

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 "Huntington" between Garrison * ZONING COMMISSIONER
 Forest Rd. and Park Heights * OF BALTIMORE COUNTY
 North of Carroll Avenue * CASE # 90-305-SPH
 4th Election District
 3rd Councilmanic District
 Huntington Development Corp.
 Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Hearing to determine whether a nondensity lot/parcel can be created for the purpose of conveying said parcel to the Home Owners Association for the Huntington Community, subject to an environmental easement, and amend the 6th Amended Final Development Plan of Huntington, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Abraham Adler, President of the Huntington Development Corporation, was represented by Benjamin Bronstein, Esquire. Appearing and testifying on behalf of the Petitioner was David Thaler, a Professional Engineer. Phyllis Friedman, Esquire, Peoples Counsel, appeared for informational purposes only.

Testimony indicated that the subject property, known as "Huntington", is located between Garrison Forest Road and Park Heights Avenue, and consists of 202.227 acres +/-, split zoned R.C.5 and R.C.2.

Testimony indicated that the Petitioner is desirous of creating a nondensity lot/parcel, for the purpose of conveying easement rights in said parcel to the Maryland Environmental Trust, said lot/parcel being the shaded area indicated on Petitioner's Exhibit 1 labeled "Maryland Environmental Trust Conservative Easement Area (M.E.T.A.)."

Testimony indicated that the Huntington Homeowners Association is desirous of preserving the M.E.T.A. in its natural state for the enjoyment of the

surrounding community. The Petitioner testified that the Association would assume responsibility for maintaining the conservation area.

The Petitioner further testified that although an easement would be granted to the Maryland Environmental Trust for the subject parcel in perpetuity, the Home Owners Association would retain fee simple ownership of the subject area. Lots 32 thru 47, as indicated on Petitioner's Exhibit 1, have covenant agreements which prohibit any subdivision of the area encompassing said lots which would create anymore than sixteen (16) dwelling lots; all remaining acreage would be placed in the environmental trust.

Mr. David Thaler testified that new lot 32 (cross-hatched area on Petitioner's Exhibit No. 1), has been conveyed to the Caves Valley Club, Inc., and will receive the density unit associated with the M.E.T.A. parcel.

The issue presented is whether the subject nondensity lot/parcel can be established for the purpose of creating the aforementioned, conservation easement area.

Section 1A00.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) explains the Baltimore County Council's intent in creating the R.C. classifications. The concern was evident that agricultural land was being converted by development without sound planning considerations; i.e., that development was creating "urban sprawl" and undesirable land use patterns. The Council wanted to protect prime agricultural land, critical watershed areas, mineral extractive sites, as well as other important natural resource areas.

To achieve this result, the R.C. classifications would: 1) discourage present land use patterns of development and create a framework for planned or orderly development; 2) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; 3) protect both natural and man-made resources from compromising effects of specific

forms and densities of development; and 4) protect areas desirable for more intensive future development of regulating undesirable forms of development within these areas until such time as intensive development commences. Specifically, the R.C.2 zone was established to encourage continued agricultural use of productive agricultural areas by preventing incompatible forms and degrees of urban uses.

The question here is one of construction of the B.C.Z.R. When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. May of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa. Cmwlth., 1992). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Morgan v. Bevilacqua, 432 A.2d 661 (R.I., 1981).

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

The application of the above principals to the B.C.Z.R. results in a clear finding that the Petitioner's requested relief is within the spirit and intent of the B.C.Z.R. In effect, the subject nondensity parcel will remain indefinitely in its natural state, thereby preserving the agricultural integrity of this parcel.

After due consideration of the testimony presented, there is no evidence that the Petitioner's request will be detrimental to the health, safety or general welfare of the community if approved. Furthermore, the creation of this nondensity lot/parcel will not change the density of the area

or allow for over-development of the land, and it is the Zoning Commissioner's opinion that the granting of such relief is within the spirit and intent of the R.C.2 zoning regulations in that the subject parcel is retaining its agricultural character.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 28th day of February, 1990 that the Petition for Special Hearing to determine whether a nondensity lot/parcel can be created for the purpose of conveying said parcel to the Home Owners Association for the Huntington Community, subject to an environmental easement, and to amend the 6th Amended Final Development Plan of Huntington, all in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall have executed a new deed which specifically encumbers the subject conservation area referenced on Petitioner's Exhibit No. 1 from ever being subdivided, or used in any manner inconsistent with the agricultural integrity of this parcel. Further, said deed and all related record plats shall conspicuously reference this zoning opinion by case number (90-305-SPH). Said deed and record plat shall be recorded among the Land Records of Baltimore County on or before July 1, 1990 and a copy of

ORDER RECEIVED FOR FILING
 Date 2/28/90
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 2/28/90
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 2/28/90
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 2/28/90
 By [Signature]

said deed and record plat shall be delivered to the Zoning Commissioner indicating proof of filing.

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

JRH:emm
 cc: Peoples Counsel

PETITION FOR SPECIAL HEARING 90-305-SPH
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-305-SPH

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 ~~whether a nondensity lot/parcel can be created for the purpose of conveyance to a M.E.T.A. subject to an environmental easement and to amend 6th Amended Final Development Plan of Huntington~~

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

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

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

Contract Purchaser: (Type or Print Name)	Legal Owner(s): Huntington Development Corporation (Type or Print Name)	MAP # 1146 PPCS
Signature	Signature <i>Abraham Adler</i>	F. D. 4
Address	(Type or Print Name)	DATE 11/11/89
City and State	Signature	800 [Signature]
Attorney for Petitioner: Evans, George & Bronstein (Type or Print Name)	100 E. Charles Street Address	1000
Signature	Baltimore, Maryland 21201 City and State	OP 336-8500
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted	
205 19 W. Susquehanna Ave. Address	D.S. Thaler & Associates Name	
Towson, Maryland 21284 City and State	7115 Ambassador Rd., 21207 Address	944-3647 Phone No.
Attorney's Telephone No.: 296-0200		

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of NOV 1989, 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 a public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 28th day of FEB 1990 at 7:00 o'clock

J. Robert Haines
 Zoning Commissioner

Filed 10/29/89 BY JLL
 3 HRS + TIME
 ANY TIME A DAY

September 29, 1989 #148
 DESCRIPTION TO ACCOMPANY PLAT FOR SPECIAL HEARING 90-296SPH
 HUNTINGTON PROPERTY

Beginning for the same at a point on the centerline of an existing 66 foot BG&E Company right-of-way, recorded among the Land Records of Baltimore County, Maryland in Liber 600 folio 513, Liber 603 folio 403 and Liber 636 folio 217, said point being 875 feet, more or less southwesterly from the intersection of the centerline of Hunting Tweed Drive and the western side of Park Heights Avenue; thence, leaving the said point of beginning and running with and binding upon lines of the 8th Amended Final Development Plan of Huntington, the following eleven (11) courses and distances:

1. South 10°09'20" West 141.88 feet to a point;
2. South 10°44'20" West 583.28 feet to a point;
3. South 07°39'20" West 53.63 feet to a point;
4. South 07°39'20" West 146.88 feet to a point;
5. South 07°16'38" West 343.30 feet to a point;
6. South 04°30'14" East 528.57 feet to a point;
7. South 13°04'46" West 314.00 feet to a point;
8. South 45°34'46" West 266.50 feet to a point;
9. North 59°25'14" West 1,110.50 feet to a point;
10. North 82°40'23" West 898.27 feet to a point;
11. North 06°33'35" East 1,498.82 feet to a point;
12. North 87°11'50" East 2,074.23 feet to the point of beginning.

page 2
 Description to Accompany Plat for Special Hearing
 Huntington Property
 September 29, 1989

Containing 89.87 acres of land, more or less.
 Saving and excepting therefrom the property, which by deed dated June 1, 1977 and recorded among the said Land Records in Liber 5760 folio 240, was granted and conveyed by Blume Selligman unto Richard B. Klaff and Arlene J. Klaff, his wife, which is described as follows:

Beginning for the same at a point 20 feet, more or less, easterly from an existing road; thence; South 58 58'38" East 408.00 feet to a point; South 13 48'17" West 729.15 feet to a point;
 South 87°29'22" West 610.01 feet to a point;
 North 07°14'02" West 400.00 feet to a point;
 North 17°45'55" East 485.00 feet to a point; and
 North 76°34'33" East 347.01 feet to the point of beginning.

