IN THE MATTER OF
THE APPLICATION OF
McCORMICK PROPERTIES, INC.
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE OF
YORK ROAD, 430 FT. SOUTH OF
LOVETON FARMS ROAD
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 88-425-SPH

: : : : : : : : : : : : : : : :

OPINION

This matter comes before the Board on an appeal by Kenneth T. Bosley from a decision of the Zoning Commissioner of Baltimore County granting in a Special Hearing, approval to amend the Amended Final Development Plan to Loveton Farms allowing the new construction of condominiums in lieu of the previously described apartments.

Procedurally, this Board was requested by the Appellant on three separate occasions to postpone this hearing and the Board denied the postponement on all the occasions and the reasons for same are set forth in the correspondence in the Board's file as well as in the summary in the beginning of the record in this case.

In addition, the Appellant requested that the Acting Chairman, Thomas J. Bollinger, recuse himself as Acting Chairman. This matter was considered and the Acting Chairman denied this request for reasons set forth in the record.

The sole issue before this Board is whether or not the development of thissection of Loveton Farms can be converted from garden apartments, which was approved in the Fifth Amendment,to condominium units for sale. At the outset of the hearing, the Appellant, Kenneth T. Bosley, did not appear. The Appellee, through Counsel, decided not to request a Dismissal but wisely elected to utilize the Special Hearing forum in a de novo capacity, to make a record and produce testimony and exhibits and asked the Board to render a decision on the merits.

Mr. Vincent Maskonis testified regarding the appropriateness of the conversion from garden apartments to condominium units for sale. He identified and introduced into evidence, the proposed plan entitled the Six Amended Final Development Plan Rainflower Condominiums and described same.

Mr. Samuel M. Trivas testified that he is the owner and developer of the project and described the project and his reasons for the requested conversion from rental units to condominium units for sale. He testified extensively as to the requirement of Section 502.1 of the Baltimore County Zoning Regulations and how the project complies with these requirements.

Mr. Wes Guckert, an expert traffic engineer, testified and produced exhibits indicating the amount of traffic would perhaps even be less for changing from rental units to condominium units for sale. He stated that in his expert opinion there would be no congestion in roads, streets or alleys.

Mr. John Rohde, a landscape architect, was admitted as an expert in professional landscaping architecture, and stated that in his professional expert opinion that the proposed change from rental units to condominium units for sale will not affect the public interest and would meet the prescribed standards and requirements set forth in Section 502.1 of the BCZR.

Ms. Donna Wulff testified that she is an owner of a corner townhouse which is adjacent to the proposed condominiums and that she would prefer the condominiums to rental units. In her [illegible], as a neighboring property owner, the proposed change would have no adverse impact on the neighborhood and would be in harmony with the requirements of Section 502.1 of the BCZR.

For all the reasons set forth above, the Board does find as a fact that the proposed amended plan to allow new construction of condominiums in lieu of previously described rental apartments would not be a detriment to the neighborhood and would not adversely affect the public interest. In addition, the Board finds as a fact that the proposed use will not be detrimental to the health, safety and general welfare of the locality, nor tend to create congestion in roads, streets or alleys therein, nor be inconsistent with the purpose of the property's zoning classification nor in any way be inconsistent with the spirit and intent of the BCZR.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 22nd day of August, 1988, by the County Board of Appeals, ORDERED that approval to amend the Amended Final Development Plan to Loveton Farms and to allow construction of saleable condominium units as opposed to apartment rental units be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Thomas J. Bollinger
Thomas J. Bollinger, Acting Chairman

Arnold G. Foreman

Lynn Moreland
Lynn Moreland

IN THE MATTER OF *
THE APPLICATION OF
McCORMICK PROPERTIES, INC. *
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE OF *
YORK RD., 430 FT. SOUTH OF
LOVETON FARMS RD. *
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT *
KENNETH T. BOSLEY, PLAINTIFF *
ZONING FILE NO. 88-425-SPH *

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 88CG3856 60/256

* * * * * * * * *

ANSWER TO PETITION ON APPEAL

Rainflower, Inc., Appellee and Petitioner below, by H. Barritt Peterson, Jr. with Cook, Howard, Downes & Tracy, its attorney, answers the Petition on Appeal filed by Appellant Kenneth T. Bosley and says:

1. Appellee admits the allegations contained in paragraphs 1 through 3 of the Appellant's Petition.

2. Appellee denies the allegations contained in paragraphs 4 through 9 of Appellant's Petition.

3. Further answering the Petition, Appellee states that the decision of the County Board of Appeals of Baltimore County was reasonable and supported by a legally competent and substantial evidence.

WHEREFORE, Appellee respectfully requests that

a.) The Appeal be dismissed; or

b.) The Order of the Board of Appeals of Baltimore County be affirmed, and;

c.) The Appellee be granted such other and further relief as the nature of this case may require.

H. BARRITT PETERSON, JR.
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111
Attorney for Appellee

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on this 13th day of October, 1988, a copy of the foregoing Answer to Petition on Appeal was mailed to Kenneth T. Bosley, P. O. Box 585, Sparks, Maryland 21152, Appellant; and to Administrative Secretary, County Board of Appeals, Room 200, Courthouse, Towson, Maryland 21204.

H. BARRITT PETERSON, JR.

Rec'd. 10/19/88
C.B.A.
11:45 J.

IN THE MATTER OF :
THE APPLICATION OF
McCORMICK PROPERTIES, INC. :
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE OF YORK RD. :
430' SOUTH OF LOVETON FARMS ROAD
8th ELECTION DISTRICT :
3rd COUNCILMANIC DISTRICT
KENNETH T. BOSLEY, PLAINTIFF :
ZONING FILE NO. 88-425-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

CG Doc. No. 60
Folio No. 256
File No. 88-CG-3856

: : : : : : : : : : : : : : : : : :

ORDER

UPON review and consideration of the foregoing Motion, it is this 19th day of October, 1988 by the Circuit Court for Baltimore County,

ORDERED that the time within which the record in the above-referenced case be transmitted be and is extended to November 18, 1988.

JUDGE

True Copy Test
SUZANNE MENSH, Clerk
Per Deputy Clerk

IN THE MATTER OF :
THE APPLICATION OF
McCORMICK PROPERTIES, INC. :
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE OF YORK RD. :
430' SOUTH OF LOVETON FARMS ROAD
8th ELECTION DISTRICT :
3rd COUNCILMANIC DISTRICT
KENNETH T. BOSLEY, PLAINTIFF :
ZONING FILE NO. 88-425-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

CG Doc. No. 60
Folio No. 256
File No. 88-CG-3856

: : : : : : : : : : : :

MOTION UNDER RULE B7 OF THE RULES OF PROCEDURE FOR AN EXTENSION OF TIME TO TRANSMIT THE RECORD BEFORE THE COUNTY BOARD OF APPEALS TO THE CIRCUIT COURT

The County Board of Appeals of Baltimore County respectfully moves the Court to extend the time for transmittal of the record in the above-entitled case by thirty days to allow the board sufficient time to complete the preparation of said record for purposes of transmittal.

Wherefore the County Board of Appeals respectfully moves the Court to extend by thirty (30) days the time for the transmittal of the record from the County Board of Appeals to this Court.

William T. Hackett
William T. Hackett, Chairman
COUNTY BOARD OF APPEALS OF BALTO COUNTY
Room 315, County Office Building
Towson, MD 21204
(301) 494-3180

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of October, 1988, a copy of the aforegoing Motion to Extend Time was mailed, postage prepaid, to Kenneth T. Bosley, P.O. Box 585, Sparks, MD 21152, Plaintiff; Robert A. Hoffman, Esquire, P.O. Box 5517, Towson, MD 21204, Counsel for Petitioner; and Arnold Jablon, County Attorney, Courthouse, Towson, MD 21204.

William T. Hackett
William T. Hackett, Chairman
COUNTY BOARD OF APPEALS

IN THE MATTER OF :
THE APPLICATION OF
McCORMICK PROPERTIES, INC. :
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE OF :
YORK RD., 430 FT. SOUTH OF
LOVETON FARMS RD.
8th ELECTION DISTRICT :
3rd COUNCILMANIC DISTRICT
KENNETH T. BOSLEY, PLAINTIFF :
ZONING FILE NO. 88-425-SPH :

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

CG Doc. No. 60
Folio No. 256
File No. 88-CG-3856

: : : : : : : : : : : : :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Thomas J. Bollinger, Arnold G. Foreman and Lynn Moreland, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Kenneth T. Bosley, P. O. Box 585, Sparks, Md. 21152, Plaintiff; Robert A. Hoffman, 210 Allegheny Ave., Towson, MD. 21204, Counsel for Petitioner; McCormick Properties, Inc., 11011 McCormick Rd., Hunt Valley, Md. 21031, (George B. Hewes, III, Esq.), Petitioner; Rainflower, Inc., Samuel Trivas, V. P., 1025 Cranbrook Rd., Cockeysville, Md. 21030, Contract Purchaser; and Arnold Jablon, Esq. and Nancy West, Esq., Office of Law, Court House, Towson, Md. 21204, County Attorneys for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
June Holmen
County Board of Appeals of Baltimore County
Rm. 315, County Office Bldg.
111 W. Chesapeake Avenue, Towson, Md. 21204
494-3180

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

Dennis F. Rasmussen
County Executive

March 2, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 269, 270, 271, 272, 273, 275, 276, 277 and 278.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/pml-b

RECEIVED
MAR 9 1988
ZONING OFFICE

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

Paul H. Reincke
Chief

Dennis F. Rasmussen
County Executive

February 4, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: McCormick Properties, Inc.
Location: E/S York Rd., 430' S. Loveton Farms Road
Item No.: 273 Zoning Agenda: Meeting of 2/9/88

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.

( ) 3. The vehicle dead end condition shown at ____________________
EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cpt Joseph Kelly 2-5-88
Planning Group
Special Inspection Division

Noted and Approved: John F. O'Neill
Fire Prevention Bureau

/jl

McCormick Properties, Inc. #88-425-SPH
E/s York Road, 430' S Loveton Farms Road 8th Election District
3rd Councilmanic
SPH -Amend to final development plan of Loveton Farms -- conversion from apartments to condominiums

February 1, 1988	Petition for Special Hearing filed by McCormick Properties
April 20	Hearing held before the Zoning Commissioner
May 2	Order of the Z.C. -that approval to amend Amended Final Development Plan to convert from apartments to condominiums is GRANTED.
May 31	Order of Appeal to C.B. of A. from Kenneth T. Bosley
August 10	Hearing on appeal before the Board of Appeals
August 22	Order of the C.B. of A. that approval to convert from apartments to condominiums is GRANTED.
September 19	Order for Appeal to the CCt, BCo filed by Kenneth T. Bosley.
October 24	Record of Proceedings filed in CCt, BCo
November 3	Receipt of Motion to Compel Bond filed in CCt, BCo by H. Barritt Peterson, Jr., Counsel for Developer.
November 25	DISMISSED in CCt, BCo (J. Hennegan) -Stipulation of Dismissal with Prejudice filed by Appellant and Appellee.

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

June 3, 1988

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

RE: Petition for Special Hearing
E/S York Road, 430' S Loveton Farms Road
8th Election District, 3rd Councilmanic District
McCormick Properties, Inc. - Petitioner
Case No. 88-425-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 31, 1988 by Kenneth T. Bosley. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing 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 /cer
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Robert A. Hoffman, Attorney for Petitioner
210 Allegheny Avenue, Towson, Maryland 21204

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

File

APPEAL

Petition for Special Hearing
E/S York Road, 430' S Loveton Farms Road
8th Election District - 3rd Councilmanic District
McCormick Properties, Inc. - Petitioner
Case No. 88-425-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1) Plat of property (6th Amended Dev. Plan)
2) One 3" x 5" picture of building

Zoning Commissioner's Order dated May 2, 1988

Notice of Appeal received Kenneth T. Bosley - Protestant

APPEAL
Petition for
Case No.:
Page 2

Robert A. Hoffman, Attorney for Petitioner
210 Allegheny Avenue, Towson, Md. 21204

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

Request Notification: P. David Fields, Director of Planning & Zoning
James Hoswell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

APPEAL

Petition for Special Hearing
E/S York Road, 430' S Loveton Farms Road
8th Election District - 3rd Councilmanic District
McCormick Properties, Inc. - Petitioner
Case No. 88-425-SPH

SPH - An amendmt. to the 5th amended final development plan of Loveton Farms to convert from apts. to condos.

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1) Plat of property (6th Amended Dev. Plan)
2) One 3" x 5" picture of building

Zoning Commissioner's Order dated May 2, 1988

Notice of Appeal received Kenneth T. Bosley - Protestant

✓ Robert A. Hoffman, Attorney for Petitioner
210 Allegheny Avenue, Towson, Md. 21204

~~People's Counsel of Baltimore County~~ (out per Shirley, 6-13-88)
~~Rm. 223, Old Courthouse, Towson, Maryland 21204~~

Request Notification: P. David Fields, Director of Planning & Zoning
James Hoswell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk + A. Jablon, N. West

✓ Kenneth T. Bosley
P. O. Box 585
Sparks, MD. 21152

✓ McCormick Properties, Inc.
11011 McCormick Rd., Hunt Valley, 21031
(Geo. B. Hewes, III, Esq.)

✓ Rainflower, Inc., Samuel Trivas, V.P.(contract purchaser)
1025 Cranbrook Rd., Cockeysville, Md. 21030

✓✓✓✓

RECEIVED
8/01/88 CBA
12:25PM

nneth T. Bosley
O. Box 585
Sparks, MD 21152
771-4316

1 August 1988

Thomas J. Bollinger, Acting Chairman
County Board of Appeals of Baltimore County
Room 315, County Office Building
Towson, Maryland 21204

RE: Case No. 88-425- SPH
McCormick Properties, Inc

Dear Mr. Bollinger:

Thank you for your letter of July 28th. Please be advised that my case in District Court is not just a mere traffic case but also involves an 18 year old motorcyclist who charging me with an alleged assault.

Your letter contains several misconceptions. I will allege that appelle's counsel selected that open date knowing full well that this was also the date of our Towson Shrine Club's Annual Golf Outing and Crab Feast. Secondly, I would allege and aver that your Office of Law Counsel, Michael McMahon has a personal adversarial involvement in all of my legal affairs. Additionally, The "Jim Cook" law firm has coincidentally set a Circuit Court case involving my Father's estate for a hearing within less than a day of this August 10th hearing. Therefore, I feel I am being log jammed to be in four places within 20 hours time.

Please be advised that I did not wait 30 days before advising the Board of the District Court case. As soon as the court date was confirmed by an officer of the Court, I respectfully filed this request for postponement within the time limits pursuant to your Rule 2. I was out of the State campaigning for an Office in a National organization and did not have your notice of assignment for the Board hearing in my hand until sometime after the 4th of July holiday. Therefore I respectfully request that the Board grant a postponement, otherwise my due process of law and equal protection of the laws would preempt a court case assignment by way of right of way over an administrative agency's conflicting date.

Thank you for your kind consideration of the above problems.

Yours truly,

Kenneth T. Bosley
Kenneth T. Bosley

c.c. John B. Howard & Robert A. Hoffman
Phyllis C. Friedman

County Board of Appeals of Baltimore County
[illegible] Room 315, County Office Building
Towson, Maryland 21204
(301) 494-318

July 28, 1988

Mr. Kenneth T. Bosley
Box 585
Sparks, MD 21152

RE: Case No. 88-425-SPH
McCormick Properties, Inc.

Dear Mr. Bosley:

The Board received on July 21, 1988 your Motion for Postponement setting forth that you are due in the District Court of Maryland for Baltimore County at 1:00 p.m. on Wednesday, August 10, 1988. On June 20, 1988, the above appeal of yours was set for hearing on August 10, 1988 at 1:00 p.m. You have waited thirty days to advise this Board and Counsel for the Appellee, McCormick Properties, Inc., of your pending charges in the District Court.

The Board feels that the inconvenience to the Appellee, all counsel, and to this Board and its staff outweighs the problems you may encounter in requesting a postponement of your District Court cases. You are well within the timeframe for requesting a postponement of the District Court cases, and this Board will be glad to verify for the Administrative Judge the fact that this matter is set and has been set for over thirty days on August 10, 1988 at 1:00 p.m. I am enclosing an additional copy of this correspondence for you to utilize in your request of a postponement from the Administrative Judge of the District Court of Maryland for Baltimore County.

In view of the above, your Motion for Postponement is hereby denied, and if you fail to appear to pursue this appeal on August 10, 1988 at 1:00 p.m., the Board will entertain such motions for dismissal as may be made by the Appellee's Counsel.

Very truly yours,

Thomas J. Bollinger /kcw

Thomas J. Bollinger, Acting Chairman
County Board of Appeals

Encl.
TJB:kcw

cc: John B. Howard, Esquire
Robert A. Hoffman, Esquire
Phyllis C. Friedman, Esquire

McCORMICK PROPERTIES, INC. E/S York Road, 430' S Loventon F R 8th El Dist, 3rd C District	:	COUNTY BOARD OF
SPH: An amendment to Final Development Plan of Loveton Farms to convert from apartments to conds.	:	APPEALS OF BALTIMORE COUNTY
	:	Case No. 88-425-SPH

....

MOTION FOR POSTPONEMENT

The Appellant, Protestant, Kenneth T. Bosley, herein respectfully requests that the Board of Appeals postpone the assignment of the matter above which is set for Wednesday, August 10, 1988 at 1:00 P.M.

Your Appellant has been summons to appear in the District Court of Maryland for Baltimore County in Case No. Z 013223 and Z 013222 on the same day at the same time.

WHEREFORE, your Appellant request that this matter be postponed and that a suitable date for all parties be arranged.

Kenneth T. Bosley

Kenneth T. Bosley
Box 585, Sparks, Md. 21152
771-4316

July 21, 1988

cc: Robert A. Hoffman, Esq
John B. Howard
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Arnold Jablon, Esq.
Docket Clerk -Zoning

RECEIVED
7/21/88 3:12PM
CBA K

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

TELEPHONE
(301) 823-4111
TELECOPIER
(301) 821-0147
DIRECT DIAL NUMBER

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O'C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICH, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONOR, III
THOMAS L. HUDSON
C. CAREY DEELEY, JR.
H. KING HILL, III
GEORGE K. REYNOLDS, III
ROBERT A. HOFFMAN
CYNTHIA M. HAHN

JUDITH A. ARNOL
DEBORAH C. DOPKI
KATHLEEN GALLOG
J. MICHAEL BRENNAN
H. BARRITT PETERSON
KATHRYN L. KOTZ
JAMES K. MACALISTER
REGAN J. R. SMITH
NEWTON B. FOWLER, III
MARK E. SMITH

JAMES D. C. DOWNES
(1906-1979)

(301) 494-9162

July 28, 1988

Hand Delivery

William T. Hackett, Chairman
County Board of Appeals
of Baltimore County
County Office Building
401 Bosley Avenue, 3rd Floor
Towson, Maryland 21204

Re: Case No. 88-425-SPA
McCormick Properties, Inc.

Dear Mr. Hackett:

I am in receipt of a Motion for Postponement from the Appellant in the above-referenced case, Mr. Kenneth T. Bosley, which states he must appear in the District Court of Maryland for Baltimore County on two traffic cases.

I must strenuously oppose any delay in hearing this case. Mr. Bosley could easily postpone disposition of his traffic cases, rather then affecting the interest of my client.

