**CIRCUIT COURT FOR BALTIMORE COUNTY**

**CIVIL CATEGORY** JUDICIAL REVIEW 66/225/93CV10143

IN THE MATTER OF BROOKVIEW FARMS (Sections 3A and 3B)

IN THE MATTER OF THE APPLICATIONS OF BALTIMORE COUNTY PLANNING OFFICE, ET AL FOR A SPECIAL HEARING ON THE ABOVE-REFERENCED PROPERTY 9TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

**ATTORNEYS**

J. Carroll Holzer
303 Washington Avenue, Ste. 302
21204 823-6961

David M. Meadows(atty per #2)
4111 East Joppa Rd.
Baltimore, Maryland 21236
(410)529-4600

CIVIL ACTION/MARK

Served to (DATE)

CIVIL COSTS

| | | |
|---|---|---|
| | Nov. 10, 1993 | Petition for Judicial Review, fd. Notice sent. |
| (2) | Dec. 15, 1993 | Charles F. Eck, Jr., Individually and Security Trust Company, N.A.; Charles F. Eck, Jr. and W. Gibbs McKenney, Trustees under the last Wi. and Testament of Viola B. Eck at c/o Charles F. Eck, Jr., 's response to petition, fd. (rec'd 12/15/93) |
| (3) | Jan 21, 1994 | Certified copies and of proceedings before the Zoning Commissioner, The County Review Group and the Board of Appeals of Baltimore County, fd. Rec'd 1/19/94 |
| (4) | Feb. 18, 1994 | Motions Order of Court EXTENDING the time for Filing Petitioners' Rule 7-207 Memorandum from February 18, 1994 to March 4, 1994, etc., fd. (REC, SR) |
| (5) | Mar 8,1994 | Rec'd 3/3/94 Appellants memorandum,fd. |
| (6) | April 4, 1994 | Respondents Answering Memorandum (rule 7-207a) exhibit fd.(rec'd 4-1-94) |
| (7) | Aug 2, 1994 | Correspondence from Hon. J.F. FADER, fd. rec'd 8-2-94 |
| (8) | Jan 23, 1995 | Correspondence from Hon. J.F. FADER, fd. rec'd 1-27-95) |

PAID, SETTLED & SATISFIED

FEB 13 1995

DISMISSED PER ORDER OF PLAINTIFF'S ATTY. 2/9/95

Docket 66 Page 225 Case 93CV 10143

CASE NO. 66/225/93CV10143

mr (9) Feb. 14, 1995 Notice and Order of Court Dismissing this case with prejudice, fd.(JFF,II)

True Copy Test:
Chairman, County Board of Appeals

IN THE MATTER OF BROOKVIEW FARMS (Sections 3A and 3B) N/S CROMWELL BRIDGE ROAD, APPROXIMATELY 3200' NE COMPENS ROAD AND
IN THE MATTER OF THE APPLICATIONS OF BALTIMORE COUNTY PLANNING OFFICE, ET AL FOR A SPECIAL HEARING ON THE ABOVE-REFERENCED PROPERTY 9TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. CBA-92-173
AND
CASE NO. 92-357-SPH

* * * * * * * * * * *

## BACKGROUND

This matter comes before the Board of Appeals as a result of a decision by the Baltimore County Review Group (CRG) dated September 10, 1992 approving a Plan relating to two adjoining subdivisions in the Cromwell Valley of Baltimore County known as Brookview Farms, Section 3A and Section 3B.

This hearing also involved an administrative ruling by the Baltimore County Zoning Commissioner dated August 21, 1992, determining that the Developer of Brookview Farms may amend the tract boundary for his subdivision without obtaining a Special Hearing. Each of the above issues were consolidated in this hearing before the Board, which heard testimony on February 10, June 29, and June 30, 1993.

This property of Brookview Farms consists of three sections of 137 acres, zoned D.R. 1. The property was divided into three parts, Section I and Section II and Section 3A-3B, of which Section I has been improved by 62 units on 60.2 acres. Section II was delayed but continued with CRG approval for a reduced number of



units (40) on 31 acres. A newly configured Section 3A was designated along with Section 3B from the remaining 137-acre total, encompassing 45 acres of land, for construction of the remaining 35 units possible in the 135-acre D.R. 1 zone.

Due to the topography of Section 3B, the Developer amended this tract's boundary to utilize his right to the transfer of density units to Section 3A under the authority of Section 1801.3 of the Baltimore County Zoning Regulations (BCZR), a right confirmed by the Zoning Commissioner without need for a Special Hearing, and subsequently consolidated into this appeal before the Board.

Issues in this case presented by Protestants are several in number from matters of Master Plan conflict, traffic, water, conservation and the question of whether the Developer can amend a tract boundary of a large parcel simply by resubmission to the CRG. In all these matters, Appellants argue that the CRG approval of September 10, 1992 was arbitrary, capricious and unreasonable.

## TESTIMONY

Testimony in the case began with a review of the CRG process by its chairman, Mr. Les Schreiber, which postponed a final decision on the Brookview Farms plan from February 20, 1992 to September 10, 1992 because of a possible conflict with the Master Plan for Baltimore County. The fact that the Cromwell Valley has a historical past along with a scenic vista for many miles has created a vital interest to acquire undeveloped land along its course as a regional park. State and County participation has



begun the process of acquiring farm properties. Mr. Schreiber testified that it was well understood that the County was most desirous of conserving the land for park use, but since the Department of Recreation & Parks could not acquire the funds to purchase the land and thereby satisfy the recommendation made to the County Council within 90 days (Section 26-66, Baltimore County Code), the Brookview Plan (3A & 3B) was left to the Developer to again submit to the CRG for approval, which was granted subject to compliances on September 10, 1992.

Counsel for the Protestants presented Ms. Dorothy Streb, Vice President of Campaign to Save Cromwell Valley, and a resident of the Valley for 28 years, who described the open farm area of three major properties of 400+ acres, one recently approved for State/County acquisition, and one donated to the Maryland Environmental Trust for conservation. The Eck property of this case, at the gateway to Cromwell Valley consisting of 138 acres total, today consists of a remainder of 45 acres (3A & 3B) to be approved for development. Ms. Streb stated that the Cromwell Valley was recognized in 1965 as a natural area to be preserved and protected. It was so commissioned by then Governor Agnew and the Department of Natural Resources in the Catalogue of Natural Areas of Maryland. Ms. Streb protested that development of the remaining Eck land would consume the last open space area between the Valley and Towson. In response to questioning, Ms. Streb said she knew nothing about the CRG process.

Expressing opposition to the development, Mr. Stanley Pollack



referred to the valley as a historical location traced to 1695 that is more than a piece of real estate. He reviewed the facts of Indian culture along Mine Bank Run, of early families whose names mark the area today. As a resident some 4 miles away from the Eck farm, he traverses the valley daily and feels the entire valley should be preserved.

Among Appellants pursuing various concerns as reasons for reversal of the CRG approval were the following: Robert Callanan - opposes the transfer of density units from one plot to another, crowded schools and traffic problems. John R. Royal -information from the Board of Education of overcrowded schools was not properly considered by the CRG as understated enrollments were reviewed; Walter A. Lyman -since 1988-89 when Brookview I was completed, there have been continuous water pressure problems that fluctuate from normal to zero in neighboring condominiums; Lillian Jennifer - resident since 1961 of Cromwell Bridge Road at Satyr Hill Road, reports 10-15 minute wait to exit into Cromwell in the A.M., with a bumper-to-bumper, 2-mile backup from Baltway (2 miles) and accidents are not always reported; David Lynch -area resident for 37 years, spoke hopefully of the Eck property along with the Merrick property as park land and an agricultural work.ng farm, and is pleased with reports that the County will restore the Mine Bank Run; Polly Wirth -a member of Save Cromwell Valley and an active participant in land preservation in the County, spoke of the dearth of open space in the Towson area as rural land is developed for housing. Referring to the Master Plan and exhibits in this case,



she noted that the Plan specifically refers to Cromwell Valley as a crucial issue in preserving an open space greenway, of which the Eck property is on the "rural edge." Referencing Appellants' Exhibit 14, Ms. Wirth noted that the Planning Office recommended to the Planning Board the acquisition of the Eck property to satisfy the goals of the Master Plan.

Appearing as an expert witness in traffic, Dr. Everett C. Carter, Professor of Civil Engineering at the University of Maryland at College Park, observed and studied safety, access, level of service, and accident data along Cromwell Bridge Road, which he characterized as a rolling, turning, narrow two-lane road. With 27 accidents reported in 1992 and 127 accidents from 1989 to 1991, Dr. Carter saw it as not the safest road in the County. He further saw a sight distance problem with 97 percent of the traffic having an insufficient gap for road entry. With a 4 percent increase of traffic yearly, Dr. Carter projected a level of service on the road in 6 years to be level D/E, but with development, a level of E/F. The present level of service is "C". In this study of traffic, Dr. Carter used the "critical lane analysis" used by the State Highway Administration and the majority of counties, but not Baltimore County. Dr. Carter's opinion was that further development serviced by Cromwell Bridge Road would be unreasonable, and that the CRG was arbitrary in his terms of analyzing traffic.

Mr. Wayne Harman, Director of Recreation & Parks, testified to the use and benefit to the County if the Merrick, Sherwood, Eck and Brookview sites could become available from State and County



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Richard D. Klein, President of Community and Environmental Defense Services, reviewed his concern for the degradation of Mine Bank Run, first observed in 1975 by the Department of Natural Resources, and worse today with excess sediment, channel erosion and an influx of toxic materials. The soils of the site are classified 2nd of 171 soil types susceptible to erosion. The stream is fed by springs in dry weather, and the more impervious areas bordering a stream, the less water from the springs to the stream. Counsel for Developer reminded Dr. Klein that one-half acre lots and a yet to be designed stormwater plan will not be detrimental.

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CIRCUIT COURT FOR BALTIMORE COUNTY

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FOR A SPECIAL HEARING ON THE ABOVE-
REFERENCED PROPERTY: 9TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

ATTORNEYS

J. Carroll Holzer
305 Washington Avenue, Ste. 502
21204 825-6961

David M. Meadows(atty per #2)
4111 East joppa Rd.
Baltimore, Maryland 21236
(410)529-4600

CIVIL ASSIGNMENT

Sent to CBA

dd(1) Nov. 10. 1993 Petition for Judicial Review. fd. Notice sent.

tmg(2) Dec. 15, 1993, Charles F. Eck, Jr., Individually and Security Trust Company, N.A.: Charles F. Eck, Jr. and W. Gibbs McKenney, Trustees under the last Will and Testament of Viola B. Eck at c/o Charles F. Eck, Jr., 's response to petition, fd. (rec'd 12/15/93)

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CIVIL COSTS
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PAID, SETTLED & SATISFIED
FEB 10 1995
DISMISSED WITHOUT PREJUDICE
ORDER OF PLAINTIFF'S ATTY. FD/P.J.

Docket 66 Page 225 Case 93CV 10143

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at the density required with whatever conditions the County decided.

James Patton, Civil Engineer and site planner, reviewed the stages of development and plans for Brookview Farms from its inception in 1965 to the present. It was Mr. Patton's opinion that the amendments to the tract boundaries of the Eck property were not legal. To amend a tract boundary, a special hearing is required (BCZR, 1B01.3A.7). However, the CRG approved the amended boundary of the tract 3B after review and approval by the Office of Planning and the Planning Board.

As a rebuttal witness, Developer presented George Gavrelis, Land Planner and former director of the Office of Planning & Zoning. Mr. Gavrelis reviewed his familiarity with Brookview Farms since 1985 and also 1B01.3. In his opinion, Section 3B is properly amended to Brookview as the boundary change is not within 300 feet of another lot within the planned development. If within 300 feet, he stated, Section 1B01.3A.7 applies, and a special hearing would thus be required to amend a plan for boundary changes. Mr. Gavrelis testified that the regulation does not apply to neighboring properties outside the planned development and that the regulation has been in usage since 1973. The amendment process is a simple resubmission to the CRG with documentation that there are no changes of boundaries within 300 feet or sales within 300 feet.

C. Richard Moore, Chief of the Bureau of Highways and Traffic of Baltimore County, reviewed all aspects of traffic and concluded that only a minimum of traffic would be added from the subject



site. He testified that the site was not within a traffic deficient area and that surrounding roads are sufficient to handle traffic capacity. Although his studies did not include a gap analysis, as a daily driver of Cromwell Bridge Road, Mr. Moore asserted that during peak hour traffic the road has sufficient gap. In his review of the accident information, he stated that an accident count wouldn't matter as the accident events would occur whether the subdivision was built or not. Mr. Moore acknowledged that studies at several intersections of Cromwell Bridge Road were not made, but that the County Code for a CRG does not require gap analysis or accident studies.

Edmund Haile, in charge of the Brookview project, responded to several issues concerning water pressure and supply in the area raised by Protestants. Whereas those previous problems in other subdivisions have since been corrected, Mr. Haile testified that Brookview Farms will be serviced by an existing sewer line and an extended 42-inch water main. Water pressure regulators to reduce pressure will be necessary for the subdivision, and the additional 36 houses will have no effect on public utilities servicing thousands of homes.

Carl Richards, Zoning Coordinator of the Department of Zoning Administration and Development Management who reviews development proposals, testified that in a final development plan, notice to prospective buyers as to a changing condition must be given. With a partial final development plan where the change of boundary applies to particular lots, only individuals from within a



development can protest an amendment to a plan under 1B01.3A.7. If the change of the lot boundary is 300 feet or greater, a simple resubmission with documentation that there are no changes within 300 feet may be given to the CRG. Mr. Richards further explained 1B01.2 as to other instances when it applied to eligible individuals or groups protesting an amendment, none of which applied in the subject case.

## O P I N I O N

The matter of Brookview Farms, as argued by Protestants in this case, is more than a zoning or real estate issue but a question of the correctness of a subdivision development plan, versus the merits of community and government efforts to conserve open space for future public benefit. Before approving the pre-development plan, the County Review Group recognized a possible conflict with the Baltimore County Master Plan. The Department of Recreation & Parks indicated that it was very interested in acquiring Brookview Farms 3A and 3B and was hopeful of creating a regional park as recommended in the Master Plan.

The Planning Board of Baltimore County adopted a resolution indicating a potential conflict with the Master Plan in that the site, as part of the Cromwell Valley, is a major scenic source and that the Master Plan calls for preservation of the Valley as open space. The County Board of Appeals, however, is cognizant that the Master Plan is advisory and a guide for planning and development, and that the Comprehensive Zoning Map has precedence where conflicts may appear. By referring this issue of Master Plan



conflict to the Planning Office (2/20/92) before making a final decision (9/10.92), the CRG dispels any act of being arbitrary on this issue. Testimony in this case indicates that negative comments were received from County agencies, and that, ultimately, funding was not available to satisfy the recommendation made to the County Council within the ninety (90) days specified in Section 26-66 of the Baltimore County Code.

In regard to other concerns by Protestants as to matters of water supply, pressure and management, the Board finds as a fact from the testimony of Mr. Haile and others that the final design work addressing these essentials will meet with the approval of County agencies.

The degradation of Mine Bank Run since the 1970's indicates a serious need for rehabilitation that reveals itself to this Board as a priority of the local and state governments. In this instance, we concur that 10 houses on 1/2 acre lots of little incline will not reduce the pervious land to the detriment of the stream. The Board finds it vitally that the developer will have to respond to the conservation and ecological needs of Mine Bank Run if this development eventually goes forward, by addressing them in the final stormwater management, grading and sediment control plans to be completed before grading permits are issued. At the CRG stage, it is appropriate to proceed without final plans on those issues since the development plan remains conceptual in nature.

The serious concerns of residents for the traffic impact the proposed development will bring to Cromwell Bridge Road is



recognized by this Board as one of its major considerations. Two expert witnesses present diametrically opposite analyses of traffic. Dr. Carter and the Master Plan refer to the road as "scenic corridor" of rural charm despite dangerous curves and heavy commuter traffic. Poor sight distances and gap intervals for merging traffic emphasize the need to avoid adding more traffic and intersections. Mr. Moore, chief of traffic for Baltimore County, drives this road daily and observes that the problems above are minimal. We find as a fact from Mr. Moore's testimony that the CRG doesn't require gap or accident analysis, and that the Baltimore County traffic standards at a minimum meet the requirements of the American Association of Highway and Traffic Safety, although Dr. Carter's assessment that better methods exist for analyzing traffic gives credence to the notion that the CRG's traffic analysis was arbitrary. The Board, however, concurs with Mr. Moore's opinion that 35 houses are not going to add trips of any impact to the 12,000 presently tallied, and that factually, the CRG did not err in its analysis of these issues.

In regard to the Developer amending the tract boundary, this Board is persuaded by the testimony of Mr. Gavrelis and Mr. Richards. Section 1B01.3A of the BCZR provided circumstances whereby the Tract Boundary could be amended since there had been no change with respect to any lot, or use within 300 feet of a lot since the original Plan was filed. We find as a fact from Mr. Gavrelis' testimony that the revision of the tract boundary of Section 3B was not within 300 feet of any sold lot in Section I,



and therefore the Plan could be amended by simple resubmission of the final development plan to the CRG. As to protests by Ms. Wicklein and Mr. Callanan, we find that Section 1B01.3A does not require notice provision for property owners outside the development, based on the testimony of Carl Richards as to the longstanding administrative interpretation by Baltimore County zoning officials and on our own reading of the Code. Evidence is abundantly clear that Section 1B01.3 provides that development in a D.R. zone may be altered so long as the final number of houses does not exceed the density permitted by the classification of the D.R. zone. Because the topography of Section 3B limits the number of units that can be constructed there, units may be transferred to 3A as long as the density of the total tract does not exceed the 135 units permitted in the 137 acres of Brookview Farms.

In conclusion, Section 22-55 of the Baltimore County Code, 1978 Edition, as amended, requires that the CRG Plan set forth an "informative, conceptual and schematic representation of the proposed development...so as to enable the County and all reviewing agencies an opportunity to make reasonably informed decisions regarding the development."

In applying the testimony to the regulations of Baltimore County as administered by various agencies and the presumptive correctness of the CRG as specified in Section 22-61 (1978 Edition, as amended), the Board is convinced that the CRG properly considered all issues and had a sufficient basis upon which to approve the Plan for Brookview Farms, Sections 3A & 3B. The additional issues of potential school overcrowding, the historic significance of the site, and obscuring the scenic vista do not persuade us to deny approval.



Despite a deeply felt objection to the development plan by Protestants and a need widely recognized and supported for the preservation of open space, the Board is not persuaded that the approval of the CRG in Case No. CBA-92-173 was arbitrary, capricious, procured by fraud or otherwise illegal. Therefore, we shall affirm the decision of the CRG and will so order.

