

IN THE MATTER OF
THE APPLICATION OF
CLARENCE M. CLASS, ET UX
FOR ZONING VARIANCE ON PROPERTY
LOCATED ON THE NORTHWEST SIDE OF
GLENARM ROAD, 210' NORTHWEST OF
THE CENTERLINE OF GUNPOWDER ROAD
(11012 GLENARM ROAD)
11th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-45-A

OPINION

This case comes before this Board on appeal from an Order of the Zoning Commissioner denying the requested variance to permit 35.5 percent lot coverage on a parcel of land zoned R.C. 5 in lieu of the permitted 15 percent coverage. This hearing consumed some 2 1/2 days of testimony. The Board in this Opinion will not attempt to summarize all of this testimony but will allow the record to speak for itself.

Petitioner first presented Clarence Class, property owner, who described the history of the site, its general configuration, and his prior efforts to obtain a sale for the property. John Fantom, contract purchaser, testified as to his desire to purchase the site and to use it as a greenhouse business. He further testified as to all the advantages this particular site possesses in this respect and his efforts to obtain additional area in this site or an entirely different site. He further testified that compliance with the area requirements that not more than 15 percent of the lot be covered by buildings would not be viable for his proposed greenhouse use.

Dr. William E. Healy, a Doctor of Horticulture at the University of Maryland, testified as to his familiarity with the subject site, and its desirable use for the proposed greenhouses. He further testified that it was his opinion that all the rain water from the site should be collected and re-used in the greenhouses.

Case No. 88-45-A
Clarence M. Class, et ux

Bernard Semon, real estate expert, testified that he had done a study of this site and the neighborhood, and it was his opinion that the requested use would not be detrimental to land values in the area.

Robert McGrain, a real estate broker employed by Mr. Fantom, testified that he had researched 15 to 20 alternate sites and that this was the best site for the proposed use. This basically concluded Petitioner's testimony.

Protestants presented Stanley Pollack, President of the Summerfield Farms Association who testified as to the character of the neighborhood, the neighborhood's concerns about traffic, land values, and especially the limited potable water supply in the area. He testified as to the number of wells he personally knew of that were drilled unsuccessfully. It was his opinion that the greenhouse use as proposed was not a farm but was a factory whose product was horticultural items.

Dorothy Streb, Secretary of the Summerfield Farms Association and a nearby resident, testified at length as to her objections to the proposal, these basically being the same objections as Mr. Pollack, i.e., traffic, land values, water supply problems, and the alleged detriment to the strictly residential area. Ms. Streb further testified as to the approximate value of the residences in the area and entered many exhibits in support of her testimony.

Mr. William Quinn, a builder and developer in this area, testified as to potable water supply problems in this area that he knew of from personal experience and entered a series of well reports that indicated many redrillings of wells with marginal success.

Mr. James G. Hoswell, planner for Baltimore County, testified that it was his opinion that this proposal does not meet the setbacks or impervious surface requirements and is out of character with the R.C. 5 zoning designation.

APPEAL

Petition for Zoning Variance
NW/3 Glenarm Road, 210' NW of c/l of Gunpowder Road
(11012 Glenarm Road)
11th Election District - 6th Councilmanic District
Clarence M. Class, et ux - Petitioners
Case No. 88-45-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1) Plat of Property revised 5/25/87

List of Protestant's Names and Addresses

Zoning Commissioner's Order dated July 28, 1987

Letter of Appeal received August 18, 1987 from John W. Fantom, Contract Purchaser of the subject property

* Attorney for Petitioners:
William E. Healy, Esquire
107 Main Street
Baltimore, MD 21201

Mr. & Mrs. Clarence M. Class
3 Bird Hill Court
Timonium, Md. 21093

Mr. John W. Fantom
Fantom & Gahn Greenhouses
3611 E. Joppa Rd
Baltimore, Md. 21234

Ms. Flo Bailey
9501 Powder Horn Lane
Baltimore, Md. 21234

Dorothy Streb
668 16370
26 Gunpowder Rd.
Baltimore, Md. 21057

Request Notification:
Norman E. Gerber, Director of Planning
James Hoswell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Jean-H. Dwyer, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. duBois, Docket Clerk

Revised August 25, 1987

Case No. 88-45-A
Clarence M. Class, et ux

Susan Diliberto, who resides four houses from the site, testified that there are in existence on her site four water wells and that at present they now produce 1.2 gallons per minute, a very marginal supply. Theodore Provincza, a neighbor, also testified as to the well problems in the area and his fears that the extensive use of water by a greenhouse operation would cause his supply to be endangered.

Angelo Janouris, a neighbor, testified as to traffic problems in the area, eight distance at the proposed entrance, and his concerns regarding the water supply. Paul Solomon, a planner with the Baltimore County Department of Environmental Protection and Resource Management, testified that he authored the R.C. 5 regulations for Baltimore County in 1975 and updated them in 1979. He testified that to his knowledge this was the first petition for a variance for exceeding the 15 percent requirement for building coverage in an R.C. 5 zone. He further testified that it was his opinion that the proposed use is not compatible with the neighborhood, that the type of structures and the type of uses do not belong in a residential area and would be in stark contrast with the existing residences.

Rahim Famli, traffic engineer for Baltimore County, described in detail Glenarm Road and testified that the proposed entrance did not meet the County's requirements for sight distance from an abrupt curve just down the road from this site.

James R. Powell, supervisor from the Soil Testing Division, testified as to the results of the perk test conducted on the site. He stated that the site would be approved for a men's restroom and ladies' restroom with showers for a greenhouse use or one residence, but not both.

Rebuttal witnesses were John W. Fantom, who testified as to the number of vehicles anticipated in his proposed use and the speed limits on

PETITION FOR ZONING VARIANCE 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 Variance from Section 1A04.3B.4 - To permit 35.5% lot coverage in lieu of the permitted 15% coverage.

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

To permit 35.5% coverage with greenhouses, plus other flower-related structures and a residence in lieu of the permitted 15% coverage. This is a choice site in the area for a flower farm because it has well meets the major requirements of a southern exposure, protection from wind and level topography.

See addendum.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to 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.

Contract Purchaser:

Fantom & Gahn Greenhouses

(Type or Print Name)

Signature

Will E. Joppa Road

Address

Baltimore, Md., 21234

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Signature

Address

City and State

Attorney's Telephone No.:

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RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW/8 Glenarm Rd., 210' NW of
C/L of Gunpowder Rd. (11012
Glenarm Rd.), 11th District
CLARENCE M. CLASS, et ux,
Petitioners

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.

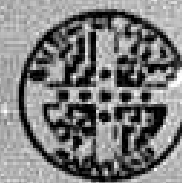
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

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 30th day of June, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Clarence M. Class, 3 Bird Hill Court, Timonium, MD 21093, Petitioners; and Mr. John W. Fantom, Fantom & Gahs Greenhouses, 3611 E. Joppa Rd., Baltimore, MD 21234, Contract Purchaser.

RECEIVED
JUL 1 1987

ZONING OFFICE



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

ARNOLD JABLON
ZONING COMMISSIONER

July 22, 1987

JEAN M. H. JING
DEPUTY ZONING COMMISSIONER

Mr. Clarence M. Class
Mrs. Marjorie L. Class
3 Bird Hill Court
Timonium, Maryland 21093

RE: PETITION FOR ZONING VARIANCE
NW/8 Glenarm Rd., 210' NW of c/l of Gunpowder
Rd. (11012 Glenarm Rd.)
11th Election District - 6th Councilmanic District
Clarence M. Class, et ux - Petitioners
Case No. 88-45-A

Dear Mr. and Mrs. Class:

This is to advise you that \$100.48 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 hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to: Ing, Towson, Maryland

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

No. 35999

DATE 7/27/87 ACCOUNT 8-01-615-000

PAID BY Mr. & Mrs. Class

AMOUNT \$ 100.48

RECEIVED FROM Mr. Clarence M. Class, 3 Bird Hill Ct., Timonium, Md. 21093

FOR ADVERTISING & POSTING RE CASE 88-45-A

FOR 8 8045*****1004818 8274F

VALIDATION OR SIGNATURE OF CASHIER

Mr. Clarence M. Class
Mrs. Marjorie L. Class
3 Bird Hill Court
Timonium, Maryland 21093

June 16, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NW/8 Glenarm Rd., 210' NW of c/l of Gunpowder
Rd. (11012 Glenarm Rd.)
11th Election District - 6th Councilmanic District
Clarence M. Class, et ux - Petitioners
Case No. 88-45-A

TIME: 11:40 a.m.

DATE: Monday, July 27, 1987

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

Arnold Jablon
Zoning Commissioner
of Baltimore County

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

No. 36066

DATE 5/7/87 ACCOUNT 8-01-615-000

PAID BY Mr. & Mrs. Class

AMOUNT \$ 65.00

RECEIVED FROM Mr. Clarence M. Class, 3 Bird Hill Ct., Timonium, Md. 21093

FOR ZONING VARIANCE

FOR 8 8110*****850018 8274F

VALIDATION OR SIGNATURE OF CASHIER



FANTOM & GAHS GREENHOUSES, INC.
3611 EAST JOPPA ROAD - BALTIMORE, MD. 21234
868-5900

MARYLAND'S FIRST AIR-CONDITIONED GREENHOUSES
COOL GROWN FLOWERS LAST LONGER

August 18, 1987

RECEIVED
AUG 18 1987
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner of Baltimore County
Room 113
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines,

I am appealing the decision by Zoning Commissioner Arnold Jablon in Case No. 88-45-A.