Yours truly,

Robert Hoffman

Robert A. Hoffman

RAH:bw
cc: Kenneth T. Bosley

June 20, 1988 Set August 10th as hearing date & notice sent to Bosley
July 21, 1988 P. P. requested by Bosley

RECEIVED
7/28/88
11:25am
CBA K

7/27

Mr. Hackett:

Spoke w/Tom when he stopped in regarding Bosley postponement request.

Tom will be in on Thursday, 7/28 to discuss UPS w/you and Larry, and will contact District Court at that time to determine nature of cases scheduled for 8/10/88 and time.

Will discuss postponement with you then.

****

Information re Bosley's court appearance on 8/10/88--

Two traffic tickets: 1) following closer than is reasonable
2) operating vehicle in negligent manner endangering property and life

NOTE: There was a reference that this was related to another criminal case (no other information re this criminal case was showing).

Scheduled for afternoon - 1:30 p.m. on 8/10/88
In order to postpone in District Court - need at least five days.

Above information obtained from source other than Tom --

****

7/27/88 --

Received call from Rob Hoffman -- he and Mr. Howard are concerned about postponement of 8/10/88 hearing. Object to the granting of said postponement.

Rob will be available to discuss with you if necessary.

k

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

June 3, 1988

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

RE: Petition for Special Hearing
E/S York Road, 430' S Loveton Farms Road
8th Election District, 3rd Councilmanic District
McCormick Properties, Inc. - Petitioner
Case No. 88-425-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 31, 1988 by Kenneth T. Bosley. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing 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 /cer

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Robert A. Hoffman, Attorney for Petitioner
210 Allegheny Avenue, Towson, Maryland 21204

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

File

IN RE:	PETITION FOR SPECIAL HEARING E/S York Road, 430' S Loveton Farms Road 8th Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	McCormick Properties, Inc. Petitioner	*	Case No. 88-425-SPH

* * * * * * * * * * * * *

ORDER FOR APPEAL

Mr. Clerk:

Please enter an appeal to the County Board of Appeals of Baltimore County of the order by the Zoning Commissioner of Baltimore County of May 2, 1988 that granted approval to amend the Amended Final Development Plan to Loveton Farms allowing the new construction of condominiums in lieu of the previously described apartments.

RECEIVED ZONING OFFICE
DATE: 5-31-88
C. Radcliffe

Kenneth T. Bosley

Kenneth T. Bosley
P.O. Box 585
Sparks, Maryland 21152
771-4316

Appellant

RECEIVED ZONING OFFICE
DATE: 5/31/88
Charlotte Radcliffe

I hereby certify that a copy of the aforegoing was mailed on this 31 day of May 1988 postage prepaid to Robert Hoffman, Cook, Howard, Downes, and Tracy, 210 Allegheny Ave., Towson, Maryland 21204.

Kenneth T. Bosley

KENNETH THOMAS BOSLEY Appellant	*	IN T CIRCUIT COURT
v.	*	FOR
RAINFLOWER, INC. Appellee	*	BALTIMORE COUNTY
	*	Case No.: 88-CG-3856 Docket: 60 Folio: 256

* * * * * * *

#88-425-SPH

STIPULATION OF DISMISSAL WITH PREJUDICE

Appellant Kenneth Thomas Bosley and Appellee Rainflower, Inc., in accordance with Maryland Rule 2-506, hereby stipulate to the dismissal WITH PREJUDICE of the above-referenced action upon payment of all open court costs by the Appellee.

Kenneth T. Bosley

KENNETH THOMAS BOSLEY
P.O. Box 585
Sparks, Maryland 21152
301-771-4316
Appellant

H. Barritt Peterson, Jr.

H. BARRITT PETERSON, JR.
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
(301) 823-4111
Attorney for Appellee

STIP0068.RAH

DATE: Nov 22, 1988

A. Owen Hennegan

A. OWEN HENNEGAN, JUDGE

MF
9

FILED NOV 25 1988

Copies Sent

McCormick Properties, Inc.
Case No. 88-425-SPH

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to Kenneth T. Bosley, P. O. Box 585, Sparks, Md. 21152, Plaintiff; Robert A. Hoffman, 210 Allegheny Ave., Towson, Md. 21204, Counsel for Petitioner; McCormick Properties, Inc., 11011 McCormick Rd., Hunt Valley, MD. 21031, (George B. Hewes, III, Esq.), Petitioner; Rainflower, Inc., Samuel Trivas, V. P., 1025 Cranbrook Rd., Cockeysville, MD. 21030, Contract Purchaser; and Arnold Jablon, Esq. and Nancy West, Esq., Office of Law, Court House, Towson, Md. 21204, County Attorneys for Baltimore County, on this 20th day of September, 1988.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

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

September 20, 1988

Mr. Kenneth T. Bosley
P. O. Box 585
Sparks, Md. 21152

Re: Case No. 88-425-SPH
McCormick Properties, Inc.

Dear Mr. Bosley:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

June Holmen
June Holmen, Secretary

Enclosures

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

September 20, 1988

Robert A. Hoffman, Esq.
210 Allegheny Ave.
Towson, MD. 21204

Re: Case No. 88-425-SPH
McCormick Properties, Inc.

Dear Mr. Hoffman:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen
June Holmen, Secretary

Enc.
cc: Arnold Jablon, Esq.
Nancy West, Esq.
McCormick Properties, Inc.
Rainflower, Inc.
P. David Fields
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk

IN THE MATTER OF
McCORMICK PROPERTIES, INC.
RAINFLOWER, INC.
E/s YORK ROAD, 430' S
LOVETON FARMS ROAD
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
RE: SPH: AN AMENDMENT TO
FINAL DEVELOPMENT PLAN
OF LOVETON FARMS TO
CONVERT FROM APARTMENTS
TO CONDOMINIUMS

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY

(Administrative Appeal from
Order of the County Board of
Appeals of Baltimore County)

Case No. CBA 88-425-SPH

: :

ORDER FOR APPEAL

Mr. Clerk:

Please enter an Appeal on behalf of Kenneth Thomas Bosley from an Order of the County Board of Appeals of Baltimore County passed in the above entitled matter on August 22, 1988.

Kenneth T. Bosley
Kenneth Thomas Bosley
P.O. Box 585
Sparks, Maryland 21152
771-4316

Appellant

CERTIFICATE OF COMPLIANCE

I hereby certify that a copy of the above Order for Appeal has been delivered to the County Board of Appeals of Baltimore County in accordance with Rule B2c. and Rule 1-321 of the Maryland Rules of Procedure prior to the filing of the same with the Clerk of the Circuit Court for Baltimore County.

Kenneth T. Bosley
Kenneth Thomas Bosley
Appellant

1

RECEIVED
9/19/88
C.B.A. K.
1:54 PM

CERTIFICATE OF COMPLIANCE

I hereby certify that a copy of the aforegoing were mailed on this 19th day of September 1988 postage prepaid to ~~Robert~~ JOHN B. Howard. and Robert A. Hoffman, Cook, Howard, Downes, and Tracy, 210 Allegheny Ave., Towson, Maryland 21204 and Phyllis C. Friedman, Peoples Counsel, Court House, Towson, Maryland 21204.

Kenneth T. Bosley
Kenneth T. Bosley

2

Kenneth T. Bosley
P.O. Box 585
Sparks, Maryland 21152
August 5, 1988

Thomas J. Bollinger, Acting Chairman
County Board of Appeals of Baltimore County
Room 315, County Office Building
Towson, Maryland 21204

Re: Case No. 88-425-SPH
McCormick Properties, Inc.

Dear Mr. Bollinger:

In reply to your letter of August 3, 1988, please be advised that it is now evident that I would not be able to obtain a fair and impartial hearing if you are sitting on the Board.

Therefore I would testify under oath that I would not receive a fair and impartial hearing. Also, since you are a candidate as a Circuit Court Judge and a Partner of the appellee's counsel law firm, John H. Zink, III, is a member of the Judicial Nominating Commission, I believe that would be a conflict of interests and or a violation of the legal cannons of ethics in this case.

I also would inquire into your connections as an assistant County Attorney since I am or have been involved in litigation with, (1.) Michael McMahon, (2.) Malcom Spicer, and anticipated litigation with Arnold Jablon regarding his recent legal opinion concerning Mr. Spicer and myself.

For the third time, I request a new hearing date in the above matter because I am compelled to be in District Court at the same time.

Yours truly,

Kenneth T. Bosley
Kenneth T. Bosley
771-4316

c.c John B. Howard and Robert A. Hoffman
Phyllis C. Friedman
Arnold Jablon and Michael McMahon

RECEIVED
8/08/88
CBA
2:40 PM K

11/87

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

HEARING ROOM #218

June 20, 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.

CASE NO. 88-425-SPH

McCORMICK PROPERTIES, INC.
E/s York Road, 430' S Loveton Farms Road
8th Election District
3rd Councilmanic District
SPH: An amendment to Final Development Plan of Loveton Farms to convert from apartments to condominiums

5/02/88 -Z.C. GRANTED SPH.

ASSIGNED FOR: WEDNESDAY, AUGUST 10, 1988 at 1:00 p.m.

cc:	Kenneth T. Bosley	Appellant /Protestant
	John B. Howard, Esquire	Counsel for Appellee /Petitioner
	Robert A. Hoffman, Esquire	" " " "
	McCormick Properties, Inc.	Appellee /Petitioner
	Rainflower, Inc.	Contract Purchaser
	P. David Fields	
	James G. Hoswell	
	J. Robert Haines	
	Ann M. Nastarowicz	
	James E. Dyer	
	Docket Clerk -Zoning	
	Arnold Jablon, County Attorney	

Kathleen C. Weidenhammer
Administrative Secretary

County Board of Appeals of Baltimore County
~~Room 200 Court House~~ Room 315, County Office Building
Towson, Maryland 21204
(301) 494-3180

August 3, 1988

Mr. Kenneth T. Bosley
P.O. Box 585
Sparks, MD 21152

RE: Case No. 88-425-SPH
McCormick Properties, Inc.

Dear Mr. Bosley:

I have received your letter of August 1, 1988 and reviewed the contents of same.

I note with some interest that you have still not attempted to request a postponement of your District Court matter. I cannot help but wonder what you said to the "officer of the court" who confirmed your District Court date. It seems to me at the time that you were advised of the confirmation of the District Court you should have advised them that you already had this matter pending before the Board of Appeals.

After due consideration of all your reasons, your second request for postponement of this matter is denied and the matter will be set for hearing on August 10, 1988, at 1:00 p.m. Again, I admonish you that your failure to appear timely will result in the Board entertaining any appropriate motions on the part of the Appellee.

Very truly yours,

Thomas J. Bollinger
Thomas J. Bollinger, Acting Chairman
County Board of Appeals

TJB:kcw

cc: John B. Howard, Esquire
Robert A. Hoffman, Esquire
Phyllis C. Friedman, Esquire
Michael McMahon, Esquire
Arnold Jablon, County Attorney

RECEIVED
11/03/88
CBA 11:20 am
K.

IN THE MATTER OF
THE APPLICATION OF
McCORMICK PROPERTIES, INC.,
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE EAST
SIDE OF YORK ROAD., 430 ft.
SOUTH OF LOVETON FARMS ROAD
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

KENNETH T. BOSLEY, Plaintiff

Zoning File No.: 88-425-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No.: 88 CG 3856
60/256

****

MOTION TO COMPEL BOND

Appellee, Rainflower, Inc., ("Rainflower") by H. Barritt Peterson, Jr., with Cook, Howard, Downes & Tracy, its attorney, moves that this Court compel the posting of an appeal bond in the instant case. The grounds for this Motion are as follows:

1. Rainflower is the owner and developer of a residential subdivision in Baltimore County consisting of 204 proposed condominium units. This subdivision is a portion of a larger project, known as Loveton Farms, which consists of approximately 1,190 dwelling units, located on the east side of York Road just north of Phoenix Road. Much of the Loveton Farm project has already been developed and sold.

2. The Rainflower subdivision was originally planned as a 210-apartment unit project, for which building permits were issued by Baltimore County in 1988.

3. Subsequently, the developer decided to change the project by converting the 210 apartment units to 204 condominium units and by slightly adjusting the footprint of its buildings. In order to accomplish these changes, the developer sought an amendment to its approved final development plan, in accordance with the Baltimore County Zoning Regulations.

4. In particular, Rainflower filed a Petition for Special Exception so as to amend its approved 5th Amended Final Development Plan. Subsequently, in Case Number 88-425-SPH, the Zoning Commissioner for Baltimore County granted Rainflower's petition and approved a 6th Amended Final Development Plan, reflecting the developer's revisions to the project.

5. On May 31, 1988, Appellant Kenneth T. Bosley filed an appeal from the Zoning Commissioner's decision to the County Board of Appeals of Baltimore County. On August 22, 1988, the Board approved the developer's 6th Amended Final Development Plan so as to permit the proposed changes in the development.

6. Notwithstanding these two administrative approvals, on September 19, 1988 Appellant Kenneth T. Bosley noted the instant appeal.

7. The instant appeal is completely meritless. Appellant submits that he was deprived of due process because the Board of Appeals would not reschedule its hearing to accommodate Mr. Bosely's schedule. Appellant raises no other ground in support of his appeal.

8. More importantly, the instant appeal creates an undue hardship for Rainflower. Specifically, the noting of the appeal itself is tantamount to the imposition of a temporary injunction prohibiting any further development of the project. Indeed, the Appellant is well aware that so long as the appeal is pending, construction financing cannot be obtained, and construction cannot proceed. This delay caused by the appeal adversely affects Rainflower's development in numerous ways, including, but not limited to, the loss of interest on an investment of nearly 1.5 Million Dollars in the project, an increase in the developer's construction budget as a result of 5% annual inflation (i.e., Rainflower estimates that a four-month delay will result in a $200,000.00 increase in the cost of construction due to spiraling construction inflation), and preventing accumulation of interest income on the profit that Rainflower would realize on the project (i.e. the estimated profit is $3,000,000.00, on which the developer can earn interest of 12%; a four month delay in the receipt of these profits at 12% interest results in a loss of $120,000.00). See Affidavit of John R. Clark which is attached hereto and incorporated herein as Exhibit A.

9. In sum, the delay to construction resulting from this frivolous appeal produces serious consequences to Rainflower: the obvious loss of substantial revenues, the imposition of additional construction expenses, and resulting damage to its credit and financial standing.

10. In light of these circumstances, a substantial bond should be required to secure Rainflower from losses and damages in the likely event that this appeal is determined to be meritless. Certainly, Rainflower is entitled to the security of an adequate bond before the appeal is permitted to continue, and if such bond is not posted, then the appeal should be dismissed.

11. Appellee incorporates the attached Memorandum in Support of Motion to Compel Bond by reference.

WHEREFORE, Appellee Rainflower, Inc., respectfully requests that this Court:

(a) Order Appellant Kenneth T. Bosley to furnish a bond in an amount to be determined by the Court and with such surety as may be approved pursuant to Maryland Rule 1-401(b) or other security as may be approved by the Court, conditioned to answer to Rainflower for any damages which it may sustain by reason of this appeal if it shall ultimately be determined, when heard on the merits, that the appeal is without merit, and must be denied or dismissed, and

(b) Order that if such bond is not posted by a date certain the appeal be dismissed.

H. Barritt Peterson, Jr.
H. BARRITT PETERSON, JR.
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
301-823-4111
Attorney for Appellee

REQUEST FOR EMERGENCY HEARING

Appellee requests a hearing on this motion at the Court's earliest available date. Due to the economic loss being sustained daily by the Appellee during the pendency of this appeal, it is requested that the Court schedule the hearing immediately. The attached Affidavit in Support of this Request for Emergency Hearing is attached hereto and incorporated herein as Exhibit B.

H. Barritt Peterson, Jr.
H. BARRITT PETERSON, JR.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of October, 1988, a copy of the foregoing Motion to Compel a Bond was mailed to Kenneth C. Bosley, P.O. Box 585, Sparks, Maryland 21152, and to Appellant and Administrative Secretary, County Board of Appeals, Room 200, The Court House, Towson, Maryland 21204.

H. Barritt Peterson, Jr.
H. BARRITT PETERSON, JR.

MOTN0003.XBP

IN THE MATTER OF
THE APPLICATION OF
McCORMICK PROPERTIES, INC.,
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE EAST
SIDE OF YORK ROAD., 430 ft.
SOUTH OF LOVETON FARMS ROAD
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

KENNETH T. BOSLEY, Plaintiff

Zoning File No.: 88-425-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No.: 88 CG 3856
60/256

****

AFFIDAVIT

John R. Clark makes the following affidavit:

I, John R. Clark, do solemnly declare and affirm as follows:

1. I am over the age of eighteen (18) years, have personal knowledge of the facts hereinafter set forth, and am competent to testify to the matters stated herein.

2. I am Director of Development of Henderson-Webb, Inc., a corporation whose principals are also the principals of Rainflower, Inc., the owner and developer of a project known as Rainflower, a portion of a larger project known as Loveton Farms.

3. I have estimated the cost of the delay in starting the Rainflower project for a period of four (4) months at Three Hundred Seventy-eight Thousand Forty Dollars ($378,040.00). This value was determined by the following formulas, however, additional costs not currently identified are likely to be incurred. The current prime rate is 10% and the cost of funds is prime plus 2%:

a) Land Carry:

$1,451,000.00 has already been invested in the project. The value of these funds at the cost of funds rate of 12% for 4 months is $58,040.00 ($1,348,00.00 x 10% x 4 months = $58,040.00).

b) Construction Inflation:

The construction budget of $12,000,000.00 is expected to be inflated by 5% annually. Our estimate for the 4 month delay is $200,000.00 ($12,000,000.00 x 5% x 4 months = $200,000.00).

c) Time Value of Profits:

Our estimate of profit is $3,000,000.00 using the cost of funds as devined above. The expense incurred by not having these funds available is $120,000.00 ($3,000,000.00 x 12% x 4 months = $120,000.00).

4. The 4 month time factor is based on the period of initial appeal through January 20, 1989, the Appeal's estimated conclusion date.

I do solemly declare and affirm under the penalties of perjury that the contents of the aforegoing document are true and correct to the best of my knowledge, information and belief.

John R. Clark
John R. Clark

Exhibit A

AFDT0006.XBP

IN THE MATTER OF
THE APPLICATION OF
McCORMICK PROPERTIES, INC.,
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE EAST
SIDE OF YORK ROAD., 430 ft.
SOUTH OF LOVETON FARMS ROAD
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

KENNETH T. BOSLEY, Plaintiff

Zoning File No.: 88-425-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No.: 88 CG 3856
60/256

****

AFFIDAVIT

H. Barritt Peterson, Jr. makes the following affidavit:

I, H. Barritt Peterson, Jr., do solemnly declare and affirm as follows:

1. I am over the age of eighteen (18) years, have personal knowledge of the facts hereinafter set forth, and am competent to testify to the matter stated herein.

2. I am an attorney for Rainflower, Inc., Appellee in the instant case.

3. Due to the significant financial cost to Rainflower, Inc. incurred daily during the pendency of the instant appeal, and the immediate necessity for an appeal bond to be posted in this case, an immediate hearing is required to promptly resolve Appellee's Motion to Compel Bond.

4. Appellee will be irreparably harmed and will sustain significant economic loss if an emergency hearing is not scheduled in this case on its Motion to Compel Bond.

