

IN THE MATTER OF THE
THE APPLICATION OF
TELL BIN DER (ESTATE OF)
FOR A ZONING RECLASSIFICATION
FROM D.R. 3.5 TO B.L.
ON PROPERTY LOCATED ON THE
NORTHEAST SIDE REISTERSTOWN ROAD,
440' SOUTHEAST OF CENTERLINE OF
MT. WILSON LANE EXTENDED
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CR-90-407
* Item #8, Cycle III
* 1990
* (Documented Site Plan)

OPINION

The Petitioners, the Estate of Tell Bin Der, have filed a Petition for Zoning Reclassification of their property from its present zoning designation of D.R. 3.5 to B.L. The Petitioners offered into evidence a documented site plan (Petitioners' Exhibit No. 1). The site plan, in addition to showing the dimensions of the property and its configuration with the proposed office building, depicted the existence of proposed landscaping and accesses. The subject property is located on the northeast side of Reisterstown Road, just north of the Festival at Woodholme property, and extends to Keller Road. The property is "T"-shaped and is approximately 2.6 acres.

In support of the Petition, the Petitioners offered the testimony of William Kirwin and Norman Gerber, both experts in the fields of planning and zoning; Wes Guckert, a traffic expert; and Richard Truelove, a licensed Professional Engineer. Their testimony established that the present residential zoning classification of D.R. 3.5, which was placed on the property as a result of the Comprehensive Zoning Map process in 1988, was inappropriate and not compatible with the surrounding zoning in the area. The zoning map for 1988 was offered into evidence and testified to by Mr. Kirwin. Both Mr. Kirwin and Mr. Gerber, in

Case No. CR-90-407 Tell Bin Der 2

their capacity as planners, pointed out to the Board that the property should be more appropriately zoned B.L. since it fronts on Reisterstown Road, is a unique piece of property, and has no desirability for residential use. They indicated to the Board that to develop the property residentially would result in residential housing with private driveways accessing onto Reisterstown Road. They also stressed to the Board that the property would be subject to residential transition area and setback requirements, which would be restrictive, and other considerations making the residential use unfeasible. Under the Baltimore County Code, a Petition for Zoning Reclassification may be granted if it is established by the Petitioner that mistake did in fact occur by the County Council in its Comprehensive Zoning Map process. The factors to be considered as set out in Section 2-356(j)(2) are as follows:

"...Any finding of such a change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors relating to the purposes of the zoning regulations and maps, including but not limited to all of the following: Population trends; availability and adequacy of present and proposed transportation facilities, water-supply facilities, sewerage, solid-waste-disposal facilities, schools, recreational facilities, and other public facilities, compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; and consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water-supply facilities, and the capital program."

Mr. Kirwin in his direct testimony discussed each and every one of these factors and Mr. Gerber also made reference to these factors in his direct testimony. The Board is satisfied from the testimony of each of them that the criteria was considered, and that under

Case No. CR-90-407 Tell Bin Der 3

that criteria the property is mistakenly zoned D.R. 3.5. It should be pointed out that the present D.R. 3.5 zoning came about as a result of an issue on the property raised by the Planning staff, and that the zoning change was down-zoned from the D.L. classification, the same classification that the Petitioners seek today.

In addition to the expert testimony offered by the Petitioners in this case, the Report and Recommendations of the Planning Board was offered into the proceedings (Petitioners' Exhibit No. 13). It appears from a full reading of the Planning Board's report that it is in agreement with that of the expert witnesses in these proceedings to the extent that D.R. 3.5 zoning is not appropriate for the site. The experts have testified that the more appropriate zoning under the documented site plan should be B.L. The Planning Board proposes that it should be R.O. The Board has reviewed the Planning Board's report and is more persuaded by the testimony of the experts who testified in the proceedings indicating a change to B.L. zoning.

Counsel for Festival at Woodholme has argued to this Board that the site plan should not be admitted or considered by this Board on the basis that it fails to show the existence of a 100-year flood plain area, and that the failure to do so is contrary to the requirements for preparing and filing a site plan as set out in the Baltimore County Code. Mr. Richard Truelove addressed this issue and the reasons why the flood plain was not contained on the site plan. He stated that he performed an investigation and checked all of the sources known to him with Baltimore County to determine whether or not the subject site was within an existing

Case No. CR-90-407 Tell Bin Der 4

flood plain. He further stated that the results of his investigation were that Baltimore County maps did not disclose the existence of any flood plain or that a flood plain area had been defined. Further, the testimony showed that the flood plain map of the Federal Emergency Management Act (FEMA) did not disclose the existence of any flood plain as to the site. This Board feels that the Petitioners in the presentation of their case did not act in any improper manner in presenting to this Board for consideration the site plan without the existence of any flood plain thereon.

For the reasons as set out above, this Board is satisfied that the burden of proof has been met and will so order a change in zoning classification of this property as a reclassification to B.L. zoning in accordance with the documented site plan offered into evidence as Petitioners' Exhibit No. 1.

ORDER

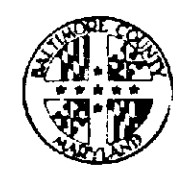
IT IS THEREFORE this 24th day of September, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioners' request for reclassification of the subject property from D.R. 3.5 to B.L. as designated on Petitioners' Exhibit No. 1 be and is hereby GRANTED, subject to the Documented Site Plan entered as Petitioners' Exhibit No. 1 in these proceedings.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sader
Michael B. Sader, Acting Chairman
S. Diane Levero
S. Diane Levero
Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
408 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 24, 1992

Arnold Fleischmann, Esquire
408 Bosley Avenue
Towson, MD 21204

RE: Case No. CR-90-407
Estate of Tell Bin Der

Dear Mr. Fleischmann:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Personal Representatives of
the Estate of Tell Bin Der
Benjamin Bronstein, Esquire
Ms. Nancy Kase
Mr. James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

MICROFILMED

IN RE: Property of the
Estate of Tell Bin Der,
NE/s Reisterstown Road,
440' SE of c/l of
Mt. Wilson Lane Extended
3rd Election District
3rd Councilmanic District
Reclassification:
from D.R. 3.5 to B.L.

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. R-90-407
* (Item #8, III, 1990)

PETITIONERS' POST-HEARING MEMORANDUM

Min Huey Der, Mgoon Mae Der Watson, Ngook Ping Der, May Ling Der Russell, Min Chang Der, Gary Mott, and Francis MacDougall, Personal Representatives of the Estate of Tell Bin Der, Deceased, Petitioners, by Arnold Fleischmann, their attorney, present this Post-Hearing Memorandum in accordance with the invitation of the Board of Appeals given at the hearing which was held in this case on August 12, 1992.

Petitioners seek the rezoning of the subject property (which contains 2.6 acres, more or less) from D.R. 3.5 (Density Residential, 3.5 dwelling units per acre) to B.L. (Business, Local), subject to the documented site plan which they have submitted, on the basis of error in the downzoning of the property by the County Council in 1988. In this case, § 2-356(j) of the Baltimore County Code (1988 ed.) requires the Board of Appeals to find, first, that the last classification of the property was established in error, and, second, that reclassification of the property is warranted by that error.

A number of exhibits were offered into evidence by Petitioners, as well as the testimony of William F. Kirwin (the

land planner who prepared the documented site plan), Richard Truelove (the registered Professional Engineer who assisted in the documented site plan), Wes Guckert (whose office conducted traffic studies relative to the subject property), Norman Gerber (planning consultant and former Director of Planning for Baltimore County), and Malcolm Sherman (real estate broker and consultant). Petitioners submit that the evidence which they have presented to the Board of Appeals is more than ample to show that the D.R. 3.5 classification of the property in 1988 was in error, and that the B.L. reclassification sought by Petitioners, in accordance with their documented site plan, is warranted by such error.

Mr. Kirwin testified that the 1988 downzoning of the property was in error, because it had been done despite the predominantly commercial nature of the area, and despite the fact that the property was totally unsuitable for residential development. He testified that while D.R. 3.5 zoning would theoretically permit a subdivision of the subject property into 9 lots, the supplementary use restrictions on a residential transition area ("RTA") in a D.R. zone, such as buffer areas and setbacks) would preclude the creation of so many lots as a practical matter. Mr. Kirwin did not think that single family homes would be marketable if they fronted on Reisterstown Road, and that the costs for residential development of the property would be prohibitively expensive.

- 3 -

Mr. Gerber agreed that the 1988 downzoning of the property was in error. He noted that Petitioners' Exhibit 8 (a sketch plan prepared by Mr. Kirwin to analyze development under the current D.R. 3.5 zoning) showed not only that the current zoning was economically infeasible and inappropriate, but also that new single-family housing could not be constructed on the property because of its proximity to Reisterstown Road.

According to Mr. Gerber, the size and shape of the subject property, along with the RTA supplementary use restrictions, made it unreasonable to develop the property under the current D.R. 3.5 zoning, and that no D.R. special exception could be utilized because of the RTA restrictions. Mr. Gerber noted that the Planning Board had recognized the error of the current zoning by its approval of the documented site plan, which, as submitted, could not be built in a D.R. zone.

Mr. Sherman has walked through the property and examined the surrounding area as well as the existing zoning map. He, too, concurred in the conclusion that the property could not be developed with the existing D.R. 3.5 zoning, and that no permitted uses or special exceptions under the existing zoning could result in a reasonable use of the land.

With regard to their assertion that B.L. reclassification is warranted by the error in the current zoning, Petitioners presented extensive testimony by Mr. Kirwin concerning their documented site plan submission. Mr. Kirwin testified about the adequacy of the existing public facilities, water, sewer,

- 3 -

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Plot 54
#12

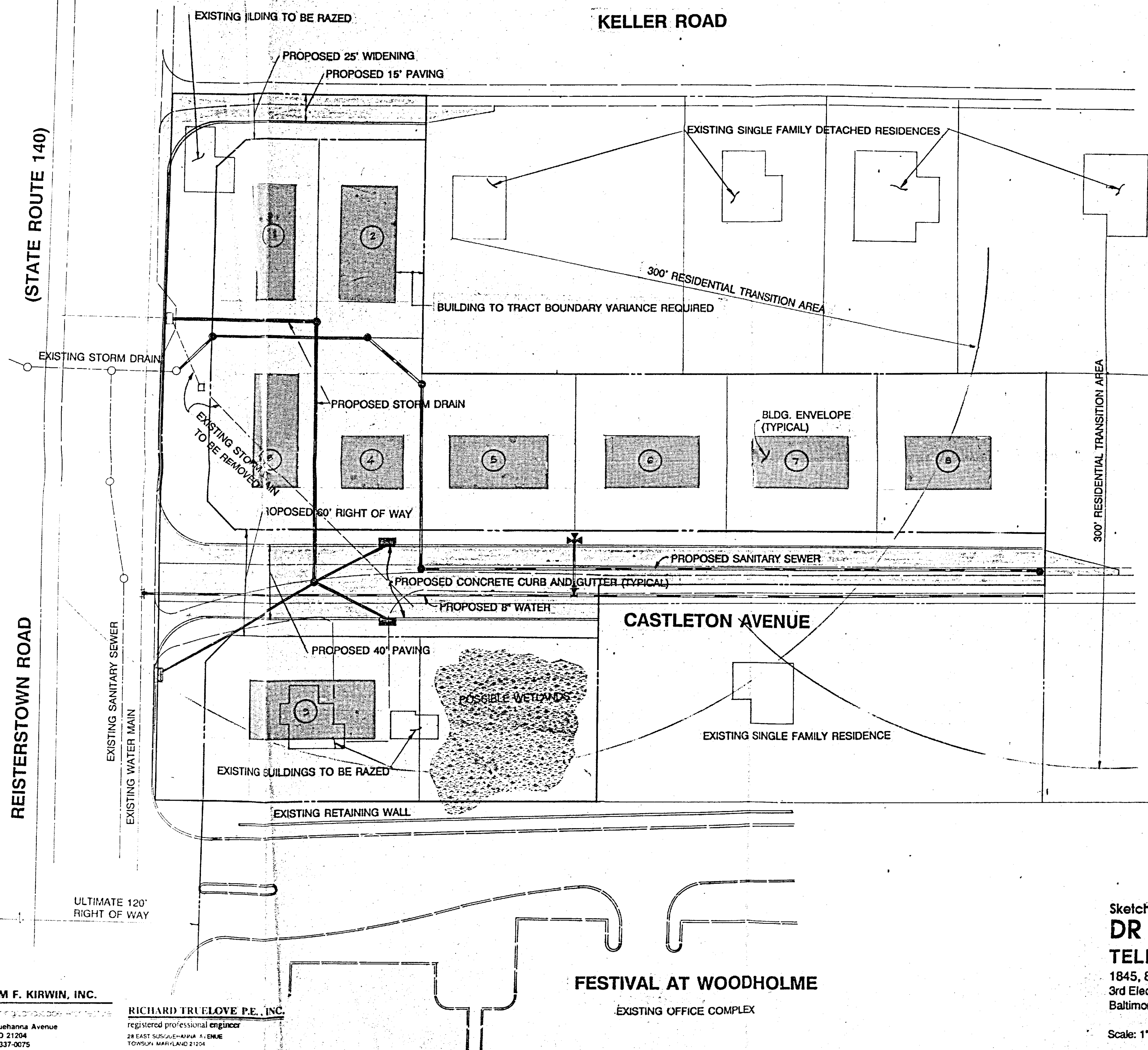
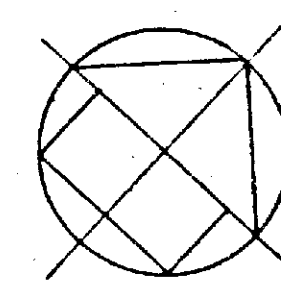
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'±	PIKESVILLE GREY ROCK	NW 9-F
DATE OF PHOTOGRAPHY		
JANUARY 1966		

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DENSITY COMPUTATIONS:

1. Existing Zoning D.R. 3.5
2. Site Area = 2.6 Acres
3. Proposed Use - Single Family Detached
4. Number of Lots Allowed
 $2.6 \times 3.5 = 9.1$ Use 9 Lots
5. Open Space Required $650 \times 9 = 5850$ S.F.
Eligible for Open Space Waiver
6. Entire Site Within Residential Transition Area. 150' Rear Setback or 75' Front Setback from Property Lines Required for Residential Use Other Than Proposed.

NOTES:

1. Property Outline taken from "Site Plan For Zoning Reclassification" dated 3-1-90 prepared by Whitney, Bailey, Cox, and Magnani.
2. Road widening requirements taken from CRG Plan for Festival At Woodholme, Phase I & II, and Plan To Accompany Building Permit Application 60468 "Golden Dragon Inn" Dated 2-20-86 Prepared By G.W. Stephens Jr. and Associates.
3. All existing improvements shown hereon are approximate only. This plan is prepared from Site Plans, Utility Plans, and Aerial Photography, and does not represent a field verification, or survey.
4. This is for Zoning Reclassification only and does represent an Environmental Assessment of this property. The site should be thoroughly investigated and evaluated for the existence of wetlands, streams, hydric soils or other environmental conditions which may effect development.

Ref Ex #18

Sketch Plan showing Concept for:
DR 3.5 Zoning Development (Residential Use)

TELL-BIN-DER PROPERTY
1845, 8000 & 1853 REISTERSTOWN ROAD
3rd Election District, 3rd Councilmanic District
Baltimore County, Maryland

Scale: 1"=30 ft.

October 17, 1990

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WFK WILLIAM F. KIRWIN, INC.
Land Planning and Surveying
28 E. Susquehanna Avenue
Towson, MD 21204
Phone 301 337-0075

RICHARD TRUELOVE P.E., INC.
registered professional engineer
28 EAST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 494-4914

FESTIVAL AT WOODHOLME
EXISTING OFFICE COMPLEX

and transportation. He described the compatibility of the proposed improvements shown on the plan with the surrounding area; the adequacy of parking for the proposed building; and the support of the Baltimore County Office of Planning and Zoning ("OPZ") for the documented site plan as submitted. In support of his testimony, Petitioners' Exhibits 1 through 7 were offered into evidence.

While Petitioners do not think it necessary to recount every minute detail of Mr. Kirwin's testimony, they observe that he touched upon all of the factors which are to be considered by the Board of Appeals under § 2-356(j)(2) of the Baltimore County Code (such as population trends, availability and adequacy of present and proposed transportation facilities, and so forth). With very few exceptions, Mr. Kirwin's testimony as to these factors was uncontested and, thus, is not open to serious dispute in this case.

Mr. Kirwin testified that after meeting with adjoining homeowners, he incorporated in the documented site plan their recommendation for screening. He also incorporated OPZ's request for the promenade walkway along Reisterstown Road. Mr. Kirwin testified that the proposed building was in a location that would minimize visibility from the neighbors, and that parking was designed along Reisterstown Road to give the building a proper setting. He testified that the building would be similar in appearance to those proposed for Grey Rock.

- 4 -

He also testified that the site was partially wooded, as were the neighbors' rear yards.

Mr. Guckert testified that traffic studies conducted by his office supported Petitioners' request for the approval of the documented site plan, which provided good access for the proposed building. According to Mr. Guckert, the increase of traffic as a consequence of rezoning of the site to B.L. would not have a significant impact on the existing traffic on Reisterstown Road, nor on the nearby intersections with Hooks Lane or Mount Wilson Lane. In addition, Mr. Guckert testified that the presence of the traffic signals at the Festival at Woodholme and at Mount Wilson Lane provided adequate traffic gaps for vehicles exiting Castleon Avenue.

Mr. Truelove testified that the documented site plan, as submitted, complied fully with the requirements of § 2-356(l)(1) of the Baltimore County Code. He specifically testified that there was no existing recognized flood plain in any pertinent County records and that, accordingly, no existing flood plain could be shown on the documented site plan.

Mr. Truelove further testified that the water flow over the property by reason of the discharge from the storm water management system under the Festival at Woodholme, and any backup problems of the culvert on Reisterstown Road, did not require the designation of a flood plain on the documented site plan. He stated that a flood plain study is an expensive undertaking and was not needed for the purpose of a rezoning

- 5 -

request. Instead, a flood plain study would be required at the Development Plan stage before the actual construction of improvements on the property would be permitted.

Mr. Truelove testified that the regulations required that only an "existing 100-year flood plain" need be shown on the documented site plan. After a complete review of County records and conferences with the responsible County officials, he concluded that the County's records contained no flood plain study for the Festival at Woodholme or the surrounding area, and that, therefore, no flood plain need be shown on the plan.

Mr. Sherman stated that the size of the property, the existing and proposed development in the neighborhood, and the effect of the adjoining major shopping center made B.L. zoning with the documented site plan the most feasible and practical solution for the site. Mr. Gerber concurred in the conclusion that B.L. zoning with the documented site plan was the most appropriate solution for the error in the current zoning.

Counsel for the owners of the adjacent Festival at Woodholme sought to show that the documented site plan did not comply with County requirements because it did not depict a 100-year flood plain, and offered the testimony of Robert Bowling, the County's Chief of Developers Engineering, and of Richard Berich, a registered professional engineer with Purdum & Jeschke, on this subject. However, it is submitted that the testimony of these gentlemen did not contradict Petitioners'

- 6 -

assertion that there is no existing, officially recognized 100-year flood plain across the property.

Mr. Bowling testified that while in his opinion the property would have a 100-year flood plain (because it is at the low point of a 50-acre drainage area), there were no flood plain studies conducted by the Bureau of Engineering. He admitted that the drainage study conducted for the Festival at Woodholme's storm water management system did not include any flood plain study which the Petitioners could have consulted in connection with their documented site plan. Mr. Bowling also conceded that the County provides for variances to allow modification within the 100-year flood plain under certain circumstances.

Mr. Berich testified that the property was subject to flooding because the 30" culvert at Reisterstown Road was not adequate to remove storm water from the property in the event of a 100-year storm. However, he admitted that engineering solutions were available to deal with this problem. These solutions did not have to be determined in connection with the rezoning request, but could properly be addressed at the Development Plan stage of plan approval prior to site construction.

Petitioners submit that the documented site plan complied fully with the requirements of § 2-356(l)(1) of the Baltimore County Code. Some items may have to be addressed in the future at the Development Plan stage prior to actual construction of

- 7 -

site improvements, but they need not be addressed at this time, and are simply not relevant to this case.

Counsel for the owners of the Festival at Woodholme also alleged that a higher residential zoning density (such as D.R. 10.5 or D.R. 16) might be appropriate. However, Petitioners observe that the RTA supplementary use restrictions are applicable in all D.R. zones (and not just in D.R. 3.5 zones). Consequently, a higher residential density zoning would not relieve the development problems described in the testimony of Mr. Kirwin and Mr. Gerber. It would merely perpetuate the error caused by the current zoning.

The Planning Board had recommended R.O. zoning after its review of Petitioners' documented site plan. However, the testimony of Mr. Kirwin and Mr. Gerber established that the height and setback regulations in R.O. zones would not permit the development of the subject property in accordance with the documented site plan. R.O. zoning would recognize error in the current zoning, but would fail to rectify that error. B.L. zoning offers the only reasonable solution to the problem.

Petitioners have expended considerable time and effort in developing their documented site plan, which was submitted after extensive consultation with OPZ and with adjoining homeowners. OPZ and the Planning Board found the plan to be well designed and worthy of commendation. The plan offers the only sensible solution to the development of this property, and the B.L. rezoning which it requires should be granted.

- 8 -

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For the foregoing reasons, Petitioners respectfully urge the Board of Appeals to grant their petition, and to rezone the subject property to B.L.

Respectfully submitted,

Arnold Fleischmann
Arnold Fleischmann
408 Bosley Avenue
Towson, Maryland 21204
(410) 337-7600
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of August, 1992, a copy of the foregoing Petitioners' Post-Hearing Memorandum was mailed to Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, and Peter Max Zimmerman, Esquire, Deputy People's Counsel for Baltimore County, Room 47, Court House, 400 Washington Avenue, Towson, Maryland 21204; and to Benjamin Bronstein, Esquire, Evans, George & Bronstein, Suite 205, Susquehanna Building, 29 West Susquehanna Avenue, Towson, Maryland 21204.

Arnold Fleischmann
Arnold Fleischmann

- 9 -

PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R. 3.5 zone to an B-L zone; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for uses permitted in B-L zones.

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

See attached Statement.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, 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.