Enclosed please find my check for \$90.00 for filing fee and sign post for the appeal.

Very truly yours,
John W. Fantom
JOHN W. FANTOM

JWF:cwf

Enclosure

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

No. 33086

DATE 8/18/87 ACCOUNT 8-01-615-000

PAID BY Mr. & Mrs. Class

AMOUNT \$ 90.00

RECEIVED FROM Mr. John W. Fantom, Fantom & Gahs Greenhouses, Inc., 3611 E. Joppa Road, Baltimore, Md. 21234

FOR Appeal Filing & Posting Fees in Case No. 88-45-A

FOR Clarence M. Class, et ux - Petitioner

FOR 8 8072*****900018 8274F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: July 8, 1987

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

SUBJECT: Zoning Petition No. 88-45-A

If granted, this proposal would be subject to minor subdivision processing. For details, please contact the Division of Current Planning and Development.

As to the requested lot coverage variance, this office is opposed, believing that the proposal would be in contravention of the spirit and intent of the R.C. 5 zone. The intensive use of the property proposed by the petitioner is not in character with R.C. 5 type development; uses of such intensity should be located in non-residential areas.

Norman E. Gerber
Norman E. Gerber, AICP
Director

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-45-A

District: 11th Date of Posting: 7/21/87

Posted for: Variance

Petitioner: Clarence M. Class, et ux

Location of property: NW/8 Glenarm Rd., 210' NW of Gunpowder Rd., 11012 Glenarm Rd.

Location of Sign: 11012 Glenarm Rd., corner 11th & Gunpowder Rd.

Remarks: on property of Petitioner

Posted by: *Arnold Jablon* Date of return: 7/21/87

Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-45-A

District: 11th Date of Posting: 8/30/87

Posted for: Appeal

Petitioner: Clarence M. Class, et ux

Location of property: NW/8 Glenarm Rd., 210' NW of Gunpowder Rd., 11012 Glenarm Rd.

Location of Sign: 11012 Glenarm Rd., corner 11th & Gunpowder Rd.

Remarks: on property of Petitioner

Posted by: *Arnold Jablon* Date of return: 9/4/87

Number of Signs: 1

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 5th day of July, 1987.

Petitioner: Clarence M. Class, et ux
Petitioner's Attorney: *Phyllis Cole Friedman*
Received by: *Arnold Jablon*
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY DEPARTMENT OF HEALTH

May 15, 1987

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

Zoning Item # 417 Zoning Advisory Committee Meeting of 4-28-87

Property Owner: Clarence Class et ux

Location: NW/8 Glenarm Rd. District 11

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathroom, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

August 25, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/8 Glenarm Road, 210' NW of c/l of Gunpowder Road
11012 Glenarm Road
Clarence M. Class, et ux - Petitioners
Case No. 88-45-A

Dear Board:

This letter is being submitted to correct inaccurate information which was previously provided you in correspondence dated August 19, 1987 on the subject matter. Please be advised that the above-referenced case was appealed on August 18, 1987 by John W. Fantom, who is the Contract Purchaser of the subject property.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. Following are the correct addresses for both the Petitioners and Mr. Brown. Thank you for your assistance in this matter, and if you have any questions, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

cc: Mr. & Mrs. Clarence M. Class
3 Bird Hill Court
Timonium, Md. 21093

Mr. Flo Bailey
9401 Powder Horn Lane
Baltimore, Md. 21234

Mr. John W. Fantom
Fantom & Gahs Greenhouses
3611 E. Joppa Road
Baltimore, Md. 21234

Mr. James R. Brown, III
8401 Lasalle Road
Towson, Md. 21204

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse
Towson, Maryland 21204

Ms. Frances Gibbons
1 Gunpowder Road
Glen Arm, Md. 21057

File

Addendum To Petition For Zoning Variance

For the practical purposes of connecting heat and water lines, greenhouses need to be located with closer proximity than 100' distances between them.

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 9, 1987

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 July 9, 1987.

THE JEFFERSONIAN,

Publisher

PETITION FOR ZONING VARIANCE

11th Election District - 6th Councilmanic District
Case No. 88-45-A

LOCATION: Northwest Side of Glenarm Road, 210 feet Northwest of Centerline of Gunpowder Road (11012 Glenarm Road)

DATE AND TIME: Monday, July 27, 1987, at 11:10 a.m.

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

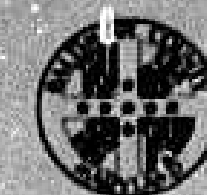
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit 35.5% lot coverage in lieu of the permitted 15% coverage

Being the property of Clarence M. Class, et ux, 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



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

MR. RICHARD MOORE
C. Richard Moore
Acting Director

May 11, 1987

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

Item No. 417 -ZAC-
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Meeting of April 28, 1987
Clarence M. Class, et ux
NW/4 Glen Arm Road, 210 feet ± NW of
centerline of Gunpowder Road
R.C. 5
Variance to permit 32% coverage in lieu of
the permitted 15% coverage and to permit
distances of 22', 12', 88', 40', 54', 75',
22', 50', and 22' between buildings in
lieu of the required 100 feet
5.741 acres
11th Election District

Area:
District:

Dear Mr. Jablon:

This site is located on a bad curve with limited sight distance; any change that would increase the traffic from this site would increase a hazardous condition.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

April 28, 1987

Re: Property Owner: Clarence M. Class, et ux

Location: NW/4 Glen Arm Road, 210' ± NW of centerline of
Gunpowder Road

Item No.: 417

Zoning Agenda Meeting of 4/28/87

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- (X) 3. The vehicle dead end condition shown at building "C".

EXCEEDS the maximum allowed by the Fire Department.

- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: Capt. J. Kelly 4/28/87
Planning Group

Noted and
Approved:

John F. O'Neill
Fire Prevention Bureau

* Water for fire protection shall be provided according to Urban Guide for Fire Prevention and Control Master Planning. Also, proposed road shall support 50,000# /31 fire apparatus and have hard surface.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 15, 1987

Mr. & Mrs. Clarence M. Class
3 Bird Hill Court
Timonium, Maryland 21093

RE: Item No. 417 - Case No. 88-45-A
Petitioner: Clarence M. Class, et ux
Petition Zoning Variance

Dear Mr. & Mrs. Class:

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.

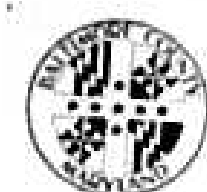
Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:bjjs

Enclosures

cc: Mr. John W. Fantom
3611 E. Joppa Road
Baltimore, Maryland 21234



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

MR. RICHARD MOORE
C. Richard Moore
Acting Director

May 11, 1987

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

Item No. 417 -ZAC-
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Meeting of April 28, 1987
Clarence M. Class, et ux
NW/4 Glen Arm Road, 210 feet ± NW of
centerline of Gunpowder Road
R.C. 5
Variance to permit 32% coverage in lieu of
the permitted 15% coverage and to permit
distances of 22', 12', 88', 40', 54', 75',
22', 50', and 22' between buildings in
lieu of the required 100 feet
5.741 acres
11th Election District

Area:
District:

Dear Mr. Jablon:

This site is located on a bad curve with limited sight distance; any change that would increase the traffic from this site would increase a hazardous condition.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

April 28, 1987

Re: Property Owner: Clarence M. Class, et ux

Location: NW/4 Glen Arm Road, 210' ± NW of centerline of
Gunpowder Road

Item No.: 417

Zoning Agenda Meeting of 4/28/87

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- (X) 3. The vehicle dead end condition shown at building "C".
- EXCEEDS the maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: Capt. J. Kelly 4/28/87
Planning Group

Noted and
Approved:

John F. O'Neill
Fire Prevention Bureau

* Water for fire protection shall be provided according to Urban Guide for Fire Prevention and Control Master Planning. Also, proposed road shall support 50,000# /31 fire apparatus and have hard surface.



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

October 16, 1987

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. 88-45-A

CLARENCE M. CLASS, ET UX

NW/4 Glenarm Rd., 210' NW of c/l of
Gunpowder Rd. (11012 Glenarm Rd.)

11th Election District

Var.-To permit 35.5% lot coverage in
lieu of the permitted 15% coverage.

7/28/87 - Z.C. Order - that the zoning
variance be DENIED.

WEDNESDAY, JANUARY 27, 1988, at 10 a.m.

ASSIGNED FOR:

cc: Mr. & Mrs. Clarence Class Petitioners

Mr. John W. Fantom

Ms. Fil Bailey

Mr. James R. Brown, III

Ms. Frances Gibbons

Phyllis C. Friedman

People's Counsel

Norman F. Genter

James Howell

J. Robert Haines

Ann Nastarowicz

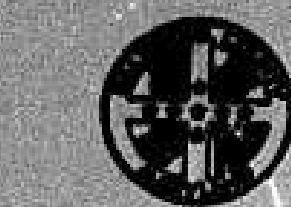
James E. Dyer

Margaret E. duBois

RECEIVED
OCT 20 1987

ZONING OFFICE

June Holmen, Secy.