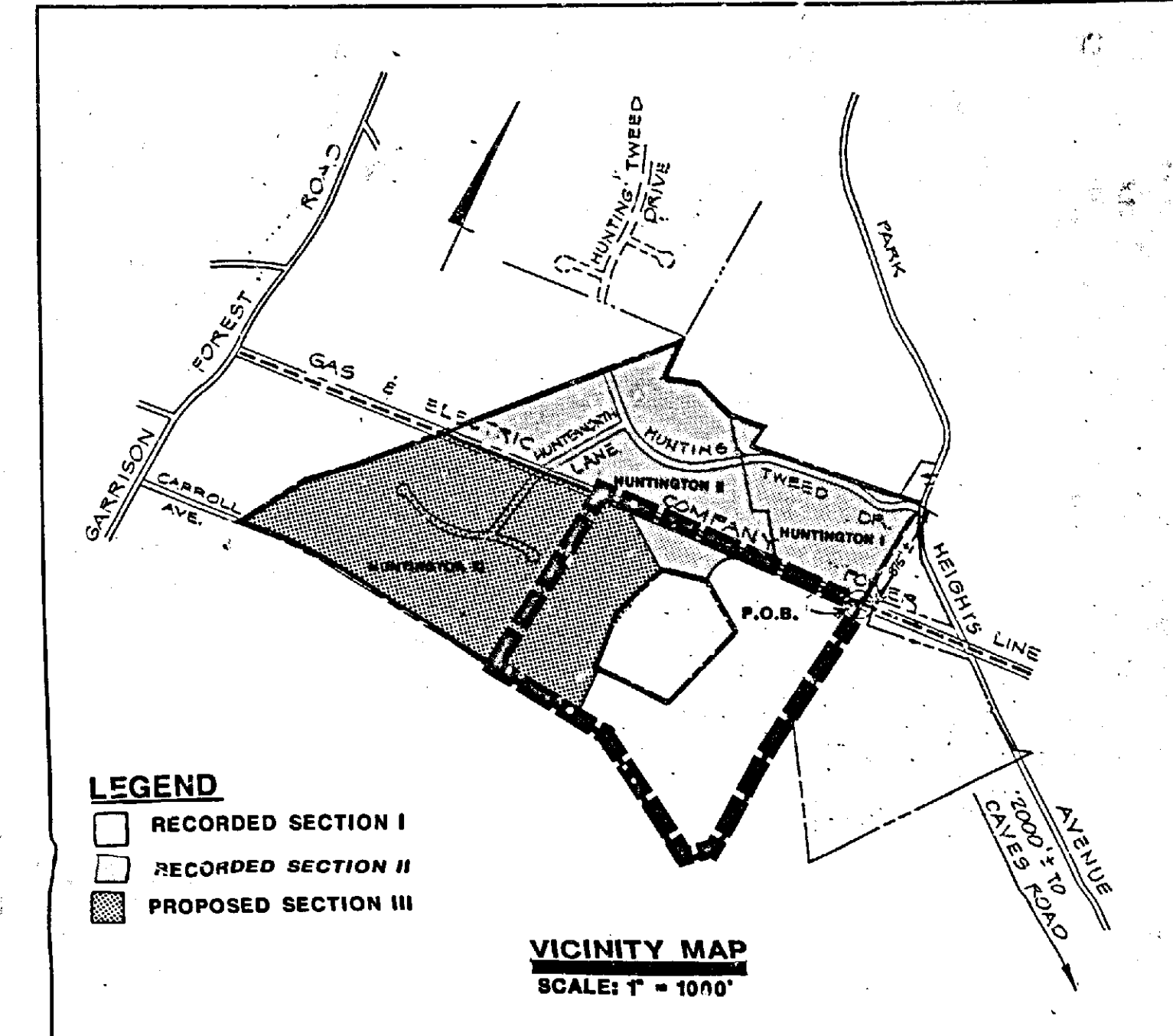
Containing 13.90 acres of land, more or less.
 The residual parcel, now referred to on the accompanying plat as "The Farm Tract", thus comprises 85.97 acres, more or less; 83.07 Acres, being currently zoned (as of 1988) RC-2 and 2.30 acres, zoned RC-3.

The above description complied from existing deeds, descriptions and plat.



MINOR C. K. JONES
899/148
EX. ZONING RC-5
VACANT

CAVES VALLEY CLUB, INC.

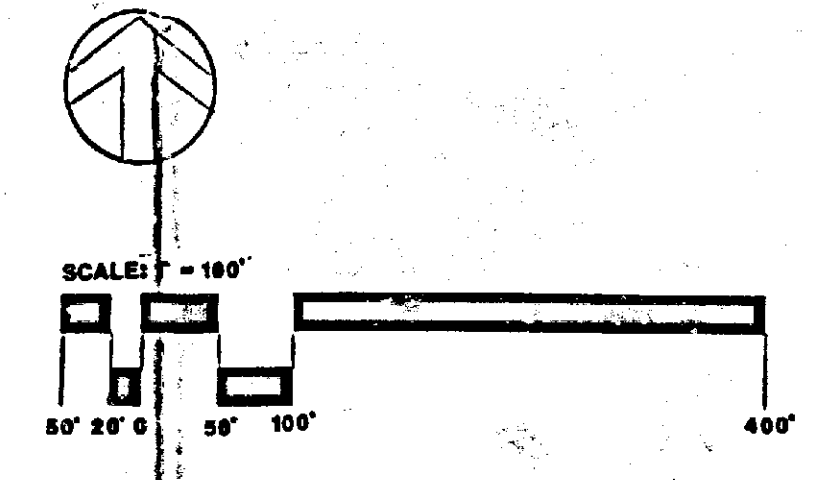


NOTE:
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO DETERMINE WHETHER A NON DENSITY LOT/PARCEL CAN BE CREATED FOR THE PURPOSE OF COVEYANCE TO H.O.A., SUBJECT TO AN ENVIRONMENTAL EASEMENT AND TO AMEND THE 6TH AMENDED FINAL DEVELOPMENT PLAN OF HUNTINGTON.