I do solemnly declare and affirm under the penalties of perjury that the contents of the aforegoing document are true and correct to the best of my knowledge, information and belief.

H. Barritt Peterson, Jr.

Exhibit B

AFDT0007.XBP

IN THE MATTER OF
THE APPLICATION OF
McCORMICK PROPERTIES, INC.,
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE EAST
SIDE OF YORK ROAD., 430 ft.
SOUTH OF LOVETON FARMS ROAD
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

KENNETH T. BOSLEY, Plaintiff

Zoning File No.: 88-425-SPH

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No.: 88 CG 3856
60/256

****

MEMORANDUM IN SUPPORT OF MOTION TO COMPEL BOND

Appellee, Rainflower, Inc., by H. Barritt Peterson, Jr., with Cook, Howard, Downes & Tracy, its attorney, submits this Memorandum in Support of its Motion to Compel Bond.

FACTS

Rainflower, Inc. ("Rainflower") is the owner and developer of a residential subdivision known as Rainflower, consisting of 204 proposed condominium units. The Rainflower subdivision is a portion of a larger residential project known as Loveton Farms consisting of approximately 1,190 dwelling units, located on the east side of York Road just north of Phoenix Road, much of which has already been developed and sold.

Originally, the Rainflower subdivision was planned as 210 apartment units. Building permits for the subdivision had already been issued by Baltimore County. In order to convert the 210 apartment units into 204 condominum units, and to slightly adjust the footprints of those buildings, Baltimore County

---

Zoning Regulations require an amendment to the approved final development plan for Rainflower.

Specifically, Rainflower petitioned for a Special Exception in order to amend the approved 5th Amended Development Plan. In Zoning Commissioner Case No. 88-425-SPH the Zoning Commissioner for Baltimore County approved the 6th Amended Final Development Plan to allow the aforementioned changes.

Appellent Kenneth T. Bosley filed an appeal from the Zoning Commissioner's decision to the County Board of Appeals of Baltimore County on May 31, 1988. On August 22, 1988, the Board approved the proposed amendment to the Amended Final Development Plan for Loveton Farms so as to allow construction and marketing of condominium units as opposed to rental apartments. On September 19, 1988, Appellant Kenneth T. Bosley noted the instant appeal.

ARGUMENT

Appellant has filed this Appeal at little cost to himself. However, and unfortunately, the mere noting of the Appeal and the pendency of the Appeal are causing the Appellee significant economic loss. The merits of the Appeal are currently scheduled to be heard on January 19, 1989. The Appeal was filed on September 29, 1988. For the almost four months in which the Appeal will have been pending by the time it is decided, Appellee will suffer a loss of revenue from the sale of improved lots, additional construction expenses due to construction inflation, damages to its budget and financial

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statements, and damages to its credit and financial standing. Appellee has estimated that a four month delay in starting the Rainflower project will cost it $378,040.00. Appellee expects that it may sustain additional economic loss as a result of the delay caused by this Appeal that it is unable to estimate. Even if Appellee prevails in the Appeal, as it expects it will, it will not be able to recover the economic loss it is incurring during the pendency of the Appeal.

The Appeal is tantamount to a temporary injunction prohibiting the construction and development of Appellee's project while the Appeal is pending. While the Appeal is pending, Appellee cannot obtain financing and cannot enter into binding contracts and proceed with the development of its project. If the Appellant had requested an ex parte or interlocutory injunction, Rule BB75(a) would prohibit the issuance of the injunction:

> ... unless [there was] filed a bond in such amount as may be determined by the court and with such surety as may be approved pursuant to Maryland Rule 1-402(b) or with other security approved by the court, conditioned to answer to the adverse party for any damages which he may sustain by reason of the issuance of such injunction if it shall ultimately be determined, when such action is heard on the merits, that such injunction should not have issued.

Because this Appeal is tantamount to a temporary injunction, the Court should order the Appellant to furnish a bond to secure Appellee against its losses if the Appeal is ultimately found to be meritless. The Appellant should not be

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permitted to complain that the cost of the bond constitutes an undue hardship because if Appellant prevails, Rule 1-406 provides that "upon request of the party entitled to costs, the premium for a bond required to be filed in an action shall be included in costs." Therefore, if Appellant should unexpectedly prevail in this Appeal, he would be entitled to a judgment for the costs incurred in the Appeal including the premium paid to secure the bond.

The Rules of Procedure pertaining to appeals before the Courts of Appeals and Special Appeals provide further support for this request for a bond. Maryland Rule 8-423(b)(3) provides that bonds may be secured in appeals from judgments that determine the disposition of property in controversy and that "the amount of the bond shall be the sum that will secure the amount recovered for the use and detention of the property, interest, costs and damages for delay" (emphasis supplied).

It is equitable to compel Appellant to furnish a bond in this case. As stated above, Appellant has incurred no cost or risk other than the cost of filing this Appeal. Without a bond, even if the Court determines that the Appeal is completely meritless, it will cost Appellant only the filing fee to have pursued it, but Appellee will have sustained a loss of approximately $[illegible]78,040.00. Such a result is inequitable on its face. However, if Appellant is compelled to post an appropriate bond he may consider the merits of the appeal before proceeding further. In the least, the Appellant will not be able to

---

proceed with a meritless appeal without providing appropriate protection to the Appellee. For all of the reasons stated above, a bond should be required in this case.

CONCLUSION

Appellee, Rainflower, Inc., submits it is entitled to the security of an adequate bond before this Appeal is permitted to continue. Accordingly, it requests that this Court order the Appellant to furnish a bond sufficient to secure Appellee against the delay damages that it will incur during the pendency of this Appeal. If an appropriate bond is not promptly furnished, this Appeal should be dismissed.

H. Barritt Peterson, Jr.
H. BARRITT PETERSON, JR.
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
301-823-4111
Attorney for Appellee

MEMO0004.XBP

IN THE MATTER OF
THE APPLICATION OF
McCORMICK PROPERTIES, INC.
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE OF
YORK RD., 430 FT. SOUTH OF
LOVETON FARMS RD.
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

KENNETH T. BOSLEY, PLAINTIFF

ZONING FILE NO. 88-425-SPH

: IN THE
: CIRCUIT COURT
: FOR
: BALTIMORE COUNTY
: AT LAW

CG Doc. No. 60
Folio No. 256
File No. 88-CG-3856

: : : : : : : : : : : :

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Thomas J. Bollinger, Arnold G. Foreman and Lynn Moreland, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter:

No. 88-425-SPH

February 1, 1988	Petition of McCormick Properties, Inc., for a special hearing for an amendment to the 5th amended final development plan of Loveton Farms to convert from Apartments to Condominiums.
March 31	Publication in newspaper - filed
April 2	Certificate of Posting of Property - filed
April 14	Comments of Baltimore County Zoning Plans Advisory Committee - filed
April 20	At 11:00 a.m. hearing held on petition by Zoning Commissioner.
May 2	Order of the Zoning Commissioner that approval to amend the Amended Final Development Plan to Loveton Farms allowing the new construction of condominiums in lieu of the previously described apartments be GRANTED.
May 31	Order of Appeal to the C.B. of A. from Kenneth T. Bosley.
August 10	Hearing on appeal before the Board of Appeals.

August 22, 1988	Order of the Board ordering that approval to amend the Amended Final Development Plan to Loveton Farms and to allow construction of saleable condominium units as opposed to apartment rental units be GRANTED.
September 19	Order for Appeal to the Circuit Ct. for Balto. County from Kenneth T. Bosley.
September 20	Certificate of Notice sent to all interested parties.
	Petition to accompany Order for Appeal filed in the Circuit Ct. for Balto. County.
October 18	Transcript of testimony filed
	Appellee's Exhibit No. 1 - Plan dated 8/1/88.
	" " " 2 - Samuel Trivas Resume.
	" " " 3 - 10 Permits
	" " " 4 - Guckert Resume
October 24, 1988	Record of proceedings filed in the Circuit Ct. for Baltimore County.

Record of proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. However, all tangible material or evidence or an unwieldy or bulky nature will be retained in the Board of Appeals' office, and upon request of the parties or the Court will be transmitted to the Court by whomever institutes the request.

Respectfully submitted,

June Holmen
June Holmen
County Board of Appeals of Baltimo
County

IN THE MATTER OF
THE APPLICATION OF
McCORMICK PROPERTIES, INC.
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE OF
YORK RD., 430 FT. SOUTH OF
LOVETON FARMS RD.
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

KENNETH T. BOSLEY, PLAINTIFF

ZONING FILE NO. 88-425-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

CG Doc. No. 60
Folio No. 256
File No. 88-CG-3856

: : : : : : : : : : : :

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Thomas J. Bollinger, Arnold G. Foreman and Lynn Moreland, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter:

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	" " " 2 - Samuel Trivas Resume.
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Respectfully submitted,

June Holmen
June Holmen
County Board of Appeals of Baltimore County

IN THE MATTER OF
THE APPLICATION OF
McCORMICK PROPERTIES, INC.
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE OF
YORK RD., 430 FT. SOUTH OF
LOVETON FARMS RD.
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

KENNETH T. BOSLEY, PLAINTIFF

ZONING FILE NO. 88-425-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

CG Doc. No. 60
Folio No. 256
File No. 88-CG-3856

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Thomas J. Bollinger, Arnold G. Foreman and Lynn Moreland, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter:

No. 88-425-SPH

February 1, 1988 Petition of McCormick Properties, Inc., for a special hearing for an amendment to the 5th amended final development plan of Loveton Farms to convert from Apartments to Condominiums.
March 31 Publication in newspaper - filed
April 2 Certificate of Posting of Property - filed
April 14 Comments of Baltimore County Zoning Plans Advisory Committee - filed
April 20 At 11:00 a.m. hearing held on petition by Zoning Commissioner.
May 2 Order of the Zoning Commissioner that approval to amend the Amended Final Development Plan to Loveton Farms allowing the new construction of condominiums in lieu of the previously described apartments be GRANTED.
May 31 Order of Appeal to the C.B. of A. from Kenneth T. Bosley.
August 10 Hearing on appeal before the Board of Appeals.

McCormick Properties, Inc.
Case No. 88-425-SPH 2.

August 22, 1988 Order of the Board ordering that approval to amend the Amended Final Development Plan to Loveton Farms and to allow construction of saleable condominium units as opposed to apartment rental units be GRANTED.
September 19 Order for Appeal to the Circuit Ct. for Balto. County from Kenneth T. Bosley.
September 20 Certificate of Notice sent to all interested parties.
Petition to accompany Order for Appeal filed in the Circuit Ct. for Balto. County.
October 18 Transcript of testimony filed
Appellee's Exhibit No. 1 - Plan dated 8/1/88.
" " " 2 - Samuel Trivas Resume.
" " " 3 - 10 Permits
" " " 4 - Guckert Resume
October 24, 1988 Record of proceedings filed in the Circuit Ct. for Baltimore County.

Record of proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. However, all tangible material or evidence or an unwieldy or bulky nature will be retained in the Board of Appeals' office, and upon request of the parties or the Court will be transmitted to the Court by whomever institutes the request.

Respectfully submitted,

June Holmen
June Holmen
County Board of Appeals of Baltimore County

cc: Kenneth T. Bosley
Robert A. Hoffman, Esq.
Arnold Jablon, Esq.
Nancy West, Esq.

IN RE: PETITION FOR SPECIAL HEARING
E/S York Road, 430' S Loveton
Farms Road
8th Election District
3rd Councilmanic District

McCormick Properties, Inc.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-425-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests approval, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the Amended Final Development Plan to Loveton Farms to allow the new construction of condominiums in lieu of the previously described apartments, as more particularly described on Petitioner's Exhibit 1.

The Petitioner was represented by Robert Hoffman of Cook, Howard, Downes and Tracy. The Petitioner was supported by John R. Clark, Fran Gerrard, John Rohde, Wes Guckert, Vincent J. Moskumas and Samuel Trivas. Mr. Kenneth Bosley appeared and testified as a Protestant.

The Protestant raised issue with the appropriate posting of the property. The Protestant alleges that the property was not appropriately posted and that legal notice to the general public was not legally sufficient.

According to the best information available to the Zoning Commissioner, the subject property was posted with one duly authorized zoning sign on land belonging to the legal owner. That the appropriate advertising in two newspapers of record, namely, the Jefferson and the Towson Flier did precede the public hearing for the appropriate periods of time. The property was actually posted for more than nineteen (19) days.

ORDER RECEIVED FOR FILING
Date 5/2/88
By

Therefore, I find there was adequate and appropriate notice of the public hearing upon Petition 88-425-SPH, for the Zoning Commissioner for Baltimore County.

The Petition for Special Hearing filed by the Petitioner, McCormick Properties and the Contract Purchaser, Rainflower, Inc. is a Petition to amend the 5th Amended Final Development Plan of the Loveton Farms Development for Sections 8 and 10. The sole purpose of the proposed 6th Amended Final Development Plan is to allow the development of condominium units in substantially the same form and style as previously developed within the greater Loveton Farms project instead of the presently authorized apartment units. These units will be constructed immediately adjacent to presently existing Garden Apartments for rent and will have an exterior appearance substantially the same as those presently existing Garden Apartments.

Petitioner's Exhibit 2 is a photograph of the presently existing Garden Apartments on the Loveton Farms site and is an accurate representation of the proposed condominium units to be built on the subject site.

The change in construction plans will create a reduced total number of units upon this site. As of the hearing on this matter, the legal owner and contract purchaser are entitled to construct 210 Garden style apartment upon the subject site. If the proposed 6th Amended Final Development Plan is approved, there will be 204 condominium units.

The evidence supplied by Mr. Guckert of the Traffic Group as an expert traffic consultant indicates that the peak hour trip difference for condominium units versus Garden Apartment for rental units is diminutive. His testimony substantially indicates that the six (6) unit reduction will correspondingly reduce the peak hour number of trips by approximately the same

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Date 5/2/88
By

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number. The impact upon traffic by the proposed change from rental apartments to condominiums will be so negligible as to be a non-factor.

The Petitioner was also supported by his professional landscape architect, Mr. John Rohde. Mr. Rohde's testimony that the landscaping that has taken place around the building shown in Petitioner's Exhibit 2 would be substantially similar to the landscaping that would take place for the 204 condominium units to be built on the subject site.

Substantial testimony was provided by Mr. Trivas and Mr. Moskumas concerning the appropriateness of the conversion of this site from Garden Apartment units for rental to condominium units for sale. Both of these witnesses testified extensively as to the requirements of Section 502.1 of the B.C.Z.R. and how the project complies with these requirements.

The Protestant, Kenneth Bosley, testified extensively to his objection to the development of this site and the conversion of the site from Garden Apartments for rental to condominium units for sale. His objections concerned his 30 acre tract of land which he considers to be in a down hill location from the subject site which means it receives intensified storm water runoff from the development of this project. Mr. Bosley is very much in opposition to the construction of fireplaces in the proposed dwelling units because of the substantial harm done to his farm crops and his Christmas trees by the smoke and pollutants from the fireplaces. He also alleges that the site plan, known as Petitioner's Exhibit 1, is substantially in error as it does not indicate the appropriate trans-continental gas lines.

The issue involved in this matter is not a determination as to whether or not the subject site may be developed. The sole issue before the Zoning Commissioner is whether or not the development that takes place can be converted from garden apartments to condominium units for sale.

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Date 5/2/88
By

All of the evidence and testimony, clearly, indicates that the subject site will be developed in a manner that is substantially similar in both outward appearance and fundamental development procedures from the already authorized 5th Amended Final Development Plan for Rainflower Garden Apartments. Petitioner's Exhibit 1 indicates minor deviations from the basic building layout for the garden apartments for rental to the condominium units.

After due consideration of the testimony and evidence presented, it appears that the Special Hearing should be granted.

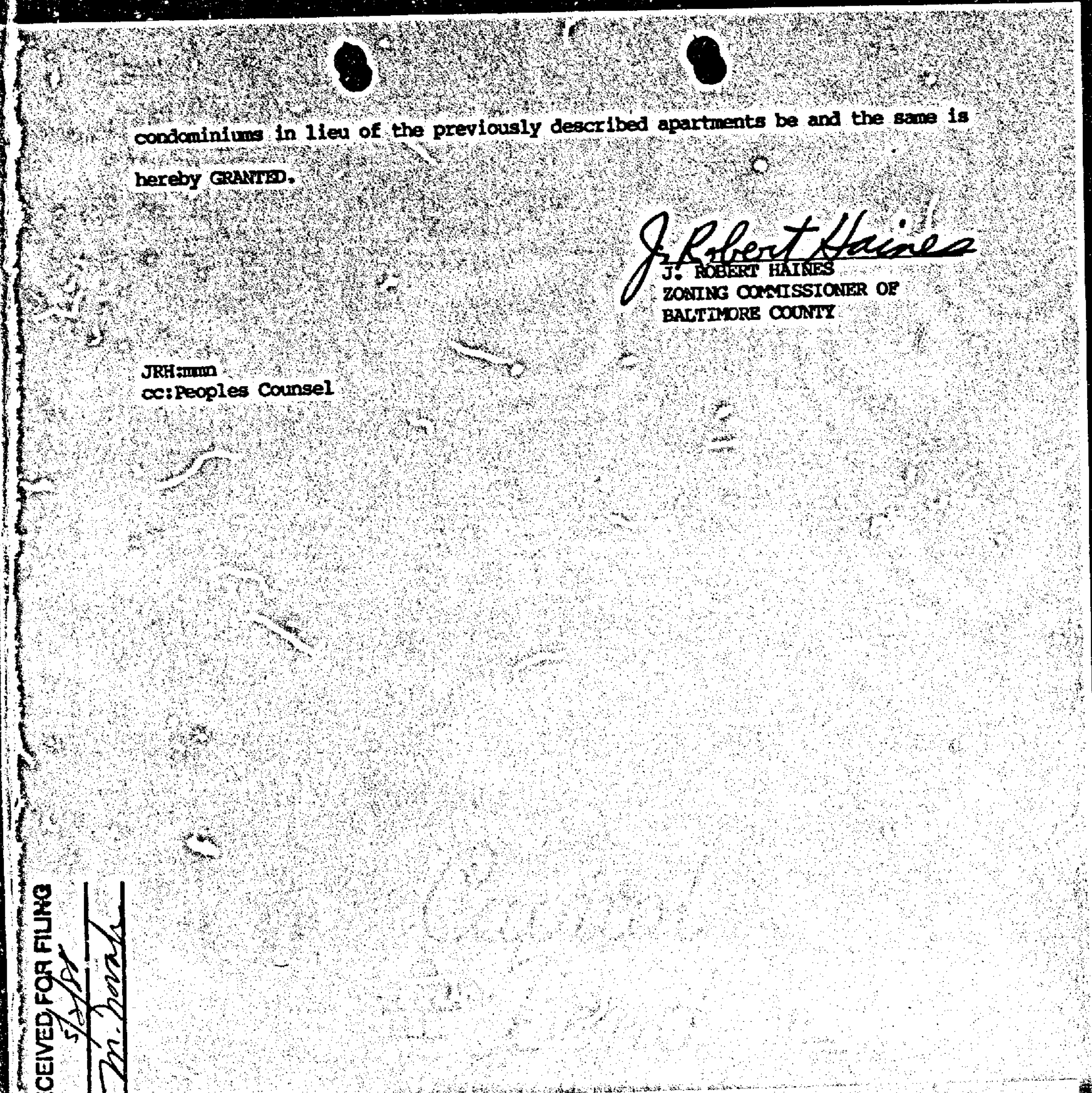
The Petitioner has the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