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 491-2140

HEARING ROOM #218

January 27, 1988
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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

(CONTINUED FROM 1/27/88)

CASE NO. 88-45-A

CLARENCE M. CLASS, ET UX
NW/4 Glenarm Rd., 210' NW of c/l
of Gunpowder Rd. (11012 Glenarm Rd.)
11th Election District
6th Councilmanic District
VAR -to permit 35.5% lot coverage in
lieu of permitted 15% coverage
7/28/87 -Z.C. Order -that the zoning
variance be DENIED.

CONTINUED FROM 1/27/88

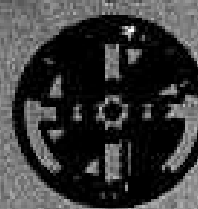
ASSIGNED FOR:

TUESDAY, MARCH 22, 1988 at 10:00 a.m.

cc: Mr. & Mrs. Clarence Class Petitioners
William E. Hammond, Esquire Counsel for Petitioners/Contract Purchaser
John W. Fantom Contract Purchaser
Ms. Flo Bailey
Ms. Dorothy Streb
Mr. James R. Brown III
Ms. Frances Gibbons
Phyllis Cole Friedman People's Counsel for Baltimore County
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary

11/87



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223 COURT HOUSE
TOWSON, MARYLAND 21204
494-2100

PHYLLIS COLE FRIEDMAN
People's Counsel

January 6, 1988

PETER MAX ZIMMERMAN
Deputy People's Counsel

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

RE: Clarence M. Class, et ux, Petitioners
Zoning Case No. 88-45-A

Dear Chairman Hackett:

We have received the December 30, 1987 letter from John W. Fantom submitting an amended plat plan in this variance case.

Typically, the submission of an amended site plan under these circumstances results in a remand to the Zoning Commissioner for a new hearing. Otherwise, the Zoning Commissioner hearing would lose meaning. Therefore, I am suggesting that a remand order is appropriate. It may be, because of the wide neighborhood interest in this case, that the January 27, 1988 hearing at the Board should go ahead, with the understanding that the Board will explain to all of the assembled citizens the procedure.

I also would like to make some observations on the amended plan. It appears that it is directed toward traffic considerations. Traffic considerations, particularly access and site distance, are clearly issues in this case. See the May 11, 1987 letter from Michael S. Flanigan.

However, there is a larger issue which is not touched by the amended plan. This office has strongly defended the regulations in both the R.C. 4 and R.C. 5 zones which limit impermeable surface because of environmental concerns. We have questioned, in view of the legislative history, whether variances are even allowed. As a practical matter, a number of cases have been worked out where property owners obtained easements to sufficient adjoining or neighboring property so that the variance, in effect, became unnecessary.

I am enclosing a copy of the first County Board of Appeals decision on this point, Pleasant Hill Chapel, Inc., Case Nos. 82-85-XSPH and 82-98-A. For your information, a current case in which this issue is being resolved is Haussner Family Ltd. Partnership, No. 85-83-SPHA.

- 2 -

The Honorable
William T. Hackett, Chairman
County Board of Appeals

January 6, 1988

If there are any questions, we will be available to discuss the case further with both the Petitioner and neighboring residents. If an additional Zoning Commissioner hearing is scheduled, we will appear.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

Enclosure

cc: John W. Fantom
Dorothy Streb
J. Robert Haines
PHZ:zh

Request for:
Summons to Board of Appeals
for: Mr. Michael S. Flanigan
Traffic Engineer Assist. II
Dept. of Traffic Engineering
Baltimore County

Re:
Variance Appeal
88-45-A
Wed. Jan 27, 1988
10:00 A.M.
Courthouse RM. 218

Filed on behalf of Summerfield Farms Association

Stanley M. Pollack
Stanley M. Pollack, President,
Summerfield Farms Association

RECEIVED
COUNTY BOARD OF APPEALS
JAN 22 P 3 54

WILLIAM E. HAMMOND

ATTORNEY AT LAW
102 MAIN STREET
REISTERSTOWN, MARYLAND 21158
855-1211

January 11, 1988

County Board of Appeals
of Baltimore County
Room 200, Courthouse
Towson, Maryland 21204

Re: Case No. 88-45-A
Clarence M. Class, et ux, et al
Hearing: 1/27/88

Gentlemen:

Please enter my appearance in behalf of the Appellant, Clarence M. Class, et ux and John W. Fantom.

Thank you.

Very truly yours,

William E. Hammond

JEH:dd
cc: Phyllis C. Friedman
People's Counsel

RECEIVED
COUNTY BOARD OF APPEALS
JAN 12 A 10 13

SUMMERFIELD FARMS ASSOCIATION, INC.

GLEN ARM, MARYLAND 21057

26 Gunpowder Road
Glen Arm, Md. 21057
January 4, 1988

County Board of Appeals
Old Court House - 2nd floor
Towson, Md. 21204

Re: Variance appeal # 88-45-A to be held on Jan. 27, 1988

Enclosed please find required resolutions and affidavits which will permit members of the Summerfield Farms Association to testify at the variance appeal hearing.

Yours truly,
Dorothy Streb, Sec.

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the SUMMERFIELD FARMS Association.

ATTEST: NOVEMBER 19, 1987

Secretary

Stanley M. Pollack
President

FROM THE DESK OF J. ROBERT HAINES
TO: Ann Nastarowicz
James E. Dyer
W. Carl Richards
James H. Thompson

See me immediately
Discuss with me
Prepare draft response
Please follow up
Collect \$20.00 fee
Please handle
Please attend meeting
Prepare written report
Please file
Set up conference
Other

SUMMERFIELD FARMS ASSOCIATION ASSOCIATION

RESOLVED: That at the ANNUAL meeting of the SUMMERFIELD FARMS Association held on OCTOBER 25, 1987, 19 87, it was decided by the Association that responsibility for review and action on all zoning matters for the period OCTOBER 25, 1987 - OCTOBER 1988 be placed in the (Board of Directors) (Zoning Committee) consisting of the following members:

STANLEY POLLACK
CHARLES CONKLIN
DOROTHY STREB
HELEN WOFFORD
CHARLOTTE VENERACION

AS WITNESS OUR HANDS AND SEAL THIS 19th day of NOVEMBER 1987.

ATTEST: SUMMERFIELD FARMS ASSOCIATION

Secretary

Stanley M. Pollack
President

IN THE MATTER
OF THE APPLICATION OF
PLEASANT HILL CHAPEL, INC.
FOR SPECIAL EXCEPTION for an
addition to be used as a community
building, and
FOR SPECIAL HEARING to determine
if this addition can be considered a
community building, and
FOR VARIANCE to allow more than 10%
of subject property to be covered by im-
permeable surfaces including structures
and pavement
N/S Worthington Heights Parkway,
600' E. of Cuba Road
8th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 82-85-XSPH
and
No. 82-98-A

OPINION

This matter comes before the Board following a hearing before the Zoning Commissioner wherein the Petitioners requested a special exception, a special hearing and a variance from certain requirements within the Baltimore County Zoning Regulations. During the course of this petition the Baltimore County Council passed legislation that directly affects the use that is being sought under this requested special exception. Additionally, evidence was presented that specifically addressed an issue of variance that was presented before the Zoning Commissioner of which the Zoning Commissioner did not and could not have had the benefit. Finally, following hearing of this matter and following meetings between People's Counsel and Petitioners, a revised site plan was submitted by Petitioners that addresses a number of other areas and issues that were raised originally during the hearing of this matter. The Board relates these facts and the efforts of the parties as a predicate for two purposes. First, and most importantly, as an indication of their recognition of the Board's strongest and most earnest desire to support and reaffirm the stated legislative policy regarding R.C. 4 zoning in the County's attempt to protect the precious water supplies of metropolitan Baltimore and the neighboring jurisdictions by preventing contamination through unsuitable types or levels of development within the watershed. To that end the diligence of the People's Counsel and counsel for the Petitioners in resolving the many concerns that the Board raised in our effort to support that legislative policy is greatly appreciated. It should be anticipated that scrutiny of such a nature will occur in the future regarding such environmentally sensitive

PLEASANT HILL CHAPEL, INC. - #82-85-XSPH & 82-98-A

2.

areas when such areas are presented by petition before the Board. Secondly, the Board recognizes that often only at a final administrative hearing are all issues presented and addressed, many of which could be resolved or limited by the parties without a decision by this Board. Such a practice was essential to the limiting of issues in this case and has enabled the Board to resolve this matter in a manner that we believe is beneficial not only to the Petitioners but to the neighborhood and community in which this property is located, and ultimately to the County as a whole. To that end such a practice is both welcomed and encouraged by the Board.

The evidence presented by the Petitioners indicated their simple desire to expand the existing chapel to accommodate their heightened need generated as a result of a considerable population growth in the community presently serviced by the church. Evidence by the Petitioners was very clear that the need presently exists for such an expansion. Unfortunately, due to the geographical location of the church on R.C. 4 zoned land and the logistics of its placement on the parcel owned and operated by Pleasant Hill Chapel, Inc., a number of unusual and highly unique issues were properly presented before the Board. Each of these will be taken separately.