- LEGEND**
- LIMITS OF FARM TRACT
 - ZONING LINES
 - LOT LINES
 - SECTION BOUNDARIES
 - PORTION OF FARM TRACT REZONED RC-5
 - PORTION OF FARM TRACT SUBDIVIDED OUT AS LOT 31 OF SECTION I
 - PORTION OF FARM TRACT SUBDIVIDED AND SOLD TO CAVES VALLEY CLUB, INC.
 - PORTION OF REMAINING FARM TRACT TO BE DEDICATED AS MARYLAND ENVIRONMENTAL TRUST CONSERVATIVE EASEMENT (PERMANENT OPEN SPACE)

	TOTAL AREA HUNTINGTON LAND	SECTION ONE	SECTION TWO	SECTION THREE	FARM TRACT	PORTION OF FARM TRACT SUBDIVIDED OUT AS LOT 31 OF SECTION ONE	PORTION OF FARM TRACT INCLUDED INTO SECTION THREE	PORTION OF FARM TRACT SUBDIVIDED AND SOLD TO CAVES VALLEY CLUB, INC.
GROSS ACREAGE	222.227 AC.*	28.408 AC.*	36.908 AC.*	74.888 AC.*	85.87 AC.*	4.31 AC.*	16.80 AC.*	88.96 AC.*
PORTION ZONED RC-5	101.144 AC.*	24.098 AC.*	36.908 AC.*	40.344 AC.*	2.30 AC.*	0	2.30 AC.* (a)	0
PORTION ZONED RC-2	121.083 AC.*	4.311 AC.*	0	33.544 AC.*	83.57 AC.*	4.31 AC.*	14.50 AC.* (b)	88.96 AC.*

(a) PORTION REZONED RC-5 1.73 AC.* BECOMES PART OF LOT 31
0.57 AC.* BECOMES PART OF LOT 33
(b) PORTION DEDICATED TO CONSERVATIVE EASEMENT

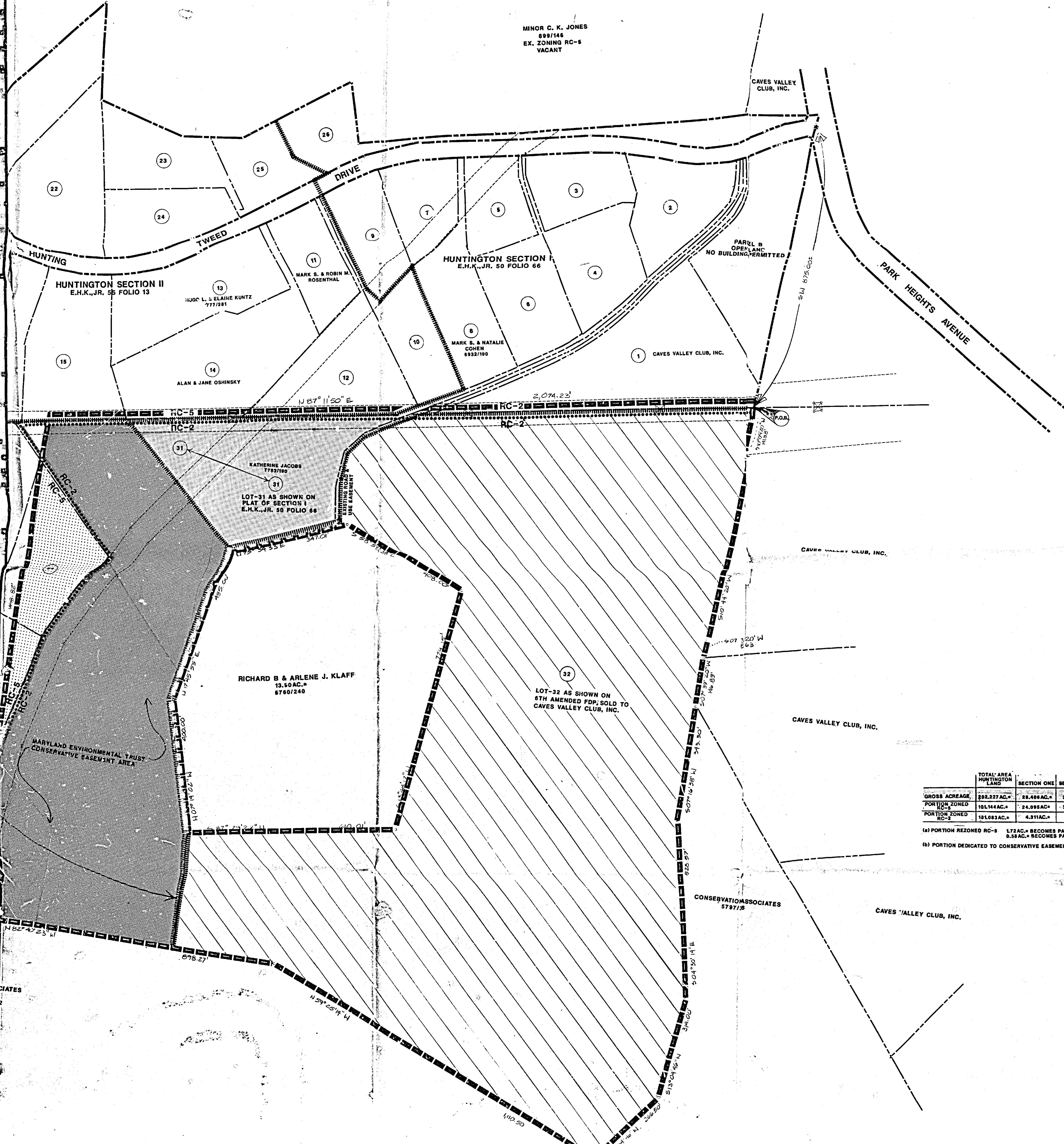


PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
HUNTINGTON

D.S. THALER & ASSOCIATES, INC.
11 WARREN ROAD
BALTIMORE, MD. 21293
(301) 454-4100

#148
90-305-SPH

PETITIONER'S EXHIBIT 1



HARRY B. WOLF JR.
1416/177
EX. ZONING RC-5
VACANT

NOTE: HUNTINGTON SECTIONS I & II ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT PART OF THE VARIANCE.