Contract Purchaser: Tell Bin Der
(Type or Print Name)
Signature *Tell Bin Der*
Address
City and State
Attorney for Petitioner: Nancy E. Faige
(Type or Print Name)
Signature *Nancy E. Faige*
Address 3747 Mc Donogh Road
City and State Baltimore, MD 21133
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Nancy E. Faige
233 E. Redwood St., 576-4294
Address Phone No.
Attorney's Telephone No.: 576-4294

BABC - Form 1

STATEMENT IN SUPPORT OF PETITION
FOR ZONING RE-CLASSIFICATION

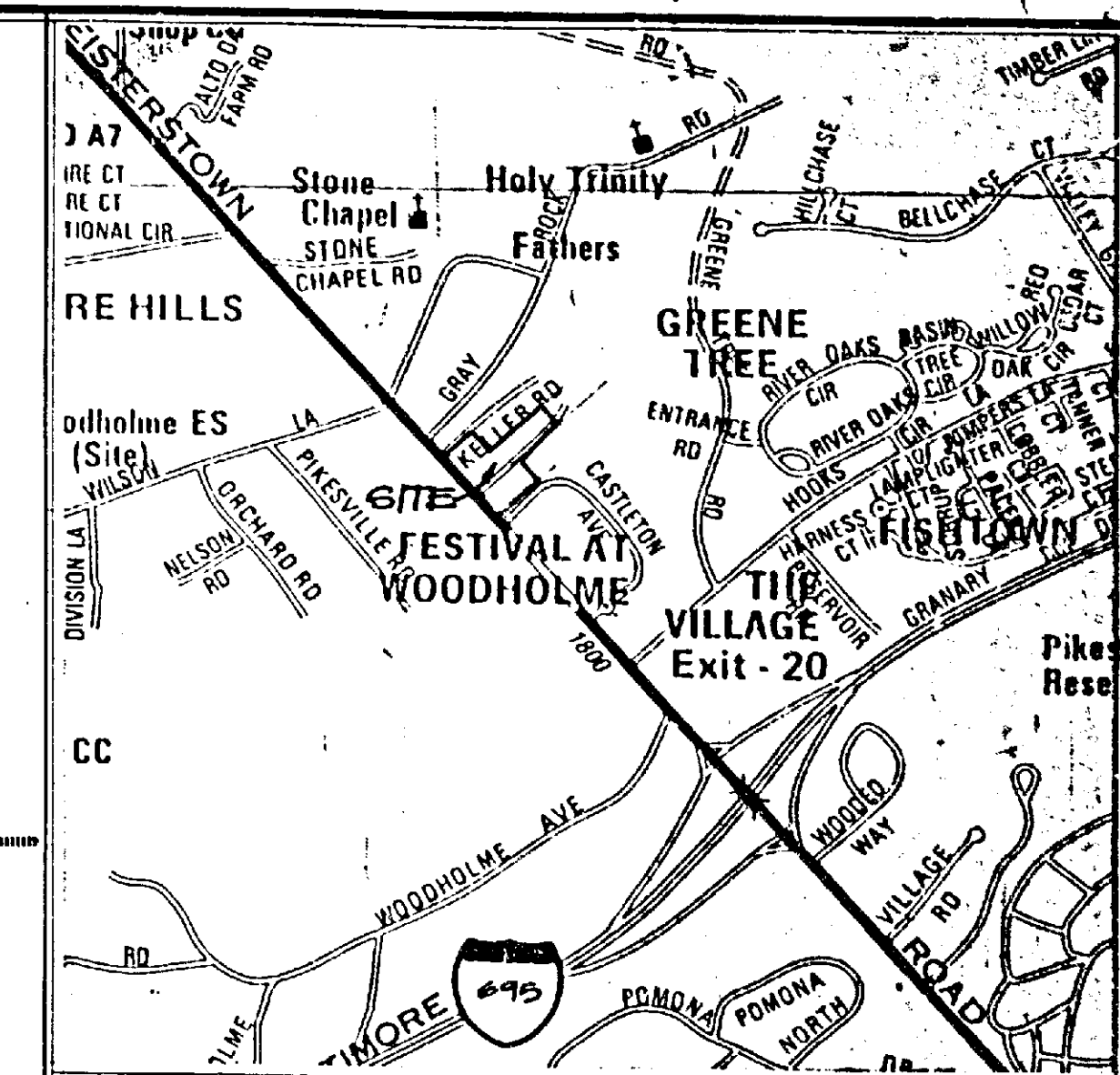
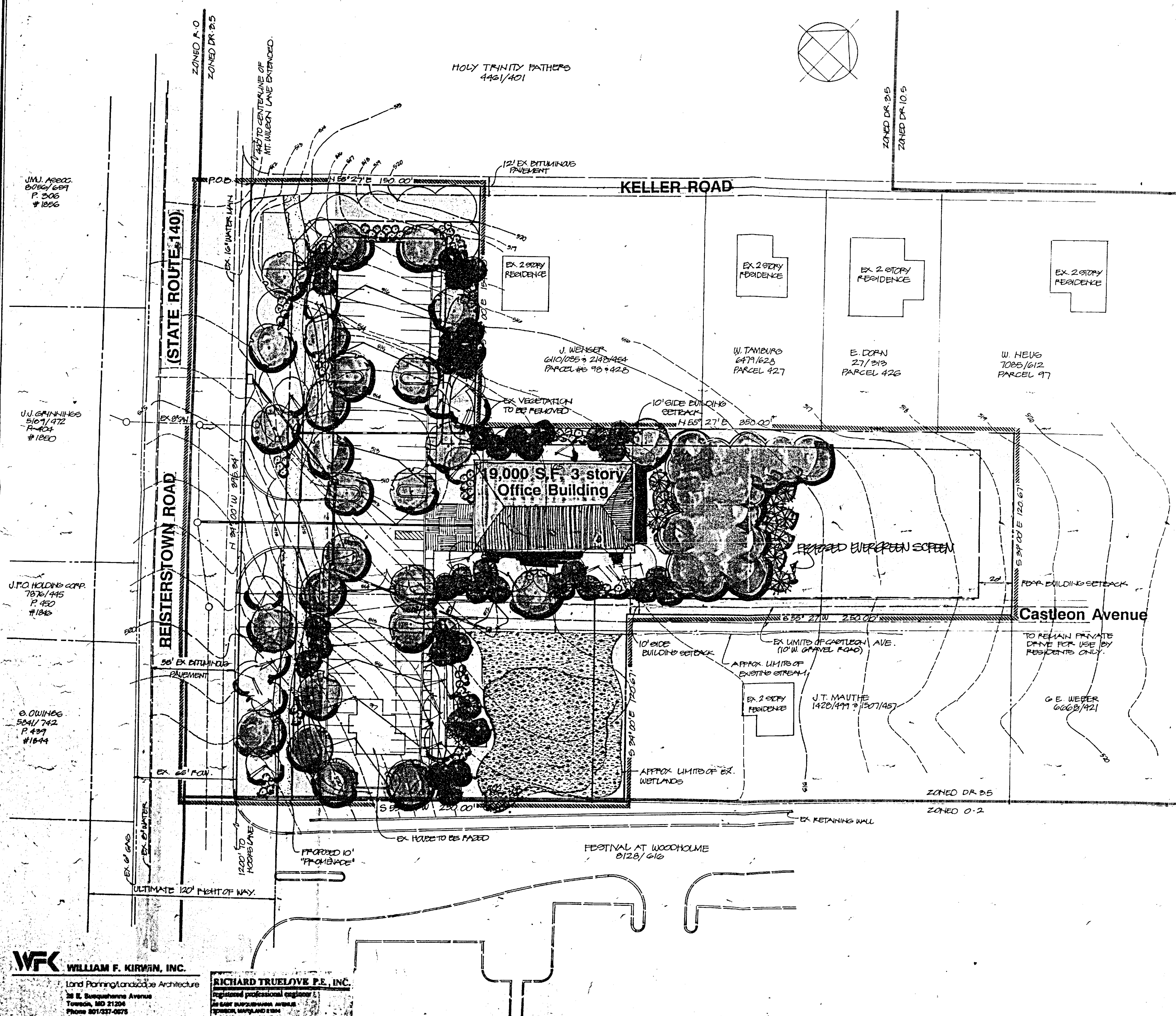
The subject property is located on Reisterstown Road, a very heavily travelled thoroughfare, a short distance north of the Baltimore Beltway. It immediately adjoins a newly constructed shopping center and office development, and is totally unsuited for the development permitted under its present classification. In recent years, the adjacent property to the South-east has been heavily developed for commercial uses, and the character of Reisterstown Road is distinctly commercial. The present D.R. 3.5 zoning is therefore erroneous and deprives the owner of the reasonable use of his property.

And for such other reasons as may be shown at a hearing hereon.

Tell Bin Der

Nancy E. Faige
Nancy E. Faige
Attorney for *Tell Bin Der*
Legal Owner

der.ltr



LEGEND

- Approx. Location of Ex. Wetlands
- Proposed Storm Drain
- Ex. Storm Drain to be Removed
- Proposed Sanitary
- Ex. Vegetation to Remain
- Ex. Vegetation to be Removed
- Proposed "Promenade"
- Proposed Limits of Rezoning

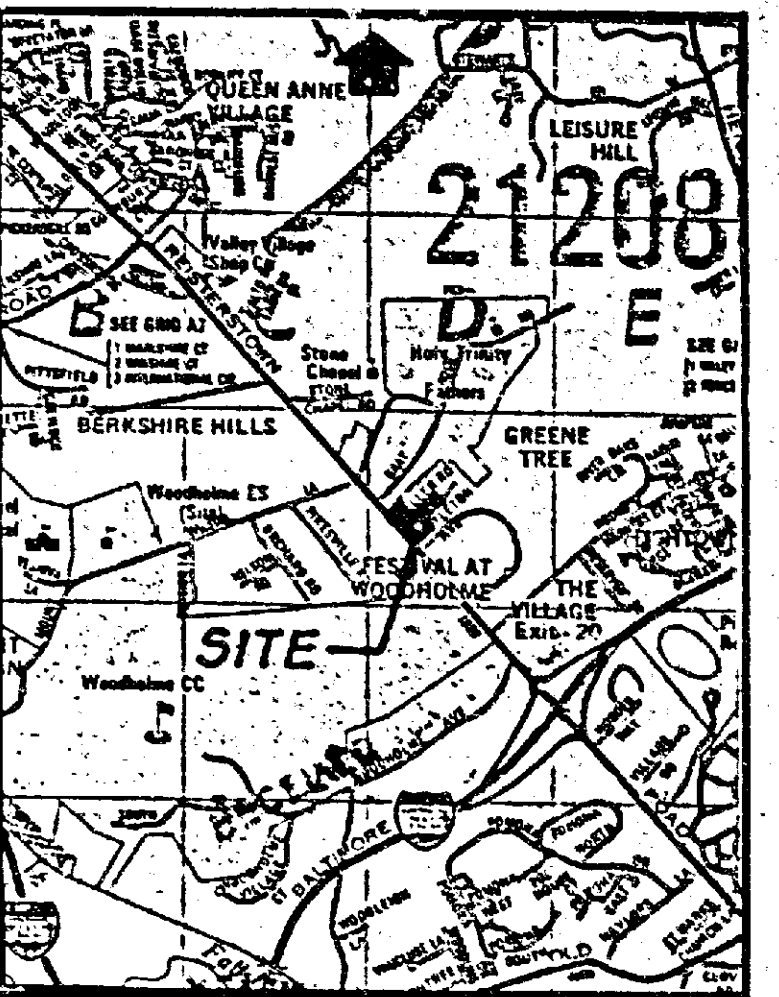
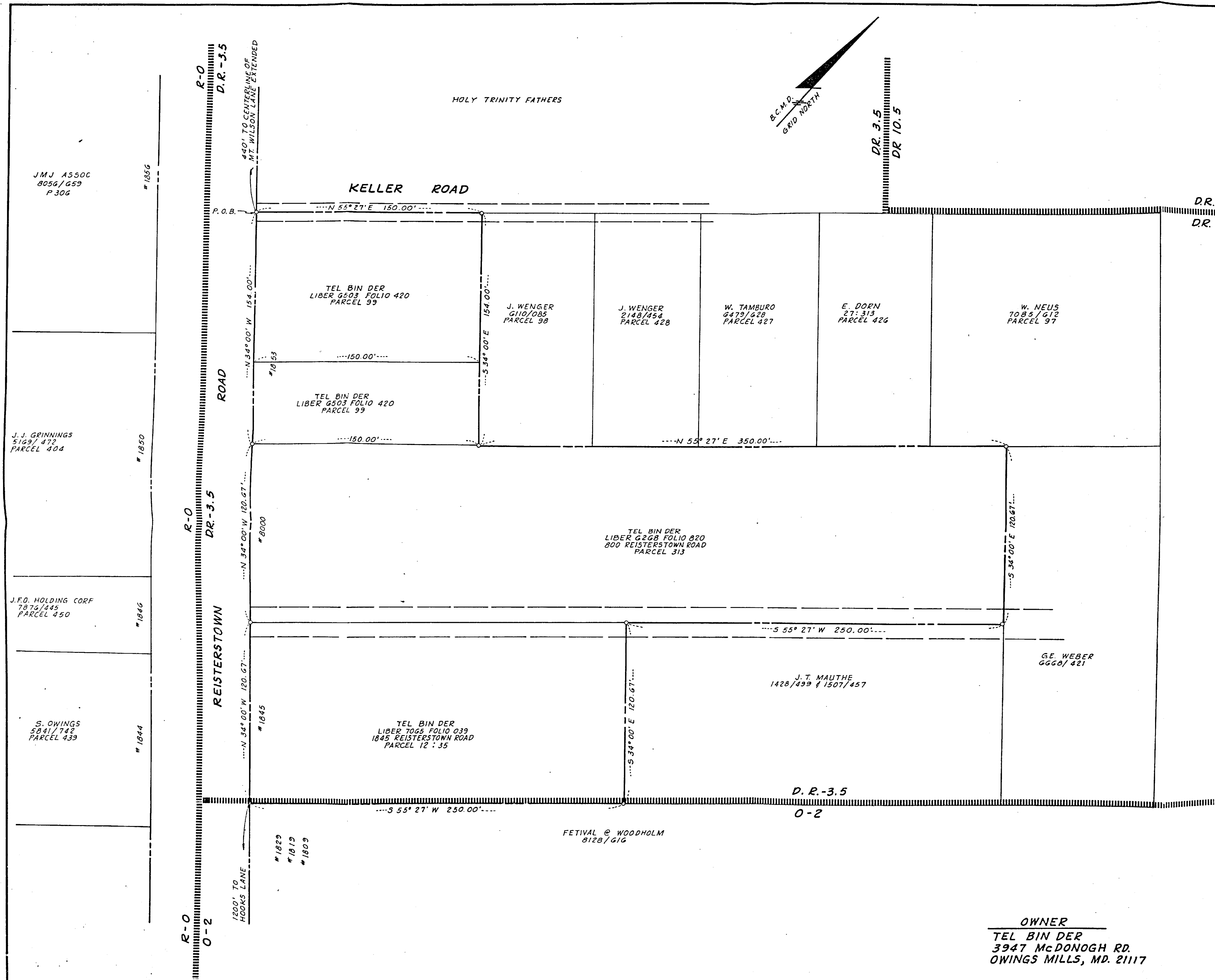
Illustrative Site Plan
Plan to Accompany Reclassification and
Variance
Tel Bin Der Property

1853, 8000 & 1845 Reisterstown Road
 Baltimore County, Maryland
 3rd Election District
 3rd Councilmanic District
 1" = 30'

WFK WILLIAM F. KIRWIN, INC.
 Land Planning/Landscape Architecture
 28 E. Susquehanna Avenue
 Towson, MD 21204
 Phone 801/337-0575

RICHARD TRUETOVE P.E., INC.
 Registered Professional Engineer &
 28 E. Susquehanna Avenue
 Towson, MD 21204
 Phone 801/337-0575

Petitioner's
 #1
 MICROFILMED
 #1087

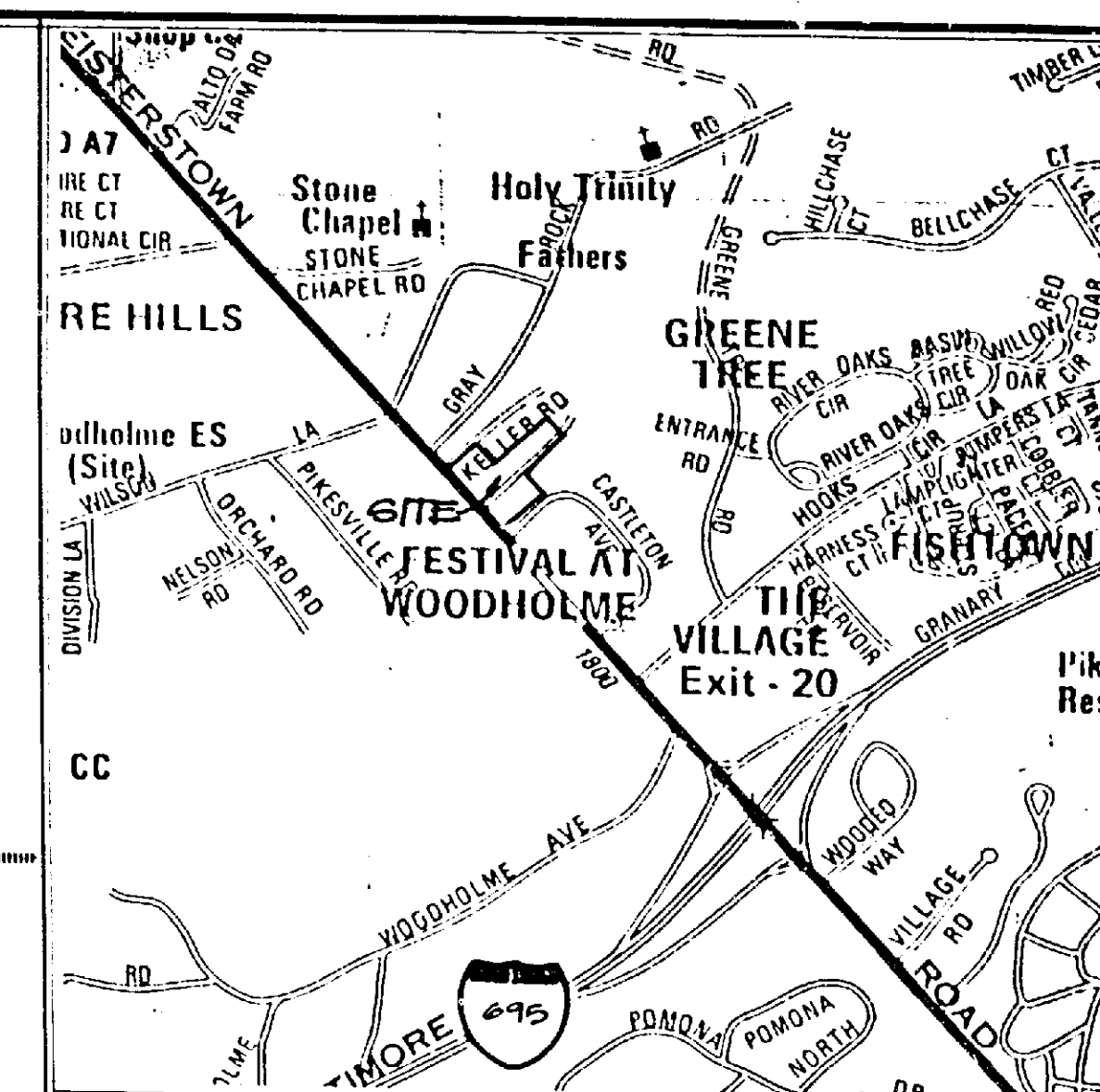


DATE:	NO.	REVISION
AREA OF PROPERTY = 2.608 AC. ± EXISTING ZONING - D.R. - 3.5 PROPOSED ZONING - BL 3RD ELECTION DIST 3RD COUNCILMANIC DIST.		
PROJECT: SITE PLAN FOR RECLASSIFICATION PETITION #8 TEL BIN DER REISTERSTOWN ROAD R-90-407		
ENGINEERS: WHITNEY, BAILEY, COX & MAGNANI CONSULTING ENGINEERS 1850 YORK ROAD TIMONIUM, MD. 21093 (301) 252-6060		
DESIGNED:		
DRAWN:	G5B	
CHECKED:		
DATE:		
SCALE:	1" = 30'	
DRAWING NO:		

THIS PLAT WAS PREPARED FROM DEEDS
G503/420, G208/820 & 7065/039.



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Vicinity Map 1" = 1000'

LEGEND

- Approx. Location of Ex. Wetlands
- Proposed Storm Drain
- Ex. Storm Drain to be Removed
- Proposed Sanitary
- Ex. Vegetation to Remain
- Ex. Vegetation to be Removed
- Proposed "Promenade"
- Proposed Limits of Rezoning
- 25' Wetland Buffer
- Prop. underground SWM facility
- Prop. water line
- Proposed 25' Forest Buffer Easement

J.M. ABBOTT
8084/687
P. 306
#1856

Proposed
BL Zoning

J.J. GRANNINGS
5109/472
P. 404
#1850

J.F.O. HOLDING CORP.
7876/445
P. 450
#1846

S. OWINGS
5841/742
P. 437
#1844

HOLY TRINITY FATHERS
4461/401

KELLER ROAD

EX. 2 STORY
RESIDENCE

EX. 2 STORY
RESIDENCE

EX. 2 STORY
RESIDENCE

J. WENSER
610/085 & 2142/484
PARCEL #S 98 & 420

W. TAMBURGO
6479/628
PARCEL 427

E. DORN
27/313
PARCEL 426

W. HEUG
7085/612
PARCEL 97

Proposed BL Zoning

Proposed Office Bldg.
3 stories
19,000 S.F.

6333 SQ. FT. OFFICE USE
PER FLOOR

EX. VEGETATION
TO REMAIN

PROPOSED EVERGREEN SCREEN

Castleon Avenue

TO REMAIN PRIVATE
DRIVE FOR USE BY
RESIDENTS ONLY

G.E. WEBER
6068/421

J.T. MAUTHE
1420/499 & 1507/457

EX. 2 STORY
RESIDENCE

A VARIANCE OF
25' IN LIEU OF
THE REQUIRED 75'
WAS REQUESTED
FROM DEPRM.

APPROX. LIMITS OF EX.
WETLANDS

NOTE: ALL EXISTING & PROPOSED SIGN
LOCATIONS TO BE SHOWN ON
CRG PLAN.

WFK WILLIAM F. KIRWIN, INC.

Land Planning/Landscape Architecture
28 E. Susquehanna Avenue
Towson, MD 21204
Phone 301/337-0075

RICHARD TRUELOVE P.E., INC.
registered professional engineer
28 EAST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 494-4914

Plan to Accompany Conditional
Documented Zoning Reclassification

Tell Bin Der Property **R-90-407**

**REVISED
12-17-91**

1853, 8000 & 1845 Reisterstown Road
Baltimore County, Maryland

3rd Election District

3rd Councilmanic District

1" = 30'

1 of 3

December 3, 1991

12-11-91 REVISED TITLEBLOCK

#8
R-90-407

METES AND BOUNDS DESCRIPTION
PARCELS 99, 313 and 12:35
Reisterstown Road
For Tell Bin Der

Beginning for the same at a point 440' southeasterly from the centerline of Mt. Wilson La. (extended) on the east side of Reisterstown Road and the center of a 12 foot wide right of way known as Keller Road, said point also being the beginning of the first line as mentioned in a deed from Dale H. Gingrich and Debra A. Gingrich in Liber 6503 Folio 420 thence leaving said point and running with and binding on the center of said 12 foot wide right of way north 55°27' east 150 feet to a point; thence leaving said center of said 12 foot wide right of way and running south 34°00' east 154 feet to intersect with north most outline as shown on the plat of George Schweisinger Jr.; which plat is recorded among the land records of Baltimore County in plat book C.W. B., Jr. No. 12, Folio 35; thence running with and binding on said outline north 55°27' east 350 feet to the division line of lots 3 and 4 as shown on said aforementioned plat; thence running with and binding on said division line south 34°00' east 120.67 feet to the center of a 20.00 foot wide road as shown on said plat; thence running with and binding on said center of Road south 55°27' east 250.00 feet to a point; thence leaving said center of Road and running south 34°00' east 120.67 feet to intersect the south most outline as shown on said plat; thence running with and binding on said outline south 55°27' east 250.00 feet to the east most side of Reisterstown Road as shown on said plat; thence running with and binding on the east side of Reisterstown Road north 34°00' west 120.67 feet to a point in the center of a 20.00 foot wide road; thence continuing with the north most outline as shown on said plat; thence leaving said outline and continuing with the east side of Reisterstown Road north 34°00' west 154.00 feet to said point of beginning.

Containing in all 2.608 acres including center of 20 foot road and 12.00 foot right of way.

This description derived from the compilation of deed numbers Liber 6503 Folio 420, Liber 6268 Folio 820 and Liber 7065 Folio 039. It was solely for a zoning reclassification and is not a property survey.