In consideration of Case No. 92-357-SPH, the Petition for Special Hearing to clarify Developer's amendment to tract boundaries as regulated by Section 1B01.3 of the BCZR, the Board, for reasons covered in this opinion, concurs that the Developer can amend its tract boundary to include Section 3B by the method of resubmission, and will so order.

## O R D E R

**IT IS THEREFORE THIS** 19th day of October, 1993 by the County Board of Appeals of Baltimore County

**ORDERED** that the decision of the County Review Group dated September 10, 1992 in which the subject plan was approved be and the same is hereby **AFFIRMED**; and it is further

**ORDERED**, for reasons as set forth in the foregoing Opinion, that the Petition for Special Hearing to clarify Developer's Amendment to Tract Boundaries in Case No. 92-357-SPH be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

**COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

William T. Hackett, Chairman

Robert O'Dea

C. William Clark

Harry E. Buchheister, Jr.

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

October 19, 1993

RECEIVED
OCT 19 1993
ZADM

David M. Meadows, Esquire
MOORE, CARNEY, RYAN & LATTANZI
4111 E. Joppa Road, Suite 201
Baltimore, MD 21236

RE: Case No. CBA-92-173 /92-357-SPH
In the Matter of Brookview Farms

Dear Mr. Meadows:

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.

Very truly yours,

Kathleen C. Weidenhammer

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. C. Franklin Eck, Jr.
J. Carroll Holzer, Esquire
Mr. & Mrs. Walter Wicklein, et al
Daft McCune Walker, Inc.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director/ZADM
Developers Engineering
Economic Development Commission
Donald T. Rascoe /ZADM
David L. Thomas /DPW
Michael J. Moran, Asst. County Attorney

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at the density required with whatever conditions the County decided.

James Patton, Civil Engineer and site planner, reviewed the stages of development and plans for Brookview Farms from its inception in 1985 to the present. It was Mr. Patton's opinion that the amendments to the tract boundaries of the Eck property were not legal. To amend a tract boundary, a special hearing is required (BCZR, 1B01.3A.7). However, the CRG approved the amended boundary of the tract 3B after review and approval by the Office of Planning and the Planning Board.

As a rebuttal witness, Developer presented George Gavrelis, Land Planner and former director of the Office of Planning & Zoning. Mr. Gavrelis reviewed his familiarity with Brookview Farms since 1985 and also 1B01.3. In his opinion, Section 3B is properly amended to Brookview as the boundary change is not within 300 feet of another lot within the planned development. If within 300 feet, he stated, Section 1B01.3A.7 applies, and a special hearing would thus be required to amend a plan for boundary changes. Mr. Gavrelis testified that the regulation does not apply to neighboring properties outside the planned development and that the regulation has been in usage since 1973. The amendment process is a simple resubmission to the CRG with documentation that there are no changes of boundaries within 300 feet or sales within 300 feet.

C. Richard Moore, Chief of the Bureau of Highways and Traffic of Baltimore County, reviewed all aspects of traffic and concluded that only a minimum of traffic would be added from the subject



site. He testified that the site was not within a traffic deficient area and that surrounding roads are sufficient to handle traffic capacity. Although his studies did not include a gap analysis, as a daily driver of Cromwell Bridge Road, Mr. Moore asserted that during peak hour traffic the road has sufficient gap. In his review of the accident information, he stated that an accident count wouldn't matter as the accident events would occur whether the subdivision was built or not. Mr. Moore acknowledged that studies at several intersections of Cromwell Bridge Road were not made, but that the County Code for a CRG does not require gap analysis or accident studies.

Edmund Haile, in charge of the Brookview project, responded to several issues concerning water pressure and supply in the area raised by Protestants. Whereas those previous problems in other subdivisions have since been corrected, Mr. Haile testified that Brookview Farms will be serviced by an existing sewer line and an extended 42-inch water main. Water pressure regulators to reduce pressure will be necessary for the subdivision, and the additional 36 houses will have no effect on public utilities servicing thousands of homes.

Carl Richards, Zoning Coordinator of the Department of Zoning Administration and Development Management who reviews development proposals, testified that in a final development plan, notice to prospective buyers as to a changing condition must be given. With a partial final development plan where the change of boundary applies to particular lots, only individuals from within a



development can protest an amendment to a plan under 1B01.3A.7. If the change of the lot boundary is 300 feet or greater, a simple resubmission with documentation that there are no changes within 300 feet may be given to the CRG. Mr. Richards further explained 1B01.3 as to other instances when it applied to eligible individuals or groups protesting an amendment, none of which applied in the subject case.

## O P I N I O N

The matter of Brookview Farms, as argued by Protestants in this case, is more than a zoning or real estate issue but a question of the correctness of a subdivision development plan, versus the merits of community and government efforts to conserve open space for future public benefit. Before approving the pre-development plan, the County Review Group recognized a possible conflict with the Baltimore County Master Plan. The Department of Recreation & Parks indicated that it was very interested in acquiring Brookview Farms 3A and 3B and was hopeful of creating a regional park as recommended in the Master Plan.

The Planning Board of Baltimore County adopted a resolution indicating a potential conflict with the Master Plan in that the site, as part of the Cromwell Valley, is a major scenic source and that the Master Plan calls for preservation of the Valley as open space. The County Board of Appeals, however, is cognizant that the Master Plan is advisory and a guide for planning and development, and that the Comprehensive Zoning Map has precedence where conflicts may appear. By referring this issue of Master Plan



conflict to the Planning Office (2/20/92) before making a final decision (9/10/92), the CRG dispels any act of being arbitrary on this issue. Testimony in this case indicates that negative comments were received from County agencies, and that, ultimately, funding was not available to satisfy the recommendation made to the County Council within the ninety (90) days specified in Section 26-66 of the Baltimore County Code.

In regard to other concerns by Protestants as to matters of water supply, pressure and management, the Board finds as a fact from the testimony of Mr. Haile and others that the final design work addressing these essentials will meet with the approval of County agencies.

The degradation of Mine Bank Run since the 1970's indicates a serious need for rehabilitation that reveals itself to this Board as a priority of the local and state governments. In this instance, we concur that 30 houses on 1/2 acre lots of little incline will not reduce the pervious land to the detriment of the stream. The Board finds factually that the Developer will have to respond to the conservation and ecological needs of Mine Bank Run if this development eventually goes forward, by addressing them in the final stormwater management, grading and sediment control plans to be completed before grading permits are issued. At the CRG stage, it is appropriate to proceed without final plans on those issues since the development plan remains conceptual in nature.

The serious concerns of residents for the traffic impact the proposed development will bring to Cromwell Bridge Road is



recognized by this Board as one of its major considerations. Two expert witnesses present diametrically opposite analyses of traffic. Dr. Carter and the Master Plan refer to the road as "scenic corridor" of rural charm despite dangerous curves and heavy commuter traffic. Poor sight distances and gap intervals for merging traffic emphasize the need to avoid adding more traffic and intersections. Mr. Moore, chief of traffic for Baltimore County, drives this road daily and observes that the problems above are minimal. We find as a fact from Mr. Moore's testimony that the CRG doesn't require gap or accident analysis, and that the Baltimore County traffic standards at a minimum meet the requirements of the American Association of Highway and Traffic Safety, although Dr. Carter's assessment that better methods exist for analyzing traffic gives credence to the notion that the CRG's traffic analysis was arbitrary. The Board, however, concurs with Mr. Moore's opinion that 35 houses are not going to add trips of any impact to the 12,000 presently tallied, and that factually, the CRG did not err in its analysis of these issues.

In regard to the Developer amending the tract boundary, this Board is persuaded by the testimony of Mr. Gavrelis and Mr. Richards. Section 1B01.3A of the BCZR provided circumstances whereby the Tract Boundary could be amended since there had been no change with respect to any lot, or use within 300 feet of a lot since the original Plan was filed. We find as a fact from Mr. Gavrelis' testimony that the revision of the tract boundary of Section 3B was not within 300 feet of any sold lot in Section I,



and therefore the Plan could be amended by simple resubmission of the final development plan to the CRG. As to protests by Ms. Wicklein and Mr. Callanan, we find that Section 1B01.3A does not require notice provision for property owners outside the development, based on the testimony of Carl Richards as to the longstanding administrative interpretation by Baltimore County zoning officials and on our own reading of the Code. Evidence is abundantly clear that Section 1B01.3 provides that development in a D.R. zone may be altered so long as the final number of houses does not exceed the density permitted by the classification of the D.R. zone. Because the topography of Section 3B limits the number of units that can be constructed there, units may be transferred to 3A as long as the density of the total tract does not exceed the 135 units permitted in the 137 acres of Brookview Farms.

In conclusion, Section 22-55 of the Baltimore County Code, 1978 Edition, as amended, requires that the CRG Plan set forth an "informative, conceptual and schematic representation of the proposed development...so as to enable the County and all reviewing agencies an opportunity to make reasonably informed decisions regarding the development."

In applying the testimony to the regulations of Baltimore County as administered by various agencies and the presumptive correctness of the CRG as specified in Section 22-61 (1978 Edition, as amended), the Board is convinced that the CRG properly considered all issues and had a sufficient basis upon which to approve the Plan for Brookview Farms, Sections 3A & 3B. The additional issues of potential school overcrowding, the historic significance of the site, and obscuring the scenic vista do not persuade us to deny approval.



Despite a deeply felt objection to the development plan by Protestants and a need widely recognized and supported for the preservation of open space, the Board is not persuaded that the approval of the CRG in Case No. CBA-92-173 was arbitrary, capricious, procured by fraud or otherwise illegal. Therefore, we shall affirm the decision of the CRG and will so order.

In consideration of Case No. 92-357-SPH, the Petition for Special Hearing to clarify Developer's amendment to tract boundaries as regulated by Section 1B01.3 of the BCZR, the Board, for reasons covered in this Opinion, concurs that the Developer can amend its tract boundary to include Section 3B by the method of resubmission, and will so order.

## O R D E R

IT IS THEREFORE THIS 14th day of October, 1993 by the County Board of Appeals of Baltimore County

ORDERED that the decision of the County Review Group dated September 10, 1992 in which the subject plan was approved be and the same is hereby AFFIRMED; and it is further

ORDERED, for reasons as set forth in the foregoing Opinion, that the Petition for Special Hearing to clarify Developer's Amendment to Tract Boundaries in Case No. 92-357-SPH be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

C. William Clark

Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
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October 14, 1993

David H. Meadows, Esquire
MOORE, CARNEY, RYAN & LATTANZI
4111 E. Joppa Road, Suite 201
Baltimore, MD 21236

RE: Case No. CBA-92-173 /92-357-SPH
In the Matter of Brookview Farms

Dear Mr. Meadows:

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.

Very truly yours,
Kathleen C. Weidenhammer /ca
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. C. Franklin Eck, Jr.
J. Carroll Holzer, Esquire
Mr. & Mrs. Walter Wicklein, et al
Daft-McCune-Walker, Inc.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
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W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
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Developers Engineering
Economic Development Commission
Donald T. Rascoe /ZADM
David L. Thomas /DPW
Michael J. Moran, Asst. County Attorney

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IN THE MATTER OF
BROOKVIEW FARMS
N/S Cromwell Bridge Road
6th Councilmanic District

RE: CRG Appeal and
Zoning Commissioner Appeal

BEFORE THE
COUNTY
BOARD OF APPEALS
FOR
BALTIMORE COUNTY

Case No.: CBA 92-173;
92-357 SPH

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

**BRIEF IN LIEU OF FINAL ARGUMENT**

Appellants/Protestants, Campaign to Save Cromwell Valley, Inc., Summerfield Farms Community Association, Long Green Valley Association, Inc., Cromwood Coventry and Satyr Hill Community Association, Chatterleigh Association, Inc. and Laura Jennifer, Dorothy Streb, Stanley Pollack, Ken and Helen Dauses, Robert J. Callanan, John and Muriel Roll and Helen Wicklein, individuals, by and through their attorney, J. Carroll Holzer, hereby submit the following Memorandum in Lieu of Argument before the County Board of Appeals.

**Statement of the Case**

Appellants/Protestants are adjacent property owners and residents of Brookview Farms, Section 1, and various community associations surrounding the proposed subdivision of Brookview Farms, Section 3A and 3B. Initially, Appellants filed a Petition for Special Hearing before the Zoning Commissioner of Baltimore County in Case No.: 92-357-SPH, requesting a Zoning

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Commissioner's ruling as to whether or not the developer may amend the tract boundaries for the subject subdivision in the manner proposed in its CRG Plan for Section 3A and 3B.

Appellants sought a determination of the acreage of the entire tract and the density permitted thereon. Appellants raised other issues before the Zoning Commissioner requesting the Zoning Commissioner to determine whether a Special Exception was needed to determine the impact of the proposed Brookview Farms, Section 3A and 3B upon adjacent and adjoining property owners by the amendment of the tract boundary. At this point in the Memorandum, without unduly repeating those legal arguments, Appellants would refer the CBA to the Brief in Lieu of Final Argument submitted before the Zoning Commissioner in Baltimore County in Case No.: 92-357-SPH.

In response to Appellants' Petition, the property owner/developer raised a number of issues as to the propriety of the Zoning Commissioner hearing the Petition for Special Exception. Appellants herein would submit on the findings of the Zoning Commissioner in his decision of August 21, 1992 in that the Appellants did have "standing" under Section 500.1 of the Baltimore County Zoning Regulations to raise the issues presented within the Petition for Special Hearing for the reasons that were cited.



Secondly, Appellants agree with the Zoning Commissioner's finding that the issues were timely presented in the Petition for Special Hearing. The Appellants disagreement with the Zoning Commissioner's decision comes on Issue No. 3, as to whether or not the developer can amend the tract boundaries of the entire property in the manner suggested to include Sections 3A and 3B. It is an appeal from this portion of the Zoning Commissioner's decision that is presented to this CBA by the appeal in Case No.: 92-375-SPH.

Appellants/Protestants also appealed the approval of the CRG in case CBA-92-173. The CRG approved this Plan for Brookview Farms, Section 3A and B on September 10, 1992 and the Appellants filed a timely appeal which was consolidated with Case No.: 92-375 SPH for purposes of the Board's hearing. Appellants raised the issues presented in its Petition to the Board on October 19, 1992 that the CRG action was arbitrary, capricious and unreasonable on eleven (11) items.

Appellants are actively pursuing all of those issues as grounds for reversal of the CRG approval on the basis that the approval was arbitrary, capricious and unreasonable.

This Memorandum will only address some of those issues in more depth as follows in the legal argument.



**Facts**

The hearings conducted before the CBA consisted of three (3) separate dates - February 10, 1993, June 29th and June 30, 1993. The developer presented testimony of Mr. Lee Shriver, Baltimore County Department of Public Works to establish that the CRG met on February 20, 1992 and September 10, 1992, when final approval was rendered.

Appellants initially presented the testimony of the following witnesses: Dorothy Streb as to the overview of the Community's concerns in regard to this project. Stanley Pollack presented historical background of the Cromwell Valley; Bart Callanan objected to the amendment of the tract boundary as a property owner in the current Brookview Farms, Section 1 Subdivision. Dan Lynch testified as to the environmental erosion and impacts on the Mine Bank Run.

Polly Firth testified as to the conflict of this proposed development with the Master Plan; Lillian Jennifer testified as to the traffic problems which occur on Cromwell Bridge Road at her entrance. Jack Royal testified as to school overcrowding; Walter Lyman testified as to lack of water pressure in the beeches. Mr. Ben Marks testified additionally as to negative environmental impact. The Appellants then called Mr. Wayne Harmon, Director of the Department of Recreations and Parks.



Mr. Harmon testified that during the course of the CRG process of Brookview Farms 3A and 3B, Recreation and Parks had indicated that they were not interested in the subject property.

However, at the present time, with the acquisition by the State and the County of the Merrick property, Harmon indicated that his department is vitally interested in acquiring Brookview Farms 3A and 3B and that his department is actively pursuing that acquisition to create a regional park in Cromwell Bridge Valley consistent with the Baltimore County Master Plan.

The Deputy Director of Planning, Pat Keller, testified in regard to his office's opinion concerning the Brookview Farms, 3A and 3B as it relates to a Master Plan conflict. He identified the Memorandum of the Baltimore County Planning Office on May 20, 1992 and marked as Protestants' Exhibit 14, as his department's position relating to the Master Plan issue.

While the CBA can read the May 20, 1992 report of the Planning Office for itself, Appellants would suggest, based upon the testimony of Mr. Keller, the position of the Planning Office in the County is quite clear. That is, the Planning Board, on March 18, 1992 adopted a resolution indicating the development of Brookview Farms, Section 3A and 3B as being in potential conflict with the Master Plan; in that the site is



part of the Cromwell Valley, a major scenic resource. They point out that page 106 of the Master Plan calls for preservation of the Valley as open space.

The Development Policy Plan on page 102 designates Cromwell Bridge Road as a "scenic corridor" and designates the Valley as a "potential park/open space." They further point out that the proposed density transfer of nine (9) units from Brookview Farms, Section 2 to Section 3A and B is a potential conflict with the Master Plan due to its impact of adding more traffic to Cromwell Bridge Road.

The Planning Office further found that the Master Plan states on page 106 that "the winding alignment of the (Cromwell Bridge) Road is a rural charm despite its dangerous curves and heavy volume of commuter traffic. The poor sight distances at most of the intersecting roads and lanes reinforce the need to avoid adding more traffic and more intersections."

It was on page 3 of Protestants' Exhibit 14 that the Director of the Department of Recreation and Parks indicated at that time that the Department was not interested in placing a reservation on a portion of the land involved in the above mentioned CRG Plan (Brookview Farms, Section 3A and 3B). It is this comment that Director Harman has now rebutted before the Board in terms of the County's and the Department of Recreation and Parks' interest in acquiring the property as a park site.



Finally, the most important part of the planning comment is found on page 5 of their reports when it says:

> "Any understanding of the significance of the Brookview Farms, Section 3A and 3B area can only be achieved within the context of the Cromwell Valley from the Beltway to Loch Raven Reservoir. This Valley is clearly identified in the County's Master Plan as a major scenic, historic and open space amenity which is of Countywide importance. Any development along this Valley will have a major impact on this amenity and the damage caused will be irreversible. With this in mind, the County, through the Department of Recreations and Parks is negotiating with the owners of the Merrick property... If the large Merrick tract is acquired a major step toward preserving the Cromwell Valley will have been taken. (It has since been acquired by the State and Baltimore County). Any development of the Brookview Farm tract will be of significant intrusion to the Valley and will seriously reduce the benefit gain from the County's acquisition of the Merrick property."

Further, the Planning Office said, "it is the opinion of this office that the development of the Brookview Farms, Section 3A and B would be in conflict with the Master Plan."