Before the Zoning Commissioner the Petitioners requested a special hearing for the purpose of determining whether their proposed use fit within the definition of "community building" as could be permitted by special exception in the Baltimore County Zoning Regulations, Section 1A03.3.B.3. The Zoning Commissioner was of the opinion, and the Board agrees, that a community building is distinct from a church or other building for religious worship. Nevertheless, this issue was rendered moot before this Board following the enactment of Bill #45-82 wherein the Baltimore County Council amended those uses permitted by special exception in an R.C. 4 zone so as to specifically include "churches and other buildings for religious worship". At the hearing regarding the subject property People's Counsel admitted that the use requested by the Petitioners was for a church or other building for religious worship, and thus any question as to the Board's jurisdiction to entertain a request for special exception in this case has been overcome.

PLEASANT HILL CHAPEL, INC. - #82-85-XSPH & 82-98-A

3.

With regard to the Petitioners' request for special exception, the Board, of course, is guided by the requirements of Section 502 of the Baltimore County Zoning Regulations. It should be noted that Section 502.1 was also amended in Bill #45-82 so as to provide an even more onerous burden upon Petitioners requesting a special exception. The Board recognizes these additional requirements and considered them seriously in reaching this opinion. In support of their argument for special exception, Petitioners presented Reverend Charles Peterson, Pastor of the Pleasant Hill Chapel congregation, Mr. Nelson Wisner, Chairman of the Building Committee for the church, and Mr. John Ranocchia, a registered professional engineer. The specifics of the testimony by these witnesses will not be related in this Opinion, rather the Board will let the record speak for itself. The substance of the testimony from these witnesses, most especially Mr. Ranocchia who was qualified to present a professional opinion regarding the petition's compliance with the Zoning Regulations, was that the requirements stated in Section 502.1 of the Zoning Regulations would be met by the proposed use of the subject property in accordance with the requested petition.

People's Counsel presented Paul Solomon, an environmental planner for Baltimore County, whose expertise in watershed protection is well-known to this Board. Mr. Solomon's testimony focused on the relationship between impervious cover and pollutants at or near critical parts of the watershed. Most specifically Mr. Solomon addressed those requirements found in Section 1A03.4.B.5 of the Baltimore County Zoning Regulations which require no more than ten percent of any lot in an R.C. 4 zone to be covered by impermeable surfaces and no more than twenty-five percent of the natural vegetation to be removed from any lot in an R.C. 4 zone.

Upon the basis of Mr. Solomon's testimony, Petitioners requested that the hearing be continued for the purpose of submitting a revised site plan that would address the points raised by Mr. Solomon as well as other evidence regarding Section 1A03.4.B.5. Amongst the evidence later presented by the Petitioners was a Deed of Easement dated September 15, 1982, between Lester N. Robinson and Doris E. Robinson, adjacent property owners to the Pleasant Hill Chapel, as Grantors and Pleasant Hill Chapel as Grantee.

PLEASANT HILL CHAPEL, INC. - #82-85-XSPH & 82-98-A

4.

Under said grant Pleasant Hill Chapel is permitted an easement of 4.97 acres owned by the Robinsons for use by the church for church purposes, reserving unto the Robinsons the right to use said premises for general farming purposes but not as to interfere with church uses, provided however that the parcel will not be improved under any circumstances by an impervious surface. Such parcel of land granted by a perpetual easement (subject to further order of the County Board of Appeals as provided in said easement), in addition to the existing 2.88 acres of property under the subject petition, totals sufficient acreage such that the total improvements as anticipated by the petition for special exception meet the requirements of Section 1A03.4.B.5 to the satisfaction of the Board under these most unusual of circumstances. This easement, together with the amended site plan revised latest on October 5, 1982, enabled Mr. Solomon to conclude in a memorandum to People's Counsel, "I am satisfied that, if these features are designed, maintained, and constructed properly, there will be no adverse water quality impact from the proposed addition to Pleasant Hill Chapel." Said memorandum, dated October 8, 1982, the original of which was presented to the Board by counsel for the Petitioners will be marked by the Board as an exhibit in this petition.

Based upon the evidence described above and testimony elicited at the hearing, the Board is of the opinion that the requirements of Section 502 have been met and that the special exception should be granted, subject to the restrictions contained in the following Order.

Additionally presented at the hearing was evidence that the existing chapel is 29 feet from the rear property line and thus a variance from the 50 foot setback requirement was requested by the Petitioners. Based upon the evidence presented at the hearing, the Board is of the opinion that strict compliance of this setback requirement would result in practical difficulty and unreasonable hardship to the Petitioners, and that in granting such a variance to permit a rear yard setback of 29 feet is in harmony with the spirit and intent of the Zoning Regulations and that such a variance will not substantially injure the public health, safety and general welfare.

SUMMERFIELD FARMS ASSOCIATION

RESOLVED: That the position of the Summerfield Farms Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:

Case No. 88-45-A Clarence M. Class et ux, NW/s Glenarm Rd., 210' W of c/l Gunpowder Rd. (11012 Glen Arm Rd.) 11th E; 6th C. Variance to permit 35.5% lot coverage in lieu of permitted 15% coverage

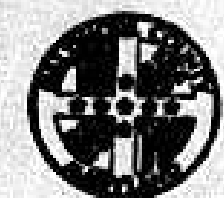
is that: The Summerfield Farms Association strongly opposes the granting of any variance for the Class property which would allow for the construction of greenhouses on 35.5% of the property. Opposition is based on 3 considerations: increased and hazardous traffic, commercialization in a residential neighborhood and adverse environmental impact.

AS WITNESS OUR HANDS AND SEAL THIS 19th DAY OF November

19 87.

ATTEST: SUMMERFIELD FARMS ASSOCIATION

Secretary: *Stanley M. Pollack*
President: *Stanley M. Pollack*



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 30, 1988

William E. Hammond, Esquire
107 Main Street
Reisterstown, MD 21136

RE: Case No. 88-45-A
Clarence M. Class, et ux

Dear Mr. Hammond:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals regarding the subject case.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. John W. Fantom
Mr. & Mrs. Clarence M. Class
Ms. Flo Bailey
Ms. Dorothy Streb
Mr. James R. Brown, III
Ms. Frances Gibbons
Phyllis C. Friedman, Esquire
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 27, 1988
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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

(CONTINUED FROM 1/27/88)

CASE NO. 88-45-A

CLARENCE M. CLASS, ET UX
NW/s Glenarm Rd., 210' NW of c/l
of Gunpowder Rd. (11012 Glenarm Rd.)
11th Election District
6th Councilmanic District
VAR -to permit 35.5% lot coverage in
lieu of permitted 15% coverage
7/28/87 -Z.C. Order -that the zoning
variance be DENIED.

CONTINUED FROM 1/27/88

ASSIGNED FOR:

TUESDAY, MARCH 22, 1988 at 10:00 a.m.

cc: Mr. & Mrs. Clarence Class Petitioners
William E. Hammond, Esquire Counsel for Petitioners/Contract Purchaser
John W. Fantom Contract Purchaser
Ms. Flo Bailey
Ms. Dorothy Streb
Mr. James R. Brown III
Ms. Frances Gibbons
Phyllis Cole Friedman
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney

People's Counsel for Baltimore County

Kathleen C. Weidenhammer
Administrative Secretary



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

October 16, 1987

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. 88-45-A

CLARENCE M. CLASS, ET UX
NW/s Glenarm Rd., 210' NW of c/l of
Gunpowder Rd. (11012 Glenarm Rd.)
11th Election District
Var.-To permit 35.5% lot coverage in
lieu of the permitted 15% coverage.
7/28/87 - Z.C. Order - that the zoning
variance be DENIED.
WEDNESDAY, JANUARY 27, 1988, at 10 a.m.

ASSIGNED FOR:

cc: Mr. & Mrs. Clarence Class Petitioners
John W. Fantom
Mr. John W. Fantom
Ms. Flo Bailey
Mr. James R. Brown, III
Ms. Frances Gibbons
Ann M. Nastarowicz
Ann M. Nastarowicz
Norman E. Genter
James Hoswell
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Margaret E. DuBois

People's Counsel

June Holman, Secy.

Finally, an issue was raised as to the proposed height of the petitioned church expansion. Section 1A03.4.A indicates that no structure erected in an R.C. 4 zone shall exceed a height of 35 feet. Section 300.2, however, provides an exception to this requirement which permits buildings for religious purposes to be built to a height of 50 feet in any zone in which they are permitted. Petitioners have submitted a site plan that indicates a total height of no greater than 48 feet and will, therefore, be limited to such height based upon the Board's approval of the special exception within the terms, restrictions and conditions of the amended site plan.

All issues and matters presented, heard and considered by the Board, we make the following Order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 16th day of November, 1982, by the County Board of Appeals, ORDERED that the issue as to the special hearing wherein the Zoning Commissioner of Baltimore County defined "community buildings" having been obviated by the enactment of Bill #45-82, the Board restrains from deciding as that issue is now moot; and it is

FURTHER ORDERED that the special exception petitioned for be and the same is hereby GRANTED, subject to those terms, conditions and restrictions stated in the amended site plan, revised most recently October 5, 1982, and contingent upon the perpetual maintenance of such terms, conditions and restrictions without limitation.