John P. Haines
3/1/90

WHITNEY SABLEY COX & WAGMAN

NOTICE OF HEARING
ZONING RECLASSIFICATION
Petitioner: Tell Bin Der
Case Number: R-90-407
NE/S Reisterstown Road, 440' SE of c/l of Mt. Wilson Lane Extended
Legal Owner(s): Tell Bin Der
Hearing Scheduled: WEDNESDAY, OCTOBER 17, 1990 at 10:00 a.m.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9-25, 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 successive weeks, the first publication appearing on 9-20, 1990

THE JEFFERSONIAN,

Publisher

\$84.50

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd
Date of Posting: September 27, 1990
Petitioner: Tell Bin Der
Location of property: NE/S Reisterstown Road, 440' SE of c/l of Mt. Wilson Lane Extended
Location of Sign: NE/S Reisterstown Road, in front of subject property
Remarks: S.E. G. G. G.
Posted by: S.E. G. G. G.
Number of Signs: 1

TIME: 10:00 A.M.
DATE: WEDNESDAY, OCTOBER 17, 1990
LOCATION: Rm. 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

WILLIAM T. HACKETT, Chairman
County Board of Appeals
9/20/90 September 20

APR 17 1990

NOTICE OF HEARING

Petitions for Zoning Re-classification
CASE NUMBER: R-90-407
NE/S Reisterstown Road, 440' SE of c/l of Mt. Wilson Lane Extended
Legal Owner(s): Tell Bin Der

Petition to reclassify the property from an D.R. 3.5 to an B-1 zone.

TIME: 10:00 a.m.
DATE: WEDNESDAY, OCTOBER 17, 1990 at 10:00 a.m.
LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Tell Bin Der
Nancy E. Paige, Esq.
File

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITHIN 10 DAYS OF THE DATE OF THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.

10/17/90 - Notice of Assignment sent to following; day #2 scheduled for Wednesday, January 23, 1991 at 9:00 a.m.
Arnold Fleischmann, Esquire
Tell Bin Der
James Earl Kraft
James E. Dyer
People's Counsel for BCo
Fields
Keller
Haines
Nastarowicz
Dyer
Richards
Docket Clerk
Jablon

NOTICE OF HEARING
ZONING RECLASSIFICATION
Petitioner: Tell Bin Der
Case Number: R-90-407
NE/S Reisterstown Road, 440' SE of c/l of Mt. Wilson Lane Extended
Legal Owner(s): Tell Bin Der
Hearing Scheduled: WEDNESDAY, OCTOBER 17, 1990 at 10:00 a.m.

CERTIFICATE OF PUBLICATION

Pikesville, Md., 9/19, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in THE NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 20th day of September 1990

the first publication appearing on the 19th day of September 1990

the second publication appearing on the 19th day of September 1990

the third publication appearing on the 19th day of September 1990

THE NORTHWEST STAR

Manager: Don Baul

Cost of Advertisement: \$52



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3150
October 17, 1990

HEARING ROOM - Room 301
County Office Building

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. R-90-407
Item #8, III, 1990
Day #2
cont'd from 10/17/90

TELL BIN DER
NE/S Reisterstown Road, 440' SE of c/l of Mt. Wilson Lane Extended
3rd Election District
3rd Councilmanic District

Reclassification: from D.R. 3.5 to B.L.

ASSIGNED FOR:

cc: Arnold Fleischmann, Esquire
Tell Bin Der
Ms. Nancy Kase
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

WEDNESDAY, JANUARY 23, 1991 at 9:00 a.m.

Counsel for Petitioner
Petitioner

Kathleen C. Weldenhammer
Administrative Assistant

MICROFILMED

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

receipt

Account: R-001-6150
Number: 1558
1499

Paid per hand-written receipt

DATE: 3/1/90
FEE: PUBLIC HEARINGS FEES
FEE: ZONING RECLASSIFICATION
TOTAL: \$175.00

Cashier Validation:

Please make checks payable to: Baltimore County

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

receipt

Account: R-001-6150
Number: 1499
1558

Computer Receipt
H4000290

DATE: 3/1/90
Tell Bin Der

Reclassification

#175.00

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3553

J. Robert Haines
Zoning Commissioner

Tell Bin Der
3147 McPherson Road
Baltimore, Maryland 21133

Re: Petitions for Zoning Re-classification
CASE NUMBER: R-90-407
NE/S Reisterstown Road, 440' SE of c/l of Mt. Wilson Lane Extended
Legal Owner(s): Tell Bin Der
Hearing Scheduled: WEDNESDAY, OCTOBER 17, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$445.14 is due for advertising and posting of the above property. This fee must be paid before an order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and mail it to Mr. G. Stoenberg, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

cc: File
Nancy E. Paige, Esq.

MICROFILMED



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3150

HEARING ROOM - Room 301, County Office Bldg. January 16, 1991

NOTICE OF POSTPONEMENT AND REASSIGNMENT

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. R-90-407
Item #8, III, 1990
Day #2
cont'd from 10/17/90

TELL BIN DER
NE/S Reisterstown Road, 440' SE of c/l of Mt. Wilson Lane Extended
3rd Election District
3rd Councilmanic District

Reclassification: from D.R. 3.5 to B.L.

which was scheduled for hearing on January 23, 1991 has been POSTPONED at the request of Counsel for the Petitioner and with agreement of People's Counsel has been

REASSIGNED FOR:

WEDNESDAY, JULY 17, 1991 at 10:00 a.m.

cc: Arnold Fleischmann, Esquire
Tell Bin Der
Ms. Nancy Kase
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. July 2, 1991

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH 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. R-90-407
Item #8, III, 1990
Day #2
cont'd from 10/17/90
TELL BIN DER
NE/s Reisterstown Road, 440'
SE of c/l of Mt. Wilson Lane Extended
3rd Election District
3rd Councilmanic District
Reclassification: from D.R. 3.5
to B.L.

which was scheduled for hearing on July 17, 1991 has been CONTINUED at the request of Counsel for the Petitioner and without objection by People's Counsel; to be reset at the request of Counsel for Petitioner.

cc: Arnold Fleischmann, Esquire Counsel for Petitioner
Tell Bin Der Petitioner
Ms. Nancy Kase
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

Kathleen C. Weidenhammer
Administrative Assistant

NOTE RE TELL BIN DER SCHEDULED FOR 7/17/91:

Petitioner's atty, Arnold Fleischman, to provide written request for postponement, which request has been agreed to by Phyllis Friedman; documented plan will not have all necessary approvals by 7/17/91; will need only 1/2 day for hearing; set in for another date when one becomes available; to deliver letter this date. 7/1/91

*Cont. granted 7/2/91.
Notice sent 7/6/91.*



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. November 26, 1991

NOTICE OF ASSIGNMENT

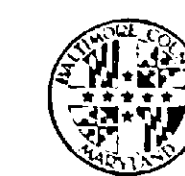
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL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

CASE NO. R-90-407
Item #8, III, 1990
TELL BIN DER
NE/s Reisterstown Road, 440'
SE of c/l of Mt. Wilson Lane Extended
3rd Election District
3rd Councilmanic District
(For the purpose of
submitting a Documented
Site Plan at Open
Hearing)
Reclassification: from D.R. 3.5
to B.L.

ASSIGNED FOR: THURSDAY, DECEMBER 19, 1991 AT 9:30 a.m.

cc: Arnold Fleischmann, Esquire Counsel for Petitioner
Tell Bin Der Petitioner
Ms. Nancy Kase
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
OLD COURTHOUSE
400 WASHINGTON AVE.
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue January 30, 1992

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 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. R-90-407
Item #8, III, 1990
TELL BIN DER
NE/s Reisterstown Road, 440'
SE of c/l of Mt. Wilson Lane Extended
3rd Election District
3rd Councilmanic District
Reclassification: from D.R. 3.5
to R.O. (per Revised Documented Site Plan)

ASSIGNED FOR: THURSDAY, MARCH 26, 1992 AT 10:00 a.m.

cc: Arnold Fleischmann, Esquire Counsel for Petitioner
Tell Bin Der Petitioner
Ms. Nancy Kase
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
OLD COURTHOUSE
400 WASHINGTON AVE.
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue February 5, 1992

***** AMENDED NOTICE OF ASSIGNMENT *****

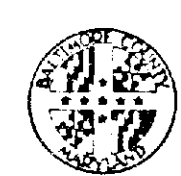
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL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

CASE NO. R-90-407
Item #8, III, 1990
TELL BIN DER
NE/s Reisterstown Road, 440'
SE of c/l of Mt. Wilson Lane Extended
3rd Election District
3rd Councilmanic District
Reclassification: from D.R. 3.5
to B.L. ***

ASSIGNED FOR: THURSDAY, MARCH 26, 1992 AT 10:00 a.m.

cc: Arnold Fleischmann, Esquire Counsel for Petitioner
Tell Bin Der Petitioner
Ms. Nancy Kase
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue May 13, 1992

***** 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 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. R-90-407
Item #8, III, 1990
TELL BIN DER
NE/s Reisterstown Road, 440'
SE of c/l of Mt. Wilson Lane Extended
3rd Election District
3rd Councilmanic District
Reclassification: from D.R. 3.5
to B.L. ***

ASSIGNED FOR: TUESDAY, SEPTEMBER 22, 1992 AT 10:00 a.m.

cc: Arnold Fleischmann, Esquire Counsel for Petitioner
Personal Representatives of the Petitioner
Estate of Tell Bin Der
Benjamin Bronstein, Esquire
Ms. Nancy Kase
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

Microfilm



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue May 21, 1992

NOTICE OF REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH 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. R-90-407
Item #8, III, 1990
TELL BIN DER
NE/s Reisterstown Road, 440'
SE of c/l of Mt. Wilson Lane Extended
3rd Election District
3rd Councilmanic District
Reclassification: from D.R. 3.5
to B.L.

which was scheduled for hearing on September 22, 1992 has been REASSIGNED at the request of Counsel for Protestants and has been

REASSIGNED FOR: WEDNESDAY, AUGUST 12, 1992 AT 10:00 a.m.

cc: Arnold Fleischmann, Esquire Counsel for Petitioner
Personal Representatives of the Petitioner
Estate of Tell Bin Der
Benjamin Bronstein, Esquire
Ms. Nancy Kase
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

Microfilm

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

October 22, 1990

Nancy E. Paige, Esquire
233 E. Redwood Street
Baltimore, MD 21202

RE: Item No. 8
Case No. R-90-407
Petitioner: Tell Bin Der
Reclassification Petition

Dear Ms. Paige:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1990. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.



Dennis F. Rasmussen
County Executive

Microfilm

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Tell Bin Der
3747 McDonogh Road
Baltimore, MD 21133

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

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
1st day of March, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

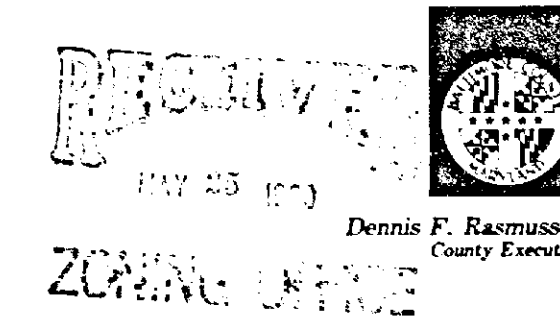
Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Tell Bin Der
Petitioner's Attorney: Nancy E. Paige

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

May 14, 1990



Mr. William Hackett
Chairman, Board of Appeals
County Office Building
Towson, Maryland 21204

Zoning Classification Cycle III
Item No. 8
Property Owner:
Case No./Hearing Date:
Contract Purchaser:
Location:

April 1990 - October 1990
Tell Bin Der
R-90-407/October 17, 1990
NE/S Reisterstown Road, 440' SE of
the centerline of Mt. Wilson Lane
Extended.

Existing Zoning:
Election District:
Councilmanic District:
Acres:
Proposed Zoning:

D.R. - 3.5
3rd
3rd
2.608 acres
B.L.

Dear Mr. Hackett:

The existing D.R. - 3.5 zoning can be expected to generate approximately 116 trips per day. The proposed B.L. zoning can be expected to generate approximately 2,950 trips per day.

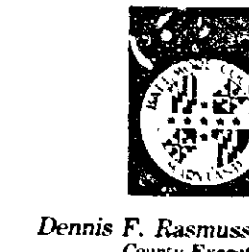
Very truly yours,

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

MSF/lw

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

April 25, 1990



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

RE: Property Owner: TELL BIN DER
Location: NE/S REISTERSTOWN ROAD
Item No.: 8 Zoning Agenda: APRIL 1990 - OCTOBER 1990

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: *Paul H. Reincke* Noted and Approved *Captain F. B. Reincke*
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY, MARYLAND
Interoffice correspondence

TO: ZONING ADVISORY COMMITTEE DATE: MAY 14, 1990
FROM: ROBERT W. BOWLING, P.E.

RE: Reclassification and Redistricting Petitions
Cycle III April 1990 - October 1990

We have reviewed the subject Cycle Zoning Items and we have no comments for Item 1, 2, 3, 7, 8, 10, 11, 12, 13, 15, and 16.

For Items 4, 5, 6, 9 and 14, the previous County Review Group Comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., CHIEF
Developers Engineering Division

RWB:g

1/16/91 - Following parties notified of POSTPONEMENT of January 23, 1991 hearing to July 17, 1991 at request of Counsel for Petitioner:

Arnold Fleischmann, Esquire
Tell Bin Der
Ms. Nancy Kase
Mr. James Earl Kraft
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

7/01/91 - Letter from counsel for Petitioner /requesting continuance pending preparation of documented approval and any needed modifications.

7/02/91 - Continuance granted; Notice of Postponement sent to above parties.

11/21/91 - T/C from M. Gerber /will be requesting brief hearing to submit Amended Plan to Board in open hearing pursuant to Code

11/25/91 - T/C from A. Fleischmann, Esq. -requested 15 minutes one morning before Board's normal schedule to put amended, documented plan on record and submit to Board; 12/19/91 is good for him; he will contact C. Richards to be sure documented plan is ready for submission to Board.

11/26/91 - Above parties notified of hearing set for December 19, 1991 at 9:30 a.m. for the purpose of submitting a documented site plan only.

12/19/91 - Documented Site Plan submitted on record at public hearing; 10 copies forwarded by Board to Zoning 12/19; 1 copy to Planning, attn Jeff Long 12/19/91.

1/30/92 - Above parties notified of hearing set for March 26, 1992 at 10:00 a.m.

2/5/92 - Above parties sent Amended Notice per Mr. Fleischmann's letter of 2/5/92 in which he advised that the requested reclassification is still RL despite recommendations for RO. Amended Notice sent reflecting same.

3/26/92 - Continued on record; Petitioner to contact Board's office re setting matter in early a.m. within next two weeks for purpose of submitting amended plan as indicated this date; amended plan to be forwarded to Planning Board and matter then scheduled for hearing on merits.

4/20/92 - Letter from A. Fleischmann, Esq. -filing Notice of Substitution of Parties; also response to (1) alleged flood plain issue; and (2) testimony of expert witnesses taken previously before Board of different composition.

4/20/92 - Letter dated 4/17/92 from Ben Bronstein, Esq. in response to above letter.

4/29/92 - Letter to Counsel (Fleischmann, Bronstein and Zimmerman) /meeting in Board's office Wednesday, May 13 at 9:00 a.m. to discuss issues raised in above correspondence; all counsel to attend. (from M. Sauer)

5/13/92 - Above parties sent Notice of Assignment for September 22, 1992 at 10:00 a.m.

History Sheet /Page 2

Tell Bin Der
R-90-407

5/15/92 -Letter to Counsel (Fleischmann, Bronstein, and Zimmerman) --as a result of meeting 5/13/92 in Board's office and Board's consideration of issues, transcript of prior day's hearing in October 1990 will not be used; Request by Petitioner's counsel to have transcript prepared and read by two new Board members DENIED. Matter to be heard on 9/22/92 as scheduled. (Day #1)

5/21/92 - Above parties notified of REASSIGNMENT to August 12, 1992 at 10:00 a.m. at the request of Counsel for Protestants.

8/12/92 -Hearing concluded before Board; closing argument due in 30 days (9/11/92).
8/28/92 -closing filed by A. Fleischmann, Counsel for Petitioners

9/09/92 -Letter from P. Zimmerman, Esq. /requesting re-opening of matter to permit testimony of Nancy Kase.

9/15/92 -Response from A. Fleischmann, Esq. /objects to above request.

9/15/92 -Ltr from M. Sauer, Acting Chairman, to P. Zimmerman /request denied.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

P. David Fields, Director
Office of Planning & Zoning
Attention: Jeffrey Long Date: December 19, 1991

FROM: William T. Hackett, Chairman
County Board of Appeals

SUBJECT: Submittal of Documented Site Plan
Case No. R-90-407 /Tell Bin Der

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on December 19, 1991, we are transmitting to you a copy of the Documented Site Plan submitted to the County Board of Appeals. This revised plan is being forwarded to you for processing with the Baltimore County Planning Board.

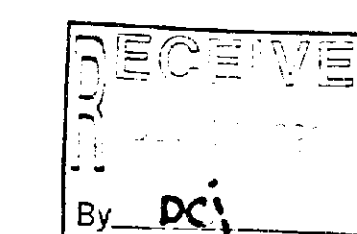
By copy of this memorandum, we are also forwarding ten copies of this Documented Site Plan to the Zoning Office.

William T. Hackett
William T. Hackett

Attachment (1 copy of Documented Site Plan)

cc: Pat Keller
W. Carl Richards, Jr. w/10 copies of Documented Site Plan

NEED REVISION \$
7-12-20-91 to
Arnold Fleischmann -
was and revision
for



#8
R-90-407

STATEMENT IN SUPPORT OF PETITION
FOR ZONING RE-CLASSIFICATION

The subject property is located on Reisterstown Road, a very heavily travelled thoroughfare, a short distance north of the Baltimore Beltway. It immediately adjoins a newly constructed shopping center and office development, and is totally unsuited for the development permitted under its present classification. In recent years, the adjacent property to the south-east has been heavily developed for commercial uses, and the character of Reisterstown Road is distinctly commercial. The present D.R. 3.5 zoning is therefore erroneous and deprives the owner of the reasonable use of his property.

And for such other reasons as may be shown at a hearing hereon.

Tell Bin Der

James E. Paige
Nancy E. Paige
Attorney for *Tell Bin Der*
Legal Owner

der.ltr

LAW OFFICES
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER
GARRETT BUILDING

233 E. REDWOOD STREET
BALTIMORE, MD. 21202
301-576-4000

1800 K STREET, N. W. SUITE 600
WASHINGTON, D. C. 20006
202-659-0555

TELEX 908041 BAL
D. C. FAX: 202-659-2790
BALTO FAX: 301-576-4246
BALTO FAX: 301-576-4167

DIRECT DIAL (301) 576-4294

October 9, 1990

William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Tell Bin Der
Case No. R90-407

Dear Mr. Hackett:

Please withdraw my appearance in the referenced matter and substitute the appearance of Arnold Fleischmann as counsel for the Petitioner.

Thank you.

Very truly yours,

James E. Paige
Nancy E. Paige

NEP/ms

cc: Arnold Fleischmann, Esquire
Tell Bin Der

RECEIVED
COUNTY BOARD OF APPEALS
OCT 10 1990

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
28 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

May 18, 1992

The Honorable William T. Hackett
County Board of Appeals
of Baltimore County
Old Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: *Tell Bin Der*
Case No. R-90-407

Dear Mr. Hackett:

The above entitled case has been set in for hearing on September 22, 1992 at 10:00 a.m. I have scheduled that week for vacation. I would appreciate you rescheduling the case for hearing beginning the week of October 26 or in November, 1992. I am counsel on the DOTT property appeal which is scheduled before the Court of Special Appeals. I have been notified by the Court that the case will be set for hearing between October 5 and October 19.

Thank you for your kind consideration and attention to this matter.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
Benjamin Bronstein

BB/mlh

cc: Arnold Fleischmann, Esquire

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
28 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

April 17, 1992

William T. Hackett, Chairman
County Board of Appeals
of Baltimore County
Room 49
Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Case No. R-90-407
Item #8, III, 1990
NEP/S Reisterstown Road,
440' SE of C/L of Mr.
Wilson Lane Extended
Petitioner/Legal Owner: The
Estate of Tell Bin Der

Dear Mr. Hackett:

I am in receipt of a copy of Mr. Fleischmann's letter to you of April 16, 1992 pertaining to the above entitled matter. I suggest that if Mr. Fleischmann wishes to proceed at his risk so be it. I would proffer that Mr. Bowling of the Department of Public Works will testify that the property is impacted by the 100 year flood plain.

Rather than rescheduling this case for a hearing, I would suggest that in the interest of judicial economy the Board resubmit the project to the Department of Public Works for additional comments relating to the 100 year flood plain. There is no need to

R-90-407

September 9, 1991

Mr. Carl Richards
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, Maryland

RE: Tel Bin Der Property

Dear Mr. Richards,

I have enclosed, for the preliminary review of your office, the Documented Site Plan for the Tel Bin Der property in Reisterstown. A request for a zoning change was made in October, 1990, accompanied by an Undocumented Site Plan. At that time, People's Council indicated that they would only be able to support a Documented Site Plan. The hearing was continued. This Documented Site Plan is the result of negotiations with Phyllis Friedman of People's Council, Jack Dillon of the Office of Planning and our office. We feel that it is the best solution to a difficult planning problem.

A request for a Waiver of the Forest Buffer has been made to DEPRM. I have enclosed this request for your information.

After we receive and address your preliminary comments, we will formally file the revised plans. Thank you.

Sincerely,

Zelma Russell
Zelma Russell
WILLIAM F. KIRWIN, INC.

cc: Arnold Fleischman

WILLIAM F. KIRWIN, INC.

28 E. Susquehanna Avenue Towson, MD 21204 Phone: 301-337-0075 FAX: 301-823-3827

REQUEST FOR WAIVER OF FOREST BUFFER REQUIREMENT
TEL BIN DER PROPERTY

We are submitting this Alternatives Analysis at the request of DEPRM to accompany our request for a waiver of Baltimore County's Forest Buffer Requirement.

The Tel Bin Der property consists of three parcels which were purchased in the 1970's by Mr. Tel Bin Der. The entire parcel consists of 2.608 acres which are surrounded by Keller Road on the north, existing residential and proposed commercial development on the east, existing commercial development (Festival at Woodholme) on the south, and Reisterstown Road on the west. A request for rezoning from D.R. 3.5 to B.L. is being processed at this time. The Documented Site Plan is included in this package.

The purpose of the alternate site analysis is to determine an appropriate forest buffer which in turn will determine the possible use of this site. We contend that Baltimore County's requirement of a 75' forest buffer would effectively render this property unusable, significantly lowering the property and resale values.

Currently, there is an existing spring which surfaces next to Castleon Road approximately 30' east of the Mauthe residence. The water from this spring flows southwest through a man-made ditch approximately 240', until it is picked up by an existing 12" storm drain which connects with the system in Reisterstown Road. Currently, no hydrophytic vegetation or fish live in this system. We believe this ditch was created to prevent wash outs of Castleon Avenue private right of way and to prevent drainage from flooding the road. A wetland, which has been created from an outfall through the retaining wall at the Festival at Woodholme, also drains into this existing storm drain. The drainage from the spring is adjacent from the wetland and does not contribute to its hydrology.

Four alternatives have been explored as options to the development of this site:

OPTION 1

Option 1 involves the determination of the possibility of using other sites for this development. Since this property is the only property which Mr. Der owns, the use of another site is not possible. Due to the small size and configuration of this site, it is impossible to avoid intruding upon the forest buffer easement.