DENWOOD CORPORATION
284/108
EX. ZONING RC-5
VACANT

TON-LEE QUARTER ESTATE
E.H.K., JR. 40 FOLIO 2
EX. ZONING RC-5
VACANT

CONSERVATION ASSOCIATES
5797/258
EX. ZONING RC-2
FARM USE

RICHARD B & ARLENE J. KLAFF
13.90 AC.
5760/240

HUNTINGTON SECTION II
E.H.K., JR. 55 FOLIO 13

HUNTINGTON SECTION III

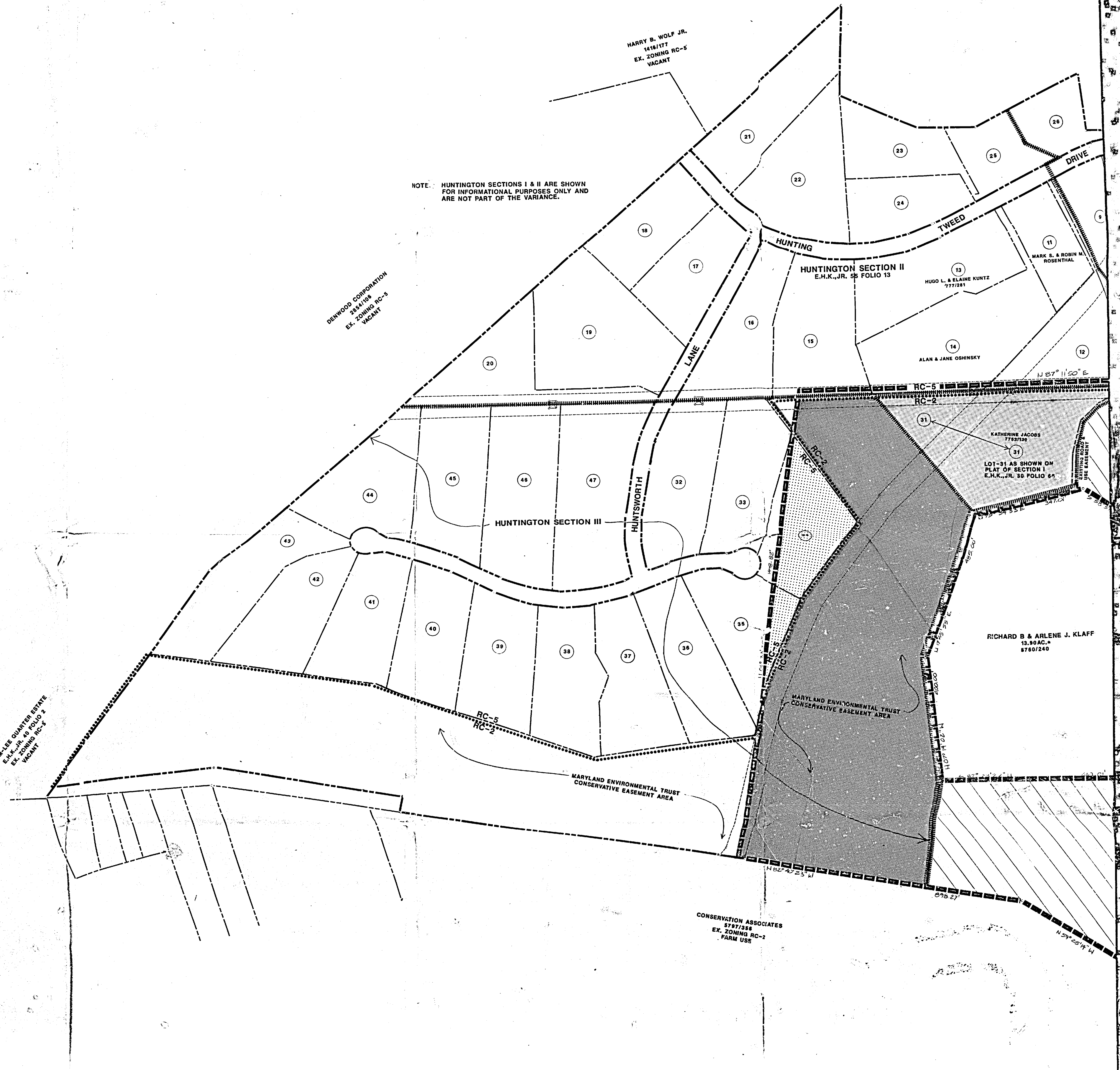
MARYLAND ENVIRONMENTAL TRUST
CONSERVATIVE EASEMENT AREA

KATHERINE JACOBS
7763/128
LOT-31 AS SHOWN ON
PLAT OF SECTION I
E.H.K., JR. 30 FOLIO 6A

ALAN & JANE OSHINSKY

HUGO L. & ELAINE KUNTZ
777/281

MARK S. & ROBIN M.
ROSENTHAL



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

December 14, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 90-305-SPH
"Huntington" between Garrison Forest Road and Park Heights Avenue, N of Carroll Avenue
4th Election District - 3rd Councilmanic
Petitioner(s): Huntington Development Corporation
HEARING: FRIDAY, FEBRUARY 2, 1990 at 9:30 a.m.

Special Hearing: Whether a non-density lot/parcel can be created for the purpose of conveyance to a N.O.A. subject to an environmental assessment and to amend the Amended Final Development Plan of Huntington.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission 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.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Huntington Development Corporation
D. S. Theler & Associates
Benj. Bronstein, Esq.

MARYLAND ENVIRONMENTAL TRUST

Environment the Trust... Man the Trustee



January 30, 1990

Mr. Abraham L. Adler
Kaplan, Hayman, Greenberg, et. al.
20 South Charles Street
Baltimore, Md. 21201

Dear Mr. Adler:

This is to confirm that on December 29, 1989, I recorded a Deed of Conservation Easement covering 31,912 acres of a property owned by S & R Investors. The property is located on the north side of Caves Valley in Baltimore County. The Tax Map reference is State Property Map 58, part of Parcel 76. The County Land Records Office informs me that the Deed is recorded in Liber 8362, Folio 402.

I will forward copies of the recorded Deed to you as soon as the County returns it to us.

Sincerely,

Jim Highsw
Jim Highsw
Natural Resources Planner

PETITIONER'S EXHIBIT 3

James B. Wilson, Chairman; Ann Eastman, Vice Chairman; Ellen H. Kelly, Secretary; Howard Wood, Treasurer; H. Grant Dohart, Director
Suite 222, 275 West Street, Annapolis, Maryland 21401 (301) 974-5359

SETTLEMENT AGREEMENT

This Agreement dated as of October 13, 1988 by and among S&R Investors ("S&R") and Huntington Development Corporation ("Huntington") (collectively, the "Developers"), The Valleys Planning Council, Inc. ("VPC") and the Caveswood Association and Timber/Valley Association, Inc. (collectively, the "Local Associations" and, together with VPC, the "Community Groups").

WHEREAS, S&R owns a tract of land (the "Site") located in the Caves Valley area of Baltimore County and outlined on Exhibit A attached hereto, consisting of approximately 73 acres and being a portion of tax map parcel no. 76, which Site is the subject of Issue No. 3-025 filed by Huntington, a corporation under common control with S&R, in the 1988 Comprehensive Zoning Map process;

WHEREAS, the Community Groups have opposed rezoning the Site from R.C.2 to R.C.5, as requested by Issue No. 3-025;

WHEREAS, the Planning Board of Baltimore County voted on June 23, 1988 to recommend to the Baltimore County Council that a portion of the Site, consisting of approximately 34 acres and described as "forested plateau" on Exhibit B attached hereto, be rezoned to R.C.5 and that the balance of the Site, consisting of approximately 41 acres and described on Exhibit B as "forested valley walls" and "unforested valley walls," be retained as R.C.2;

PETITIONER'S EXHIBIT 2

12/29/89
S 111 8362/402

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT ("Conservation Easement") made this day of December, 1989, by and among S&R INVESTORS ("Grantor") and the MARYLAND ENVIRONMENTAL TRUST and the CAVES VALLEY LAND TRUST, INC. (collectively, "Grantees").

WITNESSETH:

WHEREAS the Maryland Environmental Trust ("MET") is charitable in nature and is created and exists pursuant to Subtitle 2 of Title 3 of the Natural Resources Article, Annotated Code of Maryland (1983 Replacement Volume, as amended), to conserve the natural and scenic qualities of the environment;

WHEREAS the Caves Valley Land Trust, Inc. ("CVLT") has been organized as a Maryland not-for-profit corporation to accept conservation easements on land in the Caves Valley area of Baltimore County, Maryland, primarily as a co-donee with MET;

WHEREAS Grantor is the owner in fee simple of certain real property ("Property") hereinafter described, consisting of 33 acres, more or less, situate, lying and being in the Caves Valley area of Baltimore County, Maryland, and more particularly described in Exhibit A and depicted as "Valley Walls" on Exhibit A-1 attached hereto;

WHEREAS the Property has open-space conservation value in its present state as a natural and rural area that has not been subject to development;

WHEREAS Grantor is willing to grant a perpetual Conservation Easement over the Property, thereby restricting and limiting the use of the land and water areas of the Property, on the terms and conditions and for the purposes hereinafter set forth, and Grantees are willing to accept such Conservation Easement;

WHEREAS Grantor and Grantees recognize the environmental open-space value of the Property in its present state, and have identified significant conservation features in Exhibit B attached hereto;

WHEREAS Grantor and Grantees have a common purpose in conserving the dominant scenic, cultural, rural, agricultural, historic, wood and wetland character of the Property, and, except as hereinafter provided, preventing the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition;

WHEREAS MET is authorized by the laws of Maryland to accept, hold and administer conservation easements, and possesses the authority to accept and is willing to accept this Conservation Easement under the terms and conditions hereinafter described, and is a "qualified organization" within the meaning of Section 170(h)(3) of the Internal Revenue Code;

WHEREAS CVLT has received a favorable "determination letter" from the Internal Revenue Service, dated February 14, 1989, as to its tax-exempt status under Section 501(c)(3) of the Internal Revenue Code;

PETITIONER'S EXHIBIT 4

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 4, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 4, 1990.

THE JEFFERSONIAN,
S. Zebe Orlan
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 4, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 4, 1990.