Additionally, such special exception is granted only so long as the Deed of Easement of September 15, 1982, between Lester N. Robinson and Davis E. Robinson and Pleasant Hill Chapel, Inc. is not limited or restricted in any manner, or until extinguished in part or in whole by a later Order of the County Board of Appeals, as provided in the Deed of Easement. Such special exception is further restricted to a height of forty-eight (48) feet; and it is

FURTHER ORDERED that the variance petitioned for to permit a rear yard setback of twenty-nine (29) feet in lieu of the fifty (50) foot setback requirement be and

The same is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**

Kelvin T. Foster, Acting Chairman

William R. Evans

10/16/87 - Following were notified of hearing on Wed. Jan. 27, 1988, at 10 a.m.:

Mr. and Mrs. Clarence Class
John W. Fantom
Flo Bailey
James R. Brown, III
Phyllis Friedman
Frances Gibbons
D. Fields
N. Corbett, J. Howell
J. R. Haines, Ann Nastarowicz, J. Dyer, M. duBois Robyn Clark

Wm. Hammond, Esq.
Dorothy Streb

1/27/88 - Notice sent to above as amended - continued hearing set for Tuesday, March 22, 1988 at 10:00 a.m.

FANTOM & GAHS GREENHOUSES, INC.

3611 EAST JOPPA ROAD - BALTIMORE, MD. 21234

888-8888

MARYLAND'S FIRST AIR-CONDITIONED GREENHOUSES

COOL GROWN FLOWERS LAST LONGER

August 18, 1987

RECEIVED
AUG 18 1987

ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner of Baltimore County
Room 113
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines,

I am appealing the decision by Zoning Commissioner Arnold Jablon in Case No. 88-45-A.

Enclosed please find my check for \$90.00 for filing fee and sign post for the appeal.

Very truly yours,

John W. Fantom
JOHN W. FANTOM

JWP:cwi

Enclosure

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

No. 33086

DATE 8/18/87 ACCOUNT 8-211-515-000

AMOUNT \$ 90.00

RECEIVED FROM John W. Fantom, Fantom & Gahs Greenhouses, Inc.
3611 E. Joppa Road, Baltimore, Md. 21234

FOR Appeal Filing & Hearing Fees in Case No. 88-45-A
Clarence M. Class, et ux - Petitioners
B 8072*****000012 21234

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-5353

J. Robert Haines
Zoning Commissioner

August 19, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/3 Glenarm Road, 210' NW of c/l of Gunpowder Road
(11012 Glenarm Road)
Clarence M. Class, et ux - Petitioners
Case No. 88-45-A

Dear Board:

Please be advised that on August 18, 1987 an appeal of the decision rendered in the above-referenced case was filed by John W. Fantom, a protestant.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

Mr. James R. Brown, III
3 Bird Hill Court
Timonium, Md. 21093

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse
Towson, Maryland 21204

Ms. Frances Gibbons
1 Gunpowder Road
Glen Arm, Md. 21057

File

1/15
No variance issued
due to lack of info
from Fantom

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-5353

J. Robert Haines
Zoning Commissioner

August 25, 1987

RECEIVED
COUNTY BOARD OF APPEALS
1987 AUG 26 P 3:34



Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/3 Glenarm Road, 210' NW of c/l of Gunpowder Road
(11012 Glenarm Road)
Clarence M. Class, et ux - Petitioners
Case No. 88-45-A

Dear Board:

This letter is being submitted to correct inaccurate information which was previously provided you in correspondence dated August 19, 1987 on the subject matter. Please be advised that the above-referenced case was appealed on August 18, 1987 by John W. Fantom, who is the Contract Purchaser of the subject property.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. Following are the correct addresses for both the Petitioners and Mr. Brown. Thank you for your assistance in this matter, and if you have any questions, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

cc: Mr. & Mrs. Clarence M. Class
3 Bird Hill Court
Timonium, Md. 21093

Ms. Flo Bailey
9501 Powder Horn Lane
Baltimore, Md. 21234

Mr. John W. Fantom
Fantom & Gahs Greenhouses
3611 E. Joppa Road
Baltimore, Md. 21234

File

Mr. James R. Brown, III
8501 Lasalle Road
Towson, Md. 21204

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse
Towson, Maryland 21204

Ms. Frances Gibbons
1 Gunpowder Road
Glen Arm, Md. 21057

Office of the Sheriff
Baltimore County
Maryland

March 9, 1988

Summerfield Farms Community Association herewith requests that a summons to the Board of Appeals be issued.

Variance Appeal # 88-45-A

on
Tuesday March 22, 1988
10:00 A.M.
Court House RM 218

be served on

Mr. Michael S. Flanigan
Traffic Engineer Assist. II
Dept. of Traffic Engineering
Baltimore County, Md.

Stanley M. Pollack
President, Summerfield Farms
Community Association
4604 Copperwood Lane
Glen Arm, Md. 21057

Mr. Sheriff:

Please issue the above summons.

June Holmen, Board of Appeals

Office of the Sheriff
Baltimore County
Maryland

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Stanley M. Pollack
President, Summerfield Farms
Community Association
4604 Copperwood Lane
Glen Arm, Md. 21057

Mr. Sheriff:

Please issue the above summons.

June Holmen, Board of Appeals

SUMMONED 3/12/88
NOT SERVED 19
REASON 1 SERVED 19

CLERK
OF BALTIMORE COUNTY
J. EDWARD MALONE

Office of the Sheriff
Baltimore County
Maryland

March 9, 1988

Summerfield Farms Community Association herewith requests that a summons to the Board of Appeals be issued.

Variance Appeal # 88-45-A

on
Tuesday March 22, 1988
10:00
Court House RM 218

be served on

Mr. Paul J. Solomon
Planner
Environmental Protection & Resource
Management Office
Baltimore County, Md.

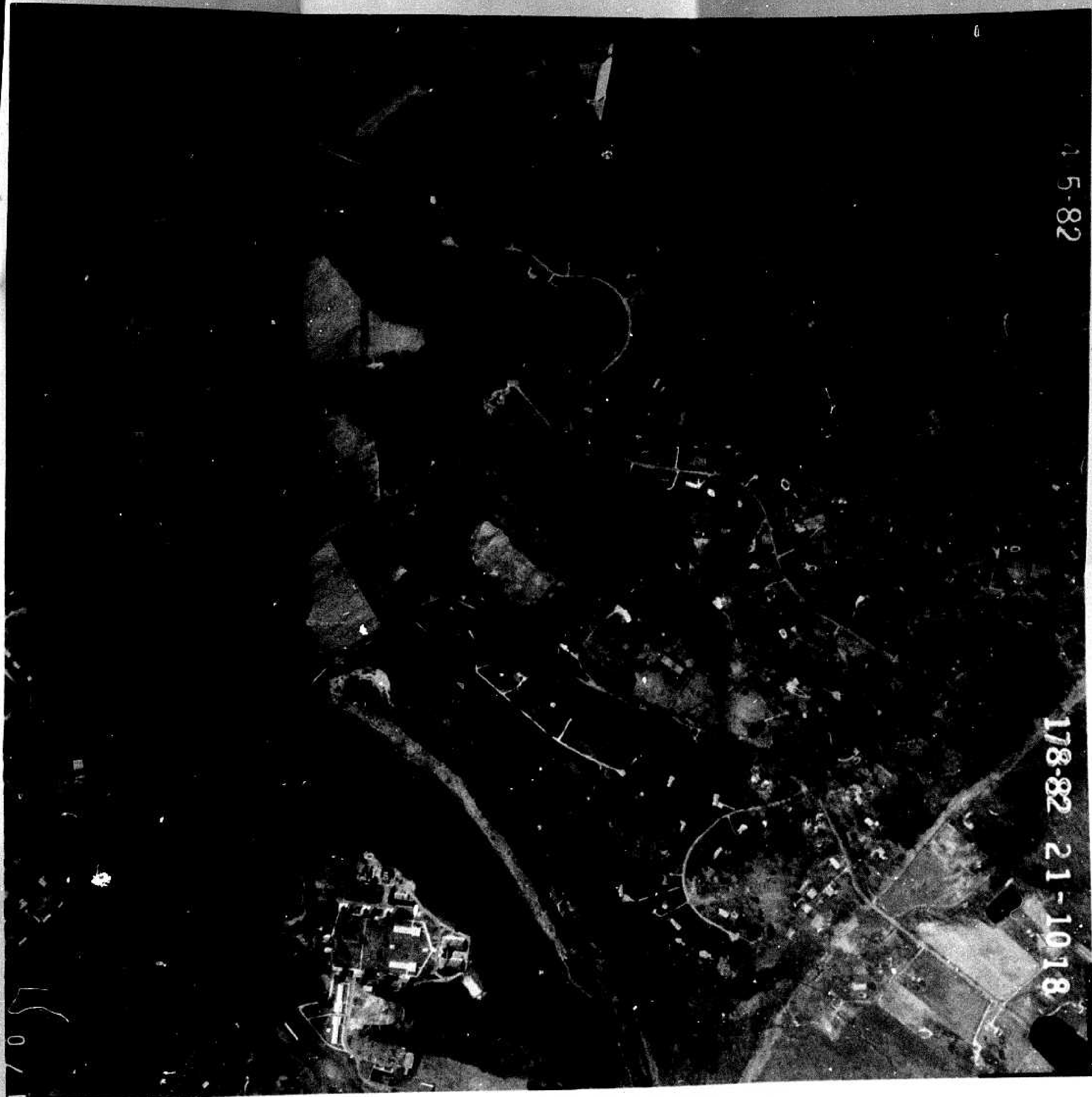
Stanley M. Pollack, President,
Summerfield Farms Community Assoc.
4604 Copperwood Lane
Glen Arm, Md. 21057

Mr. Sheriff:

Please issue the above summons.

June Holmen, Board of Appeals

RECEIVED
Baltimore County Board of Appeals
23 MAR 16 P 2:26



45-82

178-82 21-1018

PANTOM & GAHS GREENHOUSES, INC.

381 EAST HOPKINS ROAD - BALTIMORE, MD 21214

301-668-5800

MARYLAND'S FIRST AIR-CONDITIONED GREENHOUSES
Our Business Has Began "GROWING" For 31 Years

December 30, 1987

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204

RE: Case No. 88-45-A
Petitioner: Clarence M. Claus, et ux

Dear Board Members,

I am submitting an amended plat plan (copy enclosed) to accompany my petition for a zoning variance to the following County agencies for their review:

Bureau of Fire Prevention,
Department of Traffic Engineering,
People's Counsel.

The changes involve moving the location of the entrance to the site from Beaver Lane to the southeastern corner of the property to improve the sight line of traffic along Glen Arm Road and the internal road was changed to accommodate the turnaround required by the fire department.

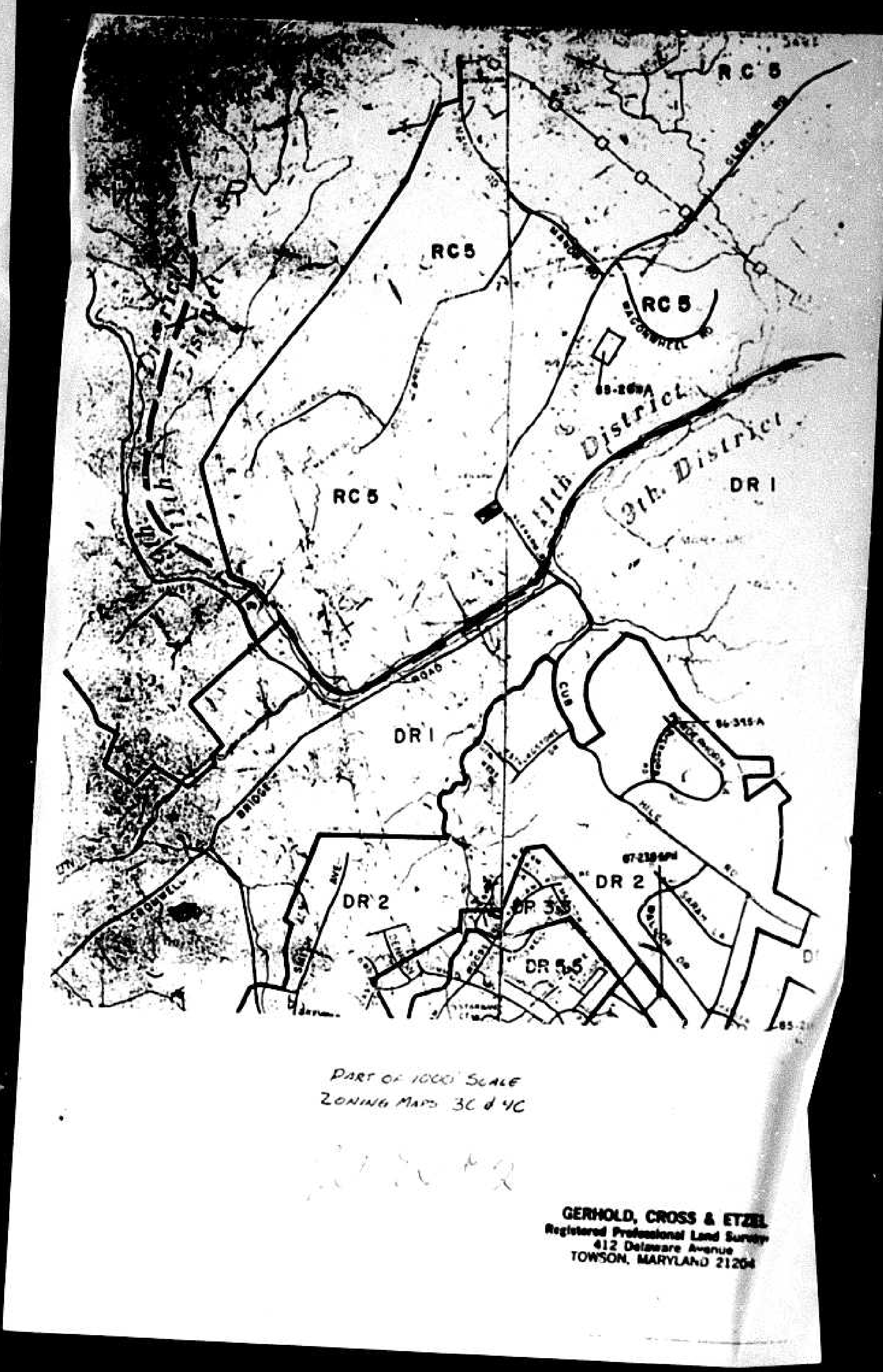
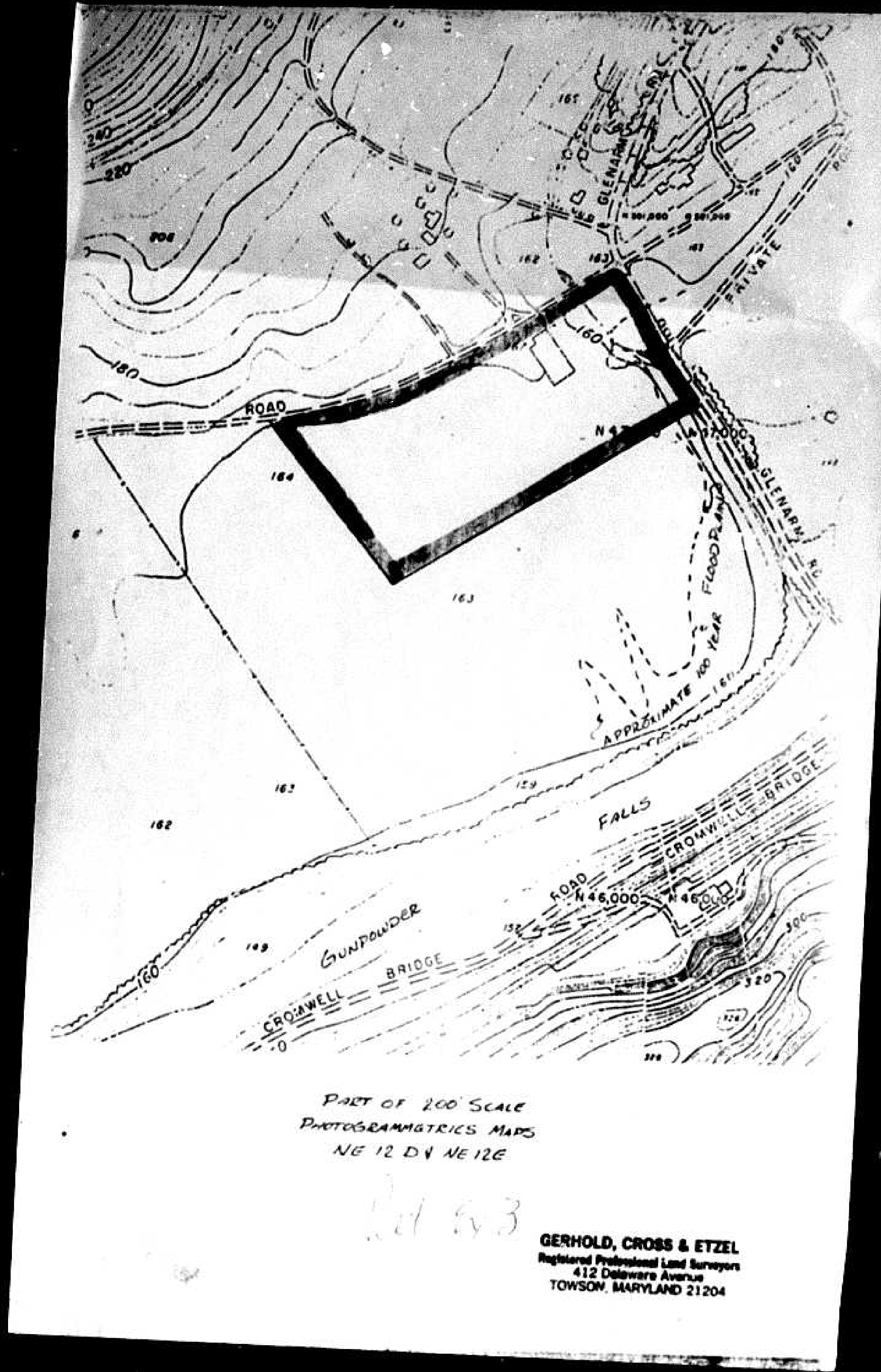
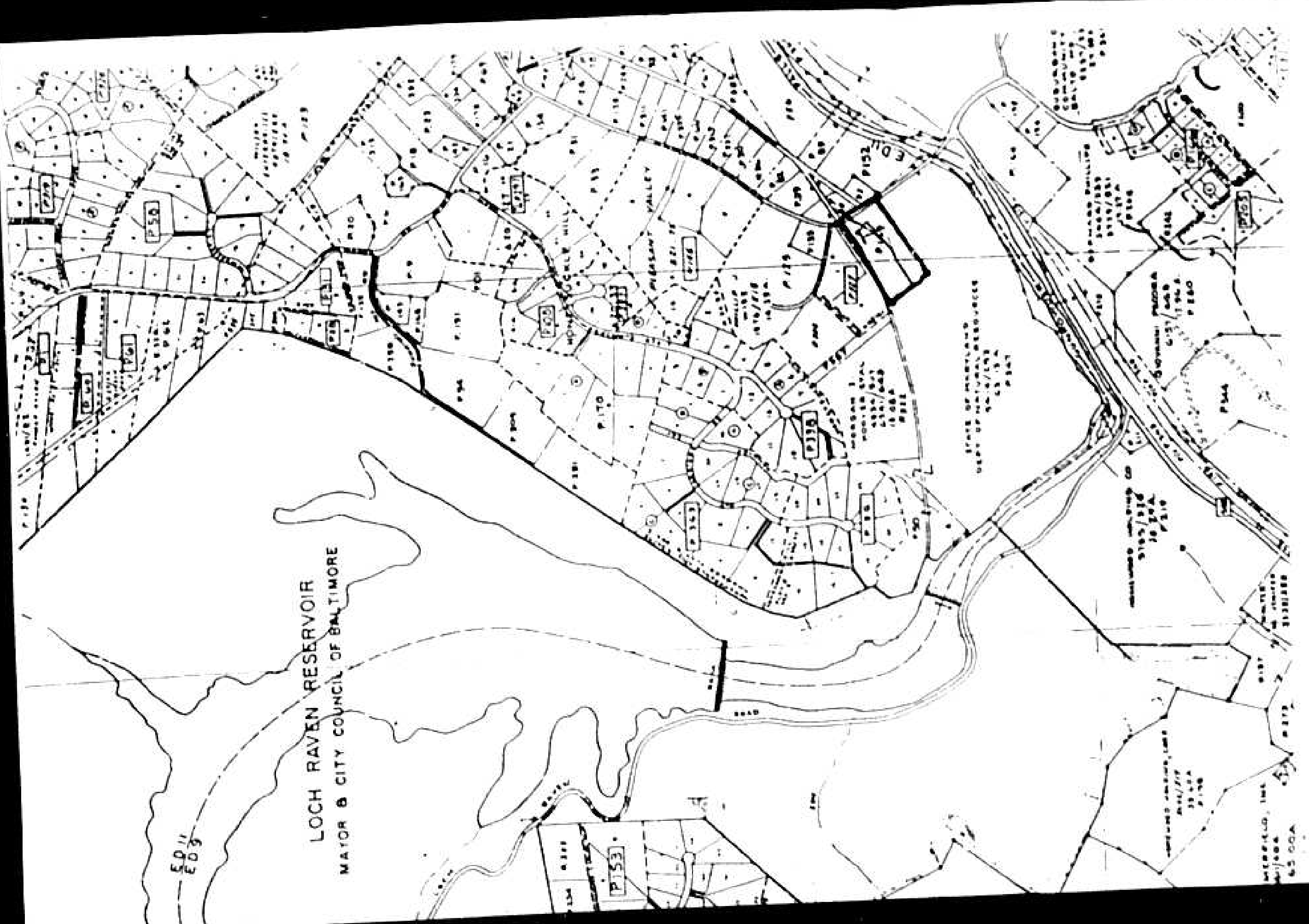
These changes were made prior to the zoning hearing before the Board of Appeals on July 27, 1987, but I did not receive the final Board's decision until the day of the hearing.

Very truly yours,

Clarence M. Claus
CLARENCE M. CLAUSE
Petitioner

Witness: Evelyn D. Pantom, Esq.
Evelyn D. Pantom, Esq.
Attorney at Law, Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
1987 DEC 30 P 1:47



PLAT OF PROPERTY OF
"ELIZABETH LITTLETON"

LOT 2
E.H.K. JR. 48-61

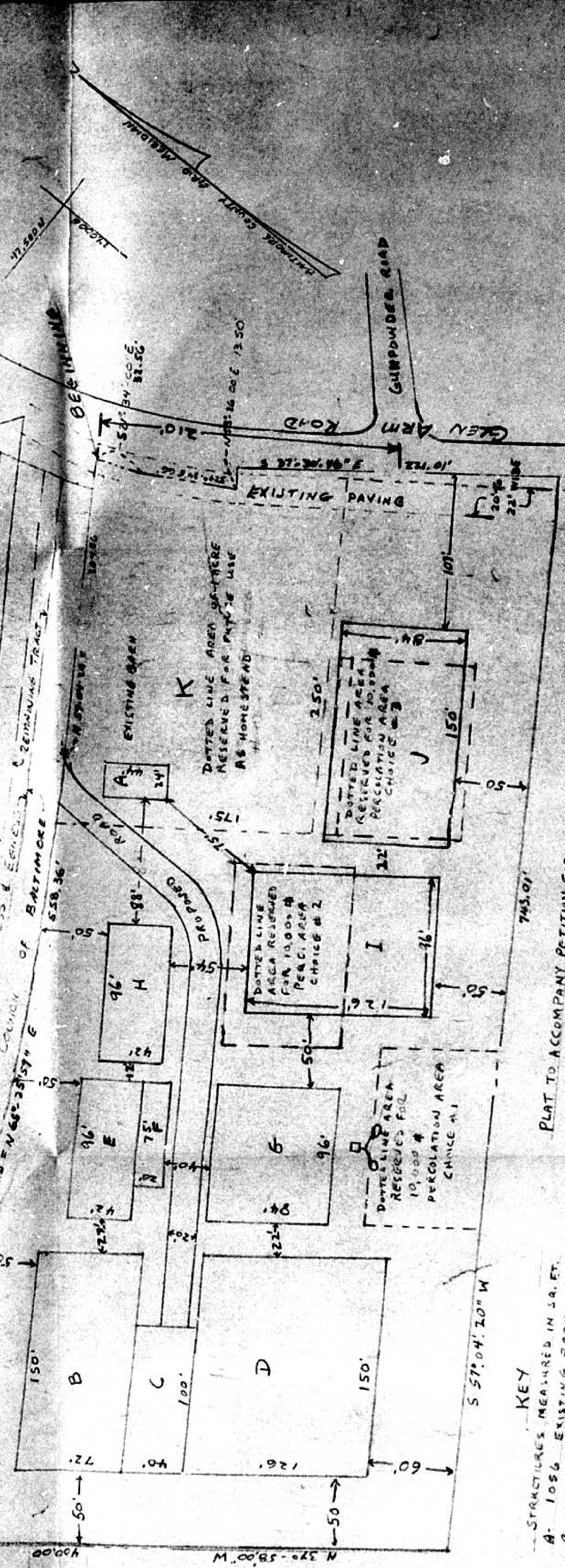
RC-5 ZONING

LOT 1
E.H.K. JR. 48-61

RC-5 ZONING

STATE OF
MARYLAND
GUNPOWDER
STATE PARK

USE TO COMMON INTERESTS & EASEMENTS
CITY OF BALTIMORE



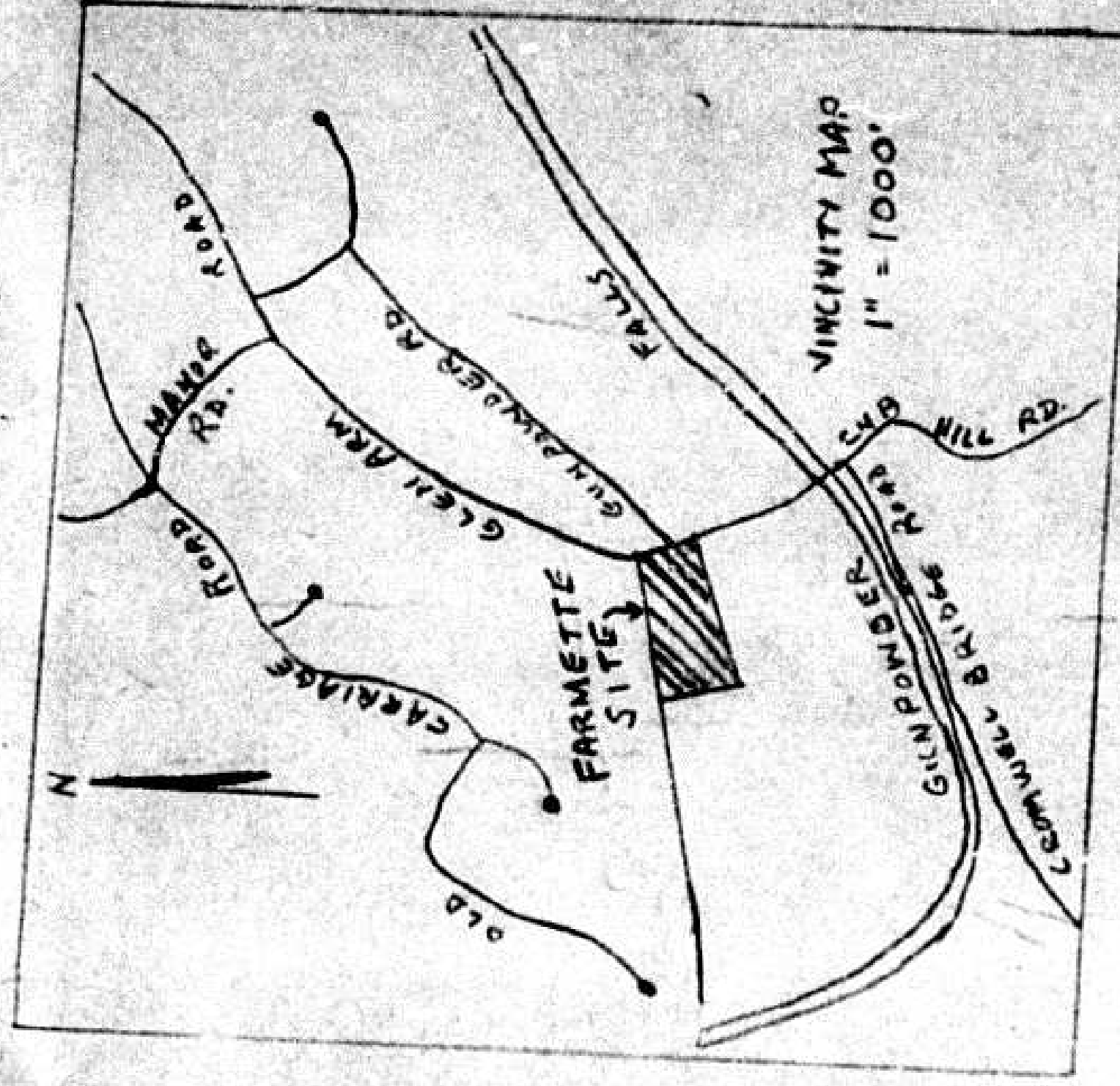
KEY

- A. 1086 EXISTING BARN
- B. 10800 PROPOSED GREENHOUSE
- C. 4000 " " " "
- D. 18900 " " " "
- E. 4032 " " " "
- F. 1500 " " " "
- G. 8064 " " " "
- H. 4032 " " " "
- I. 12096 " " " "
- J. 12000 " " " "
- K. 3000 " " " "

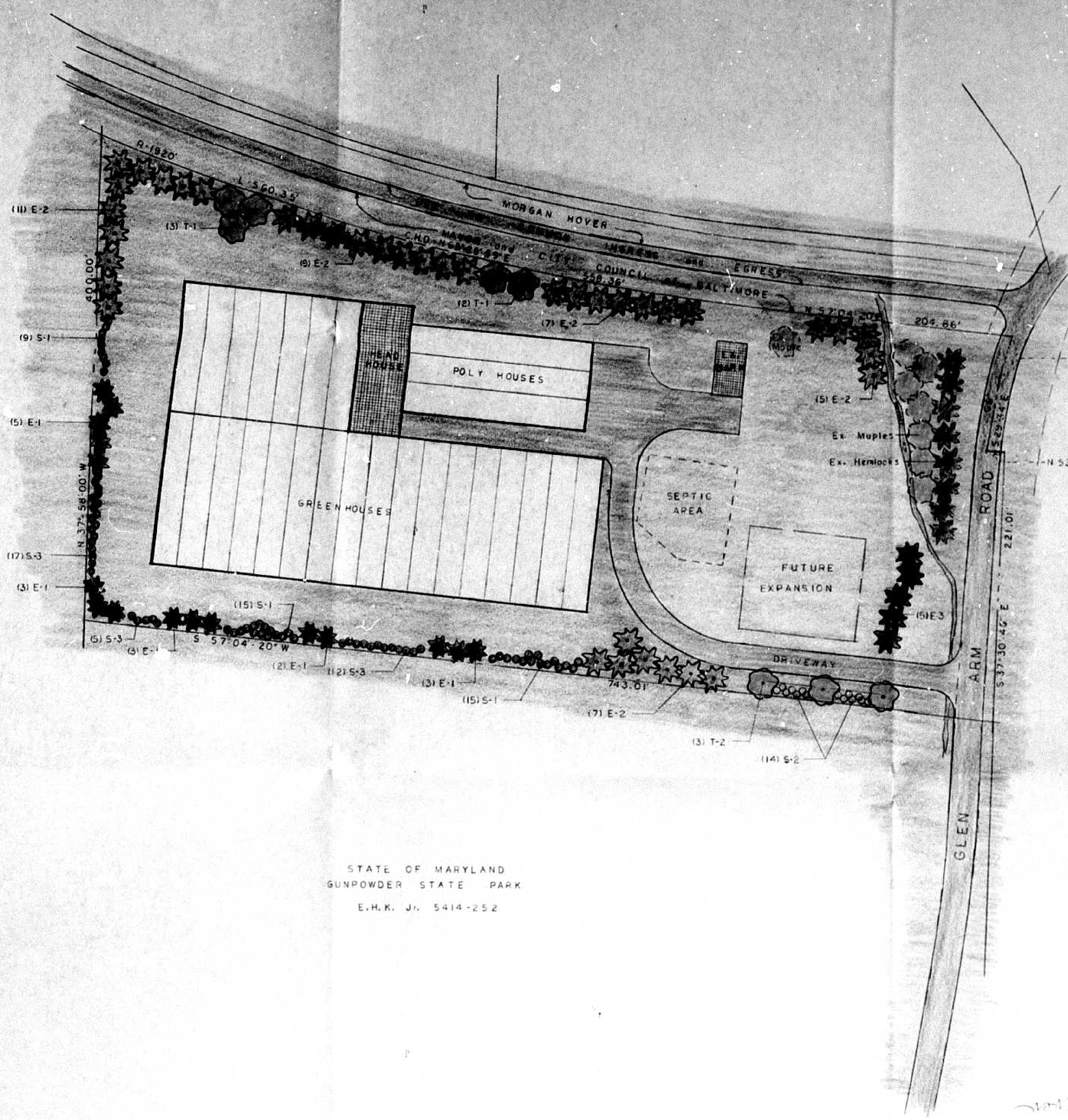
STRUCTURES MEASURED IN SQ. FT.
TOTAL SQ. FOOTAGE OF FARMETTE
80080
IF PER CHOICE #1 IS USED, GREENHOUSE I
WOULD BE REDUCED TO 4032 SQ. FT. AND
GREENHOUSE G WOULD INCREASE TO 17,096 SQ. FT.
IF PER CHOICE #2 IS USED, GREENHOUSE I
WOULD BE ELIMINATED AND GREENHOUSE J
WOULD INCREASE TO 17,096 SQ. FT.
IF CHOICE #3 PER CHOICE IS USED, GREENHOUSE I
WOULD BE ELIMINATED AND GREENHOUSE J
WOULD INCREASE TO 17,096 SQ. FT.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
PLAT OF PROPERTY OF CLARENCE M. CLARK & WIFE
CONTAINING 6.741 ACRES ± 250078 SQ. FT.
EXISTING ZONING RC-5
LOCATED IN 11TH DISTRICT BALTIMORE COUNTY MD
SCALE 1" = 50'
COVERED AREA-80080 SQ. FT. = 32% OF TOTAL AREA
OPEN SPACE-169998 SQ. FT. = 68% OF TOTAL AREA
LOCATION 11012 GLEN ARM RD. GLEN ARM MD. 21087

8F-45-A



STATE OF MARYLAND
GUNPOWDER STATE PARK
E.H.K. JR. 5414-252



PLANT SCHEDULE						
KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	QUANTITY	REMARKS
<u>MAJOR TREES</u>						
T-1	ACER RUBRUM	SCARLET MAPLE	2'-2 1/2' cal	B+B	5	
T-2	ZELKOVA SER. VILLAGE GREEN	VILLAGE GREEN ZELKOVA	2'-2 1/2' cal	"	3	
<u>EVERGREEN TREES</u>						
E-1	CUPRESSOCYPARIS LEYLANDI	LEYLAND CYPRESS	4'-5'	"	16	
E-2	PINUS STROBUS	WHITE PINE	4'-5'	"	39	
E-3	TSUGA CANADENSIS	CANADIAN HEMLOCK	4'-5'	"	5	
<u>SHRUBS</u>						
S-1	CORNUS ALBA SIBERICA	RED TWIG DOGWOOD	3'-4'	"	39	
S-2	EUONYMUS ALATUS COMPACTUS	COMPACT WINGED EUONYMUS	24"-30"	"	14	
S-3	FORSYTHIA INT. SPECTABILIS	BORDER FORSYTHIA	2'-4'	"	34	

FANTOM AND GAHS GREENHOUSES
GLEN ARM ROAD
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

WILLIAM E. AKEHURST - Landscape Architect
P.O. BOX 67 Perry Hall, MD 21128
Phone (301) 574-6442

DATE: JAN. 22, 1988	DRAWING NUMBER L-1
SCALE: 1" = 50'	SHEET 1 of 1

Set
Gx 9