OPTION 2

Option 2 shows the impacts of a 2 story, 28,500 S.F. office building with the required

R-90-407

parking. Satisfying the parking requirements of this building involves construction of a parking lot up to the property line and rerouting of Castleon Avenue through the cartway of the parking lot. The water from the spring is picked up at the origin and piped into the existing storm drain in Reisterstown Road, eliminating the need for a buffer.

OPTION 3

Option 3 shows 1-2 story office building and 1-3 story office building with a total of 24,200 S.F. and 80 parking spaces. Access to Castleon Avenue is through the proposed parking lot. A 40' buffer is preserved between the stream and the parking lot and a 30' buffer is preserved between the parking lot and the existing residences on the north. The existing storm drain will be replaced. The inlet will remain at the same location.

OPTION 4

Option 4 shows the development of a 3 story, 19,000 S.F. office building and 63 parking spaces. The parking is located along Reisterstown Road at the front of the property. The building is located adjacent to the wetland. A 53' buffer has been maintained between the building and the stream/edge of wetlands. Access to Castleon Avenue is through the proposed parking lot. Castleon Avenue will remain a private right of way and will be undisturbed. Existing vegetation at the rear of the site will remain. A new pipe will be installed to collect drainage from the stream at the location of the existing storm drain. The existing channel will remain undisturbed.

Our preferred plan is Option 4. Option 4 has been developed through a series of meetings with the client, neighborhood groups and the Baltimore County Planning Office. It is the only alternative which makes sense from both an economic and an environmental standpoint. Option 4 will be submitted as the "Plan to Accompany Reclassification and Variance" in the request to change the zoning from DR 3.5 to BL. We believe that this plan addresses the concerns of all parties as well as the environment by preserving a buffer between both the existing residences and the drainage channel, as well as preserving a wooded buffer at the rear of the site.

We feel that enforcement of the 75' forest buffer easement would cause undue hardship to our client and represents an elimination of any development potential on two thirds of the parcel. A 75' forest buffer would already be violated by the existence of the Castleon Avenue right of way. The stormwater management system shown on Option 4 would treat all of the runoff from the new development before releasing it directly into the storm drain on Reisterstown Road. No additional runoff will be added to the drainage channel or to the wetlands.

Since the drainage channel for the existing stream is man-made and does not contribute to the environmental health of a hydrological system, we believe that a variance from the required 75' Forest Buffer to a 25' buffer would be appropriate and would not be detrimental to the continuing environmental health of this site.

R-90-407

December 3, 1991

Mr. John Lewis
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Tel Bin Der Documented Site Plan

Dear John,

Enclosed, you will find the formal submission of the Documented Site Plan for the Tel Bin Der Property in Reisterstown, Maryland. Your preliminary comments are reflected on the plans.

For your information, the plans, Option 2, 3, and 4, are just for the purpose of requesting a variance of the Forest Buffer from DEPRM. In discussions with DEPRM on the procedure for filing for this variance, they requested that we complete an Alternatives Analysis showing the impact of different development schemes on the stream, wetlands and buffer. Option 1, as described in the "Request for Waiver of Forest Buffer Requirement", is the option of using other sites for the proposed development to avoid impact to the stream. Since this is not possible, there is no site plan for this option. Options 2 and 3 are for illustration only and do not represent any proposed development. Option 4 is the same plan as the Documented Site Plan. The Documented Site Plan is the only proposed site plan for development.

I am including in this submission four copies of the site plan and the environmental impact statement. The Petition for the Undocumented Site Plan (zoning case #R-90-407) was filed with the initial hearing held on October 17, 1990. The property description, zoning maps and fees were submitted at that time. I have included copies for your information. A \$75 revision fee is included with this submission.

I would like to get together with you, after you have had a chance to review the plan, to go over it. Please give me a call to set up a time which is convenient for you. We would like to have the plan approved by your office by December 19, so that it can be forwarded to the Planning Board for their approval. Thank you.

Sincerely,

Zelma Russell
Zelma Russell, RLA
WILLIAM F. KIRWIN, INC.

cc: Arnold Fleischman
Tel Bin Der

Zelma Russell

WILLIAM F. KIRWIN, INC.
Phone: 410-537-0075 Landscaping Architecture
Fax: 410-823-3827 Land Planning
28 E. Susquehanna Avenue Environmental Design
Towson, MD 21204-5268

WILLIAM F. KIRWIN, INC.

Landscaping Architecture
Land Planning
Environmental Design

28 E. Susquehanna Avenue
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Phone: 410-537-0075
Fax: 410-823-3827



Baltimore County, Maryland

PEOPLE'S COUNSEL
Baltimore County Office Building
111 West Chesapeake Avenue
TOWSON, MARYLAND 21204
887-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

September 9, 1992

PETER MAX ZIMMERMAN
Deputy People's Counsel

The Honorable
Michael B. Sauer, Acting Chairman
Baltimore County Board of Appeals
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Tell Bin Der, Petitioner
Zoning Case No. R-90-407

Dear Chairman Sauer:

I just learned by telephone from Ms. Nancy Kase, one of the interested persons on the notice list that she did not in fact get notice of the August 12, 1992 hearing date for this case but assumed that the hearing was on September 22nd as originally scheduled. I assumed that Ms. Kase had received notice, based on the Board's efficiency in transmitting notices to persons on the list. I also assumed that Ms. Kase would have then been in touch with the other neighbors who had attended previous hearings.

Under all the circumstances, I would respectfully ask that the Board reconvene and hold another day of hearing so that Ms. Kase and other interested persons in the neighborhood may present their testimony. I believe this could be accomplished at a morning hearing at 9:00 a.m., specially set.

In view of the fact that memoranda in the case are not due until September 11th, and under all of the circumstances of the numerous changes in scheduling, I believe it is reasonable to open up the hearing to give the citizens an opportunity to be heard.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Arnold Fleischmann, Esquire
Benjamin Bronstein, Esquire
Ms. Nancy Kase
Mr. Bill Tamburo

PMZ:sh

RECEIVED
COUNTY BOARD OF APPEALS
22 SEP - 9 PMZ:sh



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 15, 1992

Peter Max Zimmerman
Deputy People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. R-90-407
Estate of Tell Bin Der

Dear Mr. Zimmerman:

The Board is in receipt of your letter of September 9, 1992 requesting that this Board open up the proceedings to allow the testimony of Nancy Kase who did not appear at the originally scheduled hearing on August 12, 1992. The Board has considered all the evidence and testimony presented at the proceeding on August 12th and does not feel that circumstances warrant a reopening of the case to permit an additional witness to testify. You are assured that this Board did consider as evidence in this case the letter from Ms. Kase to Jack Dillon dated February 20, 1992, which clearly sets forth numerous objections that this witness has concerning Petitioner's request to rezone the property in accordance with his documented site plan.

Ms. Kase has been listed as an interested person in these proceedings on the Board's list of persons to notify. Regularity is presumed in notifying all parties, and our file reflects that on each and every occasion of rescheduling this interested person was provided with notice.

Under the above circumstances, your request on behalf of this witness is denied.

Very truly yours,

Michael B. Sauer
Michael B. Sauer
County Board of Appeals

cc: Arnold Fleischmann, Esquire
Benjamin Bronstein, Esquire
Ms. Nancy Kase

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

91 OCT -4 AM 10:21

111 West Chesapeake Avenue
Towson, MD 21204

October 2, 1991

887-3353

Zolna Russell
William F. Kirwin, Inc.
29 East Susquehanna Avenue
Towson, MD 21204

RE: Preliminary Zoning Comments on
Revised (Documented) Reclassification
Plans for Tell Bin Der Property
Case #R-90-407

Dear Ms. Russell:

The following additional revisions are necessary to meet minimum plan requirements:

- Note "OPTION 1" on Option 1 plan.
- Show the front building orientation.
- Clearly break down separate floor areas by use and square footage.
- Signs: All existing and proposed, indicating location, square footage, illumination, and single or double-faced. The sign shown in the detail restricts the sign to less than allowed under Section 413.2 and .5 (B.C.Z.R.). Also correct note #17 to state that all free-standing signs will comply with Section 413.2 and .5 (B.C.Z.R.) and all zoning sign policies.
- Clarify the use of the building footprint near the northern property line at Reisterstown Road. To be razed? If so, note on the plan or if not, comply with required checklist information for this structure.
- Indicate if the proposed "10' promenade" is an at-grade walkway.
- Plan note #28 conflicts with the height detail. Clarify which height is correct and draw the height elevation detail on sheet 3 to scale.

Zolna Russell
October 2, 1991
Page 2

- Correct plan note #10 concerning the 8 foot x 13 foot handicapped parking space and reference that all parking spaces will be permanently striped (in plan note #9).
- Add to title block: PLAN TO ACCOMPANY "CONDITIONAL DOCUMENTED ZONING" RECLASSIFICATION AND VARIANCE OF "FOREST BUFFER". Also if this is a forest buffer requirement of Department of Environmental Protection and Resource Management (D.E.P.R.M.), so indicate in the title.
- Plan options require:
 - Four (4) complete sets of each option plan consisting of 12 copies each.
 - Reclassification checklist information, revisions to the data sheet reflecting the changes from (option 1?) and all applicable requirements and changes previously listed.
 - Clearly indicate the location of the front buffer requirement being variances and include this reference to this variance on the reclassification petition.
 - Seals are required on all plan sheets.
 - A \$75.00 revision fee must be submitted with all revisions.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

John L. Lewis
John L. Lewis
Examiner II

JLL:scj

cc: Nancy Paige, Esquire
Tel Bin Der
Jeffrey Long, Baltimore County Planning Office
Board of Appeals



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

December 10, 1991

PETER MAX ZIMMERMAN
Deputy People's Counsel

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: TELL BIN DER, Petitioner
#R-90-407 (Item 8, Cycle III)

Dear Mr. Hackett:

I note that the above-referenced case has been set in for a hearing on Thursday, December 19, 1991 at 9:30 a.m. for the purpose of submitting a documented site plan in open hearing. Please be advised that due to another case before the Zoning Commissioner at 9:00 a.m. that same day, I will be unable to attend. However, I see no reason this matter cannot go forward, and I would appreciate it if the Board would accept an extra copy of the plan for me.

Thank you for your assistance in this matter.

Sincerely yours,

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

cc: Arnold Fleischmann, Esquire
Mr. Bill Tamburo

PCF:sh

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY
FROM D.R. 3.5 TO B.L. ZONE : BOARD OF APPEALS
NE/SE Reisterstown Rd., 440' SE : OF BALTIMORE COUNTY
of the C/L of Mt. Wilson La. Ext. :
3rd Election District :
3rd Councilmanic District :
TELL BIN DER, Petitioner : Case No. R-90-407
: (Item 8, Cycle III)

ENTRY OF APPEARANCE

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

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 26th day of April, 1990, a copy of the foregoing Entry of Appearance was mailed to Nancy E. Paige, Esquire, 233 E. Redwood St., Baltimore, MD 21202, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

IN RE: Property of the Estate of Tell Bin Der, NE/SE Reisterstown Road, 440' SE of C/L of Mt. Wilson Lane Extended 3rd Election District 3rd Councilmanic District
* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. R-90-407
* (Item 8, III, 1990)

NOTICE OF SUBSTITUTION OF PARTIES FOR ORIGINAL PETITIONER

Min Huey Der, Mgoek Mae Der Watson, Ngook Ping Der, May Ling Der Russell, Min Chang Der, Gary Mott, and Francis MacDougall, Personal Representatives of the Estate of Tell Bin Der, Deceased, by Arnold Fleischmann, their attorney, hereby give notice of their substitution in this proceeding as Petitioners in the place and stead of Tell Bin Der, the original Petitioner/Legal Owner in this action. The reason for this substitution is that Mr. Der died on February 5, 1992, in Baltimore County, Maryland, which was also the county of his domicile at the time of his death. On February 18, 1992, the Orphans' Court of Baltimore County, in Estate No. 74161, issued Letters of Administration to the substituted Petitioners, all of whom were named as Personal Representatives in Mr. Der's Last Will and Testament.

Arnold Fleischmann
Arnold Fleischmann
408 Bosley Avenue
Towson, Maryland 21204
(410) 337-7600
Attorney for Petitioners

ISSUE NO.	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATION	COMMENTS
3-001	Onyiah Mall, Jr et al By John Howard, Esq	NE Corner Stevenson Rd & Hillside Rd (1840 Hillside Rd)	0.80	RC 2 0.80	BL-CR 0.80	1V-7(R-91-113) CBA-Granted 10/01/91. See Issue 2-003	
3-002	Eastern Land & Resources Corp By Eric Dismore, Esq	SE corner of intersection of Owings Mills Blvd & Reisterstown Rd	9.98	ML-1M 9.98	BR 9.98	1-5(R-89-455) CBA-Postponed. See Issue 3-121	
3-003	Dickie Howard Goodman By Robert A. Dismore, Esq	Thornton Mills Rd 2400' NW Corner of York Rd	60.14	RC 4 60.14	DR 10.5 60.14	21-4(R-90-173) CBA-Postponed. See Issue 3-158, 3-160	
3-004	Tell Bin Der By Arnold Fleischmann	440' SE of Mt. Wilson Lane & Reisterstown Rd (1840 & 1853 Reisterstown Rd)	2.60	DR 3.5 2.60	BL 2.60	111-8(R-90-407) CBA-Pending. CBA-Pending. Item 8, Cycle III	
3-005	Willard Backerman By Eric Dismore, Esq	NW side of Bellows Ave and Bellows La (1615 Bellows Ave)	5.15	DR 16 5.15	O-1 5.15	111-10(CR-90-409-UPM) CBA-Granted in part 08/30/91.	
3-006	Dennis McKee By Burt R. Hasey, Esq	400' W of Falls Rd 3200' S of Beaman Hill Rd (15904 Falls Rd)	4.00	RC 4 4.00	RC 5 4.00	V-5(R-91-363) CBA-Denied 12/17/91.	
3-007	Wanda C & Stanley E Bolt By M. Boshoff Builders Inc	NW Corner of York Rd & Middleton Rd	1.40	RC 5 1.40	RC 5 1.40		
3-008	Amer J & Sheila Amer Nian	65' to Hillside Rd & 80' to Cherry Hill Rd 112 S Cherry Hill Rd	0.25	DR 3.5 0.25	DR or NCR 0.25		
3-009	OPS Staff	N side York Rd 1200' W of Mt Carmel Rd	2.70	BL 2.70	BL-CR 2.70	See Harford Plan	

92-13-11: 01 03216

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COUNTY BOARD OF APPEALS
26 APR 26 AM 11:23

RECEIVED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 1992, a copy of the foregoing Notice of Substitution of Parties for Original Petitioner was mailed to Phyllis Cole Friedman, Esquire, People's Counsel, and Peter Max Zimmerman, Esquire, Deputy People's Counsel, Room 304, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204; and to Benjamin Bronstein, Esquire, Evans, George & Bronstein, Suite 205, Susquehanna Building, 29 West Susquehanna Avenue, Towson, Maryland 21204.

Arnold Fleischmann
Arnold Fleischmann

TELL BIN DER * BEFORE THE
NE/s Reisterstown Road, 440' * BOARD OF APPEALS
SE of c/l of Mt. Wilson Lane * FOR
Extended * BALTIMORE COUNTY
3rd Election District *
3rd Councilmanic District *
Reclassification: from D.C. 3.5 * CASE NO.: R-90-407
to BL *
* * * * *

AFFIDAVIT

1. I, Michelle Horner, am at least 18 years of age, competent to testify, and not a party to this action.
2. On July 29, 1992, service of the attached Subpoena Duces Tecum was faxed to Richard H. Berich, P.E., Purdum & Jeschke, 1029 North Calvert Street, Baltimore, Maryland 21202-3823.

I solemnly affirm under the penalties of perjury that the contents of the foregoing affidavit are true to the best of my knowledge, information, and belief.

Michelle Horner
Michelle Horner
29 West Susquehanna Avenue
Suite 205
Towson, Maryland 21204

92-0411 18 MAR 26

TELL BIN DER * BEFORE THE
NE/s Reisterstown Road, 440' * BOARD OF APPEALS
SE of c/l of Mt. Wilson Lane * FOR
Extended * BALTIMORE COUNTY
3rd Election District *
3rd Councilmanic District *
Reclassification: from D.C. 3.5 * CASE NO.: R-90-407
to BL *
* * * * *

SUBPOENA DUCES TECUM

TO: Richard H. Berich, P.E.
Purdum & Jeschke
1029 North Calvert Street
Baltimore, Maryland 21202-3823

At the request of Benjamin Bronstein, Esquire, attorney for the Protestants, you are commanded to appear and testify at the following date, time and place:

Date: Wednesday, August 12, 1992

Time: 10:00 a.m.

Place: Room 48, Old Courthouse, 400 Washington Avenue,
Towson, Maryland 21204

YOU FURTHER ARE COMMANDED to bring with you to the hearing such documents and tangible things set forth on the attached Document Schedule as are within your possession, custody, or control.

Richard H. Berich
Richard H. Berich
Board of Appeals for Baltimore County
Date of Issuance: _____

92-0411 18 MAR 26

TELL BIN DER * BEFORE THE
NE/s Reisterstown Road, 440' * BOARD OF APPEALS
SE of c/l of Mt. Wilson Lane * FOR
Extended * BALTIMORE COUNTY
3rd Election District *
3rd Councilmanic District *
Reclassification: from D.C. 3.5 * CASE NO.: R-90-407
to BL *
* * * * *

AFFIDAVIT

1. I, Michelle Horner, am at least 18 years of age, competent to testify, and not a party to this action.
2. On July 30, 1992, service of the attached Subpoena Duces Tecum was hand delivered to the office of Robert Bowling, Department of Public Works for Baltimore County, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

I solemnly affirm under the penalties of perjury that the contents of the foregoing affidavit are true to the best of my knowledge, information, and belief.

Michelle Horner
Michelle Horner
29 West Susquehanna Avenue
Suite 205
Towson, Maryland 21204

92-0411 18 MAR 26

TELL BIN DER * BEFORE THE
NE/s Reisterstown Road, 440' * BOARD OF APPEALS
SE of c/l of Mt. Wilson Lane * FOR
Extended * BALTIMORE COUNTY
3rd Election District *
3rd Councilmanic District *
Reclassification: from D.C. 3.5 * CASE NO.: R-90-407
to BL *
* * * * *

SUBPOENA DUCES TECUM

TO: Robert Bowling
Department of Public Works for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

At the request of Benjamin Bronstein, Esquire, attorney for the Protestants, you are commanded to appear and testify at the following date, time and place:

Date: Wednesday, August 12, 1992

Time: 10:00 a.m.

Place: Room 48, Old Courthouse, 400 Washington Avenue,
Towson, Maryland 21204

YOU FURTHER ARE COMMANDED to bring with you to the hearing such documents and tangible things set forth on the attached Document Schedule as are within your possession, custody, or control.

Richard H. Berich
Richard H. Berich
Board of Appeals for Baltimore County
Date of Issuance: _____

92-0411 18 MAR 26

10/1/92 Hwy. Log - 5/1/91 (1/2/92)
1/23/91: See report a camera to Maryland
12/19/91 - See report a camera to Maryland
3/16/92: See log - Change in Plan

TELL BIN DER * R-90-407
NE/s Reisterstown Rd., 440' SE of the c/l Mt. Wilson Lane Extended * Item #8, Cycle III, 1990
3rd Election District
3rd Councilmanic District
D.R.3.5 to B.L. * 2.608 acres

March 1, 1990 Petition filed.

Nancy E. Paige, Esquire * Counsel for Petitioner
233 E. Redwood Street
Baltimore, MD 21202

Tell Bin Der * Petitioner
3747 McDonough Rd.
Baltimore, MD 21122
James Earl Kraft *
Board of Education of Baltimore Co.
940 York Road
Towson, MD 21204

Phyllis C. Friedman, Esquire * People's Counsel for Balto. Co.
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Ms. Nancy Kass
22 Warren Road
Cockeysville, MD 21030

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Bldg., Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

OBITUARIES

Tell Bin Der
Restaurateur

Services for Tell Bin Der, a restaurateur known as Benny Der whose businesses included the Golden Dragon Inn on Liberty Road in Randallstown, will be held at noon tomorrow at Long Byers Funeral Directors Inc., 8728 Liberty Road. Mr. Der died Wednesday of kidney failure at his home on McDonough Road in Randallstown. He was 68.

He was a partner in the Lotus Inn on Reisterstown Road from 1951 to 1971 and had owned the Golden Dragon Inn since 1968. In 1950, he opened Benny Der's Hong Kong Carry Out Shop in Pikesville. From the early 1940s to the early 1960s, he operated three hand-laundry businesses and assisted with several others bearing the Der name that were owned by cousins. Born in China, Mr. Der came to the United States in the early 1930s and soon moved from California to Baltimore, working for a time at the Hong Kong Restaurant on Pennsylvania Avenue. Later in the 1930s he went back to China, returning with his wife, the former Yee Shew Yung. He became a United States citizen in 1956. He was a member of Longwood Merchants Association in Baltimore and a financial supporter of the Baltimore County General Hospital. In addition to his wife, his survivors include two sons, Min Huey Der of Randallstown and Min Chang Der of Ellicott City; three daughters, Mae Der Wilson of Winfield, and May Ling Der Russell and Ngook Ping Der, both of Randallstown.

LAW OFFICES
ARNOLD FLEISCHMANN
PROFESSIONAL ASSOCIATION
408 HOLLEY AVENUE
TOWSON, MARYLAND 21204
(301) 337-7600

October 10, 1990

William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. R-90-407
NE/s Reisterstown Road,
440' SE of c/l of Mt. Wilson Lane Extended
Legal Owner: Tell Bin Der

Dear Mr. Hackett:

Please enter the appearance of the undersigned as counsel for the Petitioner in the above referenced matter.

The appearance of previous counsel for Petitioner, Nancy E. Paige, has been withdrawn as per her letter to you of October 9, 1990.

In addition, please make the appropriate notations in your file on this matter so that copies of all future notices will be sent to the undersigned at the address given on this letterhead.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

Arnold Fleischmann
Arnold Fleischmann

AF:me

cc: Nancy E. Paige, Esquire

15 OCT 10 PM 12 06
COUNTY BOARD OF APPEALS
RECEIVED

LAW OFFICES
ARNOLD FLEISCHMANN
PROFESSIONAL ASSOCIATION
408 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(410) 337-7600

January 16, 1991

HAND-DELIVERED

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. R-90-407 (Item #8, III, 1990)
NE/S Reisterstown Road,
440' SE of c/l of Mt. Wilson Lane Extended
Petitioner/Legal Owner: Tell Bin Der
Hearing Date: Wednesday, January 23, 1991, at 9:00 a.m.

Dear Mr. Hackett:

The purpose of this letter is to advise you that I will be making a motion for continuance of the hearing of the above referenced case when it next comes before the Board of Appeals next Wednesday, January 23, 1991, due to the illness of my client, Tell Bin Der.

I have conferred about this matter with the People's Counsel for Baltimore County, who has assured me that she has no objection to the granting of a continuance in this case. People's Counsel has also indicated that upon her receipt of a copy of this letter, she will contact the other interested persons in this case to advise them of the motion for continuance.

Thanking you for your anticipated cooperation in this matter, I am

Very truly yours,

Arnold Fleischmann
Arnold Fleischmann

AF:me

cc: Phyllis C. Friedman, Esquire,
People's Counsel for Baltimore County (HAND-DELIVERED)

COPIES SENT TO

1/23/91

LAW OFFICES
ARNOLD FLEISCHMANN
PROFESSIONAL ASSOCIATION
408 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(410) 337-7600

July 1, 1991

HAND-DELIVERED

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. R-90-407 (Item #8, III, 1990)
NE/S Reisterstown Road,
440' SE of c/l of Mt. Wilson Lane Extended
Petitioner/Legal Owner: Tell Bin Der
Hearing Date: Wednesday, July 17, 1991, at 10:00 a.m.