On page 6 of their comments, Appellants submit that the Planning Office was mislead by the Law Office in analyzing its alternative development scenarios because based upon a purported opinion of the Office of Law, the Planning Office did not believe that they had legal authority to reduce density in alternative number 1. The Law Office advised the Planning Office that to reduce density would be a "taking" which would require the County to pay all or part of the density reduced. It is with this analysis and this legal conclusion Appellants disagree.



The testimony of Mr. Keller, Deputy Planning Director, made clear that had the Office of Law opined that alternative number 1, (that is reducing the density proposed by the developer to something less than that permitted by the Zoning Regulations) was not a taking, then the County would not have approved this CRG in its present form. The legal ramifications of this argument will be discussed later in this Memorandum.

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* BEFORE THE
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* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No.: CBA 92-173;
92-357 SPH

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

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Dr. Carter finally testified that the intersection of Cromwell Bridge Road and Cowpens and Rock Church indicated a level of service "F," using the critical lane analysis method which the State Highway Administration and Prince George's County, Montgomery County, Carroll County and Anne Arundel County all use to determine a level of service.

Richard Klein next testified as to his analysis of the project's impact on Mine Bank Run and concluded that the soils on the site are extremely susceptible to erosion; and that the CRG failed to give consideration to acceleration of stream channel erosion by Stormwater Management Pond. The summary of his testimony is contained in his report entitled, "An Assessment of the Potential Environmental Impact of Brookview Estates" dated February 1, 1993 and testified to during the course of his direct and cross-examination.

Finally, Jim Patton qualified as an expert engineer and testified as to the violation of the development and zoning regulations in Section 1B01.3.7.B.3, in the failure to provide the Appellants a Special Exception Hearing based on an amendment of the tract boundary.

**Legal Argument**

First, Appellants/Protestants adopt the legal arguments as previously raised in Case No.: 92-357-SPH before the Zoning Commissioner and preserved before the Board of Appeals by way of Memoranda.



Secondly, Appellants/Protestants hereby incorporate the issues raised in the Appellants' Petition for Appeal in Case No.: 92-173, dated October 19, 1992.

Third, Appellants/Protestants would further elaborate on the issue previously discussed concerning the failure of the CRG and the Planning Office to properly consider an alternative to either completely acquiring the property of the developer pursuant to the Baltimore County Code or permitting the developer to develop at the full density permitted by the Baltimore County Zoning Regulations. The Appellants submit that the alternative is to reduce the permitted density on the property to comply with and conform to the Baltimore County Master Plan.

It is clear from the testimony of Mr. Keller and from the report of his office dated May 20, 1992, that the Planning Office, as a result of receiving an Opinion of the Office of Law, concluded that they could not require a reduction of density on the site without that action constituting a "taking." To this position, Appellants disagree as to that legal conclusion. Pursuant to the Supreme Court case, Lucas v. South Carolina Coastal Council, decided June 29, 1992 and cited in 112 S. Ct. 2935 (1992), no taking would have occurred based upon the factual concerns expressed by the Office of Planning and Zoning for Baltimore County had they required a reduction in the density consistent with their express desire as alternative number 1 in this case.



The Office of Law erred in concluding that a taking would have occurred from a legal standpoint and effectively precluded the Office of Planning and the CRG from considering any viable alternatives which they desired to accomplish that would be consistent with the Baltimore County Master Plan. For that reason, the CRG erred and this matter should be reversed.

Fourth, Appellants/Protestants submitted through the testimony of James Patton, that the Zoning Commissioner erred in permitting an enlargement of the tract boundary without requiring a Special Exception Hearing to determine the impact upon adjacent and abutting property owners pursuant to Section 1B01.3.7.B.3 of the Zoning Regulations. That Section provides for amendment of approved development plans after sale of interest in nearby property or upon demand for hearing.

In this case, we have both contingencies present in that Mr. Callanan demanded a hearing as an adjacent property owner, as well as the Dolans' initial Petition before the Zoning Commissioner for Baltimore County, as well as the objection of Mrs. Wicklein, an adjacent property owner. This Section requires a Special Exception proceeding.

Section 1B01.3.7.B.3 permits an owner of a lot abutting (Wicklein) or lying directly across the street (Dolan) or other right-of-way from the property in question, an owner of a structure on such lot or a homeowner's association to demand a hearing.



In this case, from the testimony, it is clear that the Dolans' and the Wicklein's and Callanans' are property owners abutting or lying directly across the street or other right-of-way from the property in question. Appellants submit the failure to follow this interpretation requires reversal on the part of the CRG and the Zoning Commissioner. Jim Patton's testimony was clear as to this language as well as the Zoning Regulation itself.

Petitioners' Exhibit No. 3, an Opinion rendered by J. Carrell Holzer, then County Solicitor, in December, 1976, does not relate to the issue in question. The developer called Carl Richard, Zoning Coordinator for ZADM, in an effort to establish that Section of the Regulations only applied to properties contained within the subdivision. However, other than the Solicitor's Opinion previously referred to and marked as Petitioner's Exhibit 3, there are no cases supporting that interpretation.

Appellants submit that the clear language of the Statute being interpreted could not possibly preclude owners of lots abutting or directly across the street from the property in question from filing a Petition. It seems from the clear language of the Statute that the interpretation utilized by the County cannot be supported as a matter of law.



**WHEREFORE**, Appellants respectfully submit that the CBA reverse the Zoning Commissioner and order a Special Exception Hearing pursuant to this Section of the Baltimore County Zoning Regulations.

**WHEREFORE**, Appellants respectfully submit as to Case No.: CBA 92-173, the CRG erred by failing to appropriately consider the Master Plan; was arbitrary and unreasonable in its analysis of traffic, environmental impact upon Mine Bank Run; was arbitrary and unreasonable as it related to the School District; and failed to properly comply with the Master Plan of Baltimore County.

Appellants further submit in Case No.: 93-357 SPH the Zoning Commissioner erred in finding that the developer could enlarge the tract boundary in the fashion which he did. In addition, the Zoning Commissioner erred in not ordering a Special Exception Hearing to determine the impact, if any, of this amendment upon the surrounding abutting property owners as previously argued.

**Respectfully submitted,**

**J. CARROLL HOLZER, Esquire**
Holzer, Haber, Dunkle & Lee
305 West Chesapeake Avenue
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Towson, Maryland 21204
410-825-6960



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7th day of July, 1993, a copy of the aforegoing Brief in Lieu of Final Argument was mailed, postage pre-paid to: Michael J. Moran, Esquire, Associate County Attorney, 400 Washington Avenue, Old Courthouse, 2nd Floor, Towson, Maryland 21204 and David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236.

J. CARROLL HOLZER, Esquire

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| IN RE: BROOKVIEW FARMS<br>SECTION 3A (OR 3B)<br>N/S CROMWELL BRIDGE ROAD<br>CRG DECISION 9/10/92<br>and<br>BALTIMORE COUNTY PLANNING<br>OFFICE BROOKVIEW FARMS<br>N/S CROMWELL BRIDGE ROAD<br>SPH CLARIFY DEVELOPER'S<br>AMENDMENT TO TRACT<br>BOUNDARIES; INTERPRETATION<br>OF BCZR 8/21/92 Z.C.O.S<br>ORDER DENYING PETITION | * | BEFORE THE<br>COUNTY BOARD OF<br>APPEALS<br>OF<br>BALTIMORE COUNTY<br>CASE NO. CBA 92-173<br>92 357 SPH |

**MEMORANDUM IN LIEU OF FINAL ARGUMENT**

C. Franklin Eck, Jr. and W. Gibbs McKinney, Trustee (hereinafter the "Appellant") by their attorneys Moore, Carney, Ryan, Lattanzi, and David M. Meadows, file this Memorandum in Lieu of Final Argument in the above referenced cases, heard before the Board jointly on February 10, 1993, June 29, and 30, 1993.

**STATEMENT OF CASE**

The matters before this Board, arise from two (2) administrative rulings. (Decision of the CRG dated September 10, 1992, and Opinion of the Baltimore County Zoning Commissioner dated August 21, 1992.) Each matter was consolidated on appeals taken by J. Carol Holzer, Esquire, on behalf of various protestants.

A brief review of the development process for the land that is encompassed in Brookview Farms Section 3A and 3B will serve to clarify the issues presented. The entire track of land known as Brookview Farms consists of three (3) sections containing approximately one hundred thirty seven (137) acres of land. The site is zoned D.R.1, which permits one (1) dwelling unit per

acre. By examining the density chart contained in the general notes of Joint Exhibit 1 (the CRG Plan, Page 2 of which is attached hereto and marked as Exhibit A to the Memorandum), the one hundred thirty-seven (137) density units available for the property have been dispersed throughout the subdivision in accordance with Section 1B01.3B of the Baltimore County Zoning Regulations (hereinafter "BCZR"). Section I, previously developed and sold, utilized sixty-two (62) development units on sixty point two (60.2) acres of land. Section II, which has received complete County approval and is not part of the Appeal, contains forty (40) development units on thirty-one point forty-seven (31.47) acres of land. The Section the subject of the combined Appeal, Section 3A and 3B, contains forty-five point seven (45.7) acres of land and proposes to use the remaining thirty-five (35) development units for the subdivision. (The project contains three (3) existing homes, so the total number of new units for Brookview Farms as proposed is thirty-two (32)). The Protestants do not dispute that density units in DR Zoned Property may be distributed throughout the subdivision. The very purpose of the DR Zone is to allow for more feasible preservation of natural features, such as the Mine Bank Run, by allowing greater flexibility in subdivision development, while still allowing the developer to utilize the density associated with the land. (See, Section 1B00.2 BCZR.)

Dr. Carter finally testified that the intersection of Cromwell Bridge Road and Cowpens and Rock Church indicated a level of service "F," using the critical lane analysis method which the State Highway Administration and Prince George's County, Montgomery County, Carroll County and Anne Arundel County all use to determine a level of service.

Richard Klein next testified as to his analysis of the project's impact on Mine Bank Run and concluded that the soils on the site are extremely susceptible to erosion; and that the CRG failed to give consideration to acceleration of stream channel erosion by Stormwater Management Pond. The summary of his testimony is contained in his report entitled, "An Assessment of the Potential Environmental Impact of Brookview Estates" dated February 1, 1993 and testified to during the course of his direct and cross-examination.

Finally, Jim Patton qualified as an expert engineer and testified as to the violation of the development and zoning regulations in Section 1B01.3.7.B.3, in the failure to provide the Appellants a Special Exception Hearing based on an amendment of the tract boundary.

Legal Argument

First, Appellants/Protestants adopt the legal arguments as previously raised in Case No.: 92-357-SPH before the Zoning Commissioner and preserved before the Board of Appeals by way of Memoranda.



Secondly, Appellants/Protestants hereby incorporate the issues raised in the Appellants' Petition for Appeal in Case No.: 92-173, dated October 19, 1992.

Third, Appellants/Protestants would further elaborate on the issue previously discussed concerning the failure of the CRG and the Planning Office to properly consider an alternative to either completely acquiring the property of the developer pursuant to the Baltimore County Code or permitting the developer to develop at the full density permitted by the Baltimore County Zoning Regulations. The Appellants submit that the alternative is to reduce the permitted density on the property to comply with and conform to the Baltimore County Master Plan.

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WHEREFORE, Appellants respectfully submit that the CBA reverse the Zoning Commissioner and order a Special Exception Hearing pursuant to this Section of the Baltimore County Zoning Regulations.

WHEREFORE, Appellants respectfully submit as to Case No.: CBA 92-173, the CRG erred by failing to appropriately consider the Master Plan; was arbitrary and unreasonable in its analysis of traffic, environmental impact upon Mine Bank Run; was arbitrary and unreasonable as it related to the School District; and failed to properly comply with the Master Plan of Baltimore County.

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Respectfully submitted,

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410-825-6960



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of July, 1993, a copy of the aforegoing Brief in Lieu of Final Argument was mailed, postage pre-paid to: Michael J. Moran, Esquire, Associate County Attorney, 400 Washington Avenue, Old Courthouse, 2nd Floor, Towson, Maryland 21204 and David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236.

J. CARROLL HOLZER, Esquire

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| IN RE: BROOKVIEW FARMS (SECTION 3A OR 3B) N/S CROMWELL BRIDGE ROAD CRG DECISION 9/10/92 and BALTIMORE COUNTY PLANNING OFFICE/BROOKVIEW FARMS N/S CROMWELL BRIDGE ROAD SPH-CLARIFY DEVELOPER'S AGREEMENT TO TRACT BOUNDARIES; INTERPRETATION OF BCZR 8/21/92-Z.C.'S ORDER DENYING PETITION | * | BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. CBA-92-173 92-357-SPH |

MEMORANDUM IN LIEU OF FINAL ARGUMENT

C. Franklin Eck, Jr. and W. Gibbs McKinney, Trustee (hereinafter the "Appellant") by their attorneys Moore, Carney, Ryan, Lattanzi, and David M. Meadows, file this Memorandum in Lieu of Final Argument in the above-referenced cases, heard before the Board jointly on February 10, 1993, June 29, and 30, 1993.

STATEMENT OF CASE

The matters before this Board, arise from two (2) administrative rulings. (Decision of the CRG dated September 10, 1992, and Opinion of the Baltimore County Zoning Commissioner dated August 21, 1992.) Each matter was consolidated on appeal's taken by J. Carol Holzer, Esquire, on behalf of various protestants.

A brief review of the development process for the land that is encompassed in Brookview Farms Section 3A and 3B will serve to clarify the issues presented. The entire track of land known as Brookview Farms consists of three (3) sections containing approximately one hundred thirty-seven (137) acres of land. The site is zoned D.R.1, which permits one (1) dwelling unit per acre. By examining the density chart contained in the general notes of Joint Exhibit I (the CRG Plan, Page 2 of which is attached hereto and marked as Exhibit A to the Memorandum), the one hundred thirty-seven (137) density units available for the property have been dispersed throughout the subdivision in accordance with Section 1B01.3B of the Baltimore County Zoning Regulations (hereinafter "BCZR"). Section I, previously developed and sold, utilized sixty-two (62) development units on sixty point two (60.2) acres of land. Section II, which has received complete County approval and is not part of the Appeal, contains forty (40) development units on thirty-one point forty-seven (31.47) acres of land. The Section the subject of the combined Appeal, Section 3A and 3B, contains forty-five point seven (45.7) acres of land and proposes to use the remaining thirty-five (35) development units for the subdivision. (The project contains three (3) existing homes, so the total number of new units for Brookview Farms as proposed is thirty-two (32)). The Protestants do not dispute that density units in DR Zoned Property may be distributed throughout the subdivision. The very purpose of the DR Zone is to allow for more feasible preservation of natural features, such as the Mine Bank Run, by allowing greater flexibility in subdivision development, while still allowing the developer to utilize the density associated with the land. (See, Section 1B00.2 BCZR.)

The first hearing for Brookview Farm Section 3A and B was conducted by the Baltimore County Review Group (CRG), on February 20, 1992. (See, Joint Exhibit 1, Public Services File.) At that meeting, the CRG Plan (marked as Joint Exhibit 1 before this Board) was presented. The Plan contained an amendment to the original Brookview Farm Track Boundary, consisting of additional property under the same ownership, which is identified as Section 3B. (See, Zoning Commissioner's Memorandum Opinion, Page 2 and 3.) The inclusion of Section 3B to the original Brookview Farms Track Boundary as an amendment to the original approved CRG Plan in accordance with Section 22-63 of the Baltimore County Code, increased the land within the Track Boundary by twenty-six point nine zero (26.90) acres for the total one hundred thirty-seven (137) acre parcel. The Respondents do not contest, the propriety of the Tract Boundary Amendment process. (See, Testimony of Mr. George Gavrelis; Appellant's expert witness and Testimony of James Patton, Respondent's expert witness), who both agree that the tract boundary was properly amended in accordance with Section 26-211, by the final approval of the CRG Plan on September 10, 1992. The Tract Boundary Amendment Process utilized by the Appellant herein was the subject of comment and approval by the Court of Appeals of Maryland in Peoples' Counsel v. Crown Development, 614 A.2d 553, 328 Md. 303 (1992).



Although the CRG Plan of February 20, 1992, met with the requirements to amend the tract boundary, as called for in Section 26-211 of the Baltimore County Code and with all of the requirements of Section 26-203, the CRG did not approve the plan on that date, but instead referred the plan in accordance with Sections 26-206, 207(a)(1), and 208(b)(1) of the Baltimore County Code for alleged "Master Plan Conflict," which included parkland openspace preservation, scenic views, density transfer which violated the master plan and Flood Plain Forrest Buffer dedication. (See, CRG Comments February 20, 1992 CRG Hearing, Joint Exhibit 1.)

The plan was subsequently referred to the Baltimore County Planning Board, which adopted a resolution on March 19, 1992, referring the proposed development in accordance with Code Section 26-66(b) to three (3) County agencies for comment. It is while the plan for Brookview Farms, was awaiting comment to the planning board that the Baltimore County Department of Planning Zoning and shortly thereafter Mr. Holzer on behalf of his clients, petitioned the Zoning Commissioner for a special hearing, which later resulted in the opinion of Commissioner Schmidt in the case before the Board. (See, Petition for Special Hearing, Baltimore County Department of Planning, and J. Carol Holzer.) On April 27, 1992, a hearing was held before the Zoning Commissioner, as recounted in the various Memorandum and Commissioner Schmidt's Opinion, which were incorporated by reference, into the record before this Board. (See, 26-129 Baltimore County Code, 1988.)



While Mr. Schmidt's Opinion was pending, a second meeting of the Planning Board of Baltimore County held on May 21, 1992, wherein three (3) "negative" comments were received from the County agencies, indicating that it was not in the public interest to reserve any of Brookview Farms. (See, Joint Exhibit 1 and Protestants Exhibit 14.) Despite receiving negative comments, the Planning Board referred Brookview Farms per their resolution to the County Council of Baltimore County on May 29, 1992, requesting that the Land be reserved by dedication. The County Council sought legal advice concerning the propriety of the Planning Board's action, resulting in a legal opinion from H. Emslie Parks, Esquire, County Attorney for Baltimore County, which indicated that the referral did not comply with Section 26-66(b) of the Baltimore County Code. (See, Joint Exhibit 1, and Exhibit B attached hereto.) The Planning Board held additional meetings on June 11 and June 18, 1992, concerning Brookview Farms Section 3A and 3B, and subsequently issued a resolution taking no further action on the property. (See, Joint Exhibit 1, and Exhibit C attached hereto.)

Finally, after over six (6) months of time, the CRG Plan for Brookview Farms Section 3A and 3B, containing the amended tract boundary, was presented again at a public CRG meeting, and subsequently approved. (See, Joint Exhibit 1 CRG comments September 10, 1992.)