OWINGS MILLS TIMES,
S. Zebe Orlan
Publisher

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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
Case Number: 90-305-SPH
"Huntington" between Garrison Forest Road and Park Heights Avenue, N of Carroll Avenue
4th Election District - 3rd Councilmanic
Petitioner(s): Huntington Development Corporation
HEARING: FRIDAY, FEB. 2, 1990 at 9:30 a.m.

Special Hearing: Whether a non-density lot/parcel can be created for the purpose of conveyance to a N.O.A. subject to an environmental assessment and to amend the Amended Final Development Plan of Huntington.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-305-SPH

Date of Posting: 1-11-90

District: 4th
Posted for: Special Hearing
Petitioner: Huntington Development Corp.
Location of property: Huntington between Garrison Forest Road and Park Heights Avenue, north of Carroll Avenue
Location of Sign: Location sign on north side of Huntington Forest Dr. at entrance to park to subject property. S.C. sign approx 1250' SW of Huntington Forest Dr. at intersection of Towson Lane.
Remarks: of Huntington Forest Dr. at intersection of Towson Lane.
Posted by: J. P. Quate
Date of return: 1-19-90
Number of Signs: 2

NOTICE OF HEARING

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J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Huntington Development Corporation
100 S. Charles Street
Baltimore, Maryland 21201

ATTN: ABRAHAM ADLER

Re: "Huntington" between Garrison Forest Road and Park Heights Avenue
North of Carroll Avenue
4th Election District - 3rd Councilmanic
Case Number: 90-305-SPH
HEARING: FRIDAY, FEB. 2, 1990 at 9:30 a.m.
Gentlemen:

Please be advised that \$150.59 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R001 6150
Number: No 1221

90-305-SPH

Date: 2/02/90
PUBLIC HEARING FEES
090 - POSTING SIGNS / ADVERTISING 1 x \$150.59
LAST NAME OF OWNER: HUNTINGTON DEVELOPMENT
TOTAL: \$150.59

Customer Validation: 8 021 *****150594 8024F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333
J. Robert Haines
Zoning Commissioner

February 27, 1990

Dennis F. Rasmussen
County Executive

Benjamin Bronstein, Esquire
Evans, George and Bronstein
Suite 205, 29 W. Susquehanna Avenue
Towson, Maryland 21284

RE: Petition for Special Hearing
Huntington Development Corp., Petitioner
Case #90-305-SPH

Dear Mr. Bronstein:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in accordance with the attached order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm
et al.
cc: Peoples Counsel

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 18, 1990

COUNTY OFFICE BLDG.
711 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21284

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

Ben Bronstein, Esquire
Evans, George, & Bronstein
Suite 205, 29 W. Susquehanna Avenue
Towson, MD 21204

RE: Item No. 148, Case No. 90-305-SPH
Petitioner: Huntington Dev. Corp.
Petition for Special Hearing

Dear Mr. Bronstein:

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 that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures
cc: Mr. Abraham Adler
D. S. Thaler & Associates

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333
J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 8th day of November, 1989.

J. Robert Haines
ZONING COMMISSIONER

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

Petitioner: Huntington Development Corp.
Petitioner's Attorney: Ben Bronstein

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: January 10, 1990

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Huntington Development Corporation, Item 148
Zoning Petition No. 90-305

The Petitioner requests a Special Hearing to determine whether a non-density lot/parcel can be created for the purpose of conveyance to a H.O.A. Subject to an amendment to an environmental easement and to amend the sixth amended Final Development Plan of Huntington.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

JAN 11 1990

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21284
(301) 887-3334

November 9, 1989

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

Item #148
Z.A.C. November 7, 1989

Dear Mr. Haines:

Please see the C.R.G. comments for this site.

Very truly yours,
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

RECEIVED
NOV 16 1989
ZONING OFFICE

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21284-2586
(301) 887-4500
Paul H. Reincke
Chief

NOVEMBER 6, 1989

Dennis F. Rasmussen
County Executive

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

RE: Property Owners: HUNTINGTON DEVELOPMENT CORPORATION
Location: "HUNTINGTON" LOCATED BETWEEN GARRISON FOREST ROAD AND PARK HEIGHTS AVENUE
Item No.: 148
Zoning Agenda: NOVEMBER 7, 1989

Gentlemen:

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

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

REVIEWER: [Signature] Noted and Approved
Planning Group Special Inspection Division
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 18, 1989

TO: Zoning Advisory Committee

FROM: Robert H. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 7, 1989

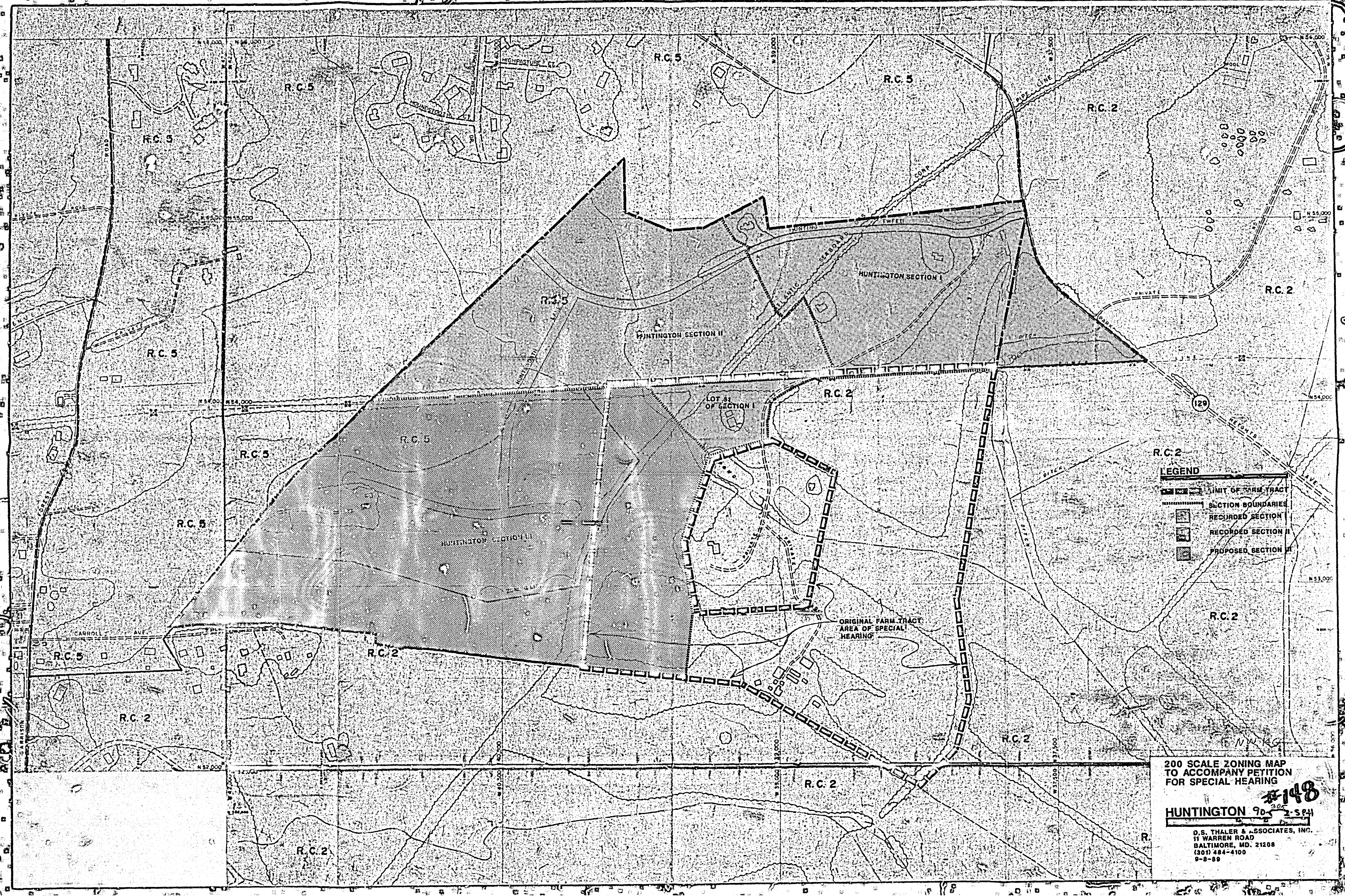
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 145, 146, 147, and 148.