Dear Mr. Hackett:

The purpose of this letter is to advise you that it will be necessary to ask the Board of Appeals for a continuance of the hearing of the above referenced case, presently scheduled for Wednesday, July 17, 1991. The reason for this request is that additional time is required for the submission of my client's documented site plan to the appropriate agencies for their review and approval, and for the making of any modifications to the plan as a result of such reviews.

I have conferred about this matter with the People's Counsel for Baltimore County, who has assured me that she has no objection to the granting of a continuance in this case. People's Counsel has also indicated that upon her receipt of a copy of this letter, she will contact the other interested persons in this case to advise them of the motion for continuance.

Thanking you for your anticipated cooperation in this matter, I am

Very truly yours,

Arnold Fleischmann
Arnold Fleischmann

AF:me

cc: Phyllis C. Friedman, Esquire,
People's Counsel for Baltimore County (HAND-DELIVERED)

LAW OFFICES
ARNOLD FLEISCHMANN
PROFESSIONAL ASSOCIATION
408 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(410) 337-7600

October 9, 1991

Mr. John L. Lewis
Planner II
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland

Re: Case No. R-90-407
Tell Bin Der Property

Dear Mr. Lewis:

On October 2, 1991, you sent a letter to Zolna Russell of William F. Kirwin, Inc. (a copy of which is enclosed for your information) in connection with the above referenced matter. This letter indicates that you sent a carbon copy of the letter to Nancy Paige, who was formerly the attorney for Tell Bin Der, the Petitioner (property owner) in this matter before the Board of Appeals.

Apparently, your file does not reflect that on October 9, 1990, Ms. Paige withdrew her appearance as attorney for the Petitioner, and that I entered my own appearance as attorney for the Petitioner the following day (October 10, 1990, approximately one (1) year ago).

Would you kindly make an appropriate notation in your file to reflect that I am now the attorney for the Petitioner, and that copies of correspondence which you intend to mail to the attorney for the Petitioner should be sent to me, and not to Ms. Paige.

Thank you for your anticipated cooperation in this regard.

Very truly yours,

Arnold Fleischmann
Arnold Fleischmann

AF:me

Enclosure (as stated)

I found this
in the file —

New attorney
representing
Tel Bin Der.

Sophia

RECEIVED
OCT 10 1991
ZONING OFFICE

LAW OFFICES
ARNOLD FLEISCHMANN
PROFESSIONAL ASSOCIATION
408 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(410) 337-7600

February 3, 1992

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. R-90-407 (Item #8, III, 1990)
NE/S Reisterstown Road,
440' SE of c/l of Mt. Wilson Lane Extended
Petitioner/Legal Owner: Tell Bin Der
Hearing Date: Thursday, March 26, 1992, at 10:00 a.m.

Dear Mr. Hackett:

I have just received a Notice of Assignment from the Board of Appeals concerning the continuation of the hearing in the above referenced case. After I spoke by phone to Lindalee M. Kuszmaul, Legal Secretary to the Board of Appeals, I am writing you in order to seek clarification as to the scope of this hearing.

The Notice of Assignment apparently indicates that the hearing is to be concerned with "Reclassification: from D.R. 3.5 to R.O. (per revised Documented Site Plan)". However, please be advised that the Petitioner, Tell Bin Der, intends to seek reclassification from D.R. 3.5 to B.L., rather than to R.O., because the Petitioner's documented site plan has been submitted on the basis of B.L. zoning rather than on R.O. zoning.

I am aware that the Planning Board has recently recommended R.O. zoning for this property. However, we would respectfully submit that the Planning Board's recommendation was based on the erroneous assumption that R.O. zoning would permit the construction of the project exactly as proposed by the Petitioner. In fact, it is the Petitioner's position that the imposition of R.O. zoning would thwart the development of the Petitioner's documented site plan—a development scheme which was made on the basis of extensive consultation with the Office of Planning and Zoning and with adjoining landowners, and which, furthermore, was found by OPZ to be well designed and worthy of commendation.

Because we believe that the documented site plan can be implemented only with the B.L. zoning which we originally requested by the

LAW OFFICES
ARNOLD FLEISCHMANN
PROFESSIONAL ASSOCIATION
408 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(410) 337-7600

April 16, 1992

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. R-90-407 (Item #8, III, 1990)
NE/S Reisterstown Road,
440' SE of c/l of Mt. Wilson Lane Extended
Petitioner/Legal Owner: The Estate of Tell Bin Der

Dear Mr. Hackett:

Enclosed is a Notice of Substitution of Parties for Original Petitioner, to formalize the fact that the Personal Representatives of the Estate of Tell Bin Der, the original Petitioner/Legal Owner who recently died, are continuing in his place and stead on the Estate's behalf in the above referenced proceeding.

On March 26, 1992, when the Board of Appeals last held a hearing in this matter, Greenebaum & Rose, the developers of the Festival at the Woodholme project which adjoins the Der property, sought for the very first time to intervene, even though this proceeding has been pending for close to two years. Their attorney, Benjamin Bronstein, raised issues concerning (a) an alleged 100-year flood plain which supposedly exists across the Der property, and (b) the testimony of expert witnesses taken before the Board of Appeals before the panel membership was changed. We wish to respond to these two issues.

(a) The Alleged Flood Plain Issue

Enclosed is a copy of a letter from Mr. William F. Kirwin, dated April 10, 1992, concerning the alleged flood plain issue. As the letter indicates, Mr. Kirwin's documented site plan submission depicts no 100-year flood plain across the Der property because there is no existing 100-year flood plain, presently recognized as such by the Baltimore County government, across the Der property.

Section 2-356(1)(1) of the Baltimore County Code (1988 edition) provides that a documented site plan submission must show, inter alia, "existing ponds and other bodies of water, watercourses, one-hundred-year floodplains, major vegetations, and unusual natural

MICROFILMED

LAW OFFICES
ARNOLD FLEISCHMANN
PROFESSIONAL ASSOCIATION
408 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(410) 337-7600

May 20, 1992

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. R-90-407 (Item #8, III, 1990)
NE/S Reisterstown Road,
440' SE of c/l of Mt. Wilson Lane Extended
Petitioner/Legal Owner: The Estate of Tell Bin Der

Dear Mr. Hackett:

I am in receipt of a copy of Benjamin Bronstein's letter to you, dated May 18, 1992, in which he asks to have the September 22, 1992 hearing postponed until on or after October 26, 1992. While I can sympathize with a bona fide scheduling conflict, I must respectfully object to a postponement. As I believe Mr. Bronstein is aware, this property is a 1992 zoning map issue. The County Council will meet in October (almost certainly before the 26th) to adopt the 1992 zoning map. To delay the Board of Appeals hearing until after the adoption of the 1992 zoning map would effectively deny my clients their opportunity to be heard by the Board of Appeals. If we must accommodate Mr. Bronstein's schedule (despite the fact of his very recent entry into this matter), then I would respectfully request that we move the hearing date up, to a date prior to September 22.

Thanking you for your anticipated cooperation in this matter, I am

Very truly yours,

Arnold Fleischmann
Arnold Fleischmann

AF:me

Enclosures (as stated)

cc: (1) Benjamin Bronstein, Esquire
(2) Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, and Peter Max Zimmerman, Esquire, Deputy People's Counsel for Baltimore County

LAW OFFICES
ARNOLD FLEISCHMANN
PROFESSIONAL ASSOCIATION
408 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(410) 337-7600

August 28, 1992

HAND-DELIVERED

County Board of Appeals of
Baltimore County
ATTN: Michael B. Sauer,
Chairman of Panel
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. R-90-407 (Item #8, III, 1990)
NE/S Reisterstown Road,
440' SE of c/l of Mt. Wilson Lane Extended
Petitioner/Legal Owner: The Estate of Tell Bin Der

Dear Mr. Sauer:

On August 12, 1992, when the Board of Appeals concluded its hearing in the above referenced proceeding, there was a mechanical failure in the recording equipment. The Panel Chairman gave the parties the option either to present oral summation without benefit of recording, or to present a post-hearing memorandum in lieu of oral argument. Petitioners chose to file a memorandum. To that end, enclosed is Petitioners' Post-Hearing Memorandum for filing in this case. In addition to the original, two (2) photocopies have also been enclosed so that the three members of the Board of Appeals panel which heard this case may have access to the original or a copy of the memorandum.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

Arnold Fleischmann
Arnold Fleischmann

AF:me

Enclosures (as stated)

cc: (1) Benjamin Bronstein, Esquire (w/encl.)
(2) Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, and Peter Max Zimmerman, Esquire, Deputy People's Counsel for Baltimore County (w/encl.)

LAW OFFICES
ARNOLD FLEISCHMANN
PROFESSIONAL ASSOCIATION
408 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(410) 337-7600

September 14, 1992

HAND-DELIVERED

County Board of Appeals of
Baltimore County
ATTN: Michael B. Sauer,
Chairman of Panel
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. R-90-407 (Item #8, III, 1990)
NE/S Reisterstown Road,
440' SE of c/l of Mt. Wilson Lane Extended
Petitioner/Legal Owner: The Estate of Tell Bin Der

Dear Mr. Sauer:

Having been out of town last week, it was only today that I saw a copy of the September 9, 1992 letter from People's Counsel, seeking to reopen the case in order to take testimony from Nancy Kase (the daughter of certain adjacent property owners).

Back in May, we had experienced problems in trying to reschedule this matter for a hearing date prior to the anticipated date on which the County Council would adopt the 1992 comprehensive zoning map. (Since that time, the County Council's zoning map session has now been definitely scheduled for Thursday, October 15, 1992.) It is my recollection that Benjamin Bronstein, counsel for certain adjoining property owners, would not be available for most of the months of September and October.

To delay the resolution of this matter until after adoption of the 1992 zoning map would effectively deny my clients their opportunity to be heard by the Board of Appeals in this matter. Accordingly, I would respectfully object to any reopening of the case if it would result in such a delay.

I would further note that at the August 12, 1992 hearing in this matter, People's Counsel well represented Ms. Kase's point of view in the cross-examination of a number of Petitioners' witnesses. More to the point, People's Counsel offered into evidence (over my objection, I might add) a letter from Ms. Kase to Jack Dillon, dated February 20, 1992, in which she set forth a number of objections which she and/or her parents had with respect to Petitioners' documented site plan submission. Given the foregoing, it would seem

STUBBER & GIBBS ALPINE

MICROFILMED

April 10, 1992



Arnold Fleischmann, Esq.
409 Bosley Avenue
Towson, MD 21204

Re: Tell Ben Der Property
Dear Mr. Fleischmann:

On December 3, 1991, WFK submitted a documented site plan for the referenced property to John Lewis in the Baltimore County Zoning Office. Previous to the submission, our office had discussions with the county as to whether an approved delineated floodplain existed on the Tell Ben Der property. Based on our investigation we conclude there is not an existing 100 year floodplain on this property, hence there is no floodplain to be considered as a rezoning issue.

As part of the final design process, and not the rezoning process, a floodplain determination will have to be made as part of the engineering submission by conducting a floodplain study. In terms of engineering judgement, it would be unadvisable to provide a floodplain study at this time based strictly on a change of land use.

We determined that we did not want to "arbitrarily" assume where a 100 year floodplain limit would or would not be since the zoning regulations only require that an existing 100 year floodplain be shown. In the absence of an established approved 100 year floodplain, we feel that we have met the burden required by the zoning regulations, for the purpose of submitting a documented site plan.

Sincerely,

WILLIAM F. KIRWIN, INC.

William F. Kirwin
William F. Kirwin

WFK/ps

WILLIAM F. KIRWIN, INC.

Landscape Architecture
Land Planning
Environmental Design

28 E. Susquehanna Avenue
Towson, MD 21204-5285
Phone: 410-337-0075
Fax: 410-823-3827

ENVIRONMENTAL IMPACT STATEMENT
Tel Bin Der Property

September 10, 1991



WILLIAM F. KIRWIN, INC.

28 E. Susquehanna Avenue Towson, MD 21204 Phone: 301-337-0075 FAX: 301-823-3827

R-90-407

WHITNEY, BAILEY, CO. MAGNANI
1850 York Road
TIMONUM, MARYLAND 21093

(301) 252-6060

TO ZONING OFFICE
BAL. CO. OFFICE BLDG.
TOWSON, MD. 21204

LETTER OF TRANSMITTAL

APR 20, 1990 190-05407
CARL RICHARDS
REZONING PLAN
FOR 1845-1853
REISTERSTOWN RD.

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via HAND DELIV the following items:
☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐

COPIES	DATE	NO.	DESCRIPTION
12		1	PLAT TO ACCOMPANY REZONING PERMIT
3		1	200 SCALE ZONING MAP

Item #8: R-90-407 10/17/90
REVISED PLANS

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

CARL
WE HAVE ADDED THE STREET
ADDRESS AND RESEALED THE
PLAT. INCLUDED ARE 3 COPIES
OF THE 200 SCALE ZONING MAP.
ANY QUESTIONS, PLEASE CALL.

COPY TO NANCY PAIGE, ESQ. YOUNG

SIGNED: *John J. Sullivan* RE.
If enclosures are not as noted, kindly notify us at once. PEO, M. K.

October 10, 1990

Mr. William T. Hackett
Chairman, Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Hackett:

The undersigned residents of Keller Road and Castleon Avenue are opposed to any and all new commercial development in the corridor which lies north of Festival at Woodholms and south of Grey Rock.

Between Castleon Avenue and Keller Road there are seven single-family dwellings. These homes were changed from BL and RO zoning to the present DR 3.5. Zoning in this area was revised due not only to the heavy traffic congestion but also to the hydric soil conditions. Any new commercial development will only add to the current traffic congestion and the on-going drainage problems we have experienced due to recent construction.

We feel strongly that revising the current zoning will not enhance the area and will further reduce the value of our properties.

We urge your Honorable Board to deny the proposed change to the zoning in this area.

Sincerely,

RESIDENTS OF KELLER ROAD & CASTLEON AVENUE

cc: Hon. C.A. Dutch Ruppersberger, III
Mr. Jack Dillon, Office of Planning

ptc

RECEIVED
COUNTY BOARD OF APPEALS
50 OCT 15 PM 2:27

1. Wild R. M. 9 Keller Rd.
Melissa Back Tamburo 9 Keller Rd.
2. Evelyn S. Down 11 Keller Rd. Pike 21208
3. Evelyn V. Down - 11 Keller Rd.
3. Maria E. Manthe 17 Keller Rd. Pikeville, Md 21208
4. William C. Manthe 15 Keller Rd. Baltimore, Md 21208
5. Lynn M. New 17 Keller Rd. Pikeville, Md 21208
5. Brage E. Weber 18 Keller Rd. Pikeville, Md 21208
- Mark Walter 5 KELLER RD. 21208

October 8, 1990

Ms. Jennifer Macek
Court House
400 Washington Avenue
Towson, MD 21204

Dear Jennifer:

I wanted to thank you again for your assistance in boarding the two dwellings located at One Keller Road and 1845 Reisterstown Road.

The owner has neglected these properties; and as you know, they have become an eyesore to the area and are in need of repair.

We appreciate your prompt attention to this matter.

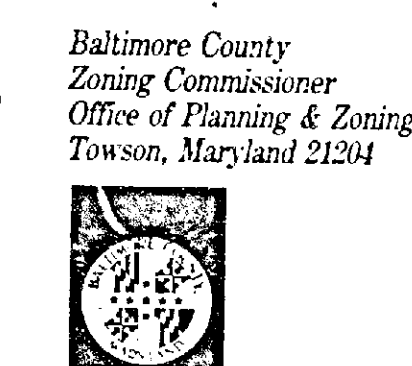
Sincerely,

William R. Tamburo
William R. Tamburo

cc: Hon. C.A. Dutch Ruppersberger, III
Mr. William T. Hackett
Mr. Jack Dillon

WRT/ptc

9 Keller Road, Baltimore, MD 21208



Tell Ben Der
3717 McCannock Road
Baltimore, Maryland 21133

Dear Mr. Dillon,
I am writing in reference to our phone conversation we had today.

Our problem is with the zoning of the Tell Ben Der property on Reisterstown Road. My parents property is located on Castleon Ave. behind and to the side of Mr. Down property. Their names are Down & John Manthe and I feel they are the ones who will be most affected by any changes in the Ben Der property.

We are all upset over the plans that were drawn up for the property. We feel these plans are wrong.

Castleon Ave. is a private road and not a county road or owned by Tell Ben Der. My parents do not want Castleon Ave. moved to another location.

They also are against roads or parking lots being put over their water line unless the line or future owners assume maintenance of the water line in case of leaks or freezing.

Also, by building the underground sewage might be diverted or stopped up thereby causing possible damage to their property.

Nancy Haas
32 Warren Rd.
Cockeysville, Md 21030

Dear Mr. Hackett,

I would appreciate it very much if you would notify me of any new hearing dates set for the case no. R-90-407 now set for Oct. 17, 1990. The property owner is Tell Ben Der.

The property is located in front and side of my parents home, Down & John Manthe. I want to bring my mother to the hearing and she wants to be there.

Please let us know of any change. Thanking you for advance.

Nancy Haas

RECEIVED
COUNTY BOARD OF APPEALS
14-11-90 6-30-90

Lipman Frizzell & Mitchell Real Estate Consultants

M. Ronald Lipman, C.R.E., M.A.I.
George P. Frizzell, C.R.E., M.A.I.
Ryland L. Mitchell, III, C.R.E., M.A.I.
David H. Brooks, M.A.I.
Robert B. Becker, M.A.I.
James C. Feeney, M.A.I., S.R.F.A.
Howard K. Cohen, M.A.I.
Malcolm Sherman
Elizabeth W. Vandermans
Stephen L. Rudow
Sheldon A. Stern
Ilene R. Sheer
Jennifer Y. Strick
Robert F. Rajewski
John H. Russell
Kristin E. Bowen
Matthew T. Souter
Andrew A. Manley, Market Research
Curtis R. Boze, Market Research
Jedward M. Ryba, Office Manager

Baltimore Office
11834 Professional Center
1400 Inner Avenue, Suite 400
Lutherville, Maryland 21093-5531
(301) 321-0622 Fax: 296-8589

Washington Office
Second Avenue Plaza
800 Second Avenue, Suite 402
Silver Spring, Maryland 20910-3321
(301) 565-8300 Fax: 587-3033

WORK EXPERIENCE:

2/88 to now

NORMAN E. GERBER AICP
35 Pickburn Court
Cockeysville, MD 21030
(301) 667-4543

Specializing in land planning, preparation of development regulations, evaluating property development potential and expert testimony in planning and zoning issues.

2/89 to 10/90

CITY OF LAUREL MARYLAND

Title

Director of the Department of Planning and Zoning

Responsibilities

- General administration
- Prepare master plan, zoning and subdivision ordinances and maps
- Enforce Zoning Laws