**THE FINAL ACTION OF THE CRG APPROVING THE PLAN FOR BROOKVIEW FARMS-SECTION 3A AND 3B WAS CORRECT**



An appeal of the final action of the CRG on a plan, is presumed correct and the protestant bears the burden of persuasion to show that such action was arbitrary or capricious, procurred by fraud, or otherwise illegal. See, Section 26-209 Baltimore County Code. Peoples' Council v. Crown Development, 614 A.2d at 559. None of the numerous witnesses presented by the protestant raised meritorious argument, even remotely indicating that the documented action of the CRG, as described by the various agency comments and reports, incorporated into the CRG's approval of September 10, 1992, show that the decision was in any way arbitrary, capricious, fraudulent, or otherwise illegal. To the contrary, the comments and rebuttal testimony, clearly set forth that the plan complies with all requirements for an approval of the CRG plan (See, Section 26-203 of the Baltimore County Code, 1988).

**MASTER PLAN CONFLICT**

The Protestants through numerous witnesses, have claimed that the approval of the Brookview Farms Section 3A and 3B Development Plan conflicts with the Master Plan of Baltimore County (1989-2000), and therefore it was arbitrary, capricious, fraudulent, or otherwise illegal for the CRG to approve the Plan, or, in the alternative, the Protestants sought to solicit testimony that the CRG was under the assumption that it had no choice but to approve the CRG Plan, since there were no funds available to purchase a part of that portion of the Brookview Farms property wherein, the alleged Master Plan Conflict occurred. (Although the issue of the taking of property without compensation, by



government regulation, is not before the Board in this case, the Court of Special Appeals has recently addressed the issue in Offen v. County Council, 96 Md. App. 526, 625 A.2d 424 (1993), wherein the Court of Special Appeals held that the Prince Georges County Government had acted in an arbitrary and capricious manner, by delaying actions on a developer's permit application, in order to gain the time necessary to enact a new Comprehensive Zoning Map, which down- zoned the developer's property. The Court adopted the Doctrine of, "Zoning Estoppel," which is applicable to cases where especially egregious actions of public officials in stalling issuance of permits, in order to eliminate development by down-zoning. (See, Offen v. County Council, 625 A.2d App. 453.)

There is absolutely no basis to support the Protestant's claim, nor, was it arbitrary, capricious, fraudulent, or otherwise illegal for the CRG to approve the Plan after an exhaustive administrative review of the Master Plan Issue.

Initially, based on a fair reading of the Baltimore County Master Plan, there is no conflict. The purpose of Baltimore County's Master Plan, is to serve as a guide for planning and development. The various propositions contained in the Plan are recommendations only, and, "in the event the .... recommendations and guidelines and land use maps (in the Master Plan) differ from a comprehensive zoning map adopted by the County Council, the comprehensive zoning map shall take precedence and shall prevail." Baltimore County Master Plan, Page 6; See also, Mottingham Village, Inc. v. Baltimore County, 266 Md. 339, 292



A.2d 680 (1972); Pattey v. Board of County Commissioners for Worcester County, 271 Md. 352, 317 A.2d 142 (1974); Peoples' Counsel for Baltimore County v. C. Dennis Webster, 65 Md. App. 694, 501 A.2d 1343 (1986); Offen v. County Council, 96 Md. App. 526, 625 A.2d 424 (1993).

Beyond the above-stated principle that the Master Plan in and of itself, cannot derail, otherwise valid development plans, which comport with the development regulations of Baltimore County, a review of the claimed Master Plan Conflict, reveals that the Plan does not, in fact, conflict with the written language of the Master Plan. Witnesses for the Protestant submitted, as evidence, various pages of the Baltimore County Master Plan. (See, Exhibits 8-13.) As an example, Page 106 of the Master Plan is relied upon for the proposition that the development conflicts with the Plan's purpose to preserve the Cromwell Valley as open space. Page 106 does discuss preserving the character of the Cromwell Valley, and goes further to say that, "...the preservation of the open space role of Cromwell Valley's is a worthwhile public goal, but is beyond the immediate financial means of Baltimore County...." (See, Page 106 Baltimore County Master Plan, Protestants' Exhibit 8.) The Plan further discusses how the County could assist private efforts to preserve the Valley and potentially establish a transferrable Development Rights



Program. These ideas, like many others in the Master Plan, have never been implemented, and cannot be used to deny, otherwise valid development plans. The same limiting language can be found with regard to the other, supposed Master Plan Conflicts, raised by the Protestant.

To further support their argument, the Protestants are offered the testimony of the Director of Parks and Recreation for Baltimore County, for the proposition that the County has recently purchased a nearby piece of property in the Cromwell Valley. Such testimony is completely irrelevant to the issues before this Board, not only because it occurred subsequent to the action upon which this Appeal is based, but further reveals that no such action to purchase has been proposed for the Brookview Farms Track. As recently announced in Offen v. County Council, the Government cannot stall or delay the permitting process just for the sake of delay. The CRG correctly determined that there was no further reason to delay the approval of the Brookview Farms CRG Plan, which complied in all respect with the County's Regulations.

**SECTION 26-66(b), PROHIBITS ANY RESERVATION OF BROOKVIEW FARMS SECTION 3A AND 3B BECAUSE OF AN ALLEGED MASTER PLAN CONFLICT**

The Protestants have failed to meet their burden that the CRG acted arbitrarily, capriciously, fraudulently, or otherwise illegal, in its review of the CRG Plan for Brookview Farms, the effect of claimed "Master Plan Conflicts," and the appropriate amendment to the Track Boundary with regard to the combination of density or Section 3A and 3B of Brookview Farms.



In addition, the specific facts presented in this case Section 26-66(b), provides that when a Plan has been referred from the CRG to the Planning Board because of alleged Master Plan Conflicts, the "failure by the County Council to pass [a] resolution within ninety (90) days of the date of the agency's report and recommendation, shall terminate the procedure under this Section, and shall prevent any or all of the Land described in the agency's report and recommendation for being subject to the procedures of this Section for a period of two (2) years from the date of the agency's report and recommendation."

Brookview Farms Section 3A & 3B CRG Plan, was referred from the CRG to the Planning Board in accordance with 26-66(b). Also, as previously recounted, the Planning Board referred the Master Plan Conflict issue to three (3) County agencies, each of which reported back to the Planning Board, that it was not in the public interest to reserve any portion of Brookview Farms. (See, Legal Opinion of the County Attorney for Baltimore County, attached as Exhibit B hereto.) In fact, two (2) of the three (3) agency reports fail to comply with the thirty (30) day notification requirements of 26-66(b), and all three (3) reports, as noted by the County Attorney, fail to comport with the "affirmative" requirements, which would allow the Planning Board to further recommend to the County Council reservation of the property. In any event, however, more than six (6) months lapsed from the date of the initial CRG referral in February 1992 to the

The first hearing for Brookview Farm Section 3A and B was conducted by the Baltimore County Review Group (CRG), on February 20, 1992. (See, Joint Exhibit 1, Public Services File.) At that meeting, the CRG Plan (marked as Joint Exhibit 1 before this Board) was presented. The Plan contained an amendment to the original Brookview Farm Track Boundary, consisting of additional property under the same ownership, which is identified as Section 3B. (See, Zoning Commissioner's Memorandum Opinion, Page 2 and 3.) The inclusion of Section 3B to the original Brookview Farms Track Boundary as an amendment to the original approved CRG Plan in accordance with Section 22-63 of the Baltimore County Code, increasied the land within the Track Boundary by twenty-six point nine zero (26.90) acres for the total one hundred thirty-seven (137) acre parcel. The Respondents do not contest, the propriety of the Tract Boundary Amendment process. (See, Testimony of Mr. George Gavrelis; Appellant's expert witness and Testimony of James Patton, Respondent's expert witness), who both agree that the tract boundary was properly amended in accordance with Section 26-211, by the final approval of the CRG Plan on September 10, 1992. The Tract Boundary Amendment Process utilized by the Appellant herein was the subject of comment and approval by the Court of Appeals of Maryland in Peoples' Counsel v. Crown Development, 614 A.2d 553, 328 Md. 303 (1992).



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An appeal of the final action of the CRG on a plan, is presumed correct and the protestant bears the burden of persuasion to show that such action was arbitrary or capricious, procurred by fraud, or otherwise illegal. See, Section 26-209 Baltimore County Code. Peoples' Council v. Crown Development, 614 A.2d at 559. None of the numerous witnesses presented by the protestant raised meritorious argument, even remotely indicating that the documented action of the CRG, as described by the various agency comments and reports, incorporated into the CRG's approval of September 10, 1992, show that the decision was in any way arbitrary, capricious, fraudulent, or otherwise illegal. To the contrary, the comments and rebuttal testimony, clearly set forth that the plan complies with all requirements for an approval of the CRG plan (See, Section 26-203 of the Baltimore County Code, 1988).

**MASTER PLAN CONFLICT**

The Protestants through numerous witnesses, have claimed that the approval of the Brookview Farms Section 3A and 3B Development Plan conflicts with the Master Plan of Baltimore County (1989-2000), and therefore it was arbitrary, capricious, fraudulent, or otherwise illegal for the CRG to approve the Plan, or, in the alternative, the Protestants sought to solicit testimony that the CRG was under the assumption that it had no choice but to approve the CRG Plan, since there were no funds available to purchase a part of that portion of the Brookview Farms property wherein, the alleged Master Plan Conflict occurred. (Although the issue of the taking of property without compensation, by



government regulation, is not before the Board in this case, the Court of Special Appeals has recently addressed the issue in Offen v. County Council, 96 Md. App. 526, 625 A.2d 424 (1993), wherein the Court of Special Appeals held that the Prince Georges County Government had acted in an arbitrary and capricious manner, by delaying actions on a developer's permit application, in order to gain the time necessary to enact a new Comprehensive Zoning Map, which down- zoned the developer's property. The Court adopted the Doctrine of, "Zoning Estoppel," which is applicable to cases where especially egregious actions of public officials in stalling issuance of permits, in order to eliminate development by down-zoning. (See, Offen v. County Council, 625 A.2d App. 453.)

There is absolutely no basis to support the Protestant's claim, nor, was it arbitrary, capricious, fraudulent, or otherwise illegal for the CRG to approve the Plan after an exhaustive administrative review of the Master Plan Issue.

Initially, based on a fair reading of the Baltimore County Master Plan, there is no conflict. The purpose of Baltimore County's Master Plan, is to serve as a guide for planning and development. The various propositions contained in the Plan are recommendations only, and, "in the event the .... recommendations and guidelines and land use maps (in the Master Plan) differ from a comprehensive zoning map adopted by the County Council, the comprehensive zoning map shall take precedence and shall prevail." Baltimore County Master Plan, Page 6; See also, Nottingham Village, Inc. v. Baltimore County, 266 Md. 339, 292



A.2d 680 (1972); Pattey v. Board of County Commissioners for Worcester County, 271 Md. 352, 317 A.2d 142 (1974); Peoples' Counsel for Baltimore County v. C. Dennis Webster, 65 Md. App. 694, 501 A.2d 1343 (1986); Offen v. County Council, 96 Md. App. 526, 625 A.2d 424 (1993).

Beyond the above-stated principle that the Master Plan in and of itself, cannot derail, otherwise valid development plans, which comport with the development regulations of Baltimore County, a review of the claimed Master Plan Conflict, reveals that the Plan does not, in fact, conflict with the written language of the Master Plan. Witnesses for the Protestant submitted, as evidence, various pages of the Baltimore County Master Plan. (See, Exhibits 8-13.) As an example, Page 106 of the Master Plan is relied upon for the proposition that the development conflicts with the Plan's purpose to preserve the Cromwell Valley as open space. Page 106 does discuss preserving the character of the Cromwell Valley, and goes further to say that, "...the preservation of the open space role of Cromwell Valley's is a worthwhile public goal, but is beyond the immediate financial means of Baltimore County...." (See, Page 106 Baltimore County Master Plan, Protestants' Exhibit 8.) The Plan further discusses how the County could assist private efforts to preserve the Valley and potentially establish a transferrable Development Rights



Program. These ideas, like many others in the Master Plan, have never been implemented, and cannot be used to deny, otherwise valid development plans. The same limiting language can be found with regard to the other, supposed Master Plan Conflicts, raised by the Protestant.

To further support their argument, the Protestants are offered the testimony of the Director of Parks and Recreation for Baltimore County, for the proposition that the County has recently purchased a nearby piece of property in the Cromwell Valley. Such testimony is completely irrelevant to the issues before this Board, not only because it occurred subsequent to the action upon which this Appeal is based, but further reveals that no such action to purchase has been proposed for the Brookview Farms Track. As recently announced in Offen v. County Council, the Government cannot stall or delay the permitting process just for the sake of delay. The CRG correctly determined that there was no further reason to delay the approval of the Brookview Farms CRG Plan, which complied in all respect with the County's Regulations.

**SECTION 26-66(b), PROHIBITS ANY RESERVATION OF BROOKVIEW FARMS SECTION 3A AND 3B BECAUSE OF AN ALLEGED MASTER PLAN CONFLICT**

The Protestants have failed to meet their burden that the CRG acted arbitrarily, capriciously, fraudulently, or otherwise illegal, in its review of the CRG Plan for Brookview Farms, the effect of claimed "Master Plan Conflicts," and the appropriate amendment to the Track Boundary with regard to the combination of density or Section 3A and 3B of Brookview Farms.



In addition, the specific facts presented in this case Section 26-66.B., provides that when a Plan has been referred from the CRG to the Planning Board because of alleged Master Plan Conflicts, the "failure by the County Council to pass [a] resolution within ninety (90) days of the date of the agency's report and recommendation, shall terminate the procedure under this Section, and shall prevent any or all of the Land described in the agency's report and recommendation for being subject to the procedures of this Section for a period of two (2) years from the date of the agency's report and recommendation."

Brookview Farms Section 3A & 3B CRG Plan, was referred from the CRG to the Planning Board in accordance with 26-66(b). Also, as previously recounted, the Planning Board referred the Master Plan Conflict issue to three (3) County agencies, each of which reported back to the Planning Board, that it was not in the public interest to reserve any portion of Brookview Farms. (See, Legal Opinion of the County Attorney for Baltimore County, attached as Exhibit B hereto.) In fact, two (2) of the three (3) agency reports fail to comply with the thirty (30) day notificiation requirements of 26-66(b), and all three (3) reports, as noted by the County Attorney, fail to comport with the "affirmative" requirements, which would allow the Planning Board to further recommend to the County Council reservation of the property. In any event, however, more than six (6) months lapsed from the date of the initial CRG referral in February 1992 to the

subsequent action by the County Council concerning the alleged referral. Since there was no resolution by the Baltimore County Council, Brookview Farm's Section 3A and 3B cannot be the subject of a Master Plan Conflict under the provisions of 26-66 of the Baltimore County Code, 1988.

**THE ZONING COMMISSIONER CORRECTLY INTERPRETED SECTION 1B01.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS, WITH REGARD TO THE PROCEDURE FOLLOWED FOR AMENDING PARTIAL FINAL DEVELOPMENT PLANS IN DR ZONES**

When an appeal is taken from the decision of the Baltimore County Zoning Commission, the Commissioner's file, and all documents contained therein, are evidence before the Board of Appeals without testimony. (See, Section 26-129 Baltimore County Code.) By Oral Motion before this Board, those documents, including Memorandum and Exhibits filed by each party, were incorporated by reference to the proceedings before the Board.

The Zoning Appeal, arises from a Hearing held pursuant to Petitions filed, not by the owners of the property, but rather by P. David Fields, as Director of the Baltimore Office of Planning and Zoning, and J. Carol Holzer, Esquire on behalf of various Protestants. It is noteworthy that both Petitions were filed, prior to the CRG approving the Plan for Brookview Farms Section 3A and 3B, and prior to the Maryland Court of Appeal's decision in Peoples Counsel v. Crown Development, 328 Md. 303, 614 A.2d 553 (1992).



Director Field's Petition sought an Opinion from the Zoning Commissioner concerning the, "proposed amendment of the tract boundaries for the area known as Brookview Estates and Brookview Farms in the manor proposed, and to determine the acreage of the entire tract and the density permitted resulting from the current zoning classification." (See, Petition for Special Hearing, P. David Fields, Director of Baltimore County Office of Planning and Zoning.) Mr. Holzer's Petition incorporated by reference the Petition of the Director of Planning and Zoning, and delineated eight (8) other areas of concern, none of which even remotely resemble the Protestants' argument before the Board that his clients had requested a hearing pursuant to 1B01.A3(7)(b) of the BCZR. In fact, it would have been impossible for the Protestants to file such a Petition since at that time the CRG Plan amending the Track Boundary, pursuant to which a partial final development plan could be filed, in accordance with Provision of 1B01.3A had not been approved by Baltimore County.

Before the Zoning Commissioner, the thrust of the Protestants' argument centered around their mistakened proposition that a tract boundary could never be amended to allow a density transfer between adjacent DR Zoned Property. (See, Holzer, Brief in Lieu of Final Argument before the Zoning Commissioner.) As previously noted, subsequent to Oral Argument before the Zoning Commissioner, the Court of Appeals of Maryland rendered its decision in Peoples Counsel v. Crown Development, 328 Md. 303, 614 A.2d 553 (1992). The decision rendered the bulk of Protestants' argument with regard to the amount of a Track Boundary incorrect,



when it held consistent with Appellant's position that, "the Baltimore County Code does provide for amendment to an approved Plan. Section 22-63 provides that "any material amendment to an approved Plan shall be reviewed and approved in the same manner as the original Plan"" (See, Crown Development, 614 A.2d at 557).

The developer in Crown Development had failed to comply with the provisions of 26-211 to formally request an amendment of its prior plan to include additions to the tract boundary. As noted in preceding paragraphs in this Memorandum, and on the record before the Board, Brookview Farms went through such an amendment process, beginning with the initial filing of the amended plan on November 20, 1992, and thereafter through the final approval of the amendment after vigorous public comment on September 10, 1992.

As mentioned in the preceding Paragraph, there can be no amendment of a final development plan pursuant to Section 1B01.3 BCZR, until there has been a formal amendment of the tract boundary pursuant to the amendment process set forth in Section 26-211 of the Baltimore County Code. Even if the Protestant's had standing to request a Special Hearing pursuant to Section 1B01.3(7) BCZR, they failed to file such a Petition upon the approval of the CRG Plan in September 1992, and thus have waived any rights they had to such a Petition. In any event the issue is not before the Board in this case.

**THE ZONING COMMISSIONER'S FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

The Zoning Commissioner's findings of facts and conclusions of law, properly analyze the provisions of Section 1B01.3(7) with regard to the effect of the amendment of the Track Boundary as approved by the CRG.