The proposed use will not be detrimental to the health, safety and general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purpose of the property's zoning classification, nor in any way be inconsistent with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of May, 1988 that approval to amend the Amended Final Development Plan to Loveton Farms allowing the new construction of

ORDER RECEIVED FOR FILING
Date 5/2/88
By

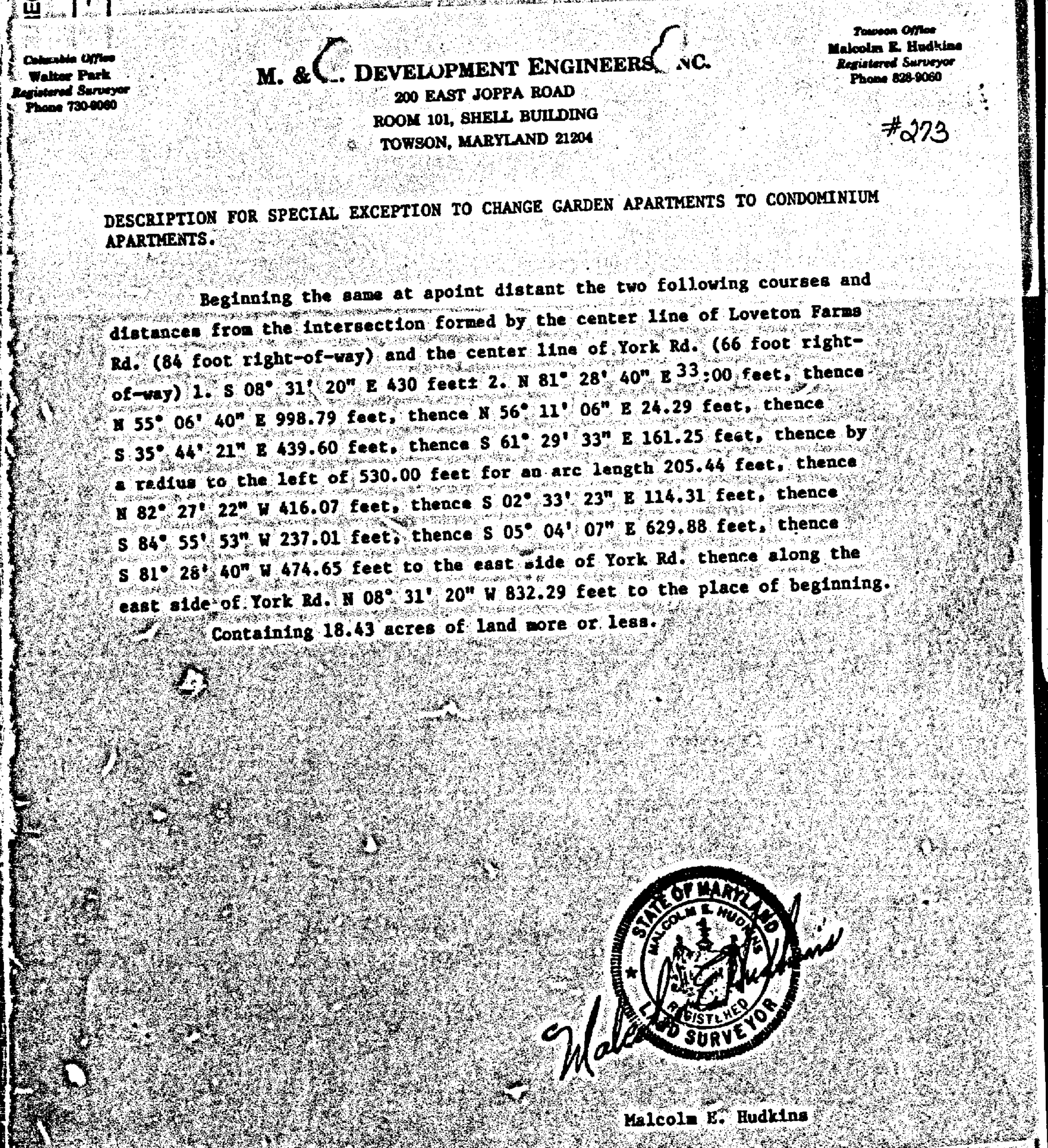


condominiums in lieu of the previously described apartments be and the same is hereby GRANTED.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

JRH:mmn
cc:Peoples Counsel

RECEIVED FOR FILING
5/3/88
M. Dorals



Columbia Office
Walter Park
Registered Surveyor
Phone 730-9060

M. & C. DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

Towson Office
Malcolm E. Hudkins
Registered Surveyor
Phone 828-9060

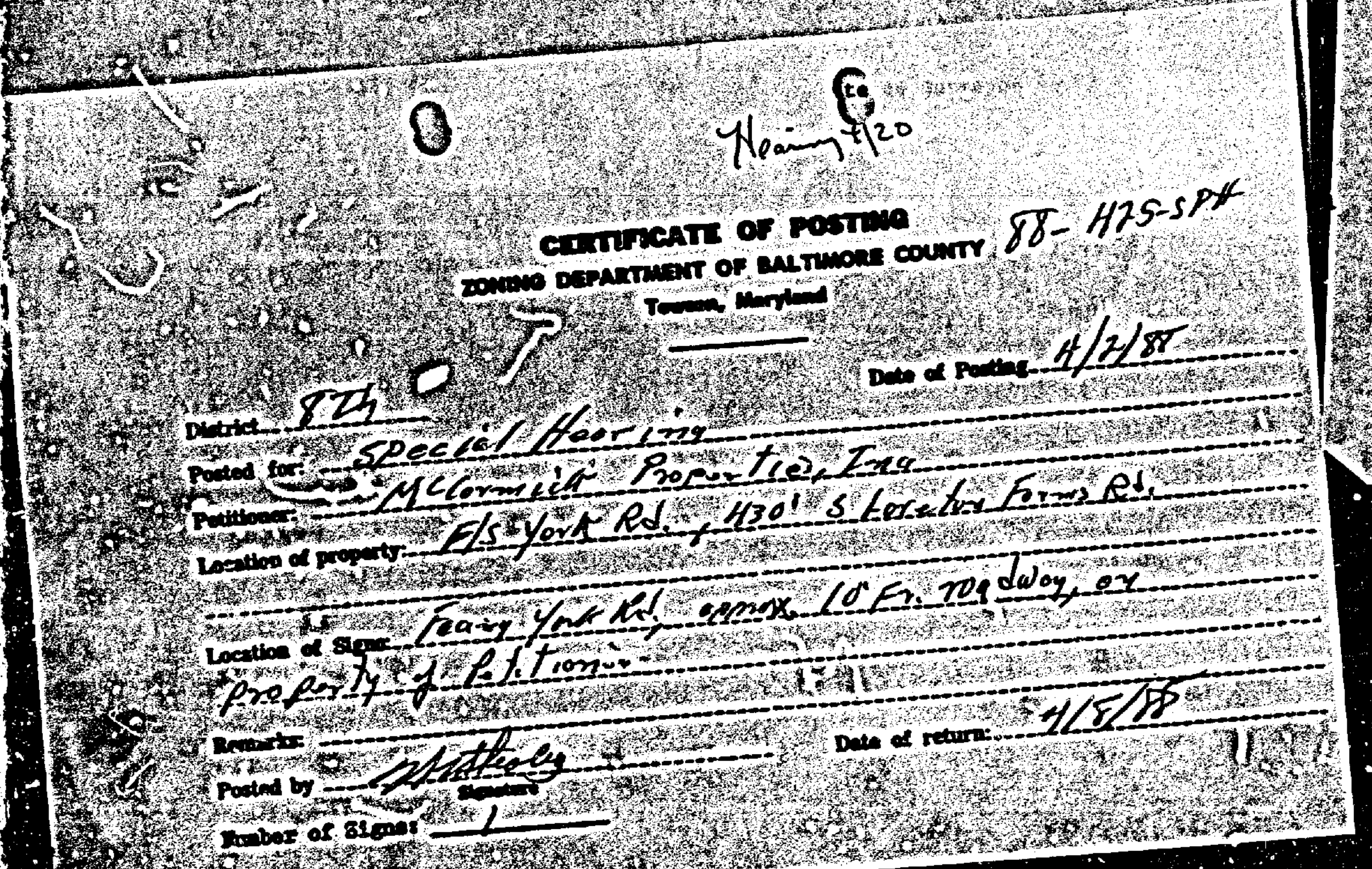
#273

DESCRIPTION FOR SPECIAL EXCEPTION TO CHANGE GARDEN APARTMENTS TO CONDOMINIUM APARTMENTS.

Beginning the same at apoint distant the two following courses and distances from the intersection formed by the center line of Loveton Farms Rd. (84 foot right-of-way) and the center line of York Rd. (66 foot right-of-way) 1. S 08° 31' 20" E 430 feet: 2. N 81° 28' 40" E 33.00 feet, thence N 55° 06' 40" E 998.79 feet, thence N 56° 11' 06" E 24.29 feet, thence S 35° 44' 21" E 439.60 feet, thence S 61° 29' 33" E 161.25 feet, thence by a radius to the left of 530.00 feet for an arc length 205.44 feet, thence N 82° 27' 22" W 416.07 feet, thence S 02° 33' 23" E 114.31 feet, thence S 84° 55' 53" W 237.01 feet, thence S 05° 04' 07" E 629.88 feet, thence S 81° 28' 40" W 474.65 feet to the east side of York Rd. thence along the east side of York Rd. N 08° 31' 20" W 832.29 feet to the place of beginning.

Containing 18.43 acres of land more or less.

Malcolm E. Hudkins
Malcolm E. Hudkins

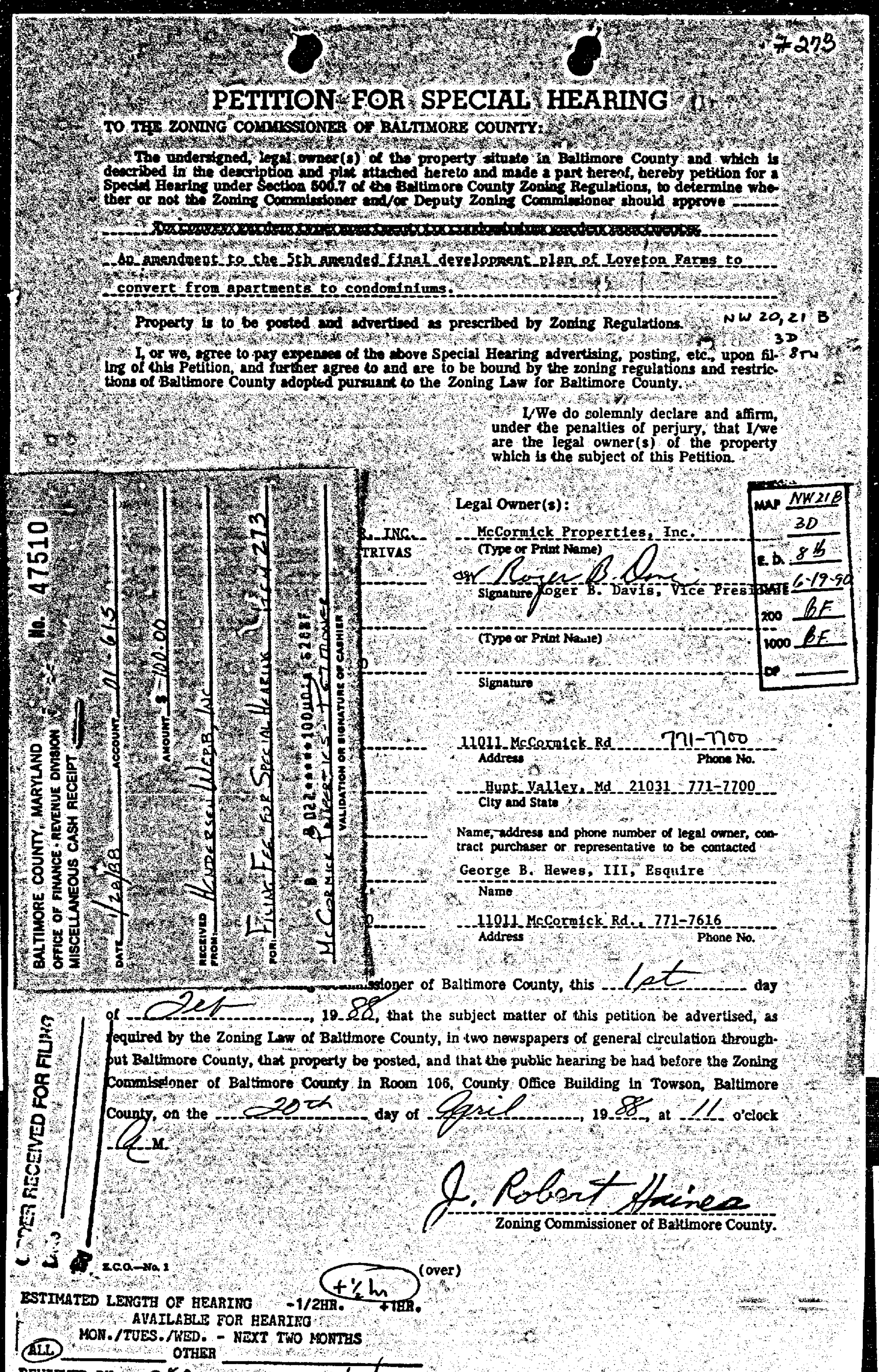


Hearing 4/20

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 88-425-SPH
Towson, Maryland

Date of Posting 4/7/88
District 8th
Posted for: Special Hearing
Petitioner: McCormick Properties, Inc.
Location of property: E/S York Rd., 430' S Loveton Farms Rd.
Location of Signs: Facing York Rd., approx. 10 Ft. fr. roadway, on property of Petitioner
Remarks:
Posted by Signature
Date of return: 4/8/88
Number of Signs: 1



#273

PETITION FOR SPECIAL HEARING

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

An amendment to the 5th amended final development plan of Loveton Farms to convert from apartments to condominiums.

Property is to be posted and advertised as prescribed by Zoning Regulations. NW 20,21 B 3D 8TH

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.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 47510
DATE 1/28/88 ACCOUNT 01-615
AMOUNT $100.00
RECEIVED FROM: Hindersen Webb, Inc
FOR: Filing Fee for Special Hearing #273 McCormick Properties
B 022*****10000 a 5288F
VALIDATION OR SIGNATURE OF CASHIER

R, INC.
TRIVAS

Legal Owner(s):
McCormick Properties, Inc.
(Type or Print Name)
Roger B. Davis
Signature Roger B. Davis, Vice President
(Type or Print Name)
Signature
11011 McCormick Rd 771-7700
Address Phone No.
Hunt Valley, Md 21031 771-7700
City and State

MAP	NW21B
	3D
E.D.	8th
DATE	6-19-90
200	BF
1000	BF
DP	

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
George B. Hewes, III, Esquire
Name
11011 McCormick Rd., 771-7616
Address Phone No.

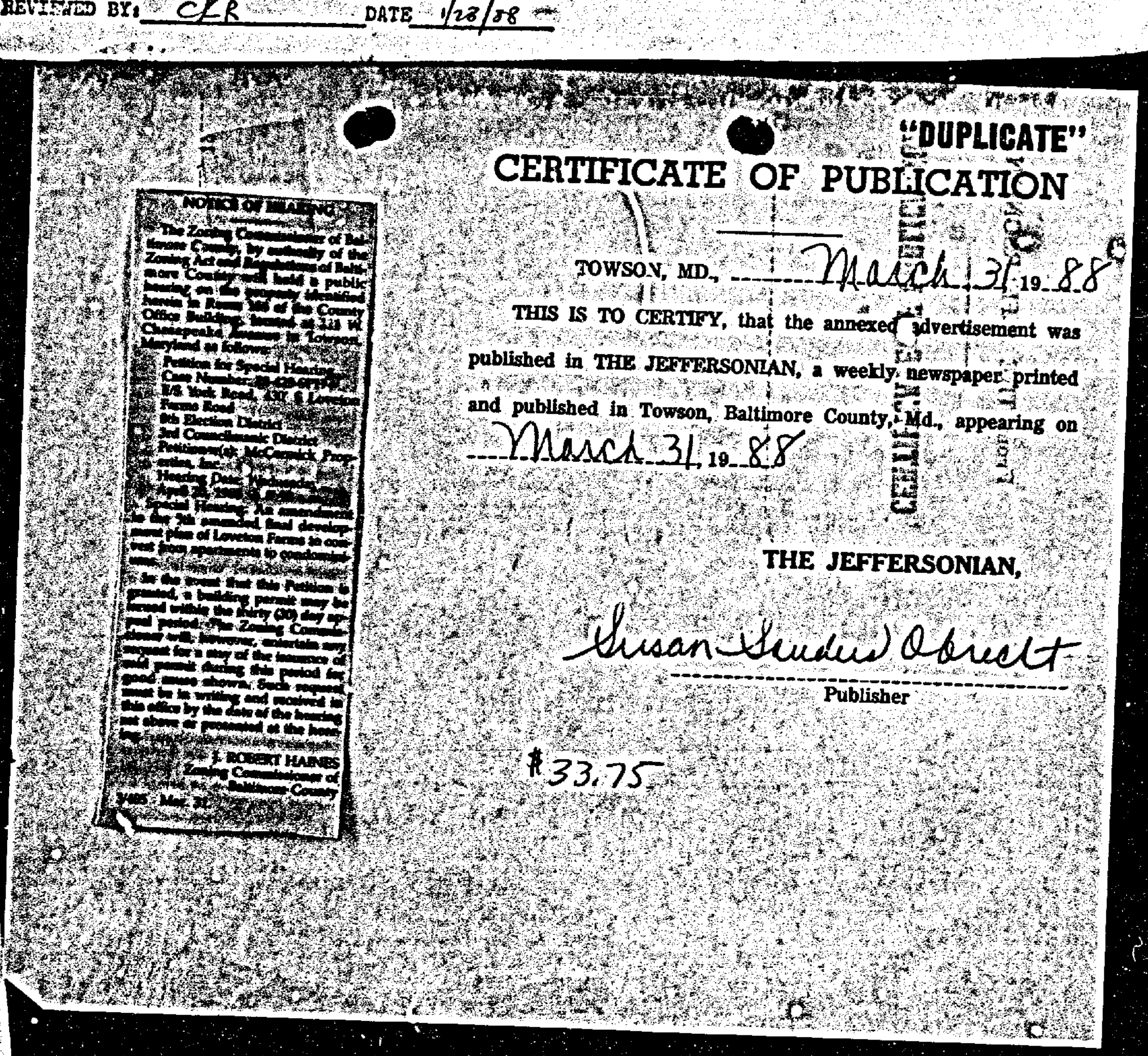
ORDER RECEIVED FOR FILING

...ssioner of Baltimore County, this 1st day of Feb, 1988, 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 20th day of April, 1988, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1 (over)

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR. +½ hr
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
[✓ ALL] OTHER
REVIEWED BY: CLR DATE 1/28/88



"DUPLICATE"