4/56 - 1/88

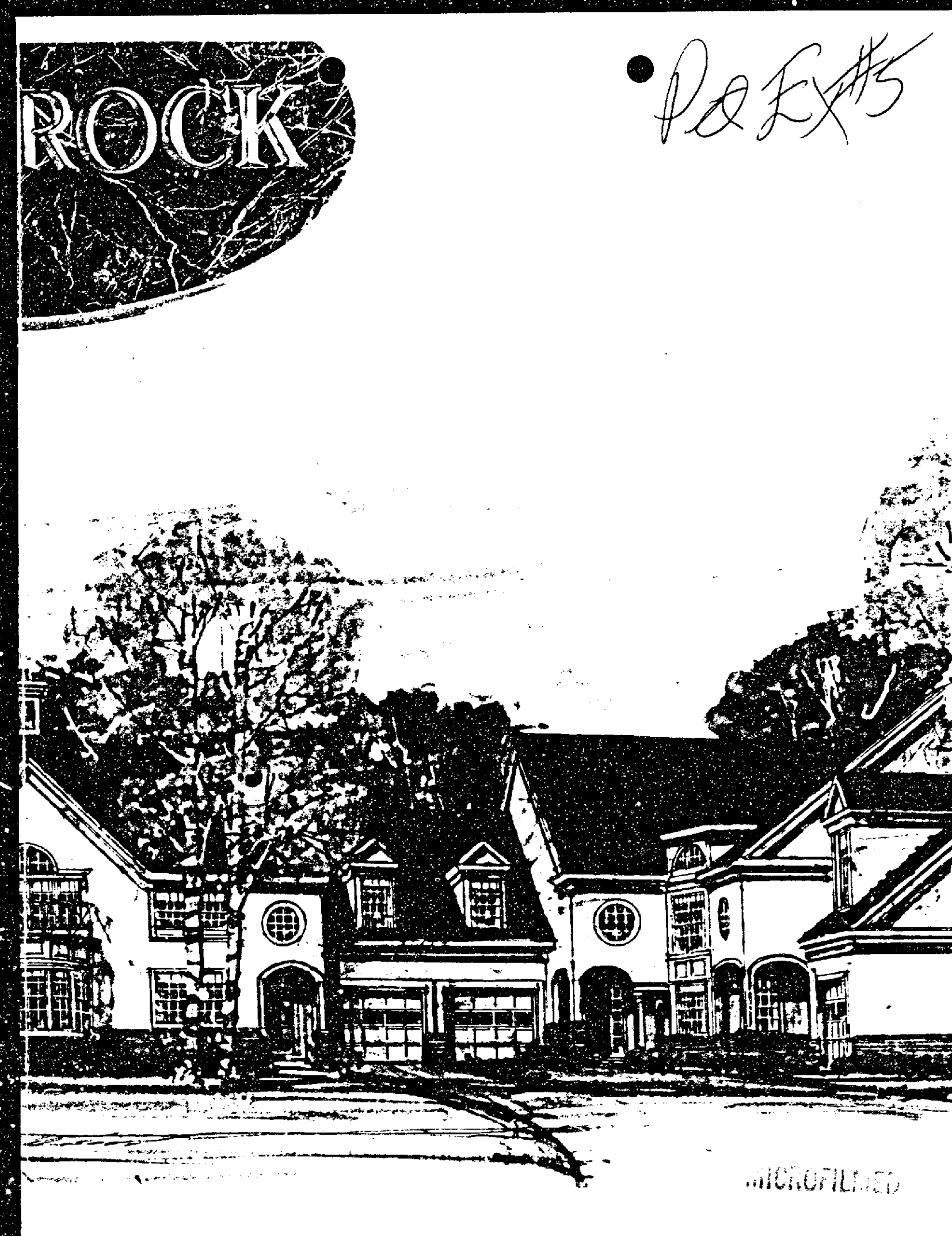
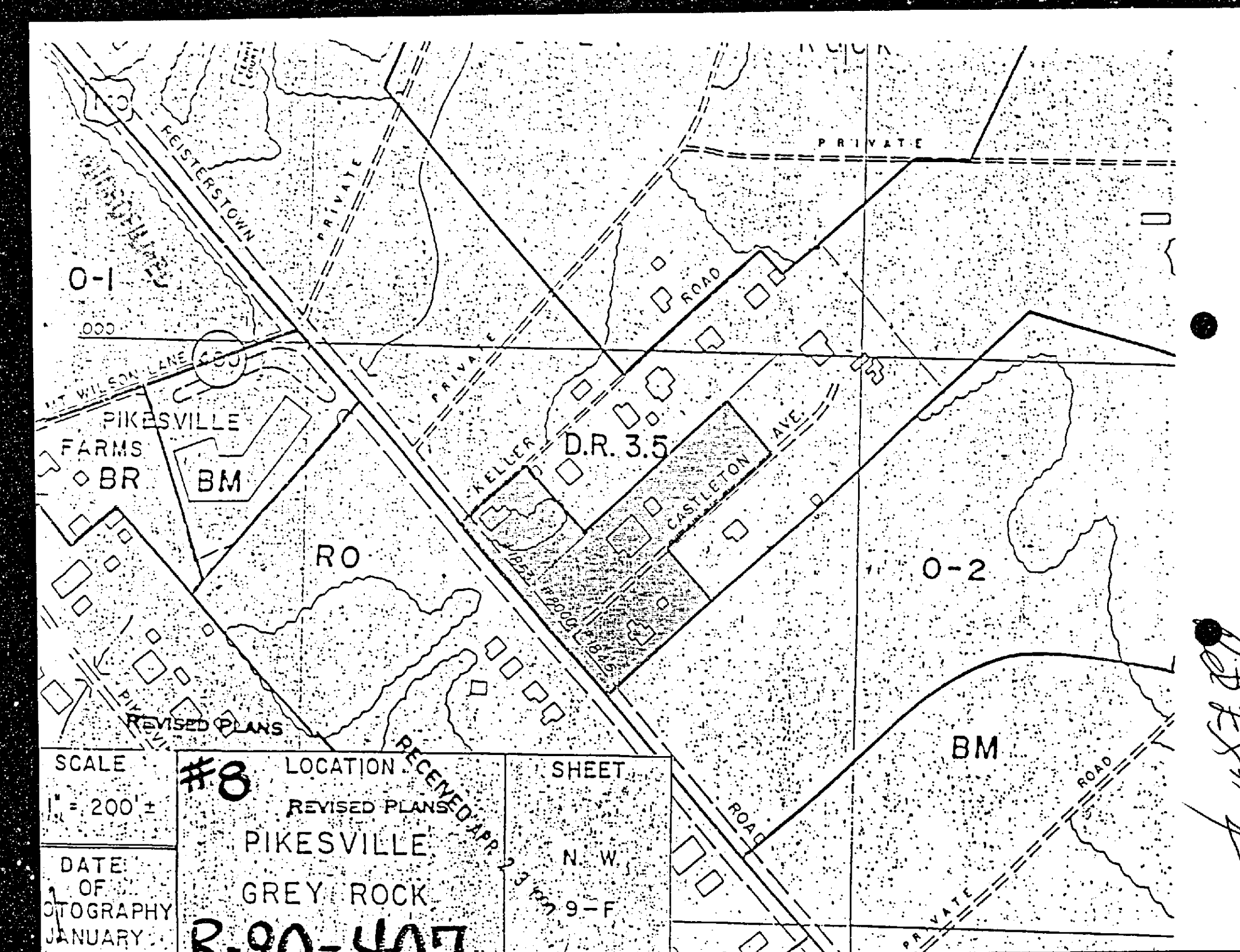
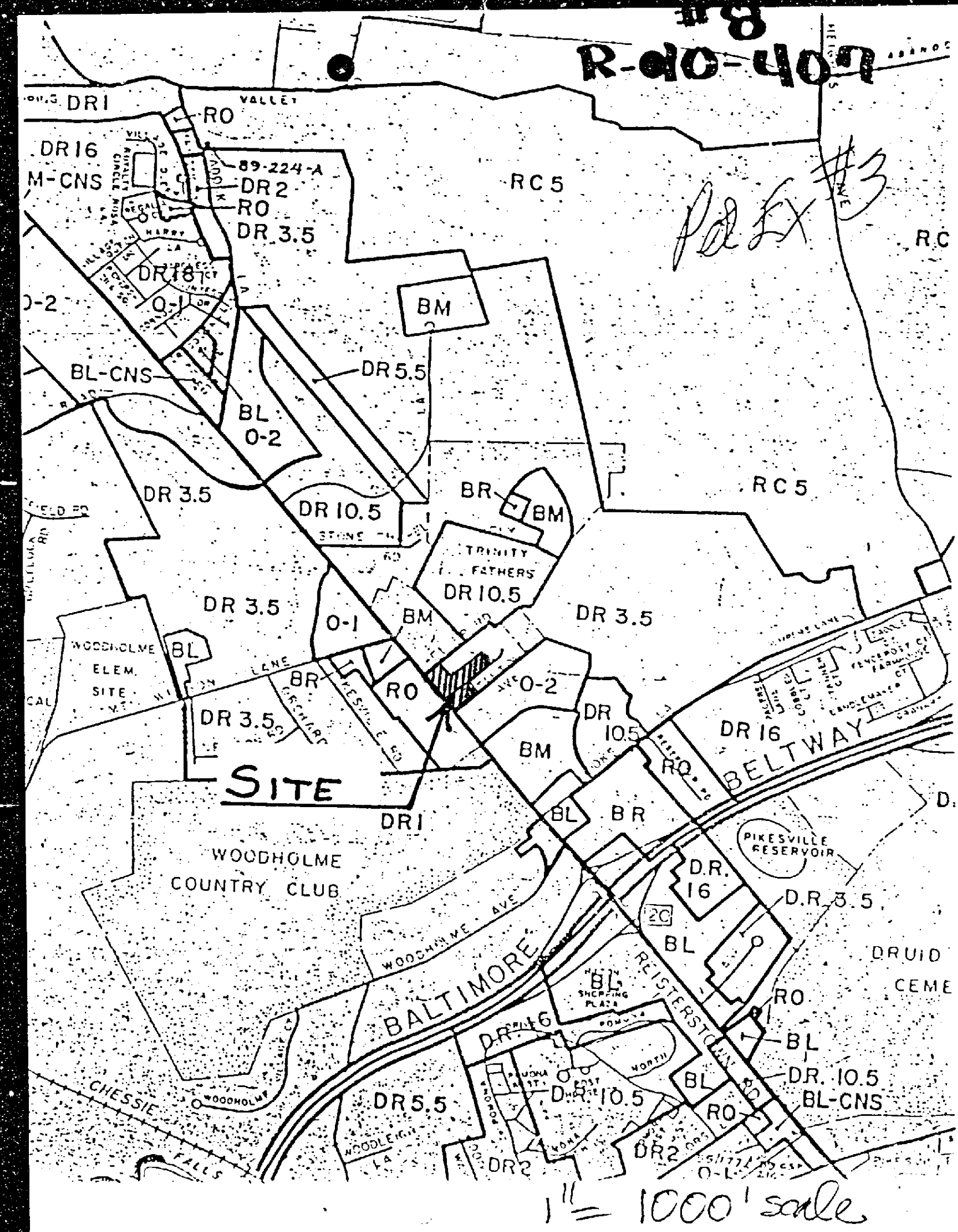
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

9/80 - 1/88 Title

Director of the Office of Planning and Zoning

Responsibilities

- General administration of the Office
- Approved subdivision and development plans for entire County.
- Administered historic preservation and agricultural land preservation laws and programs.
- Testified at various State and local boards and commissions, State and Federal legislative bodies, and State and Federal Courts.
- Lobbied the County Council for approval of the County Executive's programs, budgets and contracts.
- Secretary to 15 member planning board; maintained minutes, scheduled meetings, prepared agenda, etc.
- Supervised the preparation of, and assisted in the adoption process of a county-wide comprehensive zoning map every four years.
- Recommended new zoning, development and growth management regulations as well as amendments thereto.
- Commented on zoning petitions and testified at necessary local, state and federal judicial levels



PERSONAL DATA: WILLIAM F. KIRWIN, PRESIDENT

WILLIAM F. KIRWIN, INC.

Occupation: Consultant, Landscape Architect
Environmental Land Planner

Registered: Maryland 1971, No. 8
West Virginia 1972, No. 78
Delaware 1976, No. 39

Education: B.S. Landscape Architecture, 1961, New York State College of Environmental Science

B.S. Science, 1961, Syracuse University

Juris Doctor Law, 1968, University of Baltimore

Post Graduate Courses in Public Administration
New York State Graduate School of Public Affairs Albany

Professional Associations:

1989 President, Maryland Chapter, American Society of Landscape Architects

1990, 1991 Chairman, State Board of Registration for Landscape Architects

Vice President, Maryland Association of Landscape Architects

Former Member, Maryland Interprofessional Committee on the Environment

Former Member, Landmark Preservation Commission, Baltimore County

Former Member, Baltimore County Planning Board, Planning Board designate Regional Planning Council, Former Chairman, Baltimore County Planning Board

Guest Lecturer:

University of Maryland - Environmental Law

College of Notre Dame - Residential Landscape Architecture

WES GUCKERT PRESIDENT

Wes Guckert is a recognized and well respected expert in the field of traffic engineering, serving as a technical advisor in the areas of traffic impact analysis, traffic signal design, traffic circulation, access studies and transportation planning. Mr. Guckert has played a major role in projects that span the urban and suburban areas of Maryland, Virginia, Pennsylvania, New Jersey, and Delaware. As President of The Traffic Group, Mr. Guckert has managed over 1800 studies for more than 800 clients, including the Townsown Centre Regional Mall, Bowie New Town Centre, Port America, and the Annapolis Mall Expansion.

JOB HISTORY

1985-Present

President, The Traffic Group, Inc.

1977-1985

Traffic and Transportation Planning Consultant

1972-1977

Maryland State Highway Administration-Traffic Division
Assistant Regional Traffic Engineer

EDUCATIONAL BACKGROUND

Bachelor of Science - University of the State of New York

Civil Engineering Preparation, Johns Hopkins University

Township State University, and Essex Community College

Traffic Engineering Courses, Northwestern University, Traffic Institute, University of Tennessee Transportation Center, University of Maryland

EXAMPLES OF PLACES WHERE MR. GUCKERT HAS QUALIFIED AS AN EXPERT WITNESS

MARYLAND

Planning Board-Allegany County

Zoning Hearing Examiner, Board of Appeals and Circuit Court-Anne Arundel County

Planning Commission and City Council-City of Annapolis

Board of Appeals, Circuit Court, Planning Board, Zoning Hearing Examiner-Baltimore County

Planning Board, Town Commissioners-Town of Bel Air

Planning Board and Board of Appeals-Carroll County

Planning Board and Board of Appeals-Charles County

Planning Commission-City of Frederick

Planning Board and County Commissioners-Fredrick County

Zoning Hearing Examiner-Harford County

Planning Board and Zoning Board-Howard County

Zoning Hearing Examiner-Montgomery County

responsible for the Maryland 210 Bus Stop Study, the Capital Centre Access Study, and the University of Maryland Access Study. In addition, he directed the design and implementation of traffic access systems for regional projects such as National Business Park, Presidential Corporate Center, Largo Town Center, the Milestone Property, Wheaton Plaza, and Salisbury Centre. Early in his career, Mr. Guckert served for 5 years with the Maryland SHA Traffic Division.

A renowned expert in the field, Mr. Guckert is often asked to serve as an independent expert witness, testifying before county and municipal boards and district courts in Maryland, Virginia and Pennsylvania on traffic engineering and transportation planning issues.

AFFILIATIONS

Institute of Transportation Engineers (I.T.E.)

Urban Land Institute (U.L.I.)

America's Planning Association (A.P.A.)

Transportation Research Board (T.R.B.)

I.T.E. PROFESSIONAL COMMITTEES

Traffic Considerations for Special Events

Parking Facilities for Industrial Plants

Internal Transportation Systems for Majority Activity Centers

PUBLICATIONS

I.T.E., "The Evolution of Adequate Public Facilities and Their Effectiveness as Growth Management Tools in Maryland" (Co-Author)

Board of Appeals-Montgomery County

Board of Appeals-Washington County

M.N.C.P.C. (Planning Commission)-Montgomery County

County Council, Zoning Hearing Prince George's County

M.N.C.P.C. (Planning Commission)-Prince George's County

Planning Board-St. Mary's County

NEW JERSEY

Holmdel Township Planning Board

VIRGINIA

Arlington County Board of Supervisors

Loudoun County Planning Board

Prince William County Planning Board and Board of Supervisors

PENNSYLVANIA

West Whiteland Township Planning Board, Town Council

City of Scranton Board of Appeals

The Traffic Group, Inc. Suite 600 40 W. Chesapeake Avenue Tracross, Maryland 21204 (410) 553-8405 Fax (410) 321-8458

NORMAN E. GERBER, AICP

35 Pickburn Court
Cockeysville, MD 21030

Home
(410) 667-4232

Business
(410) 667-4543

PROFESSIONAL EXPERIENCE

Preparation of Master Plans and Land Use Regulations

- Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets.
- Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.
- Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

- Reviewed and approved new development.
- Enforced zoning, agricultural and historic preservation regulations.
- Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

- Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.
- Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.
- Prepared RFP's, grant applications, selected consultants and administered contracts.

WORK EXPERIENCE

2/88 to present

NORMAN E. GERBER, AICP, Cockeysville, MD

Principal

Private practice as planning consultant specializing in land planning, preparation of land use regulations property evaluation and expert testimony in zoning and development issues.

2/89 to 10/90

The City of Laurel, Laurel, MD

The Office of Planning and Zoning

Director

Administered the planning program and enforced the zoning code.

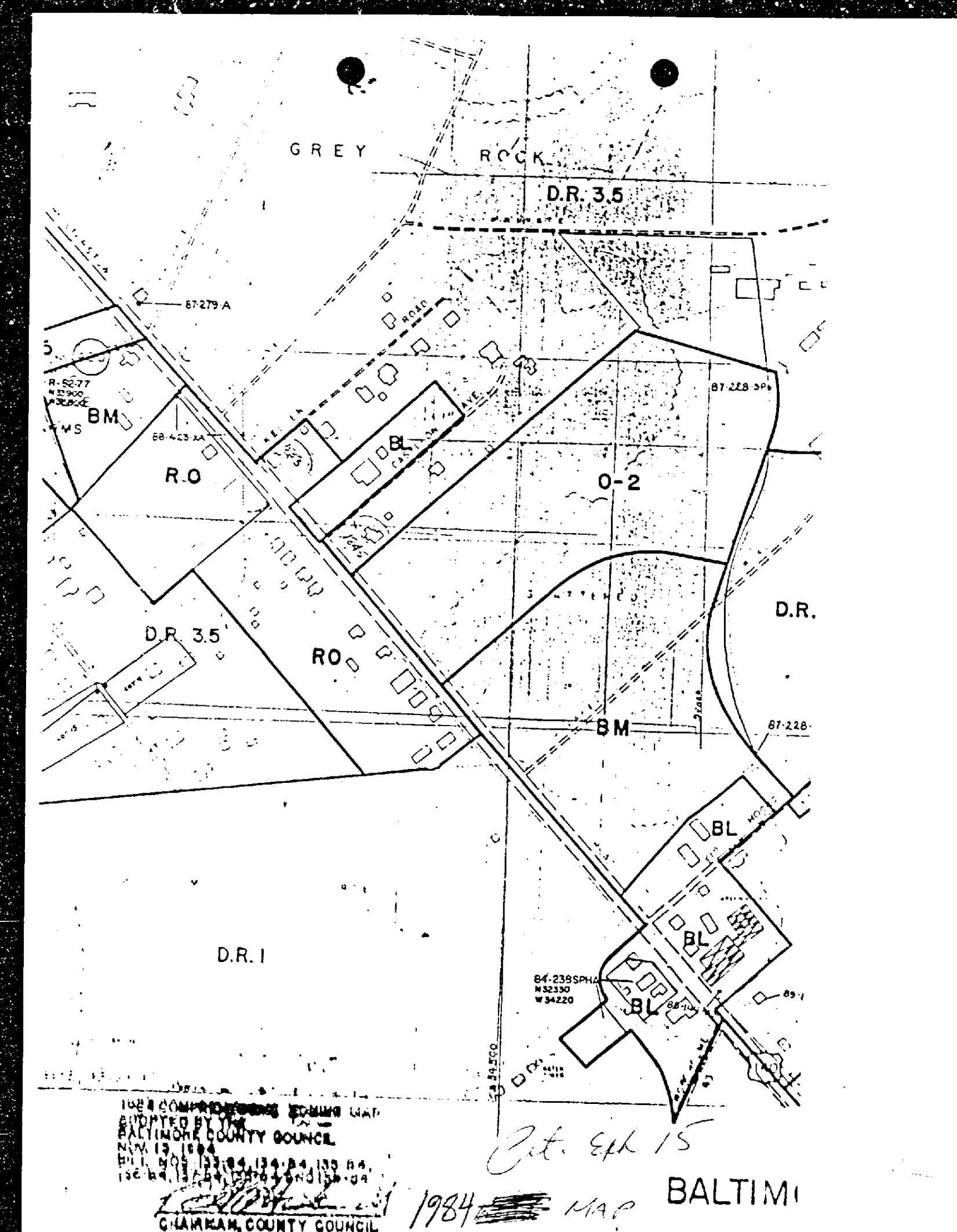
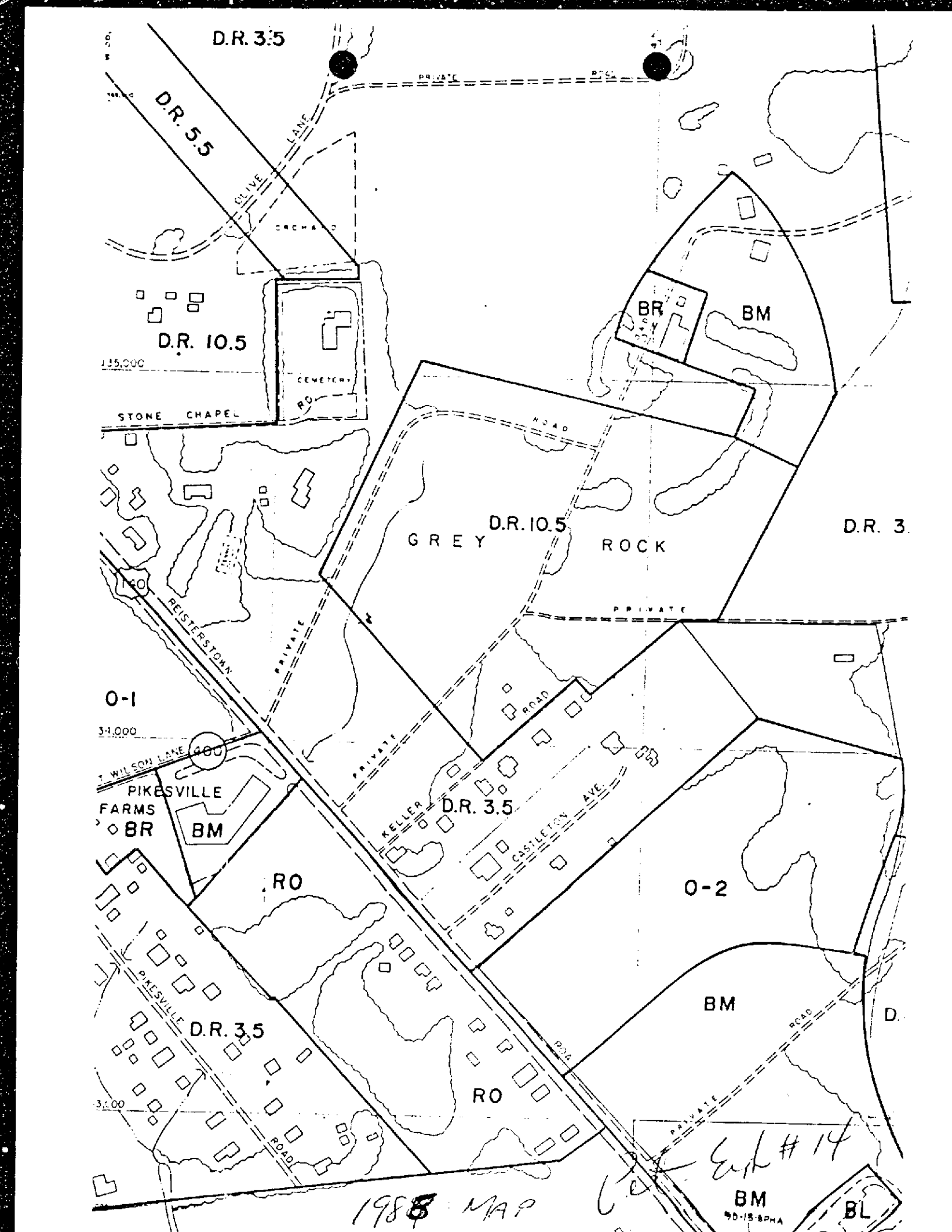
887-3211

January 30, 1992

At the regular monthly meeting on January 23, 1992, the enclosed January 15, 1992 staff report was adopted to constitute a report by the Planning Board recommending conditional approval of the Petition and the documented site plan in Case No. R-90-407.

P. David Fields

PDF/TD/mjm
HACKETT/TXTMJM
Enclosure



RE: PETITION FOR DECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 3.5 TO B.L. ZONING :
NE/S Reisterstown Rd., 440' : OF BALTIMORE COUNTY
SE/C of M. Wilson La. Ext.
3rd Election District : Case No. R-90-407 (Item 8, Cycle III)
3rd Councilmanic District

TELL BEN DER, Petitioner

PEOPLE'S COUNSEL'S LIST OF EXHIBITS

Page

The Recommended Baltimore County Comprehensive Zoning Map, Log of Issues, June 28, 1988, A Report by the Baltimore County Planning Board for Public Hearings by the Baltimore County Council	1
Baltimore County Council Minutes, October 13, 1988	5
Report by the Baltimore County Planning Board to the Baltimore County Board of Appeals Zoning Reclassification Petitions, Cycle III, 1990, July 31, 1990	7

TO: Harold Reid, Chairman DATE: January 15, 1992
Baltimore County Board of Appeals

FROM: Arnold F. "Pat" Keller, III
Deputy Director
Office of Planning & Zoning

SUBJECT: DOCUMENT SITE PLAN
CASE NO. R90-407/TEL BIN DER

Pursuant to Section 2-356(m) of the Baltimore County Code, an amended site plan was referred by the Board of Appeals to the director of the Office of Planning and Zoning. Following consideration by this office, a recommendation regarding the above mentioned case is offered herewith.

Arnold F. "Pat" Keller, III
Deputy Director

AFK/lw
PKDOCST.PLN/TXTLLF

THIS DEED, Made this 30th day of December, in the year nineteen hundred and eighty-five, by and between ROBERT P. WAGERS, of Baltimore County, State of Maryland, party of the first part, and TELL BIN DER, of Baltimore County, State of Maryland, party of the second part.

WITNESSETH, That in consideration of the sum of TWO HUNDRED FIVE THOUSAND DOLLARS, (\$205,000.00), the said ROBERT P. WAGERS does grant and convey unto the said TELL BEN DER, his personal representatives and assigns, in fee simple, all that parcel of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the northeast side of Reisterstown Road, at the distance of 120 feet 8 inches South 34 degrees 00 minutes East from an iron pipe planted at the westernmost corner of the whole lot of ground as shown on the Plat of the property of George Schwesinger, Jr., which Plat is recorded among the Land Records of Baltimore County in the Book C.W.B. at No. 12, for the center of a 20 foot road there situated as shown on said Plat and running thence North 55 degrees 27 minutes East along the center of said private road with the use thereof in common with others entitled thereto 250 feet running thence South 34 degrees 00 minutes East 120 feet to a place on the northeast corner of the whole lot of ground as shown on the Plat aforesaid, running thence South 55 degrees 27 minutes West binding on the said southeast side of said whole lot of ground 250 feet to the northeast side of Reisterstown Road, running thence North 34 degrees 00 minutes East 120 feet to a place on the northeast side of Reisterstown Road 120 feet 8 inches to the place of beginning. The improvements thereon being known as No. 1845 Reisterstown Road.