For Case No. 89-406-XA the creation of the lot for the station leaves residence #8007 without frontage.

Robert H. Bowling
ROBERT H. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

DEC 27 1989



LEGEND

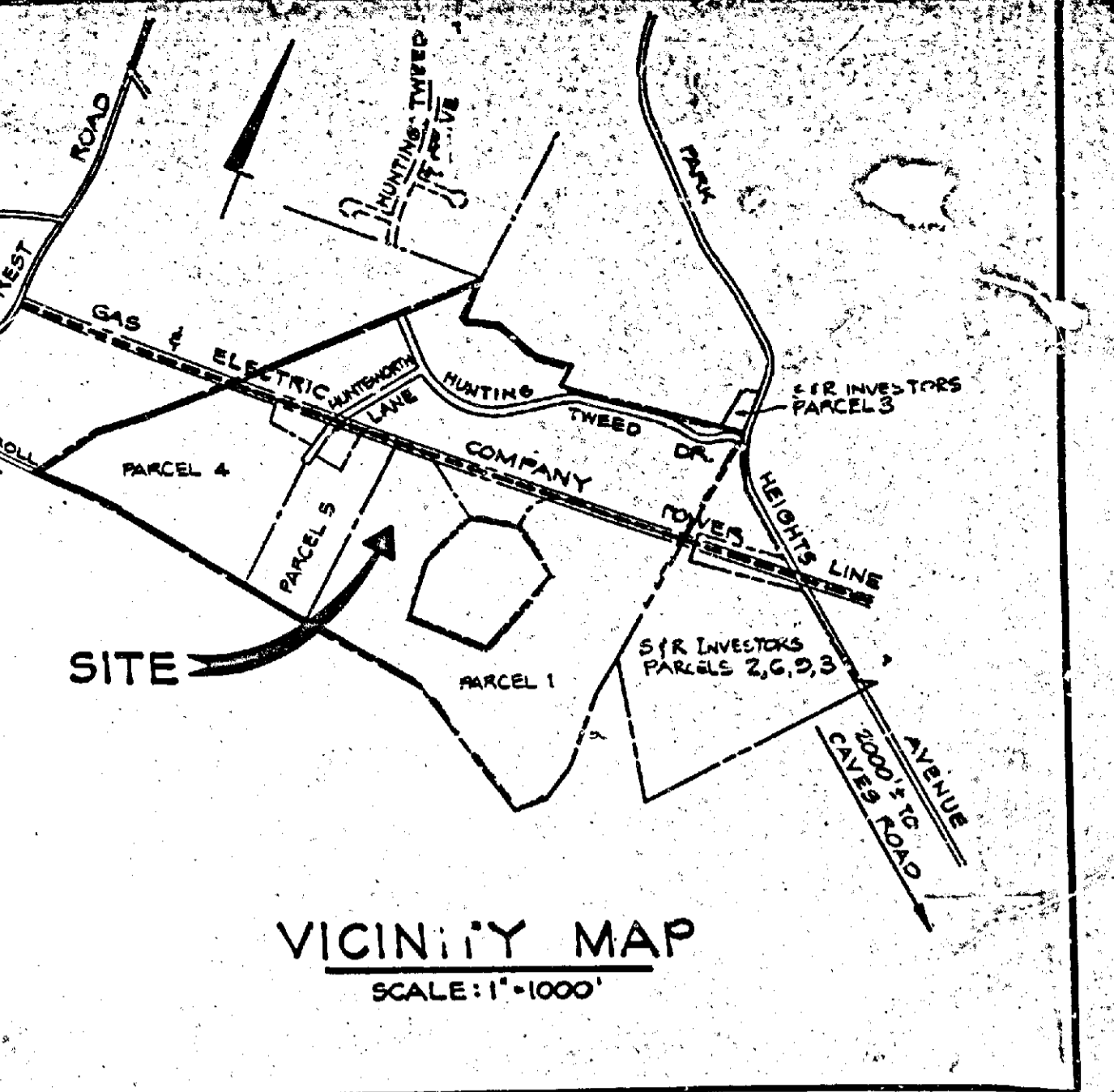
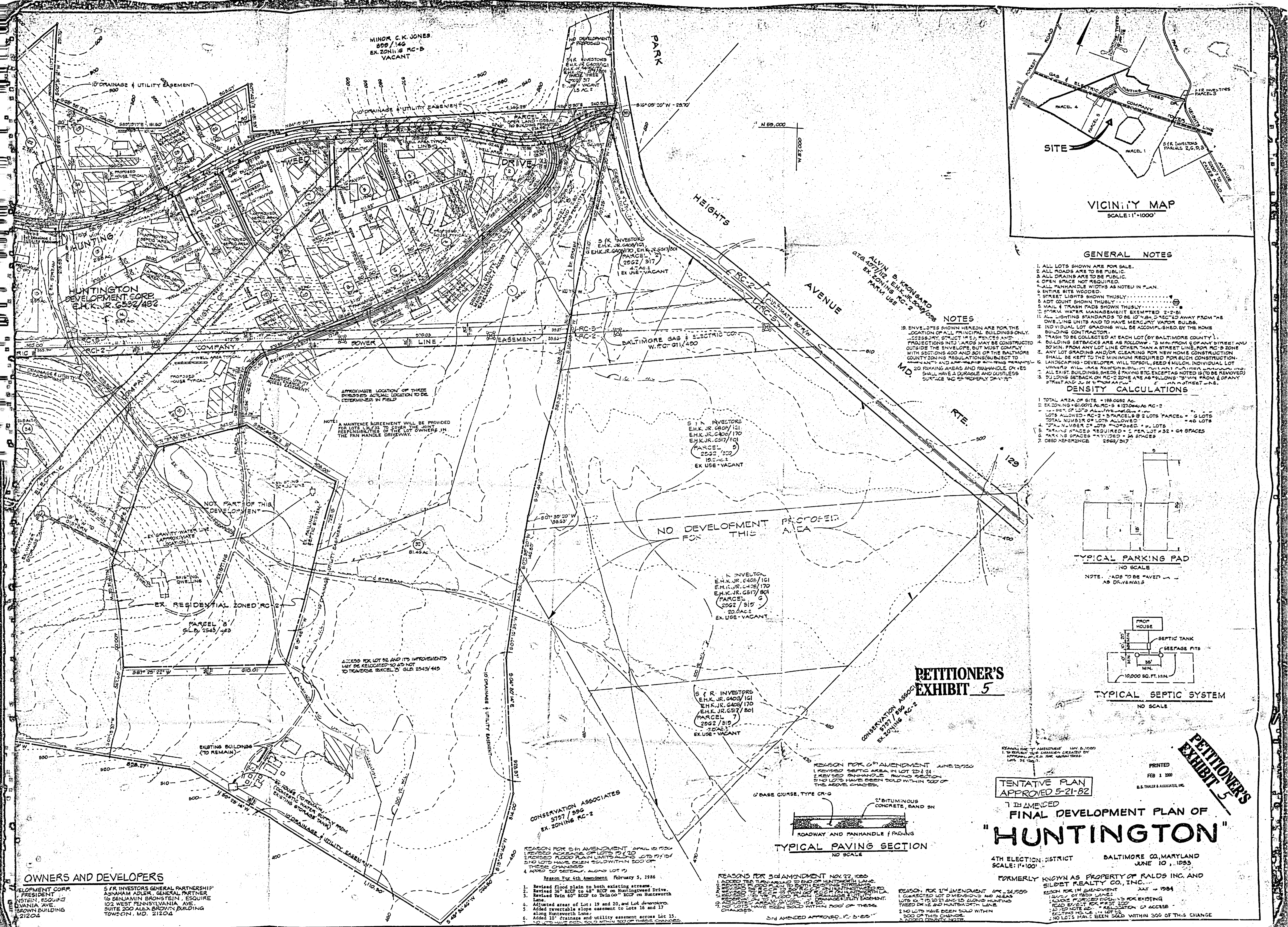
- LIMIT OF FARM TRACT
- SECTION BOUNDARIES
- RECORDED SECTION I
- RECORDED SECTION II
- PROPOSED SECTION III