As to the amendment of the development plan previously filed for Section I, the developer notes the language of Section 1B01.3A(7) of the BCZR. The developer's position in this respect was explained by their witness, George Gavrelis. As Mr. Gavrelis noted, a final development plan can be amended in two (2) ways. First, if there is no change to the Plan which affects any sold lot, structure, or use within three hundred (300) feet, the Plan may be amended by simple resubmission to the appropriate County agency. Second, in the event of a sale of an interest in property within three hundred (300) feet, the Plan can be amended only through the Special Exception Hearing Process as fully set forth in Section 1B01.3.A(7)(b). In this case, Mr. Gavrelis notes that the proposed revision of the tract boundary encompassed by the inclusion of Section 3B is not within three hundred (300) feet of any sold lot in Section I. Therefore, the Plan may be amended by simple resubmission of the final development plan to the appropriate agency....

> ....I have considered the arguments presented by Messrs. Gavrelis and Patton as set forth in the respective legal Memorandum submitted by the parties. I have read and re-read Section 1B01.3 of the BCZR. After considering the language of that regulation and the arguments presented, I am persuaded that the developer can amend its tract boundary to include Section 3B by the method of resubmission of same as set forth in Section 1B01.A3(7)(a) of the BCZR.

Finding the Facts and Conclusions of Law Baltimore County Zoning Commissioner, Page 9 and 10.

In testimony provided chiefly by Mr. Patton, the Protestant raised the novel proposition that the community-at-large, is also entitled to a Special Hearing pursuant to Section 1B01.A3(7)(b), if their land lies within three hundred (300) feet and a demand has been made by a "eligible individual or group." The Protestants rely on Subsection 1B01.A3(7)(b)(iii) for the proposition that not only lot owners within the subdivision, but property owners who are not part of the subdivision, have the



right to petition for Special Hearing.

Such an interpretation distorts the very purpose of the final development plan under the Baltimore County Zoning Regulations. As recounted in Section 1B01.3(A), the purpose of the final development plan is to provide for the disclosure of development plans to perspective residents and to protect those who have made decisions based on such plans.... The Regulation provides further that a "partial development plan" is a portion of a final development plan, and a partial or final development plan is "applicable" to a given lot if it covers all property in the subdivision within three hundred (300) feet of the given lot, in addition to the lot itself. (See Section 1B01.3(A)(2).) The Section goes on to provide for a Notice Provision to be given to individuals who purchase Real Property within the area covered by the approved partial final development plan. There is no such Notice provision for those owning property outside of the development.

Although the draftsmanship of Subsection 7 covering the amendment of approved development plan, leaves something to be desired, giving the purpose and background of final development plans, it is quite clear that the language contained in Subparagraph 7(b) applies to cases where there have been changes within three hundred (300) feet of a lot or structure, which has been sold since the original plan was filed, as determined by the Zoning Commissioner not to the Protestants or any other outside Group.



The language contained in Subparagraph 1B01.3A(7)(b) with regard to a demand for Hearing by an, "eligible individual or group," simply refers to the procedure set forth under Paragraph 1B01.3(A)(7)(C)(2) when an individual lot owner, within the subdivision, requests an amendment to the final development plan with regard proposed changes to an individual lot. (See, Testimony of Carl Richards, Zoning Coordinator of Baltimore County, and Appellants' Exhibit 3 offered in support of Mr. Richard's Testimony.)

Under the particular circumstances associated with the amendment of the Track Boundary for Brookview Farms, the Zoning Commissioner correctly ruled that since there has been no change with respect to any lot, structure, or use within three hundred (300) feet of any lot or structure, which has been sold since the original Plan for Brookview Farms Section I was filed, the property owner can simply resubmit the Plan to include the amendment to the Track Boundary. (See, Memorandum Opinion at Page 10.) Clearly, as depicted on Exhibit A attached to this Memorandum, there has been no change to the Pervisory Section, contained in the partial final development Plan for Brookview Farms Section I under which lot owners in Section I purchased their property.) As provided in Section 1B01.3A(2), the partial final development Plan for Section I Brookview Farms, is applicable to those lots, up to the extent of the three hundred (300) foot Provisory Section contained therein. Since there has been no change in that Provisory Section, the amendment to that first partial development Plan for Brookview Farms Section I was, after the approval of the Track Boundary Amendment on September 10, 1992 properly amended in accordance with the Zoning Regulations and CRG comments. (See, Zoning Comments contained in the CRG Approval of September 10, 1992.)



**CONCLUSION**

In conclusion, the Protestants have failed to meet their burden to show that the CRG in approving the CRG Plan of Brookview Farms Section 3A and 3B, acted in any manner that could be considered arbitrary, capricious, fraudulent, or otherwise illegal, and therefore this Board should enter an Order upholding the decision of the CRG.

Further, the Zoning Commissioner in his findings of fact and conclusions of law, correctly held that a partial final development Plan can be amended for Brookview Farms Section 3A and 3B by the resubmission to the appropriate County agency, since there has been no change with respect to any lot, structure, or use within three hundred (300) feet of a lot or structure, which has been sold since the original Plan was filed.

David N. Meadows
MOORE, CARNEY, RYAN, & LATTANZI
4111 E. Joppa Road
Baltimore, Maryland 21236
(410) 529-4600
Attorney for Appelents



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3rd day of _____, 1993, a copy of the foregoing Memorandum was mailed first-class, postage prepaid to:

Carol Holzer, Esquire
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204

Peter Max Zimmerman, Esquire
Peoples Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204

David N. Meadows

subsequent action by the County Council concerning the alleged referral. Since there was no resolution by the Baltimore County Council, Brookview Farm's Section 3A and 3B cannot be the subject of a Master Plan Conflict under the provisions of 26-66 of the Baltimore County Code, 1988.

**THE ZONING COMMISSIONER CORRECTLY INTERPRETED SECTION 1B01.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS, WITH REGARD TO THE PROCEDURE FOLLOWED FOR AMENDING PARTIAL FINAL DEVELOPMENT PLANS IN DR ZONES**

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when it held consistent with Appellant's position that, "the Baltimore County Code does provide for amendment to an approved Plan. Section 22-63 provides that "any material amendment to an approved Plan shall be reviewed and approved in the same manner as the original Plan"" (See, Crown Development, 614 A.2d at 557).

The developer in Crown Development had failed to comply with the provisions of 26-211 to formally request an amendment of its prior plan to include additions to the tract boundary. As noted in preceding paragraphs in this Memorandum, and on the record before the Board, Brookview Farms went through such an amendment process, beginning with the initial filing of the amended plan on November 20, 1992, and thereafter through the final approval of the amendment after vigorous public comment on September 10, 1992.

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**THE ZONING COMMISSIONER'S FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

The Zoning Commissioner's findings of facts and conclusions of law, properly analyze the provisions of Section 1B01.3.7 with regard to the effect of the amendment of the Track Boundary as approved by the CRG.



As to the amendment of the development plan previously filed for Section I, the developer notes the language of Section 1B01.3A(7) of the BCZR. The developer's position in this respect was explained by their witness, George Gavrelis. As Mr. Gavrelis noted, a final development plan can be amended in two (2) ways. First, if there is no change to the Plan which effects any sold lot, structure, or use within three hundred (300) feet, the Plan may be amended by simple resubmission to the appropriate County agency. Second, in the event of a sale of an interest in property within three hundred (300) feet, the Plan can be amended only through the Special Exception Hearing Process as fully set forth in Section 1B01.3.A(7)(b). In this case, Mr. Gavrelis notes that the proposed revision of the tract boundary encompassed by the inclusion of Section 3B is not within three hundred (300) feet of any sold lot in Section I. Therefore, the Plan may be amended by simple resubmission of the final development plan to the appropriate agency....

....I have considered the arguments presented by Messrs. Gavrelis and Patton as set forth in the respective legal Memorandum submitted by the parties. I have read and re-read Section 1B01.3 of the BCZR. After considering the language of that regulation and the arguments presented, I am persuaded that the developer can amend its tract boundary to include Section 3B by the method of resubmission of same as set forth in Section 1B01.A3.", a, of the BCZR.

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right to petition for Special Hearing.

Such an interpretation distorts the very purpose of the final development plan under the Baltimore County Zoning Regulations. As recounted in Section 1B01.3.A., the purpose of the final development plan is to provide for the disclosure of development plans to perspective residents and to protect those who have made decisions based on such plans.... The Regulation provides further that a "partial development plan" is a portion of a final development plan, and a partial or final development plan is applicable to a given lot if it covers all property in the subdivision within three hundred (300) feet of the given lot, in addition to the lot itself. (See, Section 1B01.3(A.)2.) The Section goes on to provide for a Notice Provision to be given to individuals who purchase Real Property within the area covered by the approved partial final development plan. There is no such Notice provision for those owning property outside of the development.

Although the draftmanship of Subsection 7 covering the amendment of approved development plan, leaves something to be desired, giving the purpose and background of final development plans, it is quite clear that the language contained in Subparagraph "b" applies to cases where there have been changes within three hundred (300) feet of a lot or structure, which has been sold since the original plan was filed, as determined by the Zoning Commissioner not to the Protestants or any other outside Group.



The language contained in Subparagraph 1B01.3A(7)(b) with regard to a demand for Hearing by an, "eligible individual or group," simply refers to the procedure set forth under Paragraph 1B01.3.A.7.(a)(2) when an individual lot owner, within the subdivision, requests an amendment to the final development plan with regard proposed changes to an individual lot. (See, Testimony of Carl Richards, Zoning Coordinator of Baltimore County, and Appellants' Exhibit 3 offered in support of Mr. Richard's Testimony.

Under the particular circumstances associated with the amendment of the Track Boundary for Brookview Farms, the Zoning Commissioner correctly ruled that since there has been no change with respect to any lot, structure, or use within three hundred (300) feet of any lot or structure, which has been sold since the original Plan for Brookview Farms Section I was filed, the property owner can simply resubmit the Plan to include the amendment to the Track Boundary. (See, Memorandum Opinion at Page 10.) Clearly, as depicted on Exhibit A attached to this Memorandum, there has been no change to the Pervisory Section, contained in the partial final development Plan for Brookview Farms Section I under which lot owners in Section I purchased their property.) As provided in Section 1B01.3A(2), the partial final development Plan for Section I Brookview Farms, is applicable to those lots, up to the extent of the three hundred (300) foot Provisory Section contained therein. Since there has been no change in that Provisory Section, the amendment to that first partial development Plan for Brookview Farms Section I was, after the approval of the Track Boundary Amendment on September 10, 1992 properly amended in accordance with the Zoning Regulations and CRG comments. See, Zoning Comments contained in the CRG Approval of September 10, 1992.)



**CONCLUSION**

In conclusion, the Protestants have failed to meet their burden to show that the CRG in approving the CRG Plan of Brookview Farms Section 3A and 3B, acted in any manner that could be considered arbitrary, capricious, fraudulent, or otherwise illegal, and therefore this Board should enter an Order upholding the decision of the CRG.

Further, the Zoning Commissioner in his findings of fact and conclusions of law, correctly held that a partial final development Plan can be amended for Brookview Farms Section 3A and 3B by the resubmission to the appropriate County agency, since there has been no change with respect to any lot, structure, or use within three hundred (300) feet of a lot or structure, which has been sold since the original Plan was filed.

David M. Meadows
MOORE, CARNEY, RYAN, & LATTANZI
4111 E. Joppa Road
Baltimore, Maryland 21236
(410) 529-4600
Attorney for Appelants



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30 day of _____, 1993, a copy of the foregoing Memorandum was mailed first-class, postage prepaid to:

Carol Holzer, Esquire
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Peter Max Zimmerman, Esquire
Peoples Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204

David M. Meadows

Exhibit B

BALTIMORE COUNTY, MARYLAND

Interoffice Correspondence

TO: William A. Howard, IV
Chairman, County Council

DATE: June 4, 1992

FROM: H. Emslie Parks
County Attorney

SUBJECT: Brookview Farm

You advise us that on Friday, May 29, 1992, the Director of Planning and Zoning delivered certain materials to the County Council pursuant to the provisions of Section 26-66 of the Baltimore County Code.

These materials relate to the property known as Brookview Farm, Sections 3A and 3B. Despite a contrary report from the Director of Public Works dated April 6, 1992, and a similar report from the Director of Recreation and Parks dated April 14, 1992, the Planning Board recommended that the Council pass a resolution declaring the reservation of this property. The Planning Board's recommendation included a finding that development of the property would be a conflict with the Baltimore County Master Plan.

The Council seeks the advice of this office on questions relating to the action of the Planning Board under Section 26-66 of the Baltimore County Code, 1988 (1991 Repl. Vol.). Among the questions referred is:

> 1. Does the recommendation of the Planning Board constitute an appropriate referral to the Council under Section 26-66, since two of the County agencies to whom the matter was referred responded in the negative on the issue of the reservation of this property? Stated otherwise, does the April 20, 1992 report of the Office of Planning and Zoning constitute the affirmative agency recommendation referred to in Section 26-66(b)?

The recommendation of the Planning Board of May 26, 1992, does not constitute an appropriate referral to the County Council under Section 26-66 since several of the County agencies responded in the negative on the reservation issue. If the land involved in an application for a building permit or for approval of a development plan is to be reserved, then the agency recommendation must be expressed in "affirmative" terms and be accompanied by a reservation map and an estimate of time required to complete the acquisition.

William A. Howard, IV
Chairman, County Council
June 4, 1992
Page -2-

The primary definition of the word "affirmative" is an expression of "affirmation or assent." Accordingly, those agencies to which a conflicts question has been referred must signify their assent that the proposed acquisition would be in the public interest. In this instance, however, as stated, the agencies to whom the matter was referred answered negatively.

When a popular or common word, such as "affirmative," is used in a statute but is not defined, the word is to be given its common meaning. Moreover, effect is to be given to the common or literal meaning of the words in a statutory text when plain and clear on its face.

As with the recommendation of the Departments of Public Works and Recreation and Parks and in view of the absence of funds for public acquisition, the Office of Planning and Zoning had no alternative but to recommend that the development plan be approved as submitted. Since the agency reports are negative, the prerequisite affirmative recommendation has not been made to the Planning Board. Likewise, in the absence of this mandatory type of report, the Planning Board recommendation does not qualify as an appropriate referral to the County Council under Section 26-66.

In view of this conclusion, we must respectfully defer responding to questions 2 through 5.

HEP:MK:mm

H. Emslie Parks
County Attorney

Exhibit C

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

RECEIVED
JUN 24 1992
MOORE, CARNEY & RYAN

June 22, 1992

Thomas Peddicord, Legislative Counsel/Secretary
TO: Baltimore County Council

P. David Fields, Secretary
FROM: Baltimore County Planning Board

SUBJECT: "Brookview Farm"

Having learned that the County Attorney had advised (in response to an inquiry from the County Council) that the Planning Board's action on May 21st regarding the "Brookview Farm" property "does not qualify as an appropriate referral to the County Council," the staff placed this subject on the agenda for the June 18th meeting so that the Board might have the opportunity for reconsidering the matter.

The general principles governing the Board's role under County Code Section 26-66(b) as well as the specific details pertaining to the action on "Brookview Farm" were discussed at length in Committee meeting; eleven of the fourteen Board members were present for the discussion. Also present and responding to the members' questions throughout the discussion were the County Attorney and Deputy County Attorney.

After approximately an hour of deliberation in Committee, the Board took no further action on the subject.

P. David Fields
Secretary

PDF:TD:pat
BROOKVW.PED/TXTPAT

cy: David M. Meadows, Esq.
Merreen Kelly
H. Emslie Parks, Esq.

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ROBERT E. CARNEY, JR.
RICHARD E. LATTANZI
JUDITH L. MARCLEBODE
RONALD A. DECESARIS
DAVID M. MEADOWS
LISA M. L. EISENMANN

ROBERT J. RYAN
OF COUNSEL
E. SCOTT MOORE
(1909-1992)

August 2, 1993

Baltimore County Board of Appeals
Old Court House
Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Brookview Farm for the Board of Appeals of Baltimore County
Case Nos. CBA-92-173/92-357-SPH

Dear Clerk:

Please find enclosed a replacement first page for the Appellant's Memorandum in Lieu of Final Argument, to replace the page filed on July 30th, which contained a printing error in the title. In addition, please find Exhibit A to the Memorandum, which I neglected to attach to the original filing.

Sincerely,

David M. Meadows

DMM:gd

Enclosure

cc: C. Franklin Eck, Jr.
Ed Haile

93 AUG -4 PM 12:07

IN RE: BROOKVIEW FARMS • BEFORE THE

(SECTION 3A OR 3B)
N/S CROMWELL BRIDGE ROAD • COUNTY BOARD OF
CRG DECISION 9/10/92 •
and • APPEALS
BALTIMORE COUNTY PLANNING •
OFFICE/BROOKVIEW FARMS • OF
N/S CROMWELL BRIDGE ROAD •
SPH-CLARIFY DEVELOPER'S • BALTIMORE COUNTY
AMENDMENT TO TRACT •
BOUNDARIES; INTERPRETATION •
OF BCZR 8/21/92-Z.C.'S • CASE NO. CBA-92-173
ORDER DENYING PETITION • 92-357-SPH

• • • • • • • •

**MEMORANDUM IN LIEU OF FINAL ARGUMENT**

C. Franklin Eck, Jr. and W. Gibbs McKinney, Trustee (hereinafter the "Appellant") by their attorneys Moore, Carney, Ryan, Lattanzi, and David M. Meadows, file this Memorandum in Lieu of Final Argument in the above-referenced cases, heard before the Board jointly on February 10, 1993, June 29, and 30, 1993.

**STATEMENT OF CASE**

The matters before this Board, arise from two (2) administrative rulings. (Decision of the CRG dated September 10, 1992, and Opinion of the Baltimore County Zoning Commissioner dated August 21, 1992.) Each matter was consolidated on appeal's taken by J. Carol Holzer, Esquire, on behalf of various protestants.