FF SUBJECT to easement created by Agreement between
William G. J. Schwesinger and wife and John T. Mautha, and wife,
dated December 31, 1945, and recorded among the Land Records of
Baltimore County in Liber R.J.S. No. 1428, folio 499.

B B 010***328000:a 5028A

401 Bosley Avenue
Towson, MD 21204

March 2, 1992

Mr. Arnold Fleischmann
408 Bosley Avenue
Towson, MD 21204

Dear Arnold:

I am forwarding to you a copy of a letter from Ms. Nancy Kase, the daughter of Mr. & Mrs. Mauthe who resides on Castleton Avenue. Ms. Kase indicates that she and her parents are not in support of a site plan which was submitted to the Planning Board as a documented site plan. As you know, my understanding is that all parties were in accord with the plan. Ms. Kase's position places the validity of the documented site plan in jeopardy and you should so advise your clients.

Please advise me of any changes you or your clients may wish to make with regard to this matter.

Sincerely,

Jack Dillon
Senior Planner

JD:lw
IDEEFISH/TITLE

cc: Fhyllis Friedman
Nancy Kase

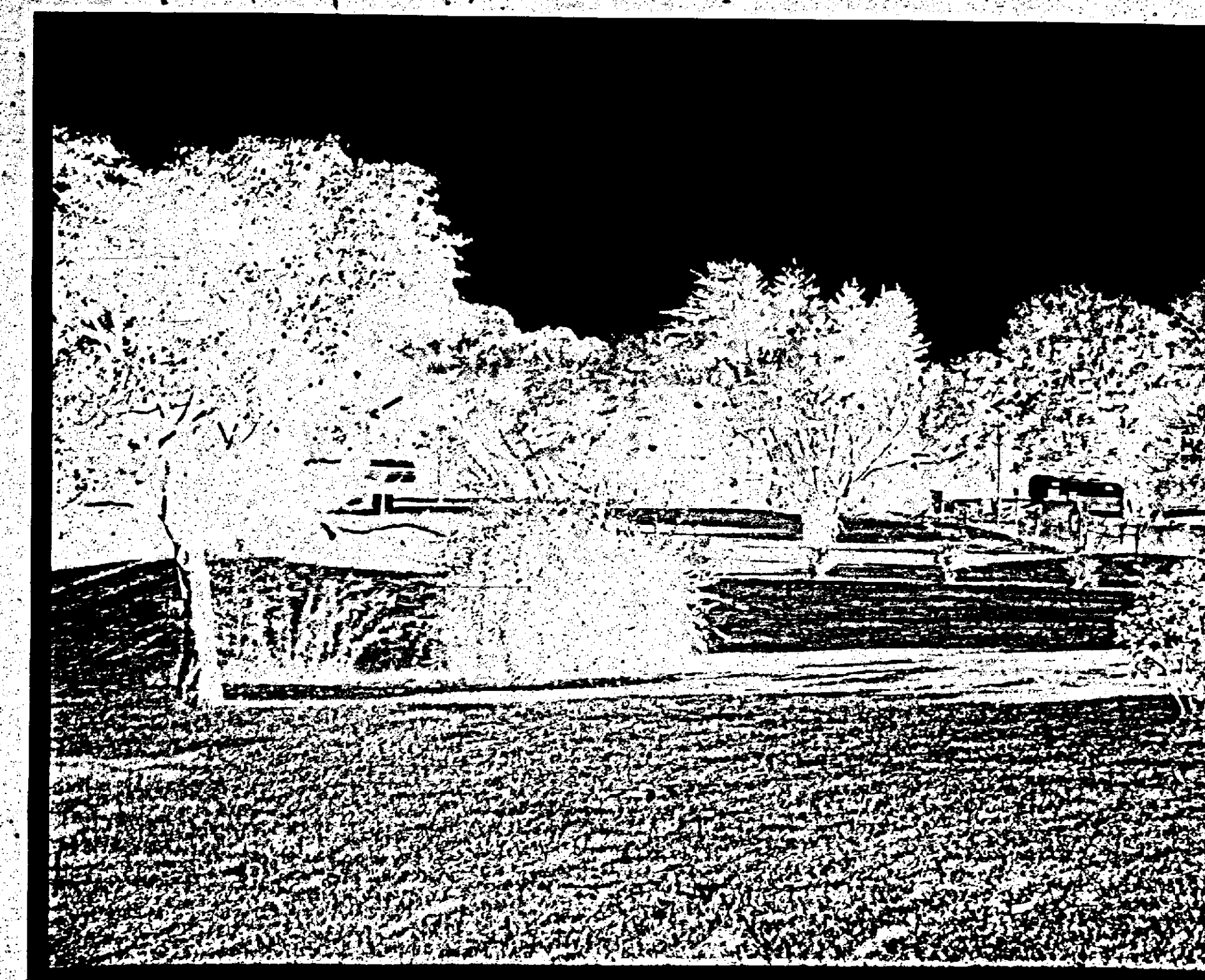
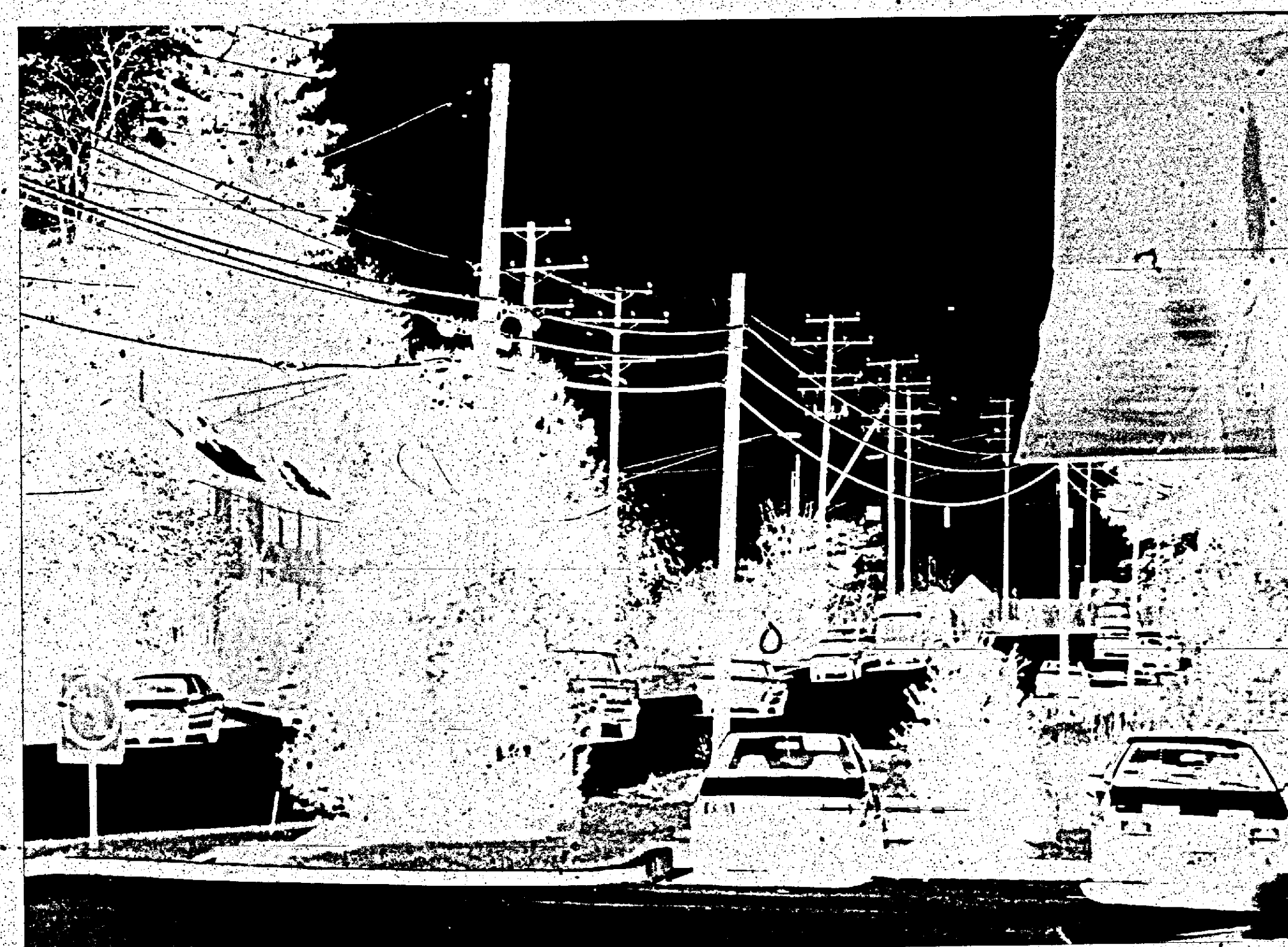
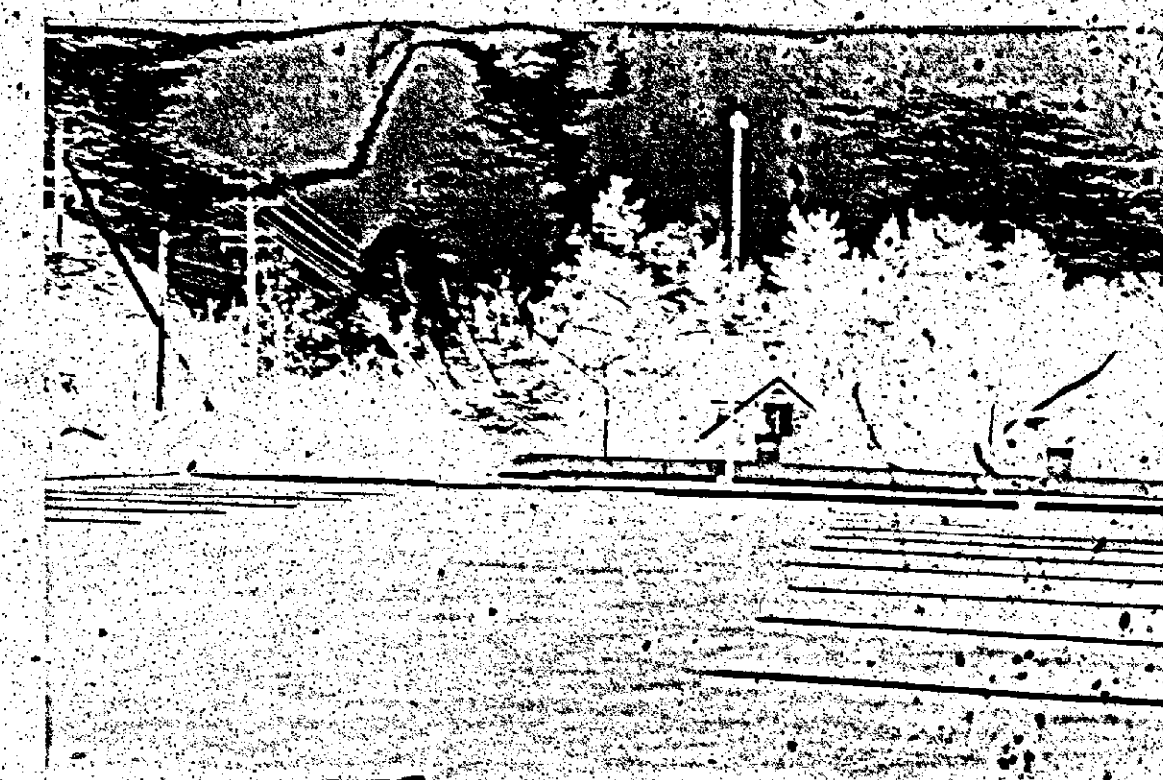
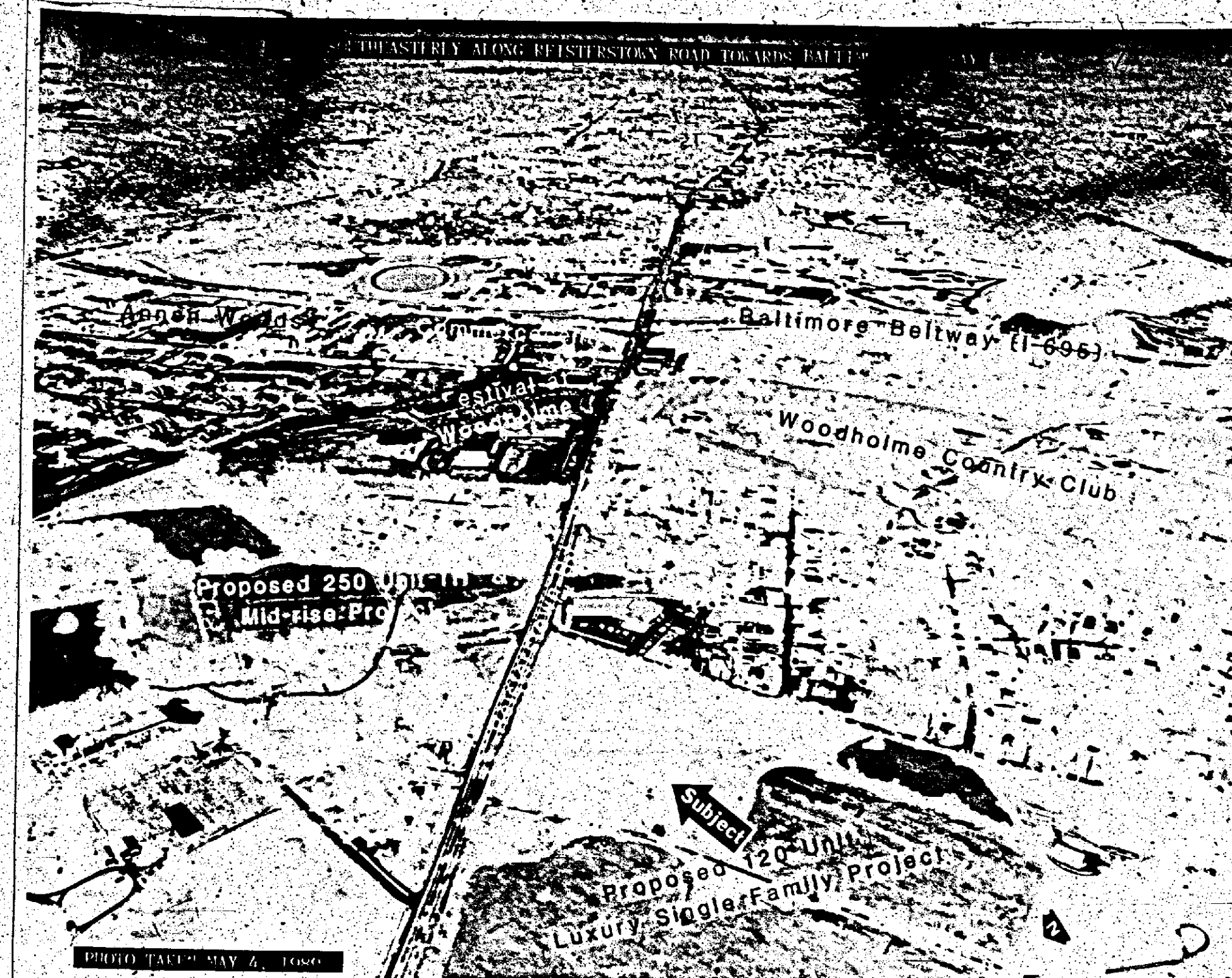
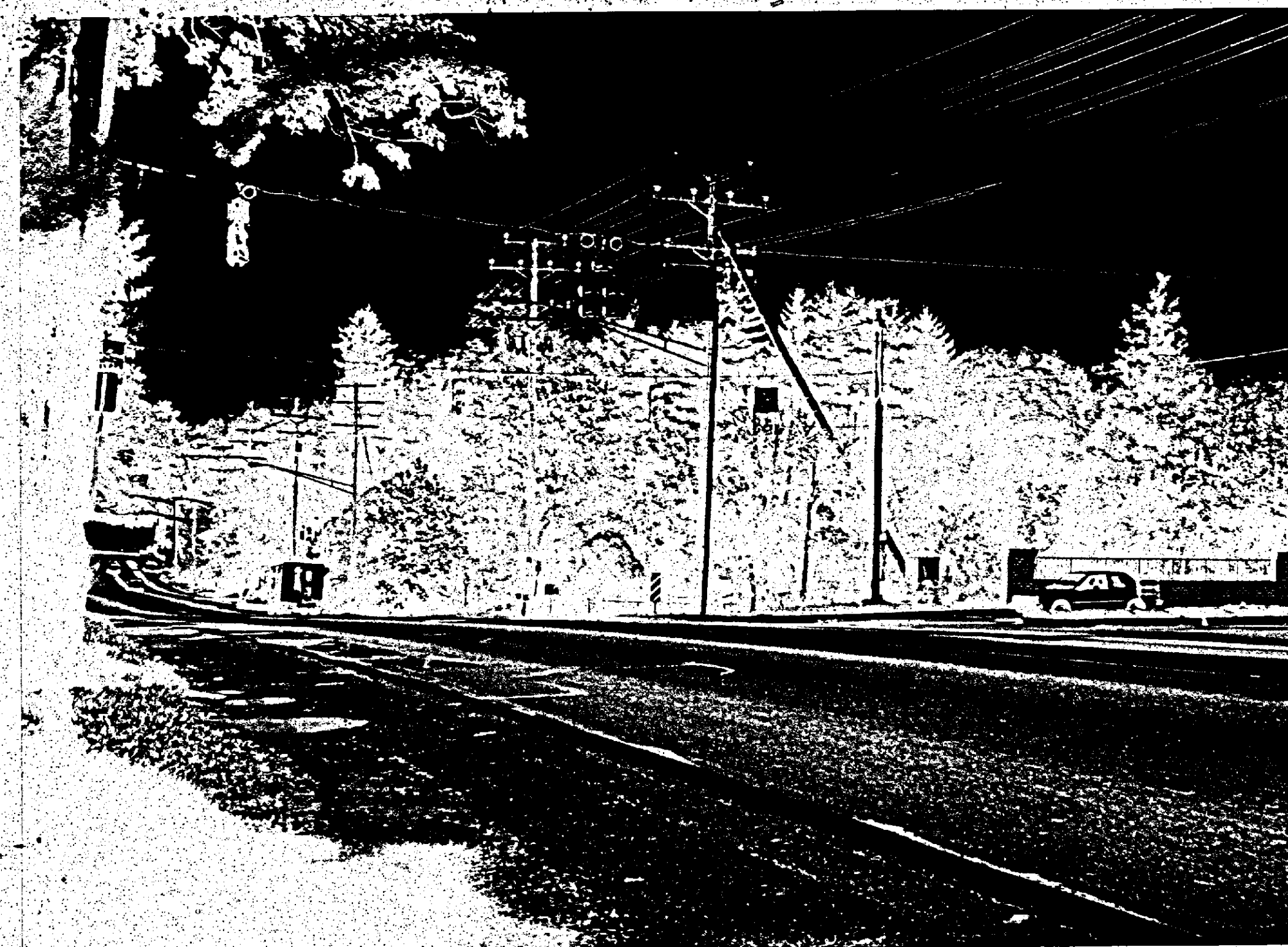
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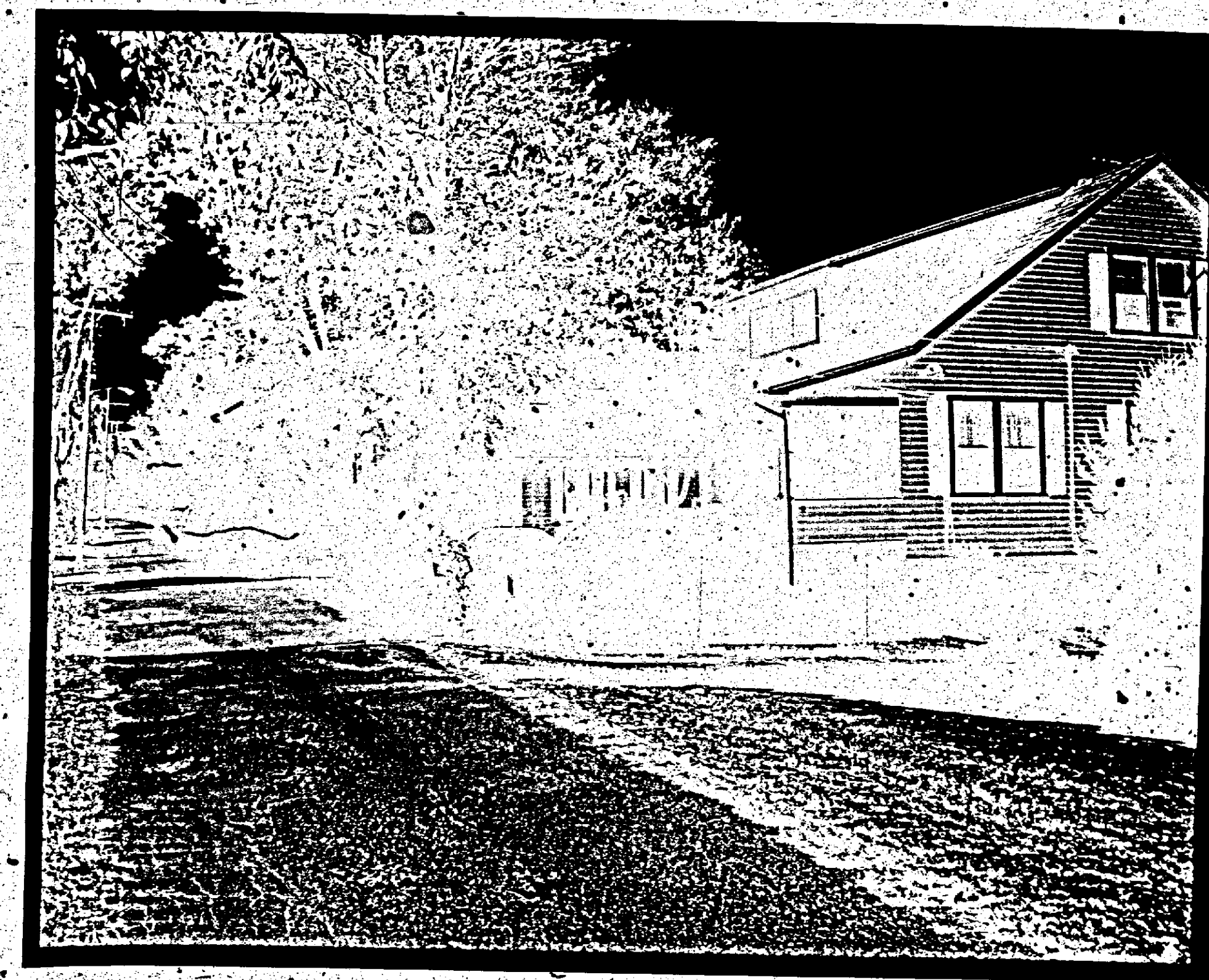
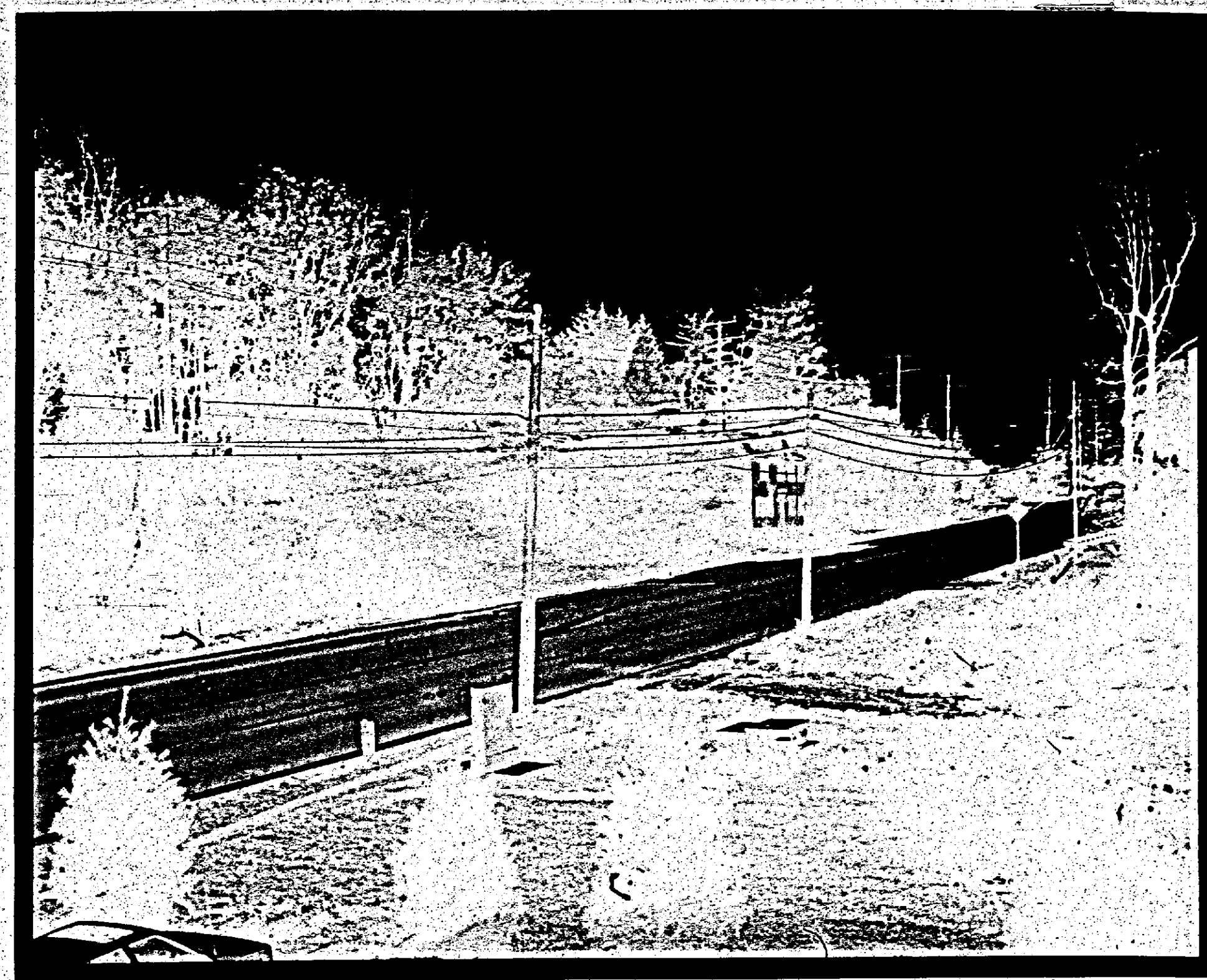
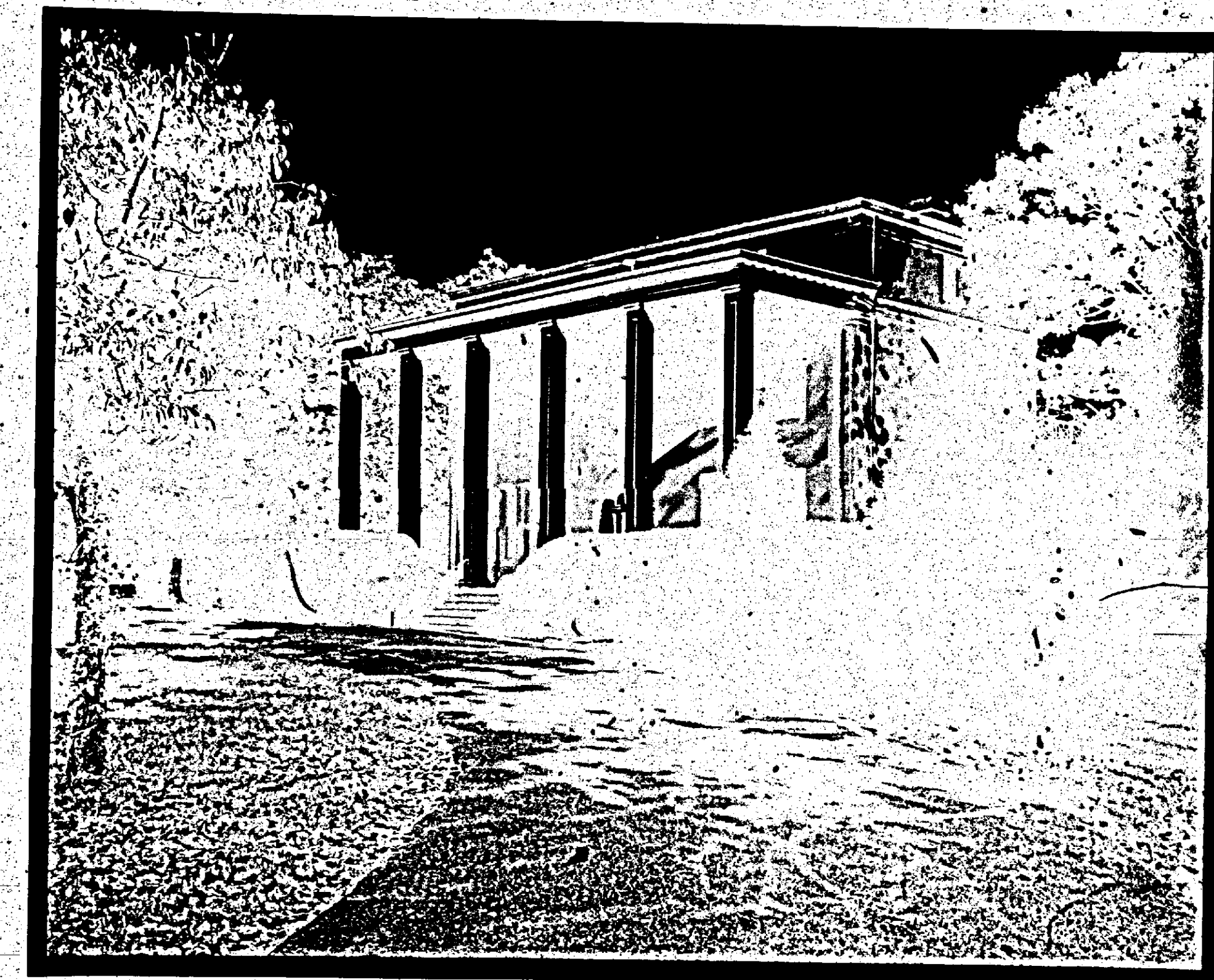
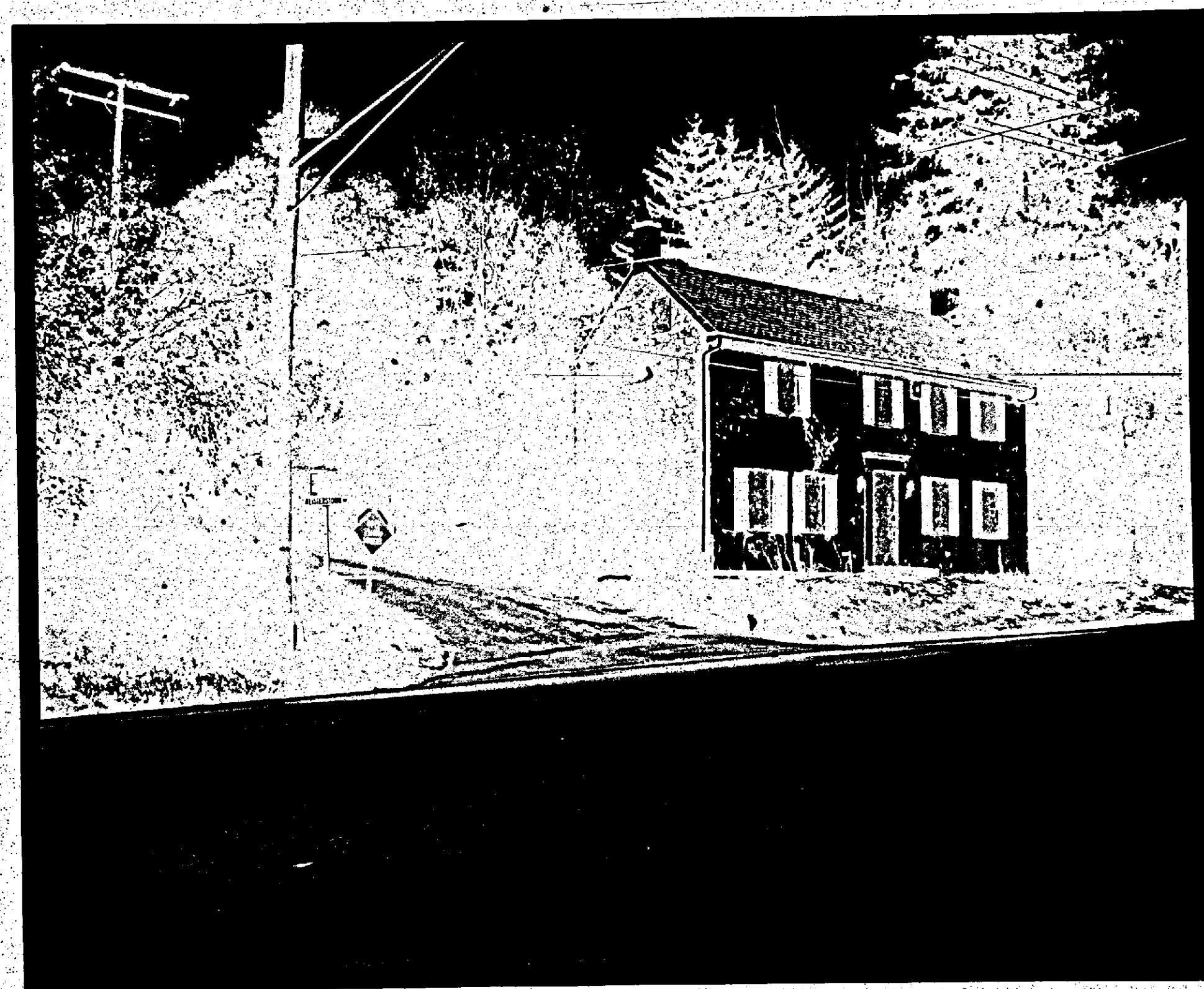
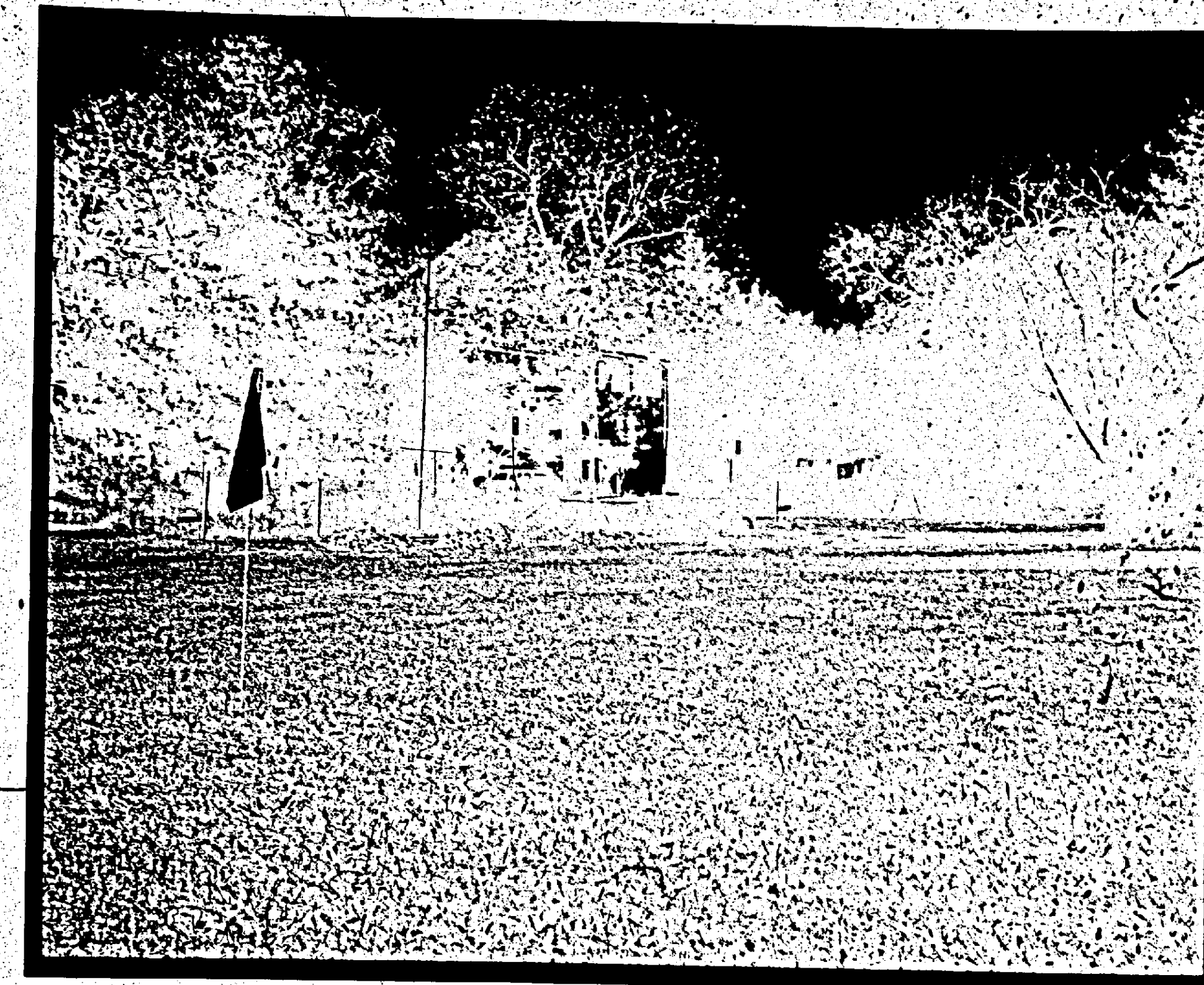
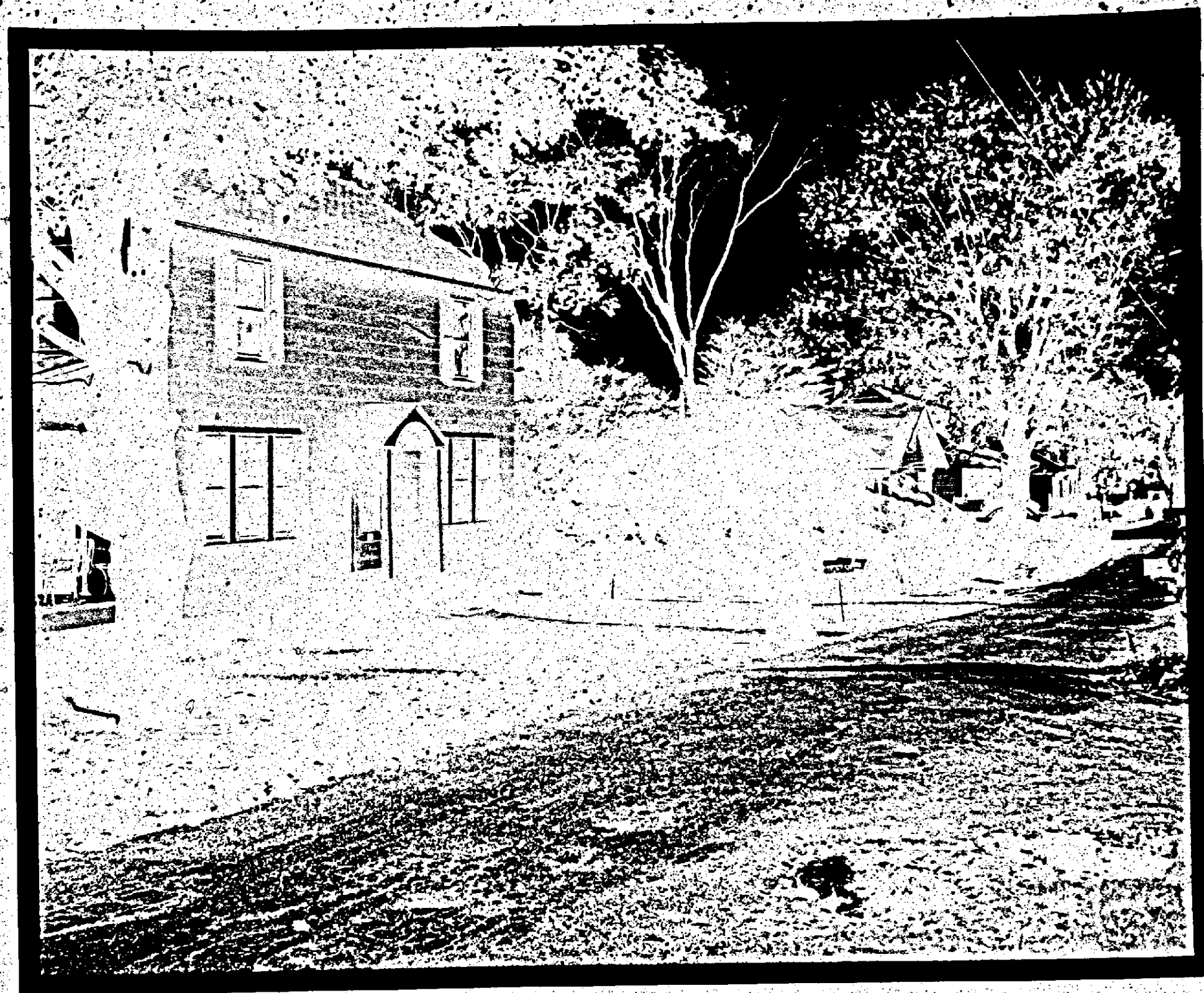
PEOPLE'S COUNSEL'S SIGN IN SHEET