200 SCALE ZONING MAP
 TO ACCOMPANY PETITION
 FOR SPECIAL HEARING

#148

HUNTINGTON 90-305-SP-1

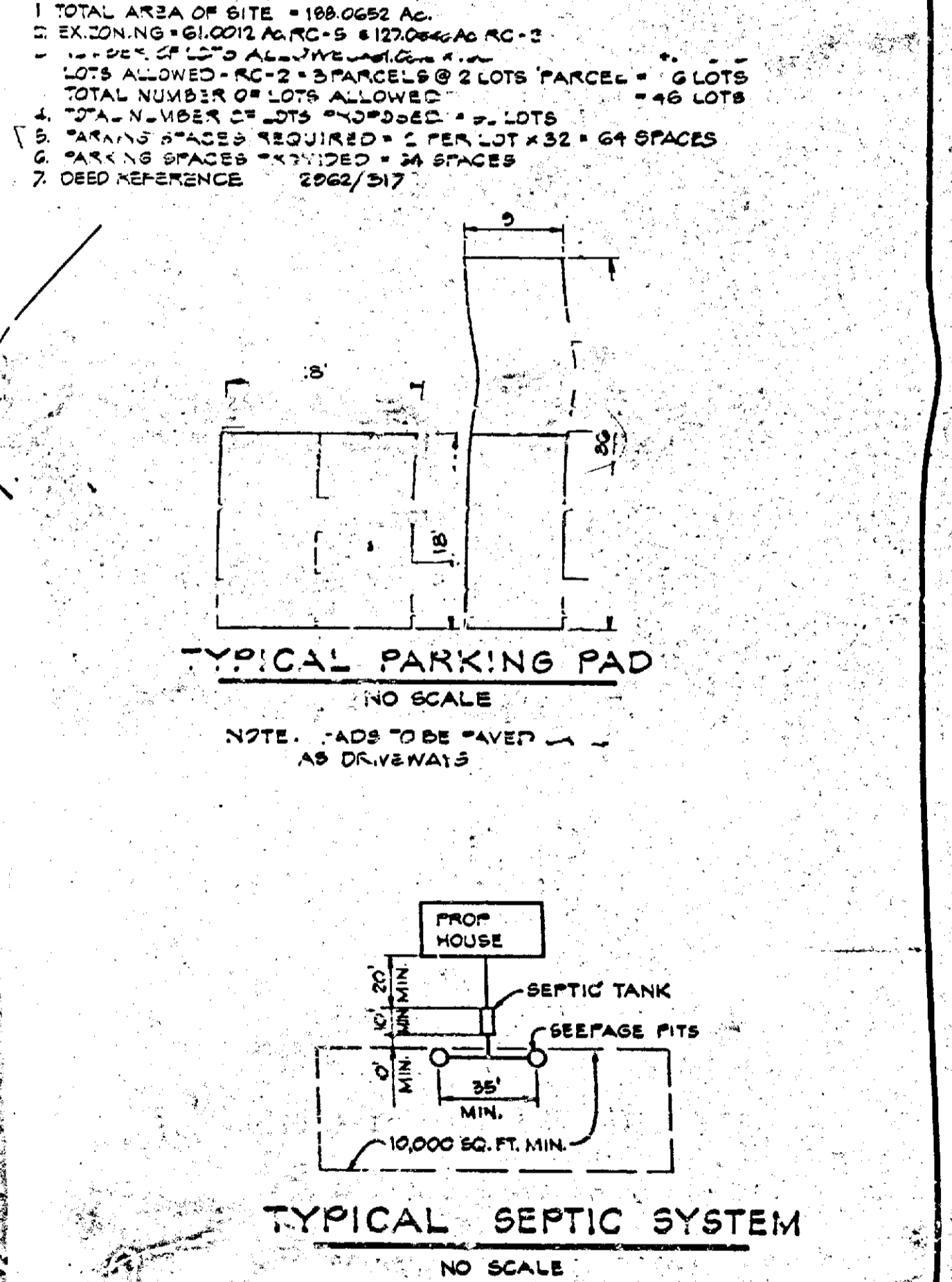
D.S. THALER & ASSOCIATES, INC.
 11 WARREN ROAD
 BALTIMORE, MD. 21208
 (301) 484-4100
 9-8-89



- GENERAL NOTES**
1. ALL LOTS SHOWN HEREON ARE FOR SALE.
 2. ALL ROADS ARE TO BE PUBLIC.
 3. ALL DRAINS ARE TO BE PUBLIC.
 4. OPEN SPACE NOT REQUIRED.
 5. ALL FANHANDLE WIDTHS AS NOTED IN PLAN.
 6. ENTIRE SITE WOODED.
 7. STREET LIGHTS SHOWN THUSLY.....
 8. ADT COUNT SHOWN THUSLY.....
 9. MAIL & TRASH PADS SHOWN THUSLY.....
 10. STORM WATER MANAGEMENT EXEMPTED 2-2-B1.
 11. ALL LIGHTING STANDARDS TO BE 10' HIGH, 5' RECESSED AWAY FROM THE OWNING UNITS AND TO HAVE MERCURY VAPOR BULBS.
 12. INDIVIDUAL LOT GRADING WILL BE ACCOMPLISHED BY THE HOME BUILDING CONTRACTOR THUSLY.....
 13. TRASH TO BE COLLECTED AT EACH LOT (BY BALTIMORE COUNTY).
 14. BUILDING SETBACKS ARE AS FOLLOWS: 5' MIN. FROM CORNER OF ANY STREET AND 20' MIN. FROM ANY LOT LINE OTHER THAN A STREET LINE FOR RC-2 ZONE.
 15. ANY LOT GRADING AND/OR CLEARING FOR NEW HOME CONSTRUCTION SHALL BE KEPT TO THE MINIMUM REQUIRED FOR SUCH CONSTRUCTION.
 16. LANDSCAPING - DEVELOPER WILL TOPSOIL, SEED & MULCH INDIVIDUAL LOT OWNERS WILL MAINTAIN THEREAFTER. PLANTING MATERIAL TO BE PROVIDED BY HOMEOWNERS.
 17. ALL EXIST. BUILDINGS, SITES & FENCING ETC. EXCEPTING NOTED IS TO BE REMOVED.
 18. BUILDING SETBACK ON RC-2 ZONE ARE AS FOLLOWS: 5' MIN. FROM E OF ANY STREET AND 5' MIN. FROM W OF ANY STREET.
- DENSITY CALCULATIONS**
1. TOTAL AREA OF SITE = 168.0692 AC.
 2. EX. ZONING = RC-2, AC. RC-2 = 127.0640 AC.
 3. TOTAL AREA OF LOT = 127.0640 AC.
 4. TOTAL NUMBER OF LOTS ALLOWED = 46 LOTS.
 5. TOTAL NUMBER OF SPACES ALLOWED = 64 SPACES.
 6. PARKING SPACES REQUIRED = 64 SPACES.
 7. DED. REFERENCE = 2002/317.