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

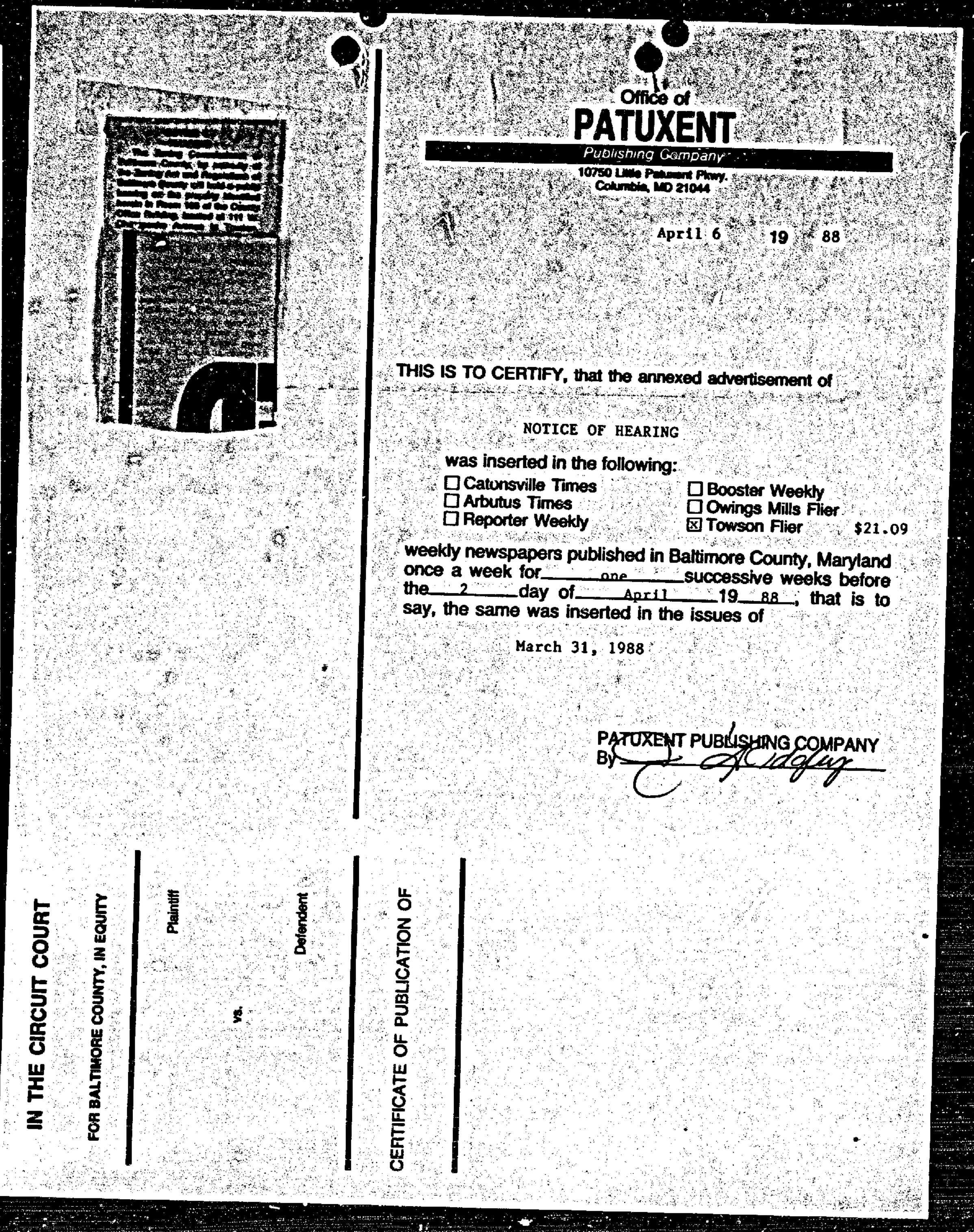
TOWSON, MD., March 31, 1988

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 March 31, 1988

THE JEFFERSONIAN,

Susan Sunders Obrecht
Publisher

$33.75



Office of
PATUXENT
Publishing Company
10750 Little Patuxent Pkwy.
Columbia, MD 21044

April 6 1988

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING

was inserted in the following:

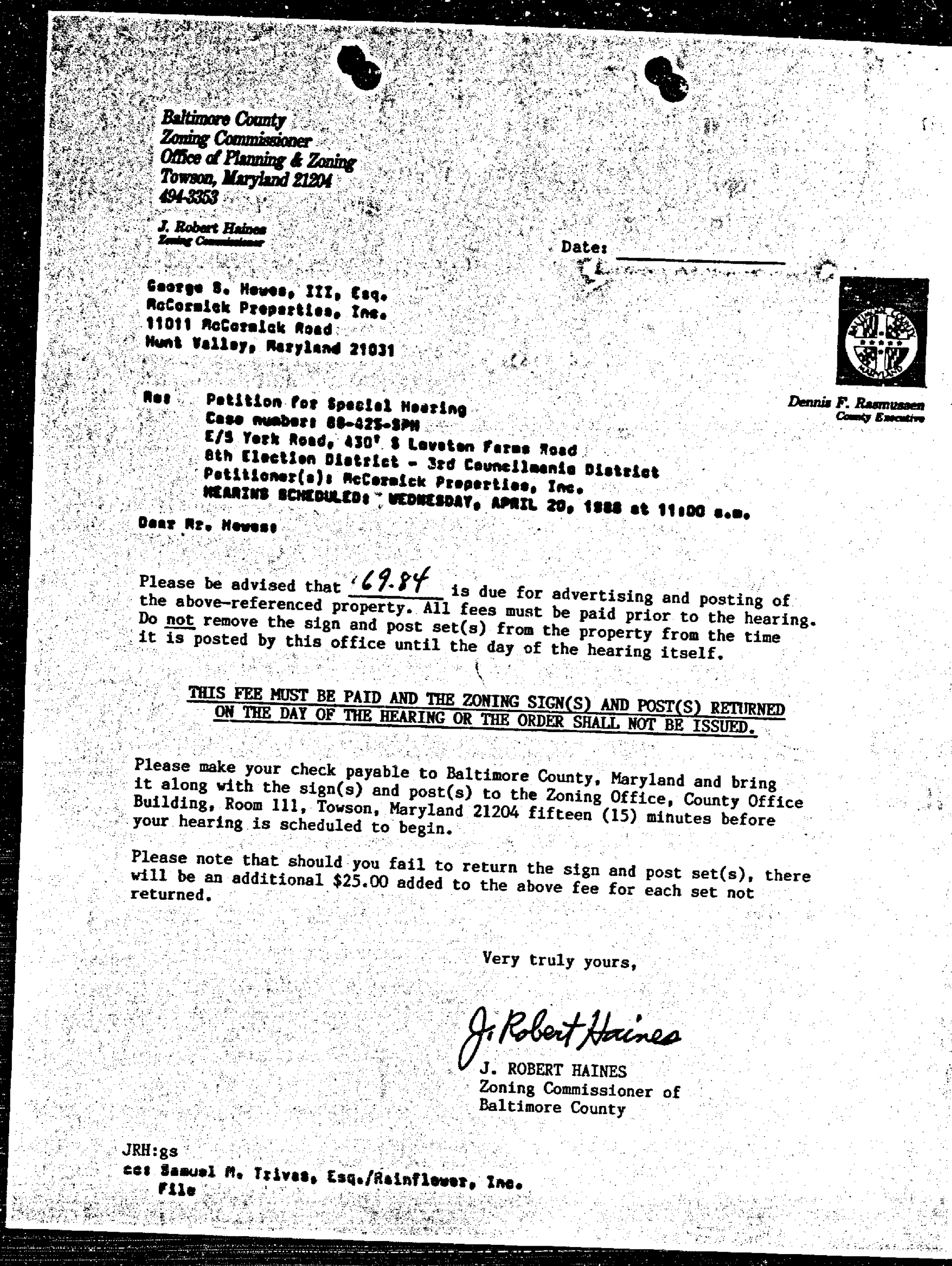
☐ Catonsville Times
☐ Arbutus Times
☐ Reporter Weekly
☐ Booster Weekly
☐ Owings Mills Flier
☒ Towson Flier $21.09

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 2 day of April 1988, that is to say, the same was inserted in the issues of

March 31, 1988

PATUXENT PUBLISHING COMPANY
By

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY
Plaintiff
vs.
Defendant
CERTIFICATE OF PUBLICATION OF



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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Date:

George B. Hewes, III, Esq.
McCormick Properties, Inc.
11011 McCormick Road
Hunt Valley, Maryland 21031

Re: Petition for Special Hearing
Case number: 88-425-SPH
E/S York Road, 430' S Loveton Farms Road
8th Election District - 3rd Councilmanic District
Petitioner(s): McCormick Properties, Inc.
HEARING SCHEDULED: WEDNESDAY, APRIL 20, 1988 at 11:00 a.m.

Dear Mr. Hewes:

Please be advised that $69.84 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

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

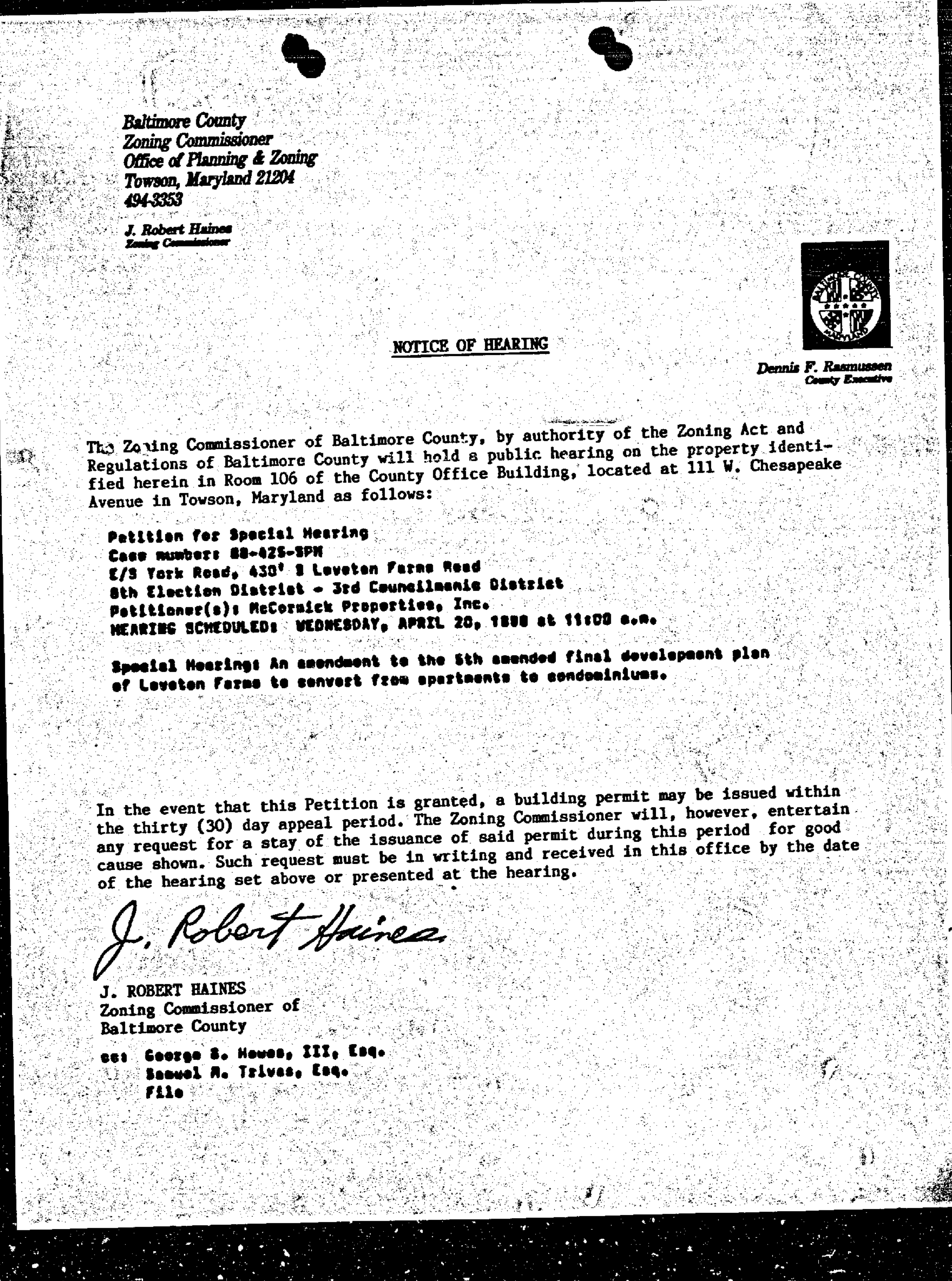
Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional $25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs
cc: Samuel M. Trivas, Esq./Rainflower, Inc.
File



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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

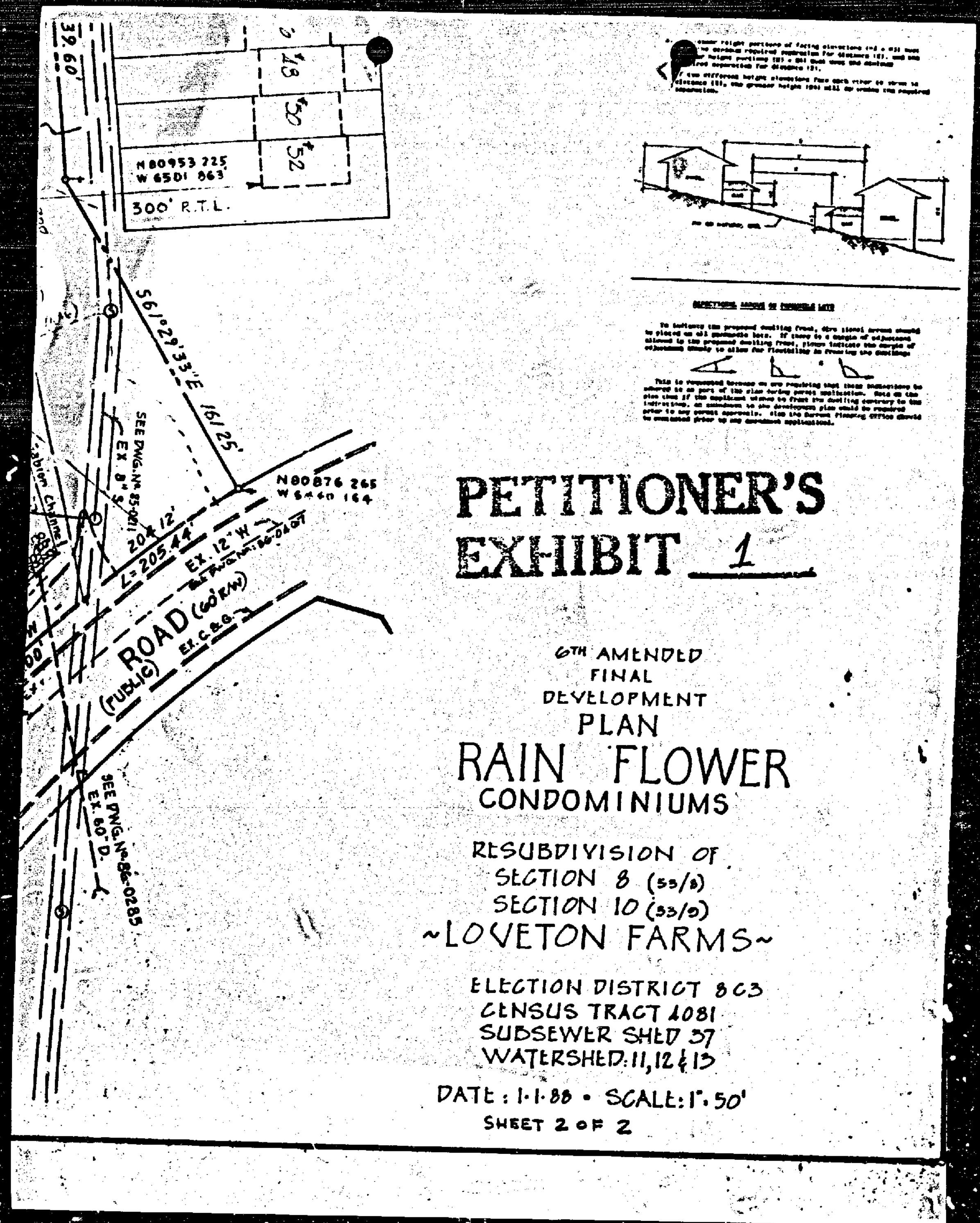
Petition for Special Hearing
Case number: 88-425-SPH
E/S York Road, 430' S Loveton Farms Road
8th Election District - 3rd Councilmanic District
Petitioner(s): McCormick Properties, Inc.
HEARING SCHEDULED: WEDNESDAY, APRIL 20, 1988 at 11:00 a.m.