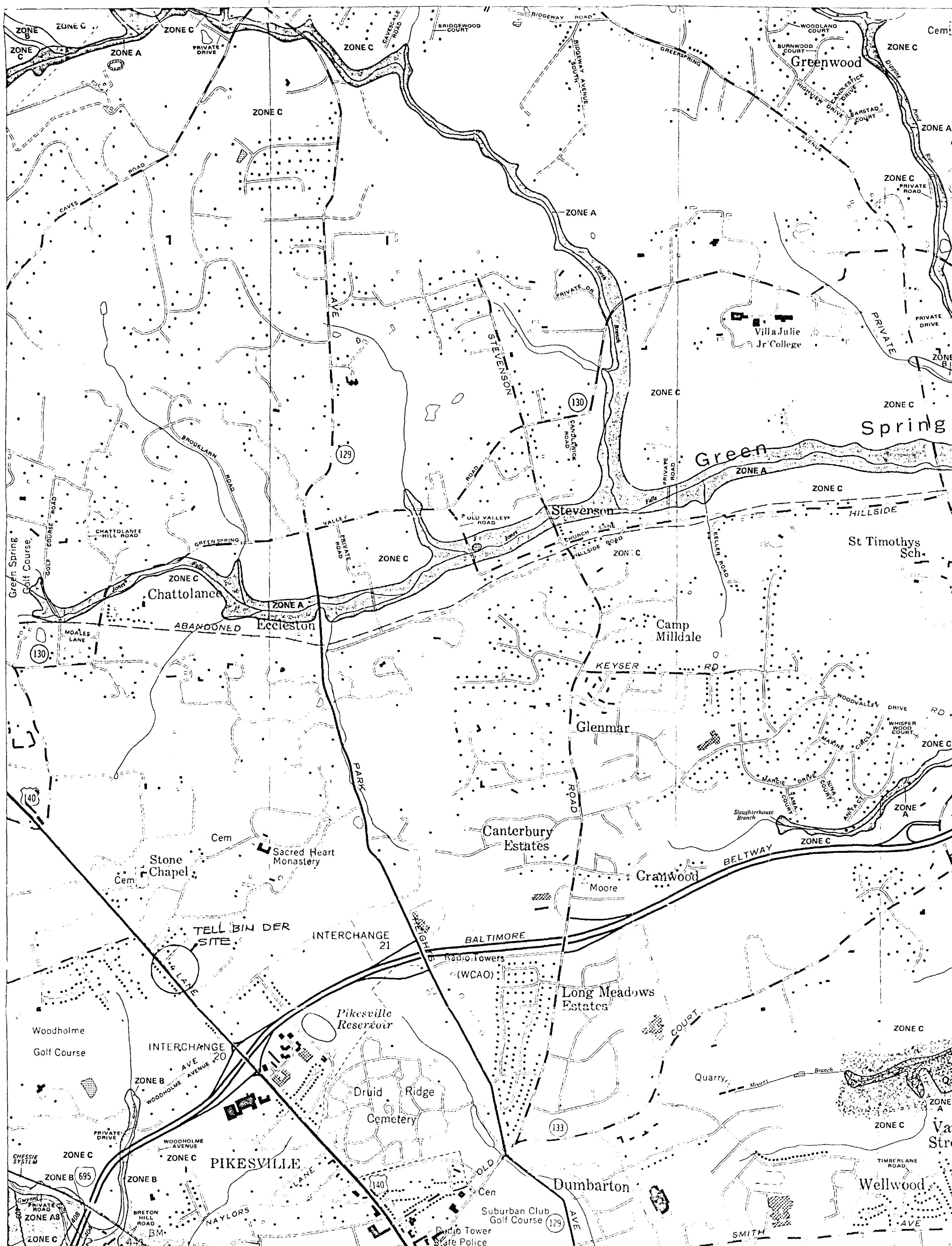
CASE: Tell Ben Der - # R-90-407
(Item 8, Cycle III, 1990)

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

[illegible]







KEY TO MAP

500-Year Flood Boundary	Zone B
100-Year Flood Boundary	Zone B
Zone Designations* With Date of Identification e.g., 12/2/74	Zone B
100-Year Flood Boundary	Zone B
500-Year Flood Boundary	Zone B
Base Flood Elevation Line With Elevation In Feet**	573
Base Flood Elevation in Feet Where Uniform Within Zone**	(EL 987)
Elevation Reference Mark	RM7 x
River Mile	M1.5
** Referenced to Baltimore County Datum	

EXPLANATION OF ZONE DESIGNATIONS

ZONE	EXPLANATION
A	Areas of 100-year flood; have flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1 A30	Areas of 100-year flood; have flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; have flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1 V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Certain areas not in the special flood hazard areas (Zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

For adjoining map panels, see separately printed Index To Map Panels.

INITIAL IDENTIFICATION

APRIL 18, 1975
FLOOD HAZARD BOUNDARY MAP REVISIONS:
JUNE 4, 1976

FLOOD INSURANCE RATE MAP EFFECTIVE:
MARCH 2, 1981

FLOOD INSURANCE RATE MAP REVISIONS:

Refer to the FLOOD INSURANCE RATE MAP EFFECTIVE date shown on this map to determine what actual rates apply to structures in the zones where elevations or depths have been established.

To determine if flood insurance is available in this community, contact your insurance agent, or call the National Flood Insurance Program at (800) 638-6620, or (809) 424-8872.



APPROXIMATE SCALE
1000 0 1000 FEET

NATIONAL FLOOD INSURANCE PROGRAM

FIRM FLOOD INSURANCE RATE MAP

BALTIMORE COUNTY,
MARYLAND
(UNINCORPORATED AREAS)

PANEL 240 OF 575
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
240010 0240 B

EFFECTIVE DATE:
MARCH 2, 1981



federal emergency management agency
federal insurance administration

Ref. E#6

MICROFILMED