A brief review of the development process for the land that is encompassed in Brookview Farms Section 3A and 3B will serve to clarify the issues presented. The entire track of land known as Brookview Farms consists of three (3) sections containing approximately one hundred thirty-seven (137) acres of land. The site is zoned D.R.1, which permits one (1) dwelling unit per

IN RE: PETITION FOR SPECIAL HEARING • BEFORE THE
NWS Cromwell Bridge Road approx. • ZONING COMMISSIONER
880 ft. NE of intersection •
Oakleigh Road • OF
9th Election District •
6th Councilmanic District • BALTIMORE COUNTY
•
Baltimore County Office of • Case No.: 92-357-SPH
Planning and Zoning, et al. •
Petitioners •

• • • • • • • • • • • • •

**NOTICE OF APPEAL TO COUNTY BOARD OF APPEALS**

Protestants in the above captioned case, Campaign to Save Cromwell Valley Inc.'s; Summerfield Farms Community Association, Long Green Valley Association, Inc.; Cromwell Coventry and Satyr Hill Community Association; Chatterleigh Association, Inc.; Laura Jennifer, as President of Campaign to Save Cromwell Valley, Inc.; Dorothy Streb, as Vice President of Campaign to Save Cromwell Valley, Inc.; Stanley Pollack, as President of Summerfield Farms Community Association; Ken & Helen Dauses; Mr. Robert J. Callanan; John & Muriel Roll; Walter & Helen Wicklein; Mrs. Frances W. Sherwood, individually, and by and through their attorney, J. Carroll Holzer, Holzer, Maher, Demilio & Lee, hereby note an appeal of the Decision of the Zoning Commissioner in the above referenced case decided on August 21, 1992.

J. CARROLL HOLZER, Esquire
Holzer, Maher, DeMilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
410-825-6960

PAYMENT
9.17.92
ZONING OFFICE

MICROFILMED

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17th day of September, 1992, a copy of the aforegoing Notice of Appeal to County Board of Appeals was mailed, postage pre-paid to: David Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236 and David Fields, Director of Planning, Baltimore County Planning Board, County Courts Building, 401 Bosley Avenue, 4th Floor, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

notice\brookview.not

2

IN RE: PETITION FOR SPECIAL HEARING • BEFORE THE
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880 ft. NE of intersection • ZONING COMMISSIONER
Oakleigh Road •
9th Election District • OF BALTIMORE COUNTY
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• CASE # 92-357-SPH
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Planning and Zoning, et al •
Petitioners •

**********

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner as the result of two Petitions for Special Hearing relating to two adjoining subdivisions known as Brookview Farms and Brookview Estates located in the Cromwell Valley section of Baltimore County. The Petitions are not filed by the developer of those subdivisions. Rather, they have been filed by P. David Fields, as Director of the Baltimore County Office of Planning and Zoning and J. Carroll Holzer, Esquire on behalf of numerous residents in the subject locale. Although Mr. Holzer's Petition seeks clarification of numerous issues, its main thrust coincides with the relief requested within Mr. Fields' Petition. Succinctly stated, the Petitioners request a ruling whether the Developer may amend the tract boundaries for the subject subdivisions in the manner proposed in the Developer's C.R.G. plan for Sections 3A and 3B thereof. Further, the Petitioners seek a determination of the acreage of the entire tract and the density permitted thereon, under the current zoning classification of the subject property.

As collateral issues to the questions presented above, Mr. Holzer seeks clarification of the impact of the proposed development on existing property owners in Section 1 of Brookview Farms, whether Baltimore County's agreement for an extension of a previously approved C.R.G. was breached, and other

ORDER RECEIVED FOR FILING
Date
By

MICROFILMED

Exhibit B

BALTIMORE COUNTY, MARYLAND

Interoffice Correspondence

TO: William A. Howard, IV
Chairman, County Council

DATE: June 4, 1992

FROM: H. Emslie Parks
County Attorney

SUBJECT: Brookview Farm

You advise us that on Friday, May 29, 1992, the Director of Planning and Zoning delivered certain materials to the County Council pursuant to the provisions of Section 26-66 of the Baltimore County Code.

These materials relate to the property known as Brookview Farm, Sections 3A and 3B. Despite a contrary report from the Director of Public Works dated April 6, 1992, and a similar report from the Director of Recreation and Parks dated April 14, 1992, the Planning Board recommended that the Council pass a resolution declaring the reservation of this property. The Planning Board's recommendation included a finding that development of the property would be a conflict with the Baltimore County Master Plan.

The Council seeks the advice of this office on questions relating to the action of the Planning Board under Section 26-66 of the Baltimore County Code, 1988 (1991 Repl. Vol.). Among the questions referred is:

1. Does the recommendation of the Planning Board constitute an appropriate referral to the Council under Section 26-66, since two of the County agencies to whom the matter was referred responded in the negative on the issue of the reservation of this property? Stated otherwise, does the April 20, 1992 report of the Office of Planning and Zoning constitute the affirmative agency recommendation referred to in Section 26-66(b)?

The recommendation of the Planning Board of May 26, 1992, does not constitute an appropriate referral to the County Council under Section 26-66 since several of the County agencies responded in the negative on the reservation issue. If the land involved in an application for a building permit or for approval of a development plan is to be reserved, then the agency recommendation must be expressed in "affirmative" terms and be accompanied by a reservation map and an estimate of time required to complete the acquisition.

William A. Howard, IV
Chairman, County Council
June 4, 1992
Page -2-

The primary definition of the word "affirmative" is an expression of "affirmation or assent." Accordingly, those agencies to which a conflicts question has been referred must signify their assent that the proposed acquisition would be in the public interest. In this instance, however, as stated, the agencies to whom the matter was referred answered negatively.

When a popular or common word, such as "affirmative," is used in a statute but is not defined, the word is to be given its common meaning. Moreover, effect is to be given to the common or literal meaning of the words in a statutory text when plain and clear on its face.

As with the recommendation of the Departments of Public Works and Recreation and Parks and in view of the absence of funds for public acquisition, the Office of Planning and Zoning had no alternative but to recommend that the development plan be approved as submitted. Since the agency reports are negative, the prerequisite affirmative recommendation has not been made to the Planning Board. Likewise, in the absence of this mandatory type of report, the Planning Board recommendation does not qualify as an appropriate referral to the County Council under Section 26-66.

In view of this conclusion, we must respectfully defer responding to questions 2 through 5.

HEP:MMcM:sm

H. Emslie Parks
County Attorney

Baltimore County Government
Planning Board

Exhibit C

401 Bosley Avenue
Towson, MD 21204

RECEIVED
JUN 26 1992
MOORE, CARNEY & RYAN

June 22, 1992

Thomas Peddicord, Legislative Counsel/Secretary
TO: Baltimore County Council

P. David Fields, Secretary
FROM: Baltimore County Planning Board

SUBJECT: "Brookview Farm"

Having learned that the County Attorney had advised (in response to an inquiry from the County Council) that the Planning Board's action on May 21st regarding the "Brookview Farm" property "does not qualify as an appropriate referral to the County Council," the staff placed this subject on the agenda for the June 18th meeting so that the Board might have the opportunity for reconsidering the matter.

The general principles governing the Board's role under County Code Section 26-66(b) as well as the specific details pertaining to the action on "Brookview Farm" were discussed at length in Committee meeting; eleven of the fourteen Board members were present for the discussion. Also present and responding to the members' questions throughout the discussion were the County Attorney and Deputy County Attorney.

After approximately an hour of deliberation in Committee, the Board took no further action on the subject.

F. David Fields
Secretary

PDF:TD:pat
BROOKVW.PED/TXTPAT

cy: David M. Meadows, Esq.
Maureen Kelly
H. Emslie Parks, Esq.

MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
4111 E. JOPPA ROAD
BALTIMORE, MARYLAND 21236
(410) 529-4600
FAX (410) 529-6146

ROBERT E. CARNEY, JR.
RICHARD E. LATTANZI
JUDITH L. HARGLEROAD
RONALD A. DECKER
DAVID M. MEADOWS
LISA M. L. EISEMANN

ROBERT J. RYAN
OF COUNSEL
E. SCOTT MOORE
(1926-1992)

August 2, 1993

Baltimore County Board of Appeals
Old Court House
Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Brookview Farm for the Board of
Appeals of Baltimore County
Case Nos. CBA-92-173;92-357-SPH

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Enclosure

cc: C. Franklin Eck, Jr.
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OF BCZR 8 21/92-Z.C.'S • CASE NO. CBA-92-173
ORDER DENYING PETITION • 92-357-SPH

93 AUG 10 PM 4:18

MEMORANDUM IN LIEU OF FINAL ARGUMENT

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STATEMENT OF CASE

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J. CARROLL HOLZER, Esquire
Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
410-825-6960

LAW OFFICES
HOLZER, MAHER
& DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND
21204
(301) 825-6960

PAYMENT RECEIVED
8/20
9-17-92
ZONING OFFICE

CERTIFICATE OF SERVICE

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J. CARROLL HOLZER, Esquire

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2

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

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By

FILMED

related matters. However, clearly the resolution of the primary issue, as it relates to the tract boundary amendment and its effect on the permitted density, will be dispositive on the development of the subject locale.

STATEMENT OF THE CASE

As indicated above, the matter comes before me as Petitions for Special Hearing filed by both Messrs. Fields and Holzer, Esquire. The issue actually arises, however, as the result of a C.R.G. plan filed for Sections 3A and 3B of that subdivision known as Brookview Estates. That plan calls for the development of thirty-five (35) single family residential lots the aforementioned sections which total 45.7 acres in size. Those sections are zoned D.R.1. The C.R.G. plan was presented to the Baltimore County Review Group on February 20, 1992 and, thereafter, referred to the Planning Board of Baltimore County for resolution of the possible Master Plan conflicts. On March 19, 1992, the Planning Board of Baltimore County issued a resolution referring the issues raised to the appropriate County agencies. Subsequent to that resolution, Mr. Fields filed his Petition for Special Hearing with this office, requesting an interpretation of the zoning regulations as they relate to density associated with the development plan submitted by the property owners. Shortly after this filing, Mr. Holzer's clients filed a Petition raising similar issues as outlined above.

STATEMENT OF FACTS

An understanding of the history of the development of the entire parcel involved is in order. The entire tract earmarked for development as Brookview Farms Brookview Estate is approximately 137 acres in size and is located within the Cromwell Valley area of Baltimore County. The site is zoned D.R.1 which permits one (1) dwelling unit per acre. The entire tract does not share common title, per se, but the beneficial owner of the proper-



ty is the same. That is, a portion of the tract is owned by C. Franklin Eck, Jr., individually, and the balance titled to W. Gibbs McKenney, as Equitable Bank Trustee under the Last Will and Testament of Viola B. Eck. Uncontradicted evidence from Mr. McKenney was that this Trust was established for the benefit of the aforementioned C. Franklin Eck, Jr. It is clear that although the entire tract is not titled in the same name, it is under the control of Mr. Eck individually, or the Trust which has been established for his benefit. Clearly, the beneficial ownership interests of the entire parcel are for Mr. Eck, solely. Under such circumstances, I shall conclude that the incidents of ownership of the entire .37 acre tract are controlled by Mr. Eck.

The property owners contemplate development of the entire tract resulting in the construction of 137 dwellings. This will match the existing density ceiling of 137 units permitted, at the one (1) unit per one (1) density provided in the D.R.1 zone.

However, development has been piecemeal. The property owner originally proposed development on only 110 acres of the entire property. That development, known as Brookview Farms, was divided in two (2) sections, labeled Section I and Section II. Ultimately, the property owner developed sixty-two (62) units on Section I, which contains 60.2 gross acres. C.R.G. approval has been obtained for that development and a Final Development Plan filed. In fact, Section I is built out and contains the homes of many of Mr. Holzer's clients. Subsequently C.R.G. approval was obtained for Section II. However, the project was delayed and the developer applied for an extension of the C.R.G. approval. This approval was granted, in part, and denied in part. Particularly, C.R.G. approval was continued for lots 63 through 101 on Section II, whereas an extension of approval for lots 102 through 110



was denied. Therefore, the developer redesignated that portion of Section II which contained lots 102 through 110 as Section 3A. The remaining portion of Section II contains lots numbered 63 through 101 and has continued C.R.G. approval for the construction of 40 units on 31.47 acres. The new Section 3A, as well as 26.90 additional acres on an adjoining parcel identified as 3B, are the subject of the pending C.R.G. hearing. Development of Sections 3A and 3B under the C.R.G. plan which resulted in Mr. Fields' Petition, as outlined above, encompasses 45.7 acres of land and proposes to use the remaining 35 development units.

ISSUES PRESENTED

Numerous issues are raised as they relate to the Petition and proposed development. These, shall be addressed, in turn.

Issue No. 1. Do the Petitionors herein have the proper standing, under Section 500.7 of the B.C.Z.R. to raise the issues presented within the Petitions for Special Hearing.

By way of preliminary Motion, the property owners have moved for dismissal of the subject Petitions under the theory that the Petitioners herein lack standing to present the questions set forth in their Petitions. The arguments in support of this position are well set forth in the Brief in Opposition to the Petition for Special Hearing filed herein on behalf of the developer. In essence, the developer claims that the Petitioners lack standing to file the Petition, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). That section of the regulations provides, in relevant part,

> "The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinaf-



ter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported non-conforming use on any premises or to determine any right, whatsoever, of such person in any property in Baltimore County insofar as they are affected by these Regulations". (Emphasis added)

First, the developer correctly notes that the Petition before me is not to determine the existence of any purported nonconforming use. Second, it is argued that none of the Petitioners qualify as an "interested person", in that they are neither property owners of Sections 3A and/or 3B, and are not individuals whose proprietary rights would be affected by an interpretation of the regulations to be made by this office. Since the Petitioners allegedly fail to meet either test, the developer argues that I must look to the strict language of the statute and conclude that the Petitioners lack standing.

Although this is not a nonconforming use case and the Petitioners may not be "interested persons" as defined, I must, nevertheless, reject the developer's theory. I believe that the developer has not considered the entire language of Section 500.7 of the B.C.Z.R. and, therefore, has unduly limited its effect. The portion of that section on which the developer relies, identifies the two issues noted above which might come before the Zoning Commissioner/County Board of Appeals under 500.7. Although these two cases are identified in the enabling language of Section 500.7, the statute does not restrict the nature of the cases which might come before this office to those matters only. I explain.

Specifically, the first sentence of Section 500.7 provides the Zoning Commissioner with broad and sweeping authority to conduct hearings which, in his discretion, "are necessary for the proper enforcement of all zoning



regulations". (emphasis added). Clearly, the scope of this authority is comprehensive. The second sentence then goes on to explain that the authority given hereunder shall include the categories of cases noted above.

It is significant that the drafters of this legislation identified nonconforming uses and Petitions by interested persons as issues which are included, but not limited, within the Zoning Commissioner's authority. Clearly, the language employed does not restrict or limit the Zoning Commissioner's authority to "nonconforming" or "interested party" Petitions only. Clearly, a decision as to the merits of the Petition before me is necessary for the proper enforcement of the zoning regulations. As such, the Petitions are proper and the property owners Motion to Dismiss based on the Petitioner's lack of standing, pursuant to Section 500.7, must be denied. Therefore, even if the Petitioners are not "interested persons" as defined, (a decision I need not reach) this Petition is properly before me.

Issue No. 2: Are the issues presented by the Petition timely, or is the Petition premature?

As a second basis within its Motion to Dismiss, the developer argues that the Petitions are not ripe for disposition. Specifically, the developer notes that the C.R.G. plan for the development of the proposed Sections 3A and 3B is a conceptual and schematic plan of what the landowner proposes for development. Only after it is approved will the plan be signed by the Department of Public Works and the Office of Planning and Zoning. Thereafter, the property owner can obtain a public works agreement and eventually prepare a Final Development Plan and submit a record plat in the Land Records of Baltimore County. Further, the developer notes that Section 1B01.3 of the B.C.Z.R. requires the Zoning Commissioner and the Director of Planning to ascertain whether the project will comply with zoning and



subdivision requirements of Baltimore County. Thus, it is argued that the case is only ripe for consideration by this office at that time.

Although I am appreciative of the developer's arguments, the issue presented in the instant case is of threshold magnitude. Specifically, the C.R.G. plan under consideration requires the amendment of the tract boundary of the subject subdivision. This amendment will cause an increase of the subdivision's size by almost 25% and will significantly reconfigure the cluster of development. This is an issue which must be determined before any development can occur. Clearly, the rationale behind the conceptual granting of the C.R.G. process is to leave unfinalized certain site specific issues as to traffic, storm water management, lot line placement and the like. The issue presented to me is much more basic; whether the entire tract can be developed in the fashion proposed. Further, as Mr. Fields testified, his filing of the Petition for Special Hearing was appropriate because the Planning Board must now consider potential conflicts with the Master Plan. In my view, after considering all of these arguments, the matter is timely for consideration. Again, it must be emphasized that development of the parcel known as 3B under the proposed C.R.G. plan requires a determination as to whether the original tract can be enlarged so as to include that parcel. This threshold issue, which should be determined prior to any technical consideration of the proposed development, should and must be addressed at the beginning of the process. For these reasons, I will deny the Petitioner's Motion to Dismiss.

Issue No. 3: Can the Developer amend the tract boundaries of the entire property in the manner posed?

This question is what the entire case is all about. As indicated, the proposed C.R.G. plan presently pending relates to the development of the 45



acres which are comprised by Sections 3A and 3B. As shown on the site plan which has been presented to the C.R.G., the Developer proposes 35 units on this 45 acre tract. There will be 17 units on Section 3B which is 26.90 (+/-) acres and 18 units will be on Section 3A, which is 18.8 (+/-) acres. It is clear why the Developer proposes only 17 units on Section 3B which, at the 1 acre to 1 unit ratio density, could support significantly more dwellings. Section 3B is contains a significant area of both flood plain and steep slopes which impose site constraints and restrict the development. Due to these on site conditions, only 17 units can be built thereon. Therefore, the Developer proposes to use the excess density units attributable to Section 3B on Section 3A. This transfer of density units, coupled with the remaining available density from the development of Section 1 and 2 of Brookview Farms will permit 18 units on Section 3A. If the Developer could not amend the tract boundary, as proposed, and was faced with the site constraints on Section 3B, it would lose, at least, 8 units across the entire tract. That is, if the tract boundary were not amended, the Developer could construct 129 (+/-) units on the entire 137 acre parcel.

For its part, the Developer argues that it may amend the tract boundary in this case under the authority provided in Section 1B01.3 of the B.C.Z.R. This section, which is liberally quoted in the memorandums both from the Developer and Petitioners, provides the relevant standards as to development plans and final subdivision plats. In essence, the section provides that development in a D.R. zone may be clustered so long as the ultimate number of units constructed does not exceed the density permitted. Specifically, it is provided that a portion of a tract may be subdivided for development at either a higher or lesser density then permitted, for so long as the



density for the entire tract does not exceed the maximum density permitted under the existing classification.

In applying this regulation to the "tract" presented, the Developer notes that all three sections of the Brookview Farms subdivision contain 139.47 acres of D.R.1 zoned property. Further, it is observed that development in the three (3) acres, as proposed (62 acres on Section I, 40 acres on Section II and 35 acres on Section 3A and 3B) result in the development of 137 development units, the maximum permitted under the D.R.1 zoning classification. The Developer notes that the clustering of development in this fashion fulfills the contemplated purposes of the regulation in that it allows the feasible preservation of natural features and greater flexibility in the planning of the subdivision. The Developer particularly notes the existing topography of the tract, specifically the Nine Bank Run, existing wetlands and the steep slopes. Development, as proposed, it is noted, will allow the preservation of wetlands and open space on this site, while allowing the Developer to utilize the density associated with the D.R.1 zone.