NOTES

1. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, PATIOS AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 501 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO AMENDMENT) AND A MAINTENANCE AGREEMENT WILL BE PROVIDED FOR LOTS 13, 17, 22 TO COVER THE JOINT RESPONSIBILITIES OF THE LOT OWNERS IN THE FAN HANDLE DRIVEWAY.



PETITIONER'S EXHIBIT 5

REASON FOR 5th AMENDMENT NOV. 22, 1982
1. REVISED SEPTIC AREA IN LOT 22 & 24
2. REVISED PARKING SECTION
3. NO LOTS HAVE BEEN SOLD WITHIN 300' OF THESE CHANGES.

REASON FOR 6th AMENDMENT FEBRUARY 5, 1986
1. Revised flood plain to both existing streams.
2. Revised 36" RCP to 48" RCP on Huntingwood Drive.
3. Revised 60" RCP to 72" RCP on Huntingwood Lane.
4. Adjusted areas of Lot 19 and 20, and Lot dimensions.
5. Added reversible slope easement to Lots 16 and 17 along Huntingwood Lane.
6. Added 10' drainage and utility easement across Lot 15.
7. Added 10' drainage and utility easement across Lot 15.
8. NO LOTS HAVE BEEN SOLD WITHIN 300' OF THESE CHANGES.

REASON FOR 7th AMENDMENT JUNE 12, 1982
1. REVISED SEPTIC AREA IN LOT 22 & 24
2. REVISED PARKING SECTION
3. NO LOTS HAVE BEEN SOLD WITHIN 300' OF THESE CHANGES.

REASON FOR 8th AMENDMENT APR. 24, 1985
1. CORRECTED LOT DIMENSIONS AND AREAS.
2. LOTS 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
3. NO LOTS HAVE BEEN SOLD WITHIN 300' OF THIS CHANGE.
4. ADDED DENSITY NOTE.

TENTATIVE PLAN APPROVED 5-21-82

7th AMENDED
FINAL DEVELOPMENT PLAN OF "HUNTINGTON"

4TH ELECTION DISTRICT BALTIMORE CO., MARYLAND
SCALE: 1"=100' JUNE 10, 1985

FORMERLY KNOWN AS PROPERTY OF RALDS INC. AND SIBERT REALTY CO., INC.

REASON FOR 12th AMENDMENT MAY 11, 1984
1. CORRECTED LOT DIMENSIONS AND AREAS.
2. LOTS 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
3. NO LOTS HAVE BEEN SOLD WITHIN 300' OF THIS CHANGE.
4. ADDED DENSITY NOTE.

PRINTED FEB 1 1980
B.S. TRULLER & ASSOCIATES, INC.

OWNERS AND DEVELOPERS

DEVELOPMENT CORP.
PRESIDENT
NORSTEN, ESQUIRE
21204

S.F.R. INVESTORS GENERAL PARTNERSHIP
ASHAAM ADLER, GENERAL PARTNER
% BENJAMIN BRONSTEIN, ESQUIRE
102 WEST PENNSYLVANIA AVE.
SUITE 200 ALEX. BROWN BUILDING
TOWSON, MD. 21204

REASON FOR 5th AMENDMENT APRIL 12, 1986

1. Revised flood plain to both existing streams.
2. Revised 36" RCP to 48" RCP on Huntingwood Drive.
3. Revised 60" RCP to 72" RCP on Huntingwood Lane.
4. Adjusted areas of Lot 19 and 20, and Lot dimensions.
5. Added reversible slope easement to Lots 16 and 17 along Huntingwood Lane.
6. Added 10' drainage and utility easement across Lot 15.
7. Added 10' drainage and utility easement across Lot 15.
8. NO LOTS HAVE BEEN SOLD WITHIN 300' OF THESE CHANGES.

REASON FOR 6th AMENDMENT FEBRUARY 5, 1986

1. Revised flood plain to both existing streams.
2. Revised 36" RCP to 48" RCP on Huntingwood Drive.
3. Revised 60" RCP to 72" RCP on Huntingwood Lane.
4. Adjusted areas of Lot 19 and 20, and Lot dimensions.
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REASON FOR 7th AMENDMENT JUNE 12, 1982

1. REVISED SEPTIC AREA IN LOT 22 & 24
2. REVISED PARKING SECTION
3. NO LOTS HAVE BEEN SOLD WITHIN 300' OF THESE CHANGES.

REASON FOR 8th AMENDMENT APR. 24, 1985

1. CORRECTED LOT DIMENSIONS AND AREAS.
2. LOTS 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77

BALTIMORE COUNTY GRID NORTH

N 55,000
W 61,500

HARRY B. WOLF JR.
1416 / 177
EX ZONING RC-5
VACANT

MINOR C. K. JONES
809 / 146
EX ZONING RC-5
VACANT

DENWOOD CORPORATION
7854 / 52
EX ZONING RC-5
VACANT

HUNTINGTON DEVELOPMENT CORP.
E.H.K. JR. 6592 / 482

TONY LEE QUARTER ESTATE
E.H.K. JR. 4010 / 2
EX ZONING RC-5
VACANT

MERLE M. LEIGHT JR.
R.R. 6 4380 / 89
EX ZONING RC-2

M. REGINA MAUST ET AL.
E.H.K. JR. 5259 / 272 (18 PARCEL)
ZONED RC-2

CONSERVATION ASSOCIATES
5797 / 356
EX ZONING RC-2
FARM USE

NOTE:
This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations that it complies with present policy, density and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided, or developed for additional dwellings or on purpose other than that indicated presently on said plan. Utilization will have occurred when a building is constructed and transferred for the purpose of occupancy.

OFFICE OF PLANNING AND ZONING APPROVED BY:
DIRECTOR OF PLANNING DATE
ZONING COMMISSIONER DATE

OWNERS AND DEVELOPERS
HUNTINGTON DEVELOPMENT CORP.
ABRAHAM ADLER, PRESIDENT
40 BENJAMIN BRONSTEIN ESQUIRE
102 WEST PENNSYLVANIA AVE.
SUITE 200 ALEX BROWN BUILDING
TOWSON, MD. 21284
S / R INVESTORS GENERAL PARTNERSHIP
ABRAHAM ADLER, GENERAL PARTNER
40 BENJAMIN BRONSTEIN ESQUIRE
102 WEST PENNSYLVANIA AVE.
SUITE 200 ALEX BROWN BUILDING
TOWSON, MD. 21284

ENGINEERS
D. S. THALER & ASSOCIATES, INC.
715 AMBASSADOR ROAD
BALTIMORE, MD. 21207
(301) 944-ENGR (301) 944-3647

NOTE:
APPROXIMATE LOCATION OF THREE DIVIDED ACTUAL LOCATION TO BE DETERMINED IN FIELD
A WAIVER AGREEMENT WILL BE PROVIDED FOR LOTS 14, 22, 23 COVER THE JOINT RESPONSIBILITIES OF THE LOT OWNERS IN THE PAN HANDLE DRIVEWAY.

ACCESS FOR LOT 02 AND ITS IMPROVEMENTS MAY BE RELOCATED SO AS NOT TO TRAVERSE PARCEL 'D' SLD 2543 / 445

NOT PART OF THIS DEVELOPMENT

EX. RESIDENTIAL ZONED RC-2
PARCEL 'B'
SLD 2543 / 443

EXISTING BUILDINGS (TO REMAIN)
EX. ROUTE (TO REMAIN) (CONCRETE WATER SUPPLY FROM EXISTING STORAGE TANK)