Special Hearing: An amendment to the 5th amended final development plan of Loveton Farms to convert from apartments to condominiums.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

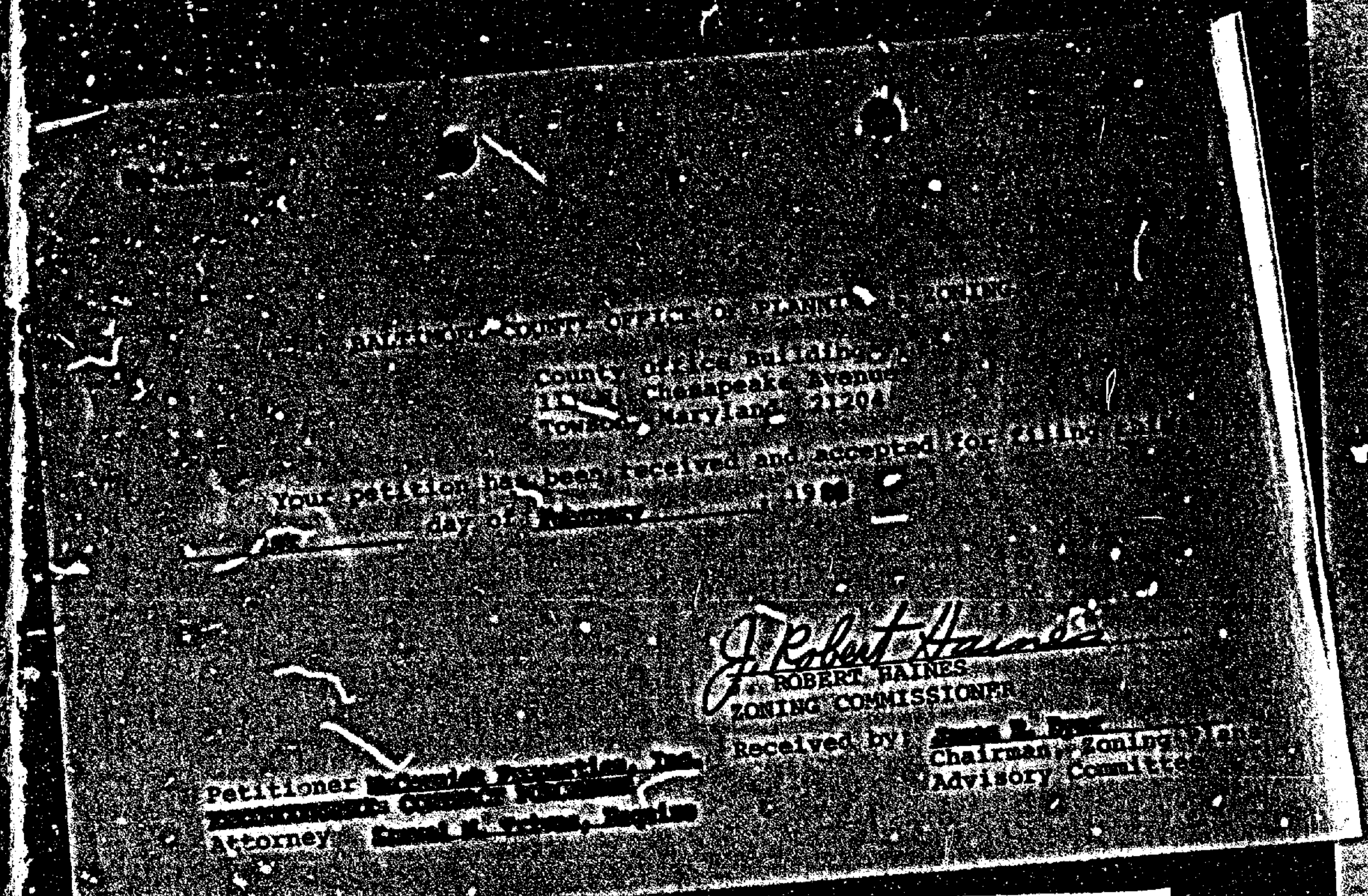
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: George B. Hewes, III, Esq.
Samuel M. Trivas, Esq.
File



PETITIONER'S EXHIBIT 1

6TH AMENDED
FINAL
DEVELOPMENT
PLAN
RAIN FLOWER
CONDOMINIUMS
RESUBDIVISION OF
SECTION 8 (53/8)
SECTION 10 (53/9)
~LOVETON FARMS~
ELECTION DISTRICT 8C3
CENSUS TRACT 4081
SUBSEWER SHED 37
WATERSHED: 11, 12 & 13
DATE: 1-1-88 • SCALE: 1"=50'
SHEET 2 OF 2



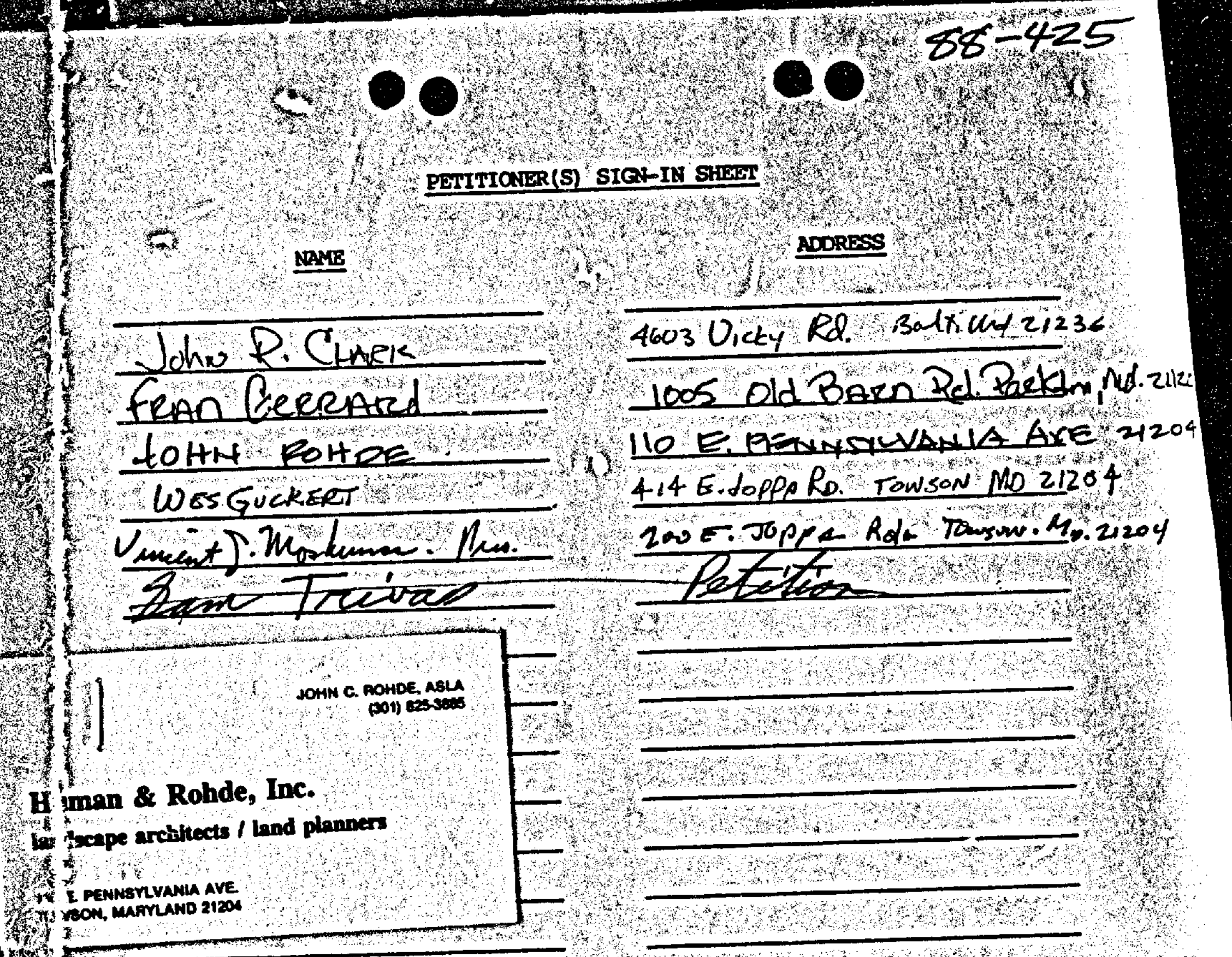
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this [illegible] day of February, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Petitioner McCormick Properties, Inc.
[illegible]
Attorney Samuel M. Trivas, Esquire



88-425

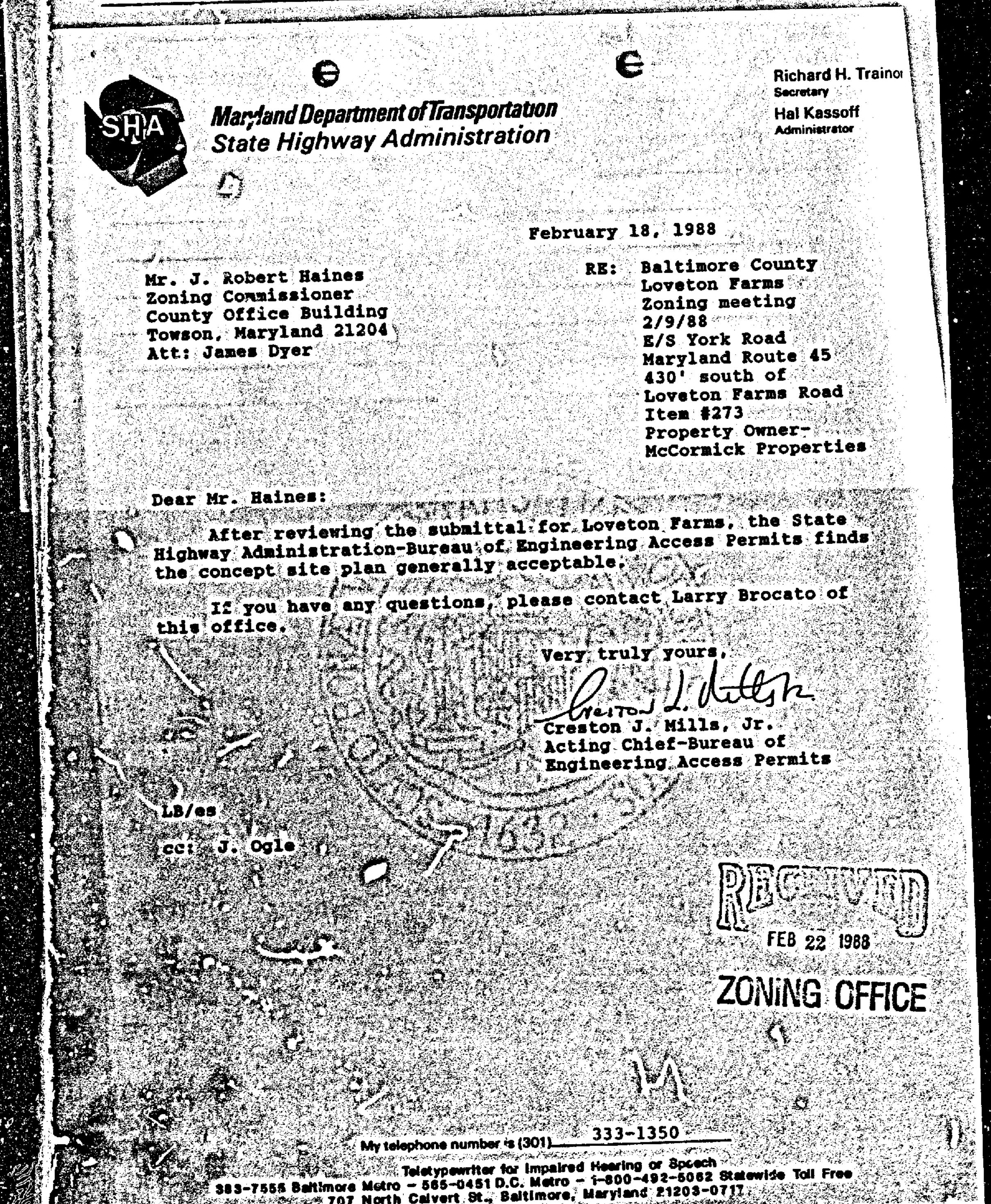
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
John R. Clark	4603 Vicky Rd. Balti. Md 21236
Fran Gerrard	1005 Old Barn Rd. Parkton, Md. 2112
JOHN ROHDE	110 E. PENNSYLVANIA AVE 21204
WES GUCKERT	414 E. Joppa Rd. TOWSON MD 21204
Vincent J. Moskunas. Pres.	200 E. Joppa Rd. Towson. Md. 21204
Sam Trivas	Petition

JOHN C. ROHDE, ASLA
(301) 825-3885

H man & Rohde, Inc.
la scape architects / land planners

E. PENNSYLVANIA AVE.
SON, MARYLAND 21204



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

February 18, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

RE: Baltimore County
Loveton Farms
Zoning meeting
2/9/88
E/S York Road
Maryland Route 45
430' south of
Loveton Farms Road
Item #273
Property Owner-
McCormick Properties

Dear Mr. Haines:

After reviewing the submittal for Loveton Farms, the State Highway Administration-Bureau of Engineering Access Permits finds the concept site plan generally acceptable.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,
Creston J. Mills
Creston J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits

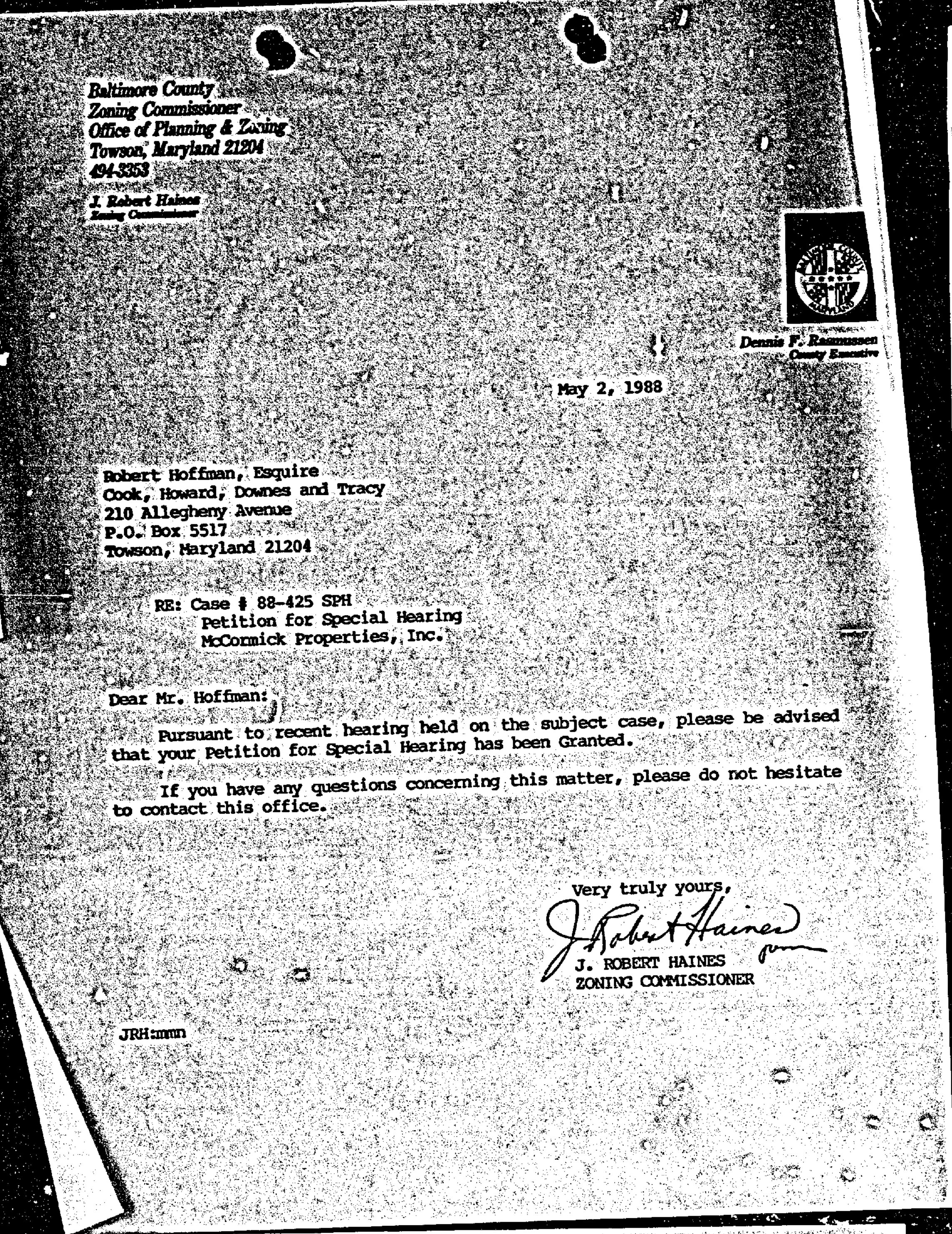
LB/es

cc: J. Ogle

RECEIVED
FEB 22 1988
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro – 565-0451 D.C. Metro – 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

May 2, 1988

Robert Hoffman, Esquire
Cook, Howard, Downes and Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

RE: Case # 88-425 SPH
Petition for Special Hearing
McCormick Properties, Inc.

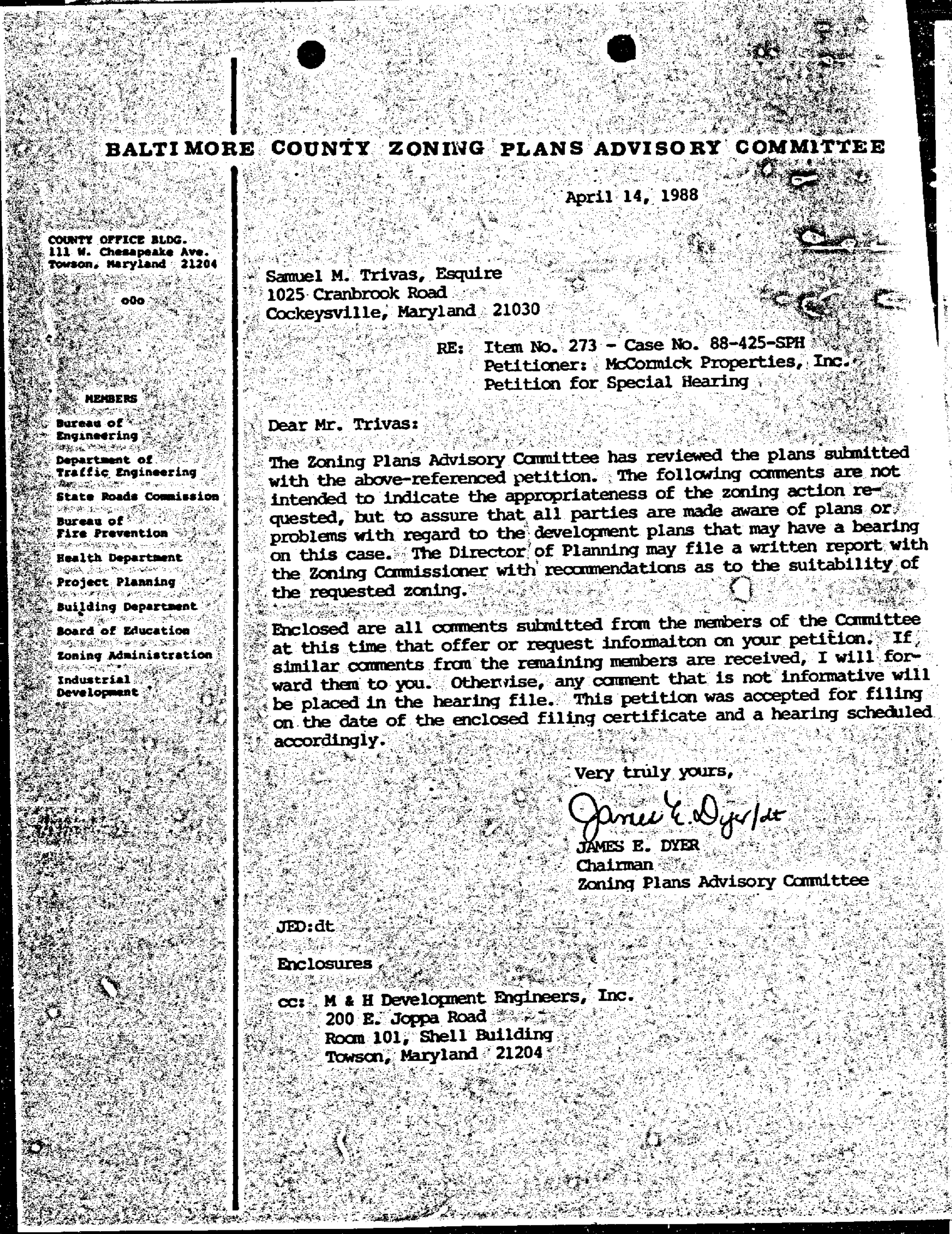
Dear Mr. Hoffman:

Pursuant to recent hearing held on the subject case, please be advised that your Petition for Special Hearing has been Granted.

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

JRH:mmn



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

oOo

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

April 14, 1988

Samuel M. Trivas, Esquire
1025 Cranbrook Road
Cockeysville, Maryland 21030

RE: Item No. 273 - Case No. 88-425-SPH
Petitioner: McCormick Properties, Inc.
Petition for Special Hearing

Dear Mr. Trivas:

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.