As to the amendment of the development plan previously filed for Section I, the Developer notes the language of Section 1B01.3.A.(7) of the B.C.Z.R. The Developer's position in this respect was explained by their witness, George Gavrelis. As Mr. Gavrelis noted, a Final Development Plan can be amended in two ways. First, if there is no change to the plan which affects any sold lot, structure or use within 300 ft. the plan may be amended by simple re-submission to the appropriate County agencies. Second, in the event of the sale of an interest in property within 300 ft., the plan can be amended only through the special exception hearing process as fully set forth in Section 1B01.3.A.(7)(b). In this case, Mr. Gavrelis notes that the proposed revision of the tract boundary encompassed by the

related matters. However, clearly the resolution of the primary issue, as it relates to the tract boundary amendment and its effect on the permitted density, will be dispositive on the development of the subject locale.

STATEMENT OF THE CASE

As indicated above, the matter comes before me as Petitions for Special Hearing filed by both Messrs. Fields and Holzer, Esquire. The issue actually arises, however, as the result of a C.R.G. plan filed for Sections 3A and 3B of that subdivision known as Brookview Estates. That plan calls for the development of thirty-five (35) single family residential lots the aforementioned sections which total 45.7 acres in size. Those sections are zoned D.R.1. The C.R.G. plan was presented to the Baltimore County Review Group on February 20, 1992 and, thereafter, referred to the Planning Board of Baltimore County for resolution of the possible Master Plan conflicts. On March 19, 1992, the Planning Board of Baltimore County issued a resolution referring the issues raised to the appropriate County agencies. Subsequent to that resolution, Mr. Fields filed his Petition for Special Hearing with this office, requesting an interpretation of the zoning regulations as they relate to density associated with the development plan submitted by the property owners. Shortly after this filing, Mr. Holzer's clients filed a Petition raising similar issues as outlined above.

STATEMENT OF FACTS

An understanding of the history of the development of the entire parcel involved is in order. The entire tract earmarked for development as Brookview Farms/Brookview Estate is approximately 137 acres in size and is located within the Cromwell Valley area of Baltimore County. The site is zoned D.R.1 which permits one (1) dwelling unit per acre. The entire tract does not share common title, per se, but the beneficial owner of the property



ty is the same. That is, a portion of the tract is owned by C. Franklin Eck, Jr., individually, and the balance titled to W. Gibbs McKenney, as Equitable Bank Trustee under the Last Will and Testament of Viola B. Eck. Uncontradicted evidence from Mr. McKenney was that this Trust was established for the benefit of the aforementioned C. Franklin Eck, Jr. It is clear that although the entire tract is not titled in the same name, it is under the control of Mr. Eck individually, or the Trust which has been established for his benefit. Clearly, the beneficial ownership interests of the entire parcel are for Mr. Eck, solely. Under such circumstances, I shall conclude that the incidents of ownership of the entire .37 acre tract are controlled by Mr. Eck.

The property owners contemplate development of the entire tract resulting in the construction of 137 dwellings. This will match the existing density ceiling of 137 units permitted, at the one (1) unit per one (1) density provided in the D.R.1 zone.

However, development has been piecemeal. The property owner originally proposed development on only 110 acres of the entire property. That development, known as Brookview Farms, was divided in two (2) sections, labeled Section I and Section II. Ultimately, the property owner developed sixty-two (62) units on Section I, which contains 60.2 gross acres. C.R.G. approval has been obtained for that development and a Final Development Plan filed. In fact, Section I is built out and contains the homes of many of Mr. Holzer's clients. Subsequently C.R.G. approval was obtained for Section II. However, the project was delayed and the developer applied for an extension of the C.R.G. approval. This approval was granted, in part, and denied in part. Particularly, C.R.G. approval was continued for lots 63 through 101 on Section II, whereas an extension of approval for lots 102 through 110



was denied. Therefore, the developer redesignated that portion of Section II which contained lots 102 through 110 as Section 3A. The remaining portion of Section II contains lots numbered 63 through 101 and has continued C.R.G. approval for the construction of 40 units on 31.47 acres. The new Section 3A, as well as 26.90 additional acres on an adjoining parcel identified as 3B, are the subject of the pending C.R.G. hearing. Development of Sections 3A and 3B under the C.R.G. plan which resulted in Mr. Fields' Petition, as outlined above, encompasses 45.7 acres of land and proposes to use the remaining 35 development units.

ISSUES PRESENTED

Numerous issues are raised as they relate to the Petition and proposed development. These, shall be addressed, in turn.

Issue No. 1. Do the Petitioners herein have the proper standing, under Section 500.7 of the B.C.Z.R, to raise the issues presented within the Petitions for Special Hearing.

By way of preliminary Motion, the property owners have moved for dismissal of the subject Petitions under the theory that the Petitioners herein lack standing to present the questions set forth in their Petitions. The arguments in support of this position are well set forth in the Brief in Opposition to the Petition for Special Hearing filed herein on behalf of the developer. In essence, the developer claims that the Petitioners lack standing to file the Petition, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). That section of the regulations provides, in relevent part,

> "The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinaf-



ter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported non-conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these Regulations". (Emphasis added)

First, the developer correctly notes that the Petition before me is not to determine the existence of any purported nonconforming use. Second, it is argued that none of the Petitioners qualify as an "interested person", in that they are neither property owners of Sections 3A and/or 3B, and are not individuals whose proprietary rights would be affected by an interpretation of the regulations to be made by this office. Since the Petitioners allegedly fail to meet either test, the developer argues that I must look to the strict language of the statute and conclude that the Petitioners lack standing.

Although this is not a nonconforming use case and the Petitioners may not be "interested persons" as defined, I must, nevertheless, reject the developer's theory. I believe that the developer has not considered the entire language of Section 500.7 of the B.C.Z.R. and, therefore, has unduly limited its effect. The portion of that section on which the developer relies, identifies the two issues noted above which might come before the Zoning Commissioner/County Board of Appeals under 500.7. Although these two cases are identified in the enabling language of Section 500.7, the statute does not restrict the nature of the cases which might come before this office to those matters only. I explain.

Specifically, the first sentence of Section 500.7 provides the Zoning Commissioner with broad and sweeping authority to conduct hearings which, in his discretion, "are necessary for the proper enforcement of all zoning



regulations". (emphasis added). Clearly, the scope of this authority is comprehensive. The second sentence then goes on to explain that the authority given hereunder shall include the categories of cases noted above.

It is significant that the drafters of this legislation identified nonconforming uses and Petitions by interested persons as issues which are included, but not limited, within the Zoning Commissioner's authority. Clearly, the language employed does not restrict or limit the Zoning Commissioner's authority to "nonconforming" or "interested party" Petitions only. Clearly, a decision as to the merits of the Petition before me is necessary for the proper enforcement of the zoning regulations. As such, the Petitions are proper and the property owners Motion to Dismiss based on the Petitioner's lack of standing, pursuant to Section 500.7, must be denied. Therefore, even if the Petitioners are not "interested persons" as defined, (a decision I need not reach) this Petition is properly before me.

Issue No. 2: Are the issues presented by the Petition timely, or is the Petition premature?

As a second basis within its Motion to Dismiss, the developer argues that the Petitions are not ripe for disposition. Specifically, the developer notes that the C.R.G. plan for the development of the proposed Sections 3A and 3B is a conceptual and schematic plan of what the landowner proposes for development. Only after it is approved will the plan be signed by the Department of Public Works and the Office of Planning and Zoning. Thereafter, the property owner can obtain a public works agreement and eventually prepare a Final Development Plan and submit a record plat in the Land Records of Baltimore County. Further, the developer notes that Section 1B01.3 of the B.C.Z.R. requires the Zoning Commissioner and the Director of Planning to ascertain whether the project will comply with zoning and



subdivision requirements of Baltimore County. Thus, it is argued that the case is only ripe for consideration by this office at that time.

Although I am appreciative of the developer's arguments, the issue presented in the instant case is of threshold magnitude. Specifically, the C.R.G. plan under consideration requires the amendment of the tract boundary of the subject subdivision. This amendment will cause an increase of the subdivision's size by almost 25% and will significantly reconfigure the cluster of development. This is an issue which must be determined before any development can occur. Clearly, the rationale behind the conceptual granting of the C.R.G. process is to leave unfinalized certain site specific issues as to traffic, storm water management, lot line placement and the like. The issue presented to me is much more basic; whether the entire tract can be developed in the fashion proposed. Further, as Mr. Fields testified, his filing of the Petition for Special Hearing was appropriate because the Planning Board must now consider potential conflicts with the Master Plan. In my view, after considering all of these arguments, the matter is timely for consideration. Again, it must be emphasized that development of the parcel known as 3B under the proposed C.R.G. plan requires a determination as to whether the original tract can be enlarged so as to include that parcel. This threshold issue, which should be determined prior to any technical consideration of the proposed development, should and must be addressed at the beginning of the process. For these reasons, I will deny the Petitioner's Motion to Dismiss.

Issue No. 3: Can the Developer amend the tract boundaries of the entire property in the manner posed?

This question is what the entire case is all about. As indicated, the proposed C.R.G. plan presently pending relates to the development of the 45



acres which are comprised by Sections 3A and 3B. As shown on the site plan which has been presented to the C.R.G., the Developer proposes 35 units on this 45 acre tract. There will be 17 units on Section 3B which is 26.90 (+/-) acres and 18 units will be on Section 3A, which is 18.8 (+/-) acres. It is clear why the Developer proposes only 17 units on Section 3B which, at the 1 acre to 1 unit ratio density, could support significantly more dwellings. Section 3B is contains a significant area of both flood plain and steep slopes which impose site constraints and restrict the development. Due to these on site conditions, only 17 units can be built thereon. Therefore, the Developer proposes to use the excess density units attributable to Section 3B on Section 3A. This transfer of density units, coupled with the remaining available density from the development of Section 1 and 2 of Brookview Farms will permit 18 units on Section 3A. If the Developer could not amend the tract boundary, as proposed, and was faced with the site constraints on Section 3B, it would lose, at least, 8 units across the entire tract. That is, if the tract boundary were not amended, the Developer could construct 129 (+/-) units on the entire 137 acre parcel.

For its part, the Developer argues that it may amend the tract boundary in this case under the authority provided in Section 1B01.3 of the B.C.Z.R. This section, which is liberally quoted in the memorandums both from the Developer and Petitioners, provides the relevant standards as to development plans and final subdivision plats. In essence, the section provides that development in a D.R. zone may be clustered so long as the ultimate number of units constructed does not exceed the density permitted. Specifically, it is provided that a portion of a tract may be subdivided for development at either a higher or lesser density then permitted, for so long as the



density for the entire tract does not exceed the maximum density permitted under the existing classification.

In applying this regulation to the "tract" presented, the Developer notes that all three sections of the Brookview Farms subdivision contain 137.47 acres of D.R.1 zoned property. Further, it is observed that development in the three (3) acres, as proposed (62 acres on Section I, 40 acres on Section II and 35 acres on Section 3A and 3B) result in the development of 137 development units, the maximum permitted under the D.R.1 zoning classification. The Developer notes that the clustering of development in this fashion fulfills the contemplated purposes of the regulation in that it allows the feasible preservation of natural features and greater flexibility in the planning of the subdivision. The Developer particularly notes the existing topography of the tract, specifically the Mine Bank Run, existing wetlands and the steep slopes. Development, as proposed, it is argued, will allow the preservation of wetlands and open space on this site, while allowing the Developer to utilize the density associated with the D.R.1 zone.

As to the amendment of the development plan previously filed for Section 1, the Developer notes the language of Section 1B01.3.A.(7) of the B.C.Z.R. The Developer's position in this respect was explained by their witness, George Gavrelis. As Mr. Gavrelis noted, a Final Development Plan can be amended in two ways. First, if there is no change to the plan which affects any sold lot, structure or use within 300 ft. the plan may be amended by simple re-submission to the appropriate County agencies. Second, in the event of the sale of an interest in property within 300 ft., the plan can be amended only through the special exception hearing process as fully set forth in Section 1B01.3.A.(7)(b). In this case, Mr. Gavrelis notes that the proposed revision of the tract boundary encompassed by the



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inclusion of Section 3B is not within 300 ft. of any sold lot in Section 1. Therefore, the plan may be amended by simply resubmission of the Final Development Plan to the appropriate agencies.

For their part, Mr. Holzer's clients point to the testimony of their expert witness, James Patton. Within his testimony, Mr. Patton avers the proposed amendment of the tract boundary is an amendment of such magnitude so as to be above and beyond the contemplated scope of Section 1B01.3.A(7). Specifically, Mr. Patton testified that to grant such an amendment would be to allow a developer to submit a continuing series of partial plans whereby both the County and the communities would never know with certainty the size, scope and boundary of the proposed development. Further, Mr. Patton testified that the term "tract" should be construed narrowly so that an amendment of a Final Development Plan for any given tract must be restricted to the lands which are within the 4 corners of that tract.

I have considered the arguments presented by Messrs Gavrelis and Patton as set forth in the respective legal memorandums submitted by the parties. I have read and reread Section 1B01.3 of the B.C.Z.R. After considering the language of that regulation and the arguments presented, I am persuaded that the Developer can amend its tract boundary to include Section 3B by the method of resubmission of same as set forth in Section 1B01.3.A.(7) of the B.C.Z.R. I reach this conclusion by relying upon the clear language of the statute before me. It is an elementary rule of statutory construction that the words used within any statute/regulation will be given their plain meanings. See State v. Fabritz, 348 A2d, 276 Md. 416 (1975) and Falcone v. Palmer Ford, Inc., 219 A2d 808, 242 Md. 487 (1966). As stated above, provision within th regulation is made for the amendment of approved development plans. The statute does not distinguish the amendment process

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between what might be perceived as a significant amendment, or approved to an unsignificant amendment. All amendments are treated identically. If the amendment affects a property within 300 ft. of a sold lot, it must go through the special exception process. If not, mere re-submission to the appropriate County agencies is permitted. Although there is no doubt that the reconfiguration of this tract boundary to include Section 3B is significant, it is, nonetheless, quite simply, an amendment to the Final Development Plan. I will not read into the statute language intent or purpose which is not set forth therein. Thus, the Developer may amend the tract boundary in the manner provided above.

This conclusion having been reached, a comment is in order about the scope of this decision. My conclusion relates only to the narrow question presented by Mr. Fields; that is, the amendment of the tract boundary of the subject property. I am not sitting as either the C.R.G., the Hearing Officer under the new development process, or in consideration of a Petition for Special Exception. Certain of the testimony and evidence presented was that issues, such as, preservation of the scenic character of the Cromwell Valley, are relevant. However, these are not questions before me. I, again, emphasize that my determination reaches only the narrow question, as presented. I shall, therefore, restrict my decision reached in this case to that determination only.

Having reached this decision and then limiting same, I need only touch upon the remaining issues raised by Mr. Holzer's Petition. Clearly, the entire tract is 137 acres. Applying the D.R.1 classification, 137 density units are permitted. In view of my conclusion regarding the proper amendment process, decision of its effect upon nearby property owners is inappropriate within the context of this decision. Lastly, adjudication of

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an alleged breach of the C.R.G. extension is not within my jurisdiction in this instance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be denied in a manner consistent with the terms of this Order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of August 1992 that, pursuant to the Petition for Special Hearing, the Developer may amend the tract boundary for that subdivision known as Brookview Farm, pursuant to the provisions of Section 1B01.3.A.(7) of the B.C.Z.R. for the reasons given herein and, further, that the Petition for Special Hearing be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

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Date
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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 19, 1992

Mr. P. David Fields, Director
Office of Planning and Zoning
Room 406, 401 Bosley Avenue
County Courts Building
Towson, Maryland 21204

J. Carroll Holzer, Esquire
Suite 105
395 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing
Baltimore County Office of Planning and Zoning, et al,
Petitioners
Case No. 92-357-SPH

Gentlemen:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petitions for Special Hearing have been denied.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.
cc: David M. Meadows, Esquire

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RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING
NW/S Cromwell Bridge Rd., approx. :
800' NE of intersection of : COMMISSIONER
Oakleigh Road (no address) :
9th Election District : OF BALTIMORE
6th Councilmanic District :
: COUNTY
BALTIMORE COUNTY OFFICE OF :
PLANNING & ZONING, Petitioner : Zoning Case No.
92-357-SPH
: : :

**REPLY MEMORANDUM**

**STATEMENT OF THE CASE**

On April 27, 1992, two (2) petitions pursuant to Section 500.7 of the Baltimore County Zoning Regulations, were presented seeking an interpretation by the Zoning Commissioner, of the propriety of the CRG application for Brookview Farms, Section 3A and 3B. The Petitioners sought rulings with respect to the density reflected in the CRG application, and a multitude of other issues centering around the tract boundary of Brookview Farms. (See, Petition for Special Hearing, filed by P. David Fields, Director Baltimore County Office of Planning and Zoning and J. Carroll Holzer, Esquire). C. Franklin Eck, Jr. and Mr. Gibbs McKenney, Trustee, (hereinafter, the "Property Owners"), vigorously challenged the right of the Petitioners to file such a petition pursuant to Section 500.7 of the Baltimore County Zoning Regulations. See, Property Owners Brief in Opposition to Petition for Special Hearing. The arguments, both in the previous memorandum and made orally before the Zoning Commissioner are incorporated in this Reply Memorandum by reference and are fully reasserted herein.

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MAY 22 1992
ZONING COMMISSIONER

**PETITIONS ARE PREMATURE AND MUST BE DISMISSED**

By Memorandum and in oral argument, the Property Owners have sought to have the petitions dismissed as premature. It is premature for the Zoning Commissioner to attempt to determine issues with respect to density and tract boundaries before CRG approval and the submission of a Final Development Plat for Section 2, 3A and 3B in Brookview Farms. (See, testimony of George Gavrelis, expert witness on behalf of property owners, and Exhibits presented through his testimony). The CRG Plan for Brookview Farms, Section 3A and 3B, is a conceptual schematic plan which can not serve as a basis for the specific density issues, which the Petitioners seek to have ruled on by the Zoning Commissioner. Baltimore County Code, 1988, Section 26-203(a).

It is only after a proposed development has received approval from the CRG, that the detailed survey, engineering and title information is presented to the County by means of a Final Development Plan (FDP) and record plat such that the Zoning Commissioner would have before him sufficient information to determine the density issues raised by the Petitioners. See, Section 26-12, 26-14 and 26-15 of the Baltimore County Code, 1988, and Section 1B01.3 Baltimore County Zoning Regulations. (BCER). As noted throughout the testimony presented to the Commissioner, Sections 3A and 3B of Brookview Farms have not received CRG approval and the F.D.P. for Section 2 Brookview Farms as yet to be submitted to Baltimore County.



It is therefore, premature to speculate on post CRG issues in a Special Hearing before the Zoning Commissioner. (See, Zullo v. Oravetz, et. ux. (Unreported per curiam decision, Court of Special Appeal of Maryland, 1990 Term, attached). Further, because of the extensive interaction between the Developer and the County during the preparation of the Development Plan and Record Plat, the issues raised in both petitions would in all probability be answered without the necessity of any such hearing.

**THE PETITIONERS HAVE NO STANDING TO OBJECT TO THE INCLUSION OF BROOKVIEW FARMS SECTION 3B TO THE CRG DEVELOPMENT PLAN**

At the hearing held before the Commissioner, J. Carroll Holzer, Esquire, on behalf of his client, attempted to raise issues concerning the expansion of the "tract boundary" of Brookview Farms by the inclusion of Brookview Farm's Section 3B. The term, "tract boundary", is not found in the Baltimore County Code, but in Section 1B01.3 of the BCER, which deals with the final subdivision plat to be presented and approved by Baltimore County officials. Mr. Holzer, on behalf of his clients pointed out that a portion of proposed Section 3 of Brookview Farms (what has been presented as Brookview Farms Section 3B), although owned by the Eck family for many years, was not shown on the original record plat, nor included in the original density calculations, for Sections 1 and 2 of Brookview Farms. Mr. Holzer is correct in his assertion that Section 3B was not shown on the record plats for Section 1. However, such an amendment to the area to be developed and the inclusion of adjacent DR property, in a development, is a standard approved practice under Baltimore County



Zoning Law. (See, pages 6 through 11 of the Property Owners Brief in Opposition to the Petition for Special Hearing). As Mr. Gavrelis concisely explained in his expert testimony, once CRG approval has been obtained, and the property owner proceeds forward with the Final Development Plan for the Section 3, they will comply with the requirements of the Baltimore County Code, and Section 1B01..B, 1B01.3A7 of BCZR in the preparation of a Final Development Plan.

It may be useful for purpose of clarification to review the relevant Baltimore County Code Sections and Development Regulations which govern the inclusion of adjacent DR zoned property to an existing development. The purpose of a CRG plan is to provide Baltimore County with a conceptual schematic plan of what the landowner proposes for a development. Section 26-203(a) Baltimore County Code. The CRG Plan is initially presented to the Department of Public Works for review for compliance with the technical requirements of Section 26-203 of the code. Once found to be complete by the Department of Public Works, the plan is then forwarded to the CRG for action. Once a plan has been approved, it is signed by the Director or his designee of the Department of Public Works and Planning and Zoning. It is only after final action has been taken on a plan that the property owner can obtain a public works agreement and eventually prepare an FDP, and record a record plat in the Land Records of Baltimore County. See, Code Sections 26-106, 26-212, 26-214, and 26-215.



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inclusion of Section 3B is not within 300 ft. of any sold lot in Section I. Therefore, the plan may be amended by simply resubmission of the Final Development Plan to the appropriate agencies.

For their part, Mr. Holzer's clients point to the testimony of their expert witness, James Patton. Within his testimony, Mr. Patton avers the proposed amendment of the tract boundary is an amendment of such magnitude so as to be above and beyond the contemplated scope of Section 1B01.3.A(7). Specifically, Mr. Patton testified that to grant such an amendment would be to allow a developer to submit a continuing series of partial plans whereby both the County and the communities would never know with certainty the size, scope and boundary of the proposed development. Further, Mr. Patton testified that the term "tract" should be construed narrowly so that an amendment of a Final Development Plan for any given tract must be restricted to the lands which are within the 4 corners of that tract.

I have considered the arguments presented by Messrs Gavrelis and Patton as set forth in the respective legal memorandums submitted by the parties. I have read and reread Section 1B01.3 of the B.C.Z.R. After considering the language of that regulation and the arguments presented, I am persuaded that the Developer can amend its tract boundary to include Section 3B by the method of resubmission of same as set forth in Section 1B01.3.A.(7) of the B.C.Z.R. I reach this conclusion by relying upon the clear language of the statute before me. It is an elementary rule of statutory construction that the words used within any statute/regulation will be given their plain meanings. See State v. Fabritz, 348 A2d, 276 Md. 416 (1975) and Falcone v. Palmer Ford, Inc., 219 A2d 808, 242 Md. 487 (1966). As stated above, provision within the regulation is made for the amendment of approved development plans. The statute does not distinguish the amendment process

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This conclusion having been reached, a comment is in order about the scope of this decision. My conclusion relates only to the narrow question presented by Mr. Fields; that is, the amendment of the tract boundary of the subject property. I am not sitting as either the C.R.G., the Hearing Officer under the new development process, or in consideration of a Petition for Special Exception. Certain of the testimony and evidence presented was that issues, such as, preservation of the scenic character of the Cromwell Valley, are relevant. However, these are not questions before me. I, again, emphasize that my determination reaches only the narrow question, as presented. I shall, therefore, restrict my decision reached in this case to that determination only.

Having reached this decision and then limiting same, I need only touch upon the remaining issues raised by Mr. Holzer's Petition. Clearly, the entire tract is 137 acres. Applying the D.R.1 classification, 137 density units are permitted. In view of my conclusion regarding the proper amendment process, decision of its effect upon nearby property owners is inappropriate within the context of this decision. Lastly, adjudication of

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By Ms. Brown



an alleged breach of the C.R.G. extension is not within my jurisdiction in this instance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be denied in a manner consistent with the terms of this Order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of August, 1992 that, pursuant to the Petition for Special Hearing, the Developer may amend the tract boundary for that subdivision known as Brookview Farm, pursuant to the provisions of Section 1B01.3.A.(7) of the B.C.Z.R. for the reasons given herein and, further, that the Petition for Special Hearing be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

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By Ms. Brown



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 19, 1992

Mr. P. David Fields, Director
Office of Planning and Zoning
Room 406, 401 Bosley Avenue
County Courts Building
Towson, Maryland 21204

J. Carroll Holzer, Esquire
Suite 105
395 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing
Baltimore County Office of Planning and Zoning, et al,
Petitioners
Case No. 92-357-SPH

Gentlemen:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petitions for Special Hearing have been denied.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.
cc: David W. Wasilow, Esquire

RECEIVED

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING
NW/S Cromwell Bridge Rd., approx. 800' NE of intersection of Oakleigh Road (no address) : COMMISSIONER
9th Election District : OF BALTIMORE
6th Councilmanic District : COUNTY

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING, Petitioner : Zoning Case No. 92-357-SPH

: : :

**REPLY MEMORANDUM**

**STATEMENT OF THE CASE**

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ZONING COMMISSIONER

**PETITIONS ARE PREMATURE AND MUST BE DISMISSED**

By Memorandum and in oral argument, the Property Owners have sought to have the petitions dismissed as premature. It is premature for the Zoning Commissioner to attempt to determine issues with respect to density and tract boundaries before CRG approval and the submission of a Final Development Plat for Section 2, 3A and 3B in Brookview Farms. (See, testimony of George Gavrellis, expert witness on behalf of property owners, and Exhibits presented through his testimony). The CRG Plan for Brookview Farms, Section 3A and 3B, is a conceptual schematic plan which can not serve as a basis for the specific density issues, which the Petitioners seek to have ruled on by the Zoning Commissioner. Baltimore County Code, 1988, Section 26-203(a).

It is only after a proposed development has received approval from the CRG, that the detailed survey, engineering and title information is presented to the County by means of a Final Development Plan (FDP) and record plat such that the Zoning Commissioner would have before him sufficient information to determine the density issues raised by the Petitioners. See, Section 26-12, 26-14 and 26-15 of the Baltimore County Code, 1988, and Section 1B01.3 Baltimore County Zoning Regulations. (BCZR). As noted throughout the testimony presented to the Commissioner, Sections 3A and 3B of Brookview Farms have not received CRG approval and the F.D.P. for Section 2 Brookview Farms as yet to be submitted to Baltimore County.



It is therefore, premature to speculate on post CRG issues in a Special Hearing before the Zoning Commissioner. (See, Zullo v. Oravetz, et. ux. (Unreported per curiam decision, Court of Special Appeal of Maryland, 1990 Term, attached). Further, because of the extensive interaction between the Developer and the County during the preparation of the Development Plan and Record Plat, the issues raised in both petitions would in all probability be answered without the necessity of any such hearing.

**THE PETITIONERS HAVE NO STANDING TO OBJECT TO THE INCLUSION OF BROOKVIEW FARMS SECTION 3B TO THE CRG DEVELOPMENT PLAN**

At the hearing held before the Commissioner, J. Carroll Holzer, Esquire, on behalf of his client, attempted to raise issues concerning the expansion of the "tract boundary" of Brookview Farms by the inclusion of Brookview Farm's Section 3B. The term, "tract boundary", is not found in the Baltimore County Code, but in Section 1B01.3 of the BCZR, which deals with the final subdivision plat to be presented and approved by Baltimore County officials. Mr. Holzer, on behalf of his clients pointed out that a portion of proposed Section 3 of Brookview Farms (what has been presented as Brookview Farms Section 3B), although owned by the Eck family for many years, was not shown on the original record plat, nor included in the original density calculations, for Sections 1 and 2 of Brookview Farms. Mr. Holzer is correct in his assertion that Section 3B was not shown on the record plats for Section 1. However, such an amendment to the area to be developed and the inclusion of adjacent DR property, in a development, is a standard approved practice under Baltimore County



Zoning Law. (See, pages 6 through 11 of the Property Owners Brief in Opposition to the Petition for Special Hearing). As Mr. Gavrelis concisely explained in his expert testimony, once CRG approval has been obtained, and the property owner proceeds forward with the Final Development Plan for the Section 3, they will comply with the requirements of the Baltimore County Code, and Section 1B01.3B, 1B01.3A7 of BCZR in the preparation of a Final Development Plan.

It may be useful for purpose of clarification to review the relevant Baltimore County Code Sections and Development Regulations which govern the inclusion of adjacent DR zoned property to an existing development. The purpose of a CRG plan is to provide Baltimore County with a conceptual schematic plan of what the landowner proposes for a development. Section 26-203(a) Baltimore County Code. The CRG Plan is initially presented to the Department of Public Works for review for compliance with the technical requirements of Section 26-203 of the code. Once found to be complete by the Department of Public Works, the plan is then forwarded to the CRG for action. Once a plan has been approved, it is signed by the Director or his designee of the Department of Public Works and Planning and Zoning. It is only after final action has been taken on a plan that the property owner can obtain a public works agreement and eventually prepare an FDP, and record a record plat in the Land Records of Baltimore County. See, Code Sections 26-206, 26-212, 26-214, and 26-215.

The preparation of the detailed, post-CRG, Partial or Final Development Plan (hereinafter "Development Plan") for DR property, is controlled by Section 1B01.3 of the BCZR. It is the Development Plan from which the Zoning Commissioner and Director of Planning are to, "...ascertain whether the project will comply with the zoning and subdivision requirements of Baltimore County...". Section 1B01.3.A(5)(b). Once a Development Plan has been approved, it may be amended pursuant to Section 1B01.3A(7). As explained by the Property Owners' witness, Mr. Gavrelis, in situations where there is no proposed change in the development with respect to any lot, structure, or use within 300 feet of a lot or structure which has been sold since the original Development Plan was filed, the plan can be amended by simply resubmitting it to the appropriate government office for approval. See, Section 1B01.3A(7)(a). It is clear from the undisputed expert testimony of Mr. Gavrelis that the inclusion of Brookview Farms Section 3B will simply require the submission of the appropriate document of revision to the proper county authorities pursuant to Section 1B01.3A(7)(a). As noted by Mr. Gavrelis, the entire 137 acre tract of Brookview Farms is zoned DR1. No component section of Brookview Farms has been planned to utilize more than the permitted 137 density units more than once. Therefore, the CRG Plan for Brookview Farms, Section 3A and 3B comply with all applicable provisions relative to the utilization of density as set forth in Section 1B03B.1 and 2.

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The Partial Final Development Plan for Section 1 is instructive of the intent of the BCZR with respect to the utilization of density and the protection afforded home purchasers in Section 1. As approved by the County, the partial plan contains density calculations for the original 110 acre development. Sixty-two units were proposed in Section 1, none were utilized by previous sections, and forty-eight were proposed for the remaining section or sections. (See, Partial Final Development Plan introduced during testimony of Mr. Gavrelis, and Note No. 1 therein). The expert testimony was clear and uncontradicted. Proposed Section 3A, whose area was a component of the original plan, and proposed Section 3B, the area added to form the current development tract are well beyond the 300 foot provisory portion of the Partial Development Plan. As such, they can be added to the development tract or altered in accordance with the provisions of Section 1B01.3A(7)(a), without the need to undergo the amendment process set forth in Section 1B01.3.(7)(b). (See also, Property Owners Brief in Opposition to Petition for Special Hearing, pages 6 through 11.

**CONCLUSION**

Procedurally, none of the Petitioners have standing to file a petition for Special Hearing under Section 500.7 of the BCZR. In addition, the issues sought to be addressed are premature, since density, and the transfer of density within tract boundaries, are clearly post-CRG matters.

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As in all cases before the Baltimore County Zoning Commissioner, the Petitioners in this case, bear the burden of presenting evidence and establishing that Section 3A and 3B of Brookview Farms are somehow is in derogation of the Baltimore County Zoning Regulations. Each Petitioner has failed to carry his burden with regard to the underlying issues that have been presented before the Commissioner. The CRG application for Brookview Farms, Section 3A and 3B conceptually, comply with the Baltimore County Code, and Development Regulations pertaining to DR residential real property in Baltimore County. Therefore, in conclusion, the Property Owners would seek a formal written opinion from the Zoning Commissioner rejecting the propriety of each petition and confirming that the CRG plan for Section 3A and 3B of Brookview Farms is in full compliance with the Baltimore County Zoning Regulations.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21 day of May, 1992, a copy of the foregoing Reply Memorandum was mailed first-class, postage-prepaid to J. Carroll Holzer, Esquire, 305 West Chesapeake Avenue, Suite 105, Towson, Maryland 21204; P. David Fields, Director, Baltimore County Office of Planning & Zoning, Room 406, 401 Bosley Avenue, Towson, Maryland 21204; and to Phyllis Cole Friedman, People's Counsel, Peter Max Zimmerman, Deputy People's Counsel, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204-4606.

David N. Meadows

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IN RE: PETITION FOR SPECIAL HEARING
BROOKVIEW FARMS SECTION 3A AND B
NORTH SIDE OF CROMWELL BRIDGE ROAD
9TH ELECTION DISTRICT

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No.: 92-357 SPH

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

**BRIEF IN LIEU OF FINAL ARGUMENT**

Patrick and Sandra Dolan, Petitioners, et al., by their attorney, J. Carroll Holzer, hereby submits the following Memorandum in lieu of oral argument before the Zoning Commissioner.

**STATEMENT OF THE CASE**

The Petitioners, Dolan, et al., are adjacent property owners and residents of Brookview Farms Section 1; also the Baltimore County Office of Planning and Zoning through Director, P. David Fields. Petitioners have filed two (2) Petitions for Special Hearing seeking interpretation of the Baltimore County Zoning Regulations with respect to a development proposed by the Property Owners (C. Franklin Eck, Jr. and Gibbs McKenny, Trustee, hereinafter "property owners") of approximately 45.7 acres of land located on the North side of Cromwell Bridge Road, presently zoned DR.1. The Property Owners plan to develop the site in accordance with the CRG Plan for Brookview Farms, Sections 3A and B marked as Respondents

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Exhibit 1 and Petitioners Exhibits 15, 16 and 17. The CRG Plan calls for the subdivision of the development into 35 single family residential lots.

The CRG Plan was presented to the Baltimore County Review Group on February 20, 1992 and referred by the CRG to the Planning Board of Baltimore County to determine whether or not there are Master Plan conflicts. The Planning Board thereafter issued a resolution referring the issues raised to various County agencies pursuant to Section 26-66(B) of the Baltimore County Code. After the Planning Board referred the matter, the Director of the Office of Planning and Zoning, P. David Fields, petitioned for a Special Hearing before the Zoning Commissioner requesting an interpretation of the Zoning Regulations as they apply to the proposed Development Plan.

The Petition of the Director also requested the Zoning Commissioner to determine whether "the proposed amendment of the tract boundaries for the areas known as Brookview Estates and Brookview Farms in the matter proposed should be approved, and to determine the acreage of the entire tract and the density permitted thereon."

Petitioner Dolan, et al. thereafter petitioned for a Special Hearing, which petitions were heard by the Zoning

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Commissioner in this case at the same time. Petitioner Dolan (in addition to adopting the Director of Planning's issues), specifically raised the following questions:

1. Is the proposed amendment of the tract boundaries known as Brookview Estates and Brookview Farms in the matter proposed in accordance with the Baltimore County Zoning Regulations?

2. What is the impact upon previously acquired property owners who relied on the existing recorded Plat?

3. What is the impact upon the adjacent and adjoining property owners of the proposed amendment of the tract boundary?

4. Determine the acreage of the entire tract.

5. Determine the density permitted resulting from the current zoning classification.

6. Determine the existing density already used.

7. Determine whether Baltimore County's agreement for extension for the CRG was breached.

8. Determine whether proposal is under one or more ownership and whether all owners are participating.

9. Such other and further issues as may be raised at the hearing.

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**PRELIMINARY MOTION**

Property owners filed a Memorandum in Opposition to the Petition for Special Hearing, challenging the authority of the Petitioners to file a Petition for Special Hearing, or in other words, whether they had standing. Secondly, property owners challenged whether or not the Petitioners' Petition was timely filed alleging that it was premature.

Petitioners responded orally at the hearing to this Motion but would like to herein restate their authority as to the points raised.

First, the basis for a Petition for a Special Hearing is found in 500.7 of the Baltimore County Zoning Regulations which states,

> "the said Zoning Commissioner shall have the power to conduct such other hearings and pass such other orders thereon as shall in his discretion be necessary for the proper enforcement of all Zoning Regulations subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported non-conforming use on any premises or to determine any rights whatsoever of such person in Baltimore County insofar as they are affected by these Regulations."

Clearly, under this Section, the Petitioners testimony established that they are adjacent and adjoining property owners as well as persons who acquired property in Section 1 of Brookview Farms and have an interest in the property of Brookview Farms, Sections 3A and 3B.

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The preparation of the detailed, post-CRG, Partial or Final Development Plