of Maryland, parties of the first part, Grantors; and ALBERT SAPERO and LILLIAN SAPERO, his wife, of Baltimore County, in the State of Maryland, and BERNARD DEBOSKEY and HILDA DEBOSKEY, his wife, of Baltimore City, in the State of Maryland, parties of the second part, Grantees.

Witnesseth, *that in consideration of the sum of* Five Dollars ($5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey an undivided two-third interest in and to the hereinafter described lot of ground unto Albert Sapero and Lillian Sapero, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple; and do hereby grant and convey an undivided one-third interest in and to the hereinafter described lot of ground unto Bernard Deboskey and Hilda Deboskey, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple; said lot of ground being situate partly in Baltimore City and partly in Baltimore County

[redacted] *in the State of Maryland, and described as follows, that is to say:*

BEGINNING for the same at the end of 87-1/2 perches on the seventh line of the whole parcel of land conveyed by George Hammersly to Joseph Colloday, et al, by Deed dated August 15, 1851, and recorded among the Land Records of Baltimore County in Liber A.W.B. No. 464, folio 337, said beginning being at the end of the first line of the lot conveyed by Deed dated December 30, 1956, to James H. Millikin, said beginning being the beginning of the land conveyed by William Y. Colloday and wife to John Langenfelder by Deed dated October 25, 1877, and recorded among the Land Records of Baltimore County in Liber J.B. No. 103, folio 283, thence running with and binding on said last mentioned land, the two following courses viz: south 78-1/2 degrees west 57.7 perches to the west side of a road laid out along the western boundary line of the whole parcel of ground as above mentioned thence with and binding on the west side of said road, north 10½ degrees west 64.1 perches to the end of the second line of the land conveyed by Ann Thompson, et al, to John Langenfelder by Deed dated December 22, 1869, and recorded among the Land Records of Baltimore County in Liber E.H.A. No. 64, folio 505, thence running with and binding on the second and part of the first lines of said last mentioned land reversely and on the west side of a road above referred to, north 10-1/2 degrees west 30 perches, north 79-1/2 degrees east 77.7 perches more or less until it intersects a line drawn north 5 degrees east from the place of beginning thence reversing said line and binding thereon, south 5 degrees west 95.6 perches, more or less to the place of beginning. Containing 39-1/2 Acres, more or less

BEING the same parcel of land described in a Deed dated February 28, 1944, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1334, folio 315, from John F. Langenfelder and wife to the within named Grantors, said Deed also being recorded among the Land Records of Baltimore City prior hereto.

UNLOCATED

[illegible] TO THE LAND RECORDS OF

FEE-SIMPLE DEED—CODE—City or Co.

LIBER 1254 PAGE 485 LIBER 3967 PAGE 506 Prot. 2

27088

This Deed, Made this 26th day of February in the year one thousand nine hundred and SIXTY TWO, by and between Pascal Construction Company, Inc., a body corporate, duly incorporated under the Laws of the State of Maryland and Bernard DeBoskey and Hilda DeBoskey, his wife of Baltimore City in the State of Maryland, of the first part, and Albert A. Sapero and Lillian Sapero, his wife, of Baltimore County, State of Maryland of the second part.

Witnesseth, that in consideration of the sum of Five Dollars ($5.00) the said parties of the first part do grant and convey unto the said parties of the second part, their heirs and assigns, in fee simple, all those two lots their interests in of ground, situate, lying and being in the City of Baltimore and/or County of Baltimore, aforesaid, and described as follows, that is to say:—

Beginning for the first thereof (situate partly in Baltimore City and partly in Baltimore County) at the end of 87-1/2 perches on the seventh line of the whole parcel of land conveyed by George Hammersly to Joseph Colloday, et al, by Deed dated August 15, 1851, and recorded among the Land Records of Baltimore County in Liber A.W.B. No. 464, folio 337, and said beginning being at the end of the first line of the lot conveyed by Deed dated December 30, 1956, to James H. Millikin, said beginning being the beginning of the land conveyed by William Y. Colloday and wife to John Langenfelder by Deed dated October 25, 1877, and recorded among the Land Records of Baltimore County in Liber J. B. No. 103. folio 283, thence running with and binding on said last mentioned land, the two following courses viz: South 78-1/2 degrees West 57.7 perches to the West side of a road laid out along the Western boundary line of the whole parcel of ground as above mentioned thence with and binding on the West side of said road, North 10½ degrees West 64.1 perches to the end of the second line of the land conveyed by Ann Thompson, et al, to John Langenfelder by Deed dated December 22, 1869, and recorded among the Land Records of Baltimore County in Liber E.H.A. No. 64, folio 505, thence running with and binding on the second and part of the first lines of said last mentioned land reversely and on the West side of a road above deferred to, North 10½ degrees West 30 perches, North 79½ degrees East 77.7 perches more or less until it intersects a line drawn North 5 degrees East from the place of beginning thence reversing said line and binding thereon, South 5 degrees West 95.6 perches, more or less to the place of beginning. Containing 39½ Acres, more or less.

BEING the same lot or parcel of ground which by Deed dated April 20, 1956, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2914, folio 474, was granted and conveyed by Conrad J. Langenfelder and wife to Albert Sapero and Lillian Sapero, his wife, and Bernard DeBoskey and Hilda DeBoskey, his wife, four of the within Grantors. (Recorded, Baltimore City M.L.P. No. 10106, folio 575)

BALTIMORE CITY, LIBER J.F.C.

LIBER 3967 PAGE 506 1254 PAGE 487

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lots of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, their heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors PASCAL CONSTRUCTION COMPANY, INC. by Bernard DeBoskey, its President and Bernard DeBoskey and Hilda DeBoskey as tenants by entireties.

TEST:

PASCAL CONSTRUCTION COMPANY, INC. (SEAL)
Bernard DeBoskey, President
Hilda DeBoskey (SEAL)
Hilda DeBoskey and
Bernard DeBoskey (SEAL)
Bernard DeBoskey
, to wit:

STATE OF MARYLAND, day of February

I HEREBY CERTIFY, That on this 26 in the year one thousand nine hundred and sixty two, before me, the subscriber, a Notary Public of the State of Maryland, in and for City of Baltimore aforesaid, personally appeared Bernard DeBoskey and Hilda DeBoskey, tenants by entireties and Bernard DeBoskey, President of the Pascal Construction Company, Inc. the above named grantors, and they acknowledged the foregoing Deed to be their act. And also, Bernard DeBoskey acknowledged the foregoing deed to be the act of the Corporation. As Witness my hand and Notarial Seal.

Notary Public

my COMMISSION EXPIRES MAY 6, 1963

Recd for record MAR 20 1962 at 12 P.M. and recorded
per Walter J. Rasmussen, Clerk
Recd for record APR 3 1962 at 1254 P.M. & RECORDED IN THE LAND RECORDS OF
BALTIMORE CITY, LIBER J.F.C. PAGE 485 JAMES P. CARNEY, CLERK

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 25, 1986

Mr. John F. Thackston, Sr.
Hamiltowne Improvement Assoc., Inc.
2310 Holyoke Road
Baltimore, Maryland 21237

RE: PETITION FOR SPECIAL HEARING
West End of Bluegrass Rd., 280' W of the c/l of Hamiltowne Circle
14th Election District
Hamiltowne Improvement Assoc., Inc. - Petitioner
Case No. 86-509-SPH

Dear Mr. Thackston:

Please be advised that on July 14, 1986, an appeal was filed by the Appellants/Protestants-Owners, John Fink, Lillian Sapero, and Lillian & Company, from the decision rendered by me on June 24, 1986 in this matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:med

cc: Newton A. Williams, Esquire
Mr. John Fink
Phyllis Cole Friedman, Esquire, People's Counsel

bl. cc: Board of Appeals

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
RUSSELL J. WHITE

*ALSO ADMITTED IN D.C.

July 10, 1986

Honorable Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Hamiltowne Improvement Assoc., Inc.
Case No. 86-509-SPH

Dear Commissioner Jablon:

On behalf of our clients, John Fink and Lillian Sapero and Lillian & Company, owners of the property, which is the subject of this special hearing, please note an appeal to the County Board of Appeals from your Findings of Fact and Conclusions of Law dated June 24, 1986.

Our firm check in the amount of $120.00 made payable to Baltimore County, Maryland is enclosed.

Thanking you and your staff for your attention to this matter, I am

Respectfully,

Newton A. Williams

NAW:ylm
Enclosure
cc: People's Counsel
Hon. William T. Hackett
Mr. John Fink
Mr. David Thaler
Mr. Hank Sadler
Hon. William Burgess
Mr. John F. Thackston, Sr.

COUNTY BOARD OF APPEALS RECEIVED 1986 JUL 14 A 10 56

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
LOUIS G. CLOSE, III

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
RUSSELL J. WHITE

*ALSO ADMITTED IN D.C.

January 16, 1987

Mr. William T. Hackett, Chairman
BALTIMORE COUNTY BOARD OF APPEALS
Court House
Towson, Maryland 21204

Re: Hamiltowne Improvement Association, Inc.
Case No. 86-509-SPH,
Scheduled Hearing Date: Tuesday, February 3, 1987
Request for Continuance to Allow Sale to Baltimore County with Order of Dismissal thereupon

Dear Chairman Hackett:

Our firm represents Bluegrass Heights Associates, the Fink family, owners and developers of Bluegrass Heights, a CRG approved development on the southeast side of I-95 in the Rosedale section of Baltimore City.

In connection with that CRG proceeding, Hamiltowne Improvement Association filed for this special hearing because of the possibility that the developer/owner would ask to transfer six density units from a 0.571 acre portion of the tract on the northwest side of I-95 to that portion of the site on the south side.

The approved CRG plan did not seek this transfer of D.R. density units.

In an associated condemnation case, Baltimore County vs. Sapero, Circuit Court for Baltimore County Jury 85CG-3538, the County had sought a 0.332 acre utility easement and an 0.239 acre construction easement through that 0.571 acre parcel. In settlement of that case, scheduled for trial on February 4, 1987, the County has agreed to acquire the entire parcel in fee, rendering the developer's appeal of Commissioner Jablon's Opinion and Order of June 24, 1986, moot.

Accordingly, we would respectfully request the Board to continue this matter, without a hearing on the merits on February 3rd, and a formal Order of Dismissal will be filed upon complete acquisition and payment by Baltimore County.

COUNTY BOARD OF APPEALS RECEIVED 1987 JAN 16 P 2 51

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 16, 1987

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 86-509-SPH — HAMILTOWNE IMPROVEMENT ASSOCIATION, INC.

FOR SPH -DETERMINE IF DENSITY CAN BE TRANSFERRED PER §1B01.2A.1 and/or 1B.01.3.B.1

WEST END OF BLUEGRASS ROAD, 280' W OF THE C/L OF HAMILTOWNE CIRCLE

14th DISTRICT

6/24/86 -Z.C. GRANTED PETITION FOR SPECIAL HEARING: DISAPPROVED DENSITY TRANSFER

Scheduled for hearing on Tuesday, February 3, 1987 at 10 a.m. has been POSTPONED at the request of Counsel for Appellants.

cc: Newton A. Williams, Esquire — Counsel for Appellants/Protestants-Owners
Mr. John Fink — Appellant/Protestant-Owner
Mr. John F. Thackston, Sr. — Appellee/Petitioner
Phyllis Cole Friedman, Esquire — People's Counsel
Mr. Russell Fitchett
Mr. Martin C. Castle
Mr. & Mrs. Charles Machen
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois
Delegate William Burgess

Kathi C. Weidenhammer