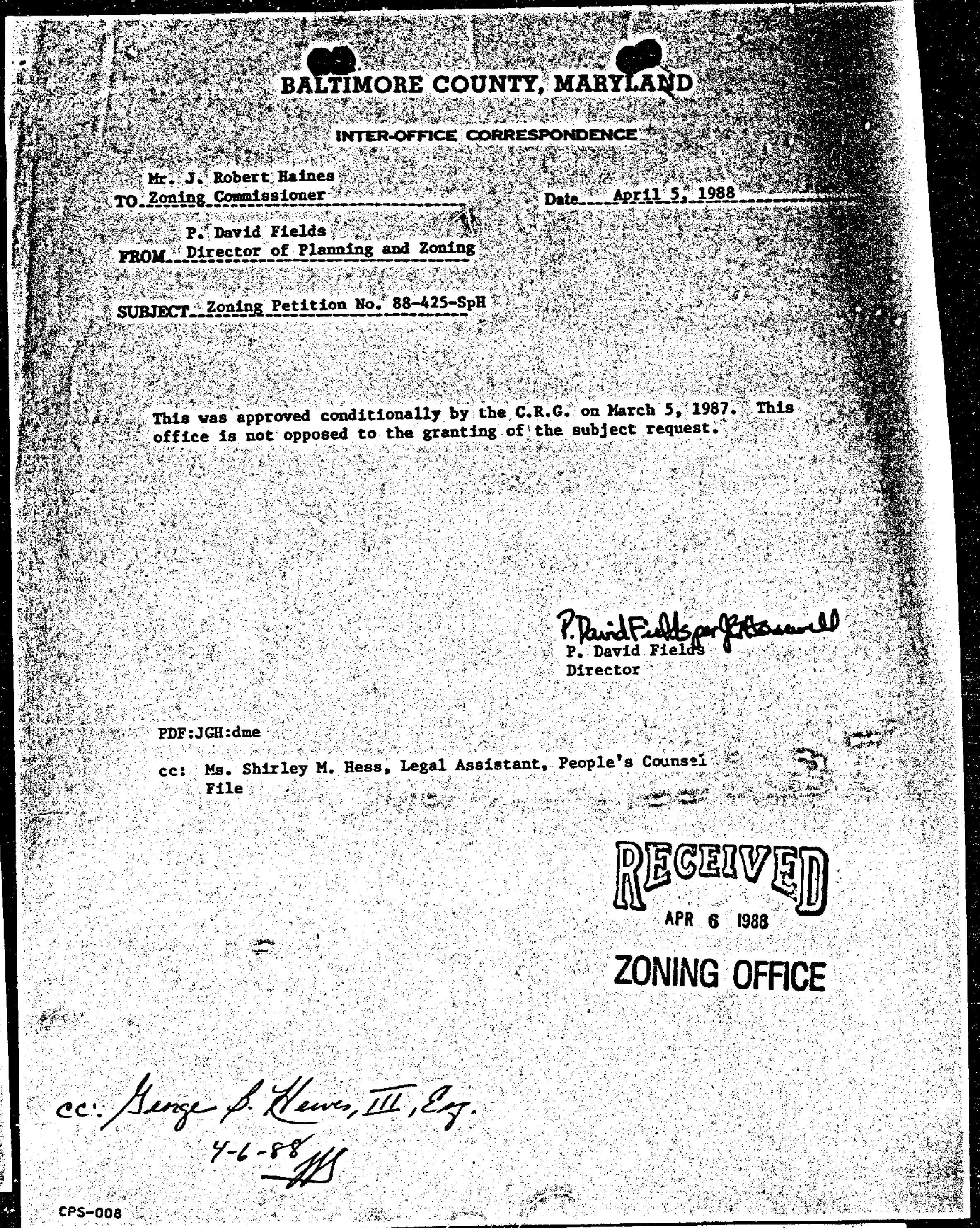
Enclosed are all comments submitted from the members of the Committee at this time that offer or request informaiton on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing 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/dt
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: M & H Development Engineers, Inc.
200 E. Joppa Road
Room 101, Shell Building
Towson, Maryland 21204



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. J. Robert Haines, Zoning Commissioner
Date April 5, 1988

FROM P. David Fields, Director of Planning and Zoning

SUBJECT Zoning Petition No. 88-425-SpH

This was approved conditionally by the C.R.G. on March 5, 1987. This office is not opposed to the granting of the subject request.

P. David Fields per J. Hoswell
P. David Fields
Director

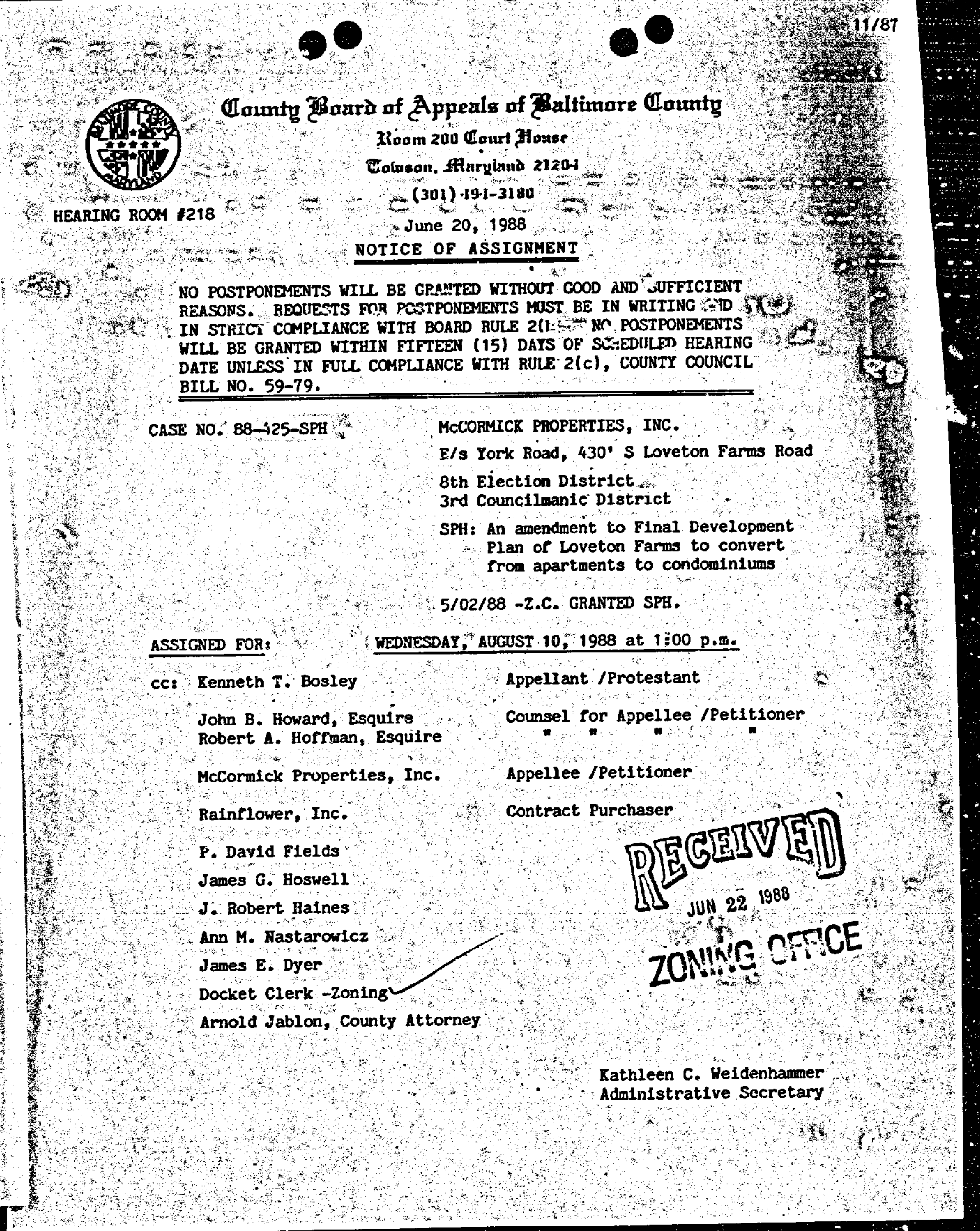
PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
APR 6 1988
ZONING OFFICE

cc: George S. Hewes, III, Esq.
4-6-88 JH

CPS-008



11/87

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

HEARING ROOM #218

June 20, 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.

CASE NO. 88-425-SPH

McCORMICK PROPERTIES, INC.
E/s York Road, 430' S Loveton Farms Road
8th Election District
3rd Councilmanic District
SPH: An amendment to Final Development Plan of Loveton Farms to convert from apartments to condominiums

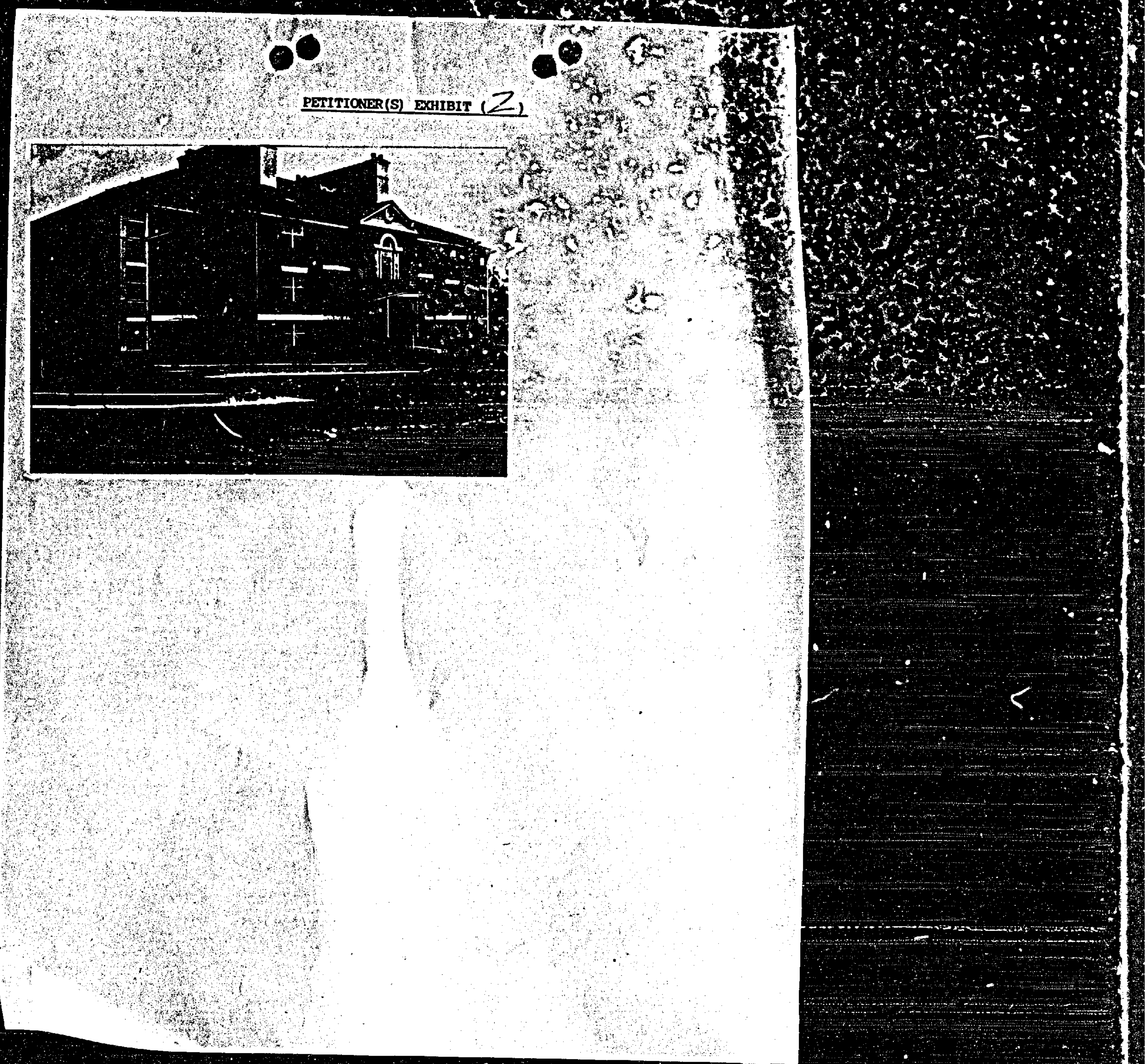
5/02/88 -Z.C. GRANTED SPH.

ASSIGNED FOR: WEDNESDAY, AUGUST 10, 1988 at 1:00 p.m.

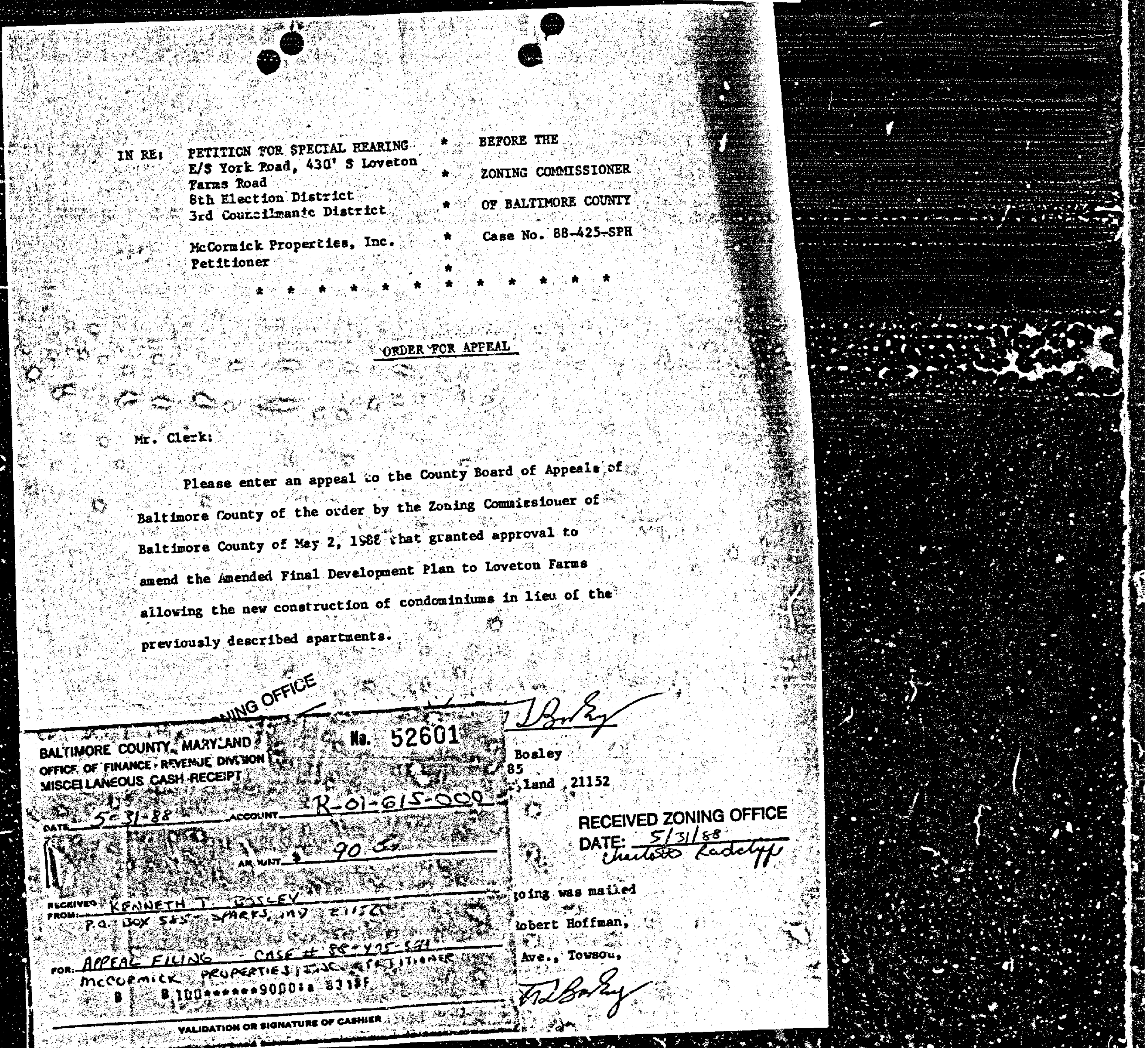
cc: Kenneth T. Bosley	Appellant /Protestant
John B. Howard, Esquire	Counsel for Appellee /Petitioner
Robert A. Hoffman, Esquire	" " " "
McCormick Properties, Inc.	Appellee /Petitioner
Rainflower, Inc.	Contract Purchaser
P. David Fields	
James G. Hoswell	
J. Robert Haines	
Ann M. Nastarowicz	
James E. Dyer	
Docket Clerk -Zoning	
Arnold Jablon, County Attorney	

RECEIVED
JUN 22 1988
ZONING OFFICE

Kathleen C. Weidenhammer
Administrative Secretary



PETITIONER(S) EXHIBIT (2)



IN RE: PETITION FOR SPECIAL HEARING E/S York Road, 430' S Loveton Farms Road 8th Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
McCormick Properties, Inc. Petitioner	*	Case No. 88-425-SPH

* * * * * * * * * * * *

ORDER FOR APPEAL

Mr. Clerk:

Please enter an appeal to the County Board of Appeals of Baltimore County of the order by the Zoning Commissioner of Baltimore County of May 2, 1988 that granted approval to amend the Amended Final Development Plan to Loveton Farms allowing the new construction of condominiums in lieu of the previously described apartments.

K T Bosley
Bosley
85
land, 21152

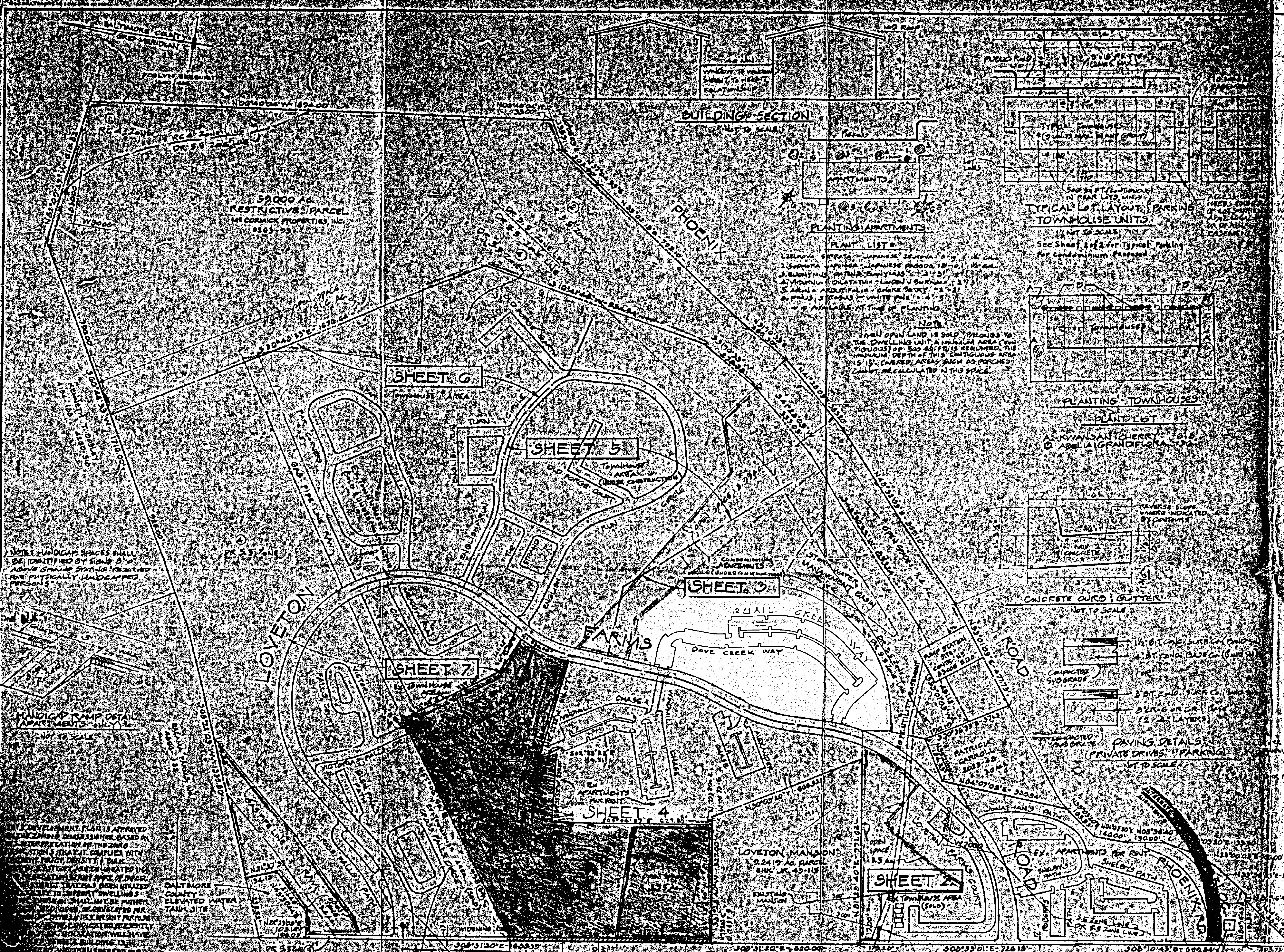
RECEIVED ZONING OFFICE
DATE: 5/31/88

going was mailed
Robert Hoffman,
Ave., Towson,

K T Bosley

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52601

DATE 5-31-88 ACCOUNT R-01-615-000
AMOUNT $ 90.00
RECEIVED FROM: KENNETH T. BOSLEY
P.O. BOX 585 SPARKS, MD 21152
FOR: APPEAL FILING CASE # 88-425-SPH
McCORMICK PROPERTIES, INC. PETITIONER
B B 100******9000:a 831F
VALIDATION OR SIGNATURE OF CASHIER


BALTIMORE COUNTY
52.000 AC. RESTRICTIVE PARCEL
McCORMICK PROPERTIES, INC.
BUILDING SECTION
NOT TO SCALE
APARTMENTS
PLANTING APARTMENTS
PLANT LIST
TYPICAL LOT LAYOUT PARKING TOWNHOUSE UNITS
NOT TO SCALE
See Sheet 2 of 2 for Typical Parking for Condominium Proposed
PLANTING TOWNHOUSES
PLANT LIST
A. KWANSAN CHERRY
B. ABELIA GRANDIFLORA
CONCRETE CURB & GUTTER
NOT TO SCALE
PAVING DETAILS (PRIVATE DRIVES & PARKING)
NOT TO SCALE
HANDICAP RAMP DETAIL APARTMENTS ONLY
NOT TO SCALE
NOTE: HANDICAP SPACES SHALL BE IDENTIFIED BY SIGNS 6' ABOVE GROUND STATING "RESERVED FOR PHYSICALLY HANDICAPPED PERSONS"
PHOENIX
SHEET 6
TOWNHOUSE AREA
SHEET 5
TOWNHOUSE AREA (UNDER CONSTRUCTION)
SHEET 3
CONDOMINIUM APARTMENTS (UNDER CONSTRUCTION)
QUAIL CREEK WAY
DOVE CREEK WAY
LOVETON
FARMS
SHEET 7
TOWNHOUSE AREA
SHEET 4
EX. APARTMENTS FOR RENT
LOVETON MANSION
EXISTING MANSION
SHEET 2
EX. TOWNHOUSE AREA (SOLD)
EX. APARTMENTS FOR RENT
BALTIMORE COUNTY ELEVATED WATER TANK SITE
LOVETON CIRCLE
ROAD
YORK

PLAN

SCALE: 1" = 200'

4TH AMENDED PLAT "LOVETON CENTER" EHK. JR. 47-29

EXISTING ZONING: ML
CURRENT USE: VACANT LAND

REASON FOR THIRD AMENDMENT: 6-7-86 & TO PROVIDE ADDITIONAL LOT DEPTH TO THE FRONT AND REAR OF ALL TOWNHOUSES. SEE SHEETS 5 AND 6 OF 7.
* NO LOTS HAVE BEEN SOLD WITHIN 300' OF THESE REVISIONS.

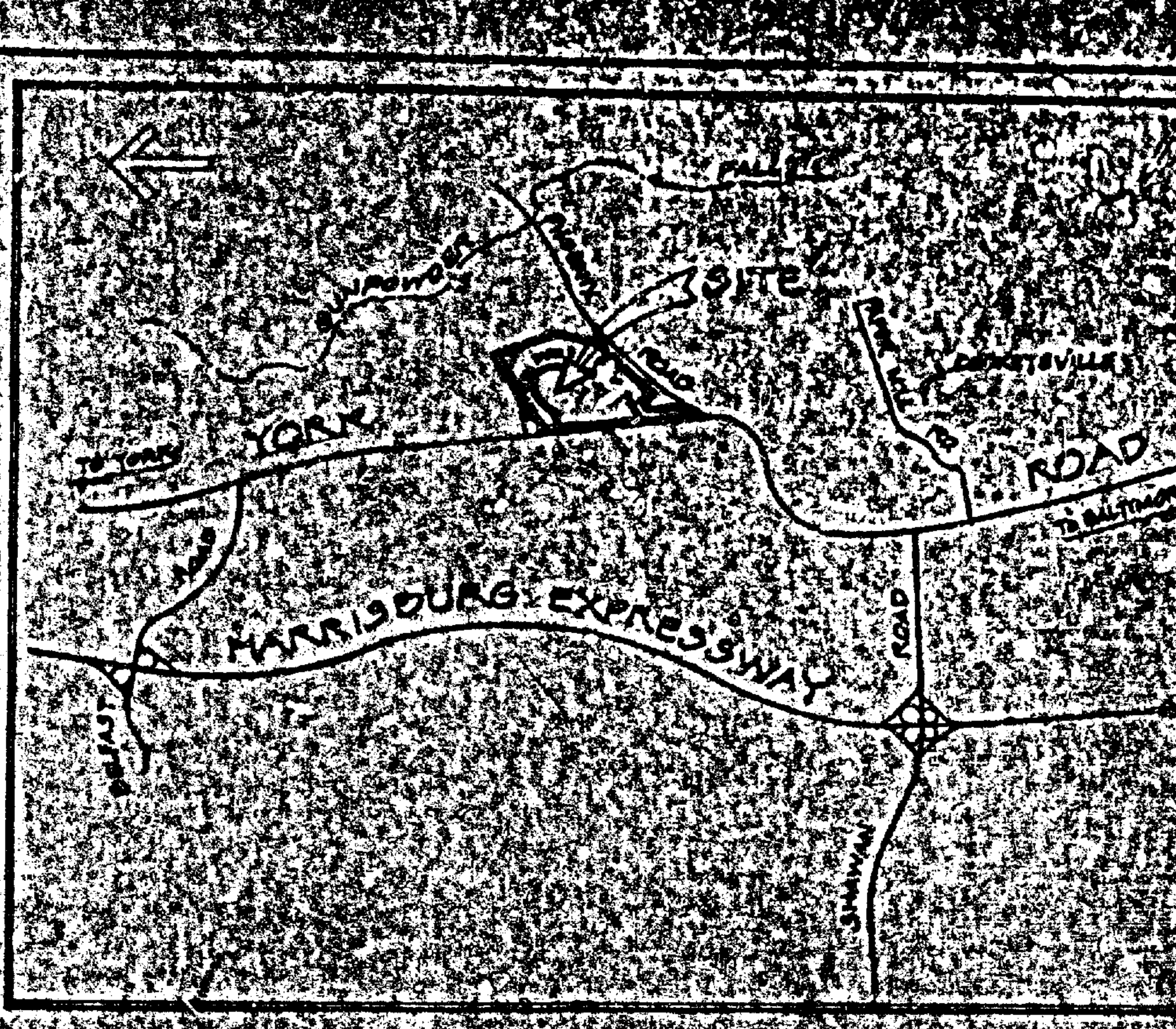
REASONS FOR SECOND AMENDMENT: 2-14-86
1) TO ADD THE MAINT. BLDG ON SHEET 2 OF 7
2) TO REVISE THE ROAD, BUILDINGS, UTILITIES AND GRADING, IN ACCORDANCE WITH LAYOUT PROVIDED BY HUDKINS ASSOCIATES. SHEET 4 OF 7
3) NO LOTS HAVE BEEN SOLD WITHIN 300' OF THE REVISION

* NO LOTS HAVE BEEN SOLD WITHIN 300' OF THESE REVISIONS.

REASON FOR FIRST AMENDMENT: TO INCREASE END LOTS BY 2' AND RENUMBER LOTS ON SHEET 3 OF 7. SEE SHEETS 2, 5, 6, AND 7 OF 7. 6-21-85

5TH AMENDMENT 4/28/87
SHT. 5 OF 7 LOTS 1 TO 4 BLK. I UNITS SOLD WITHIN 300'
SHT. 6 OF 7 LOTS 1 TO 3 BLK. I & LOT 15 BLK. I
RENTAL TO SALE CONDOMINIUM
UNITS SHT. 3 OF 7. NO UNITS SOLD WITHIN 300'.

[redacted]


YORK
ROAD
HARRISBURG EXPRESSWAY

VICINITY MAP

SCALE: 1" = 2000'

GENERAL NOTES

1. IN APARTMENT AREAS THE APARTMENT OWNER WILL MAINTAIN ALL PRIVATE ROADS, PARKING AREAS, LANDSCAPING & OPEN SPACE.
2. IN TOWNHOUSE AREAS THE HOME OWNERS ASSOCIATION WILL MAINTAIN ALL OPEN SPACE. IN APARTMENT CONDOMINIUM THE [illegible] WILL MAINTAIN L.O.S., PARKING AREAS AND LANDSCAPING EXCEPT AS SHOWN [illegible]
3. IN COMPLIANCE WITH BILL 100 & THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICY:
   - A. WINDOW TO WINDOW: MIN. DISTANCE BETWEEN ANY FACING WINDOWS SHALL BE 40'.
   - B. BUILDING HEIGHT: MAX. HEIGHT SHALL BE IN ACCORDANCE WITH SECT. 7.0.2 OF C.M.D.P. POLICY.
   - C. WINDOW TO PROPERTY LINE: MINIMUM DISTANCE BETWEEN PROPERTY LINE & FACING WINDOW SHALL BE 25'.
   - D. MIN. DISTANCE BETWEEN WINDOW & PUBLIC R/W SHALL BE 25'.
4. IN TOWN HOUSE AREAS ROADS ARE 40' R/W (TYPICAL) SEE DETAIL.
5. ▲ = 400 W.M.V. LIGHTS
6. TRASH COLLECTION WILL BE TWICE WEEKLY BY BALTIMORE COUNTY.
7. MAXIMUM BUILDING LENGTH 300'
8. PLAN APPROVED IN THE [illegible]
9. ☒ DENOTES DUMPSTER LOCATIONS IN APARTMENT AREAS.
10. TOWNHOUSE UNITS ARE [illegible]
11. [illegible] SHALL HAVE A MINIMUM OF 500 SQ. FT. (CONTIGUOUS) [illegible]
12. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES & PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTION 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS & APPLICABLE BLDG. PERMIT) WITH THE EXCEPTION OF LOTS 1-5 BLOCK A SHEET 2, NO DECKS MAY BE WITHIN THE R.T.A.
13. ALL ROADS IN TOWNHOUSE AREAS ARE 40' R/W PUBLIC ROADS.
14. OPEN SPACE REQ'D: [illegible] TOTAL REQUIRED [illegible]
TOTAL OPEN SPACE SHOWN [illegible]
15. WOODS TO REMAIN SHOWN THUS

DENSITY CALCULATIONS

AREA	ZONING			DWLG. U. ALLOWED
① [illegible] Ac.	RC 4			[illegible]
② 34.96 Ac.		DR 3.5		34.96 x 3.5 = 122.36 U.
③ 0.45 Ac.		DR 3.5		0.45 x 3.5 = 1.58 U.
④ 195.16 Ac.			DR 5.5	195.16 x 5.5 = 1073.38 U.
⑤ 2.07 Ac.			DR 5.5	2.07 x 5.5 = 11.39 U.

TOTAL DWLG. UNITS ALLOWED = 1208.71 U.
TOTAL DWLG. UNITS PROPOSED 1200 U.

SHEET No.	DWELLING UNITS	PARKING SHOWN
2	DR 3.5 - 120 APT. U. 2 PS/U = 240 REQ'D DR 5.5 - 24 APT. U. 1.75 PS/U = 42 REQ'D DR 5.5 - 28 T.H.U. 1.75 PS/U = 49 REQ'D 172 T.H. + APT. = 331 TOTAL REQ'D	240 P.S. 42 P.S. 0 P.S. 264 P.S.
3	DR 5.5 - 174 APT. U. 1.75 PS/U = 305 REQ'D	337 P.S.
4	DR 5.5 - 304 APT. U. 1.75 PS/U = 532 REQ'D	689 P.S.
5	DR 5.5 - 155 T.H.U. 1.75 PS/U = 271 REQ'D	392 P.S.
6	DR 5.5 - 163 T.H.U. 1.75 PS/U = 285 REQ'D	352 P.S.
7	DR 5.5 - 34 T.H.U. 1.75 P.S./U = [illegible] REQ'D	350 P.S.
	SUB-TOTAL 1182 UNITS REMAINING 20 UNITS	2400 P.S.

TOTAL PARKING REQ'D = 120 U. @ 2 PS/U (240) + 1088 U. @ 1.75 PS/U (1904) = 2144 P.S.

OFFICE OF PLANNING & ZONING
APPROVED BY

DIRECTOR OF PLANNING — DATE

ZONING COMMISSIONER — DATE

STATE OF MARYLAND
MALCOLM E. HUDKINS
REGISTERED LAND SURVEYOR

REVISIONS	
1	OFFICIAL COMMENTS
2	REASONS FOR SECOND AMENDMENT SHTS 2, 4 OF 7

H. & H. DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

	DATE	REVISIONS
Drafting J.S.		
Check V.J.M.		
Design V.J.M.	4/28/87	sht. 3, 5, 6 of 7
Check M.C.H.	10/29/86	sht. 6 of 7

DEVELOPER:
ALEXANDER LAND COMPANY
1025 CRANBROOK ROAD
COCKEYSVILLE, MARYLAND 21030

ELECTION DISTRICT 8C3 BALTIMORE CO., MD
COUNCILMANIC DISTRICT No. 3
WATERSHED No. 11, 12, & 13
CENSUS TRACT 4081
SUBSEWERSHED 37

KEY SHEET, GENERAL NOTES & DETAILS
6TH AMENDED FINAL DEVELOPMENT PLAN
LOVETON FARMS

SHEET 1 OF 7

SCALE AS SHOWN

TYPICAL CONDOMINIUM UNITS
12 UNITS PER STAIRWAY
(UNLESS NOTED OTHERWISE ON PLAN)
2 BR. UNIT "B"
2 BR W/DEN UNIT "C"
2 BR. UNIT "A"
2 BR. UNIT "D"
TERRACE, 1ST AND 2ND FLOORS
SCALE: 1"=30'
TYPICAL PARKING LAYOUT
TYPICAL MAIL PICK-UP
ATLANTIC SEABOARD CORP. EASEMENT FOR GAS PIPELINE
EX. 26" GAS LINE
EX. 20" GAS LINE
SOLD EXISTING TOWNHOUSES SECTION THREE LOVETON FARMS SM 53-70
VICTORIA FALLS DRIVE (PUBLIC ROAD)
EXISTING TOWNHOUSES PLAT 2 SECTION FOUR LOVETON FARMS SM 53-8
YORK ROAD (MD RTE 45)
HIGHWAY WIDENING
RAINFLOWER PATH (PUBLIC)
LOCAL OPEN SPACE
PROPOSED ENTRANCE
LOVETON FARMS ROAD (PUBLIC)
SECTION SIX LOVETON FARMS E.H.K.Jr. 53-7
EXISTING GARDEN APARTMENTS RENTALS
WINDMILL CHASE (PRIVATE ROAD)
SECTION TEN LOVETON FARMS SM 53-9 LOCAL OPEN SPACE
LOVETON MANSION E.H.K.Jr. 43-115
MbB2
MbC2
MbC3
MbD2
CcB2
BaA
HENDRICK SOILS
N55°06'40"E
N56°11'06"E
979.82'
N82°27'22"W
S61°29'53"E
LOCATION MAP
SCALE: 1"=500'
LOVETON FARMS ROAD
YORK ROAD
SITE
LOCAL OPEN SPACE
LOVETON CIRCLE
RM-6 HEIGHT DETERMINATION
B-5 DISTANCES BETWEEN BUILDINGS (FACING ELEVATIONS)

SETBACKS:

1. Transition areas - show transition area.
   300' from existing offsite dwellings
   N/A 250' from existing vacant lots of record less than 2 acres.
2. Out of Transition:
   - Window to Window - 40'
   - Window to Street R/W - 25'
   - Window to Tract Boundry - 30'
   - Window to Property Line - 15'
   - Building to Ex. R/W - 25'
   - Building to Ex. R/W C/L - 50'
   - Building to Proposed R/W - 0'
   - Building to Tract Boundary - 30'

Height to Height Requirements (Distances between Facing Elevations): (Zoning Policy B-5, ATTACHED)

- 0-20' - 15' Separation
- 20-25' - 25' Separation
- 25-30' - 30' Separation
- 30-40' - 40' Separation
- 40-50' - 60' Separation
- 50-60' - 75' Separation
- Building height - by zone
- Building length - 300' maximum

3. In Transition/Unlike Use/Facing Residential:
   - N/A Front - 75'
   - N/A Side - 75'
   - N/A Rear - 150'
   - N/A Parking - 75'
   - N/A Building Height - 35' maximum
   - N/A Building Length - 130' maximum

OFFICE OF PLANNING & ZONING
APPROVED BY

DIRECTOR OF PLANNING DATE

ZONING COMMISSIONER DATE

DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA RD.
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND, 21204
PH. 301-828-9060

STATE OF MARYLAND
LAND SURVEYOR

REASON FOR
6TH AMENDMENT IS TO CHANGE GARDEN TYPE APARTMENT RENTALS TO CONDOMINIUM SALES.
SITE WAS PRE-GRADED.
NUMBER OF UNITS THIS PLAN = 204 TOTAL UNITS
NUMBER OF SPACES THIS PLAN = 367 PARKING SPACES (357 REQD.)(UNITS x 1.75)

6TH AMENDED
FINAL
DEVELOPMENT
PLAN

RAIN FLOWER
CONDOMINIUMS

RESUBDIVISION OF
SECTION 8 (53/8)
SECTION 10 (53/9)
~LOVETON FARMS~

ELECTION DISTRICT 8C3
CENSUS TRACT 4081
SUBSEWER SHED 37
WATERSHED 11, 12 & 13

DATE: 1-1-88 • SCALE: 1"=50'
SHEET 2 OF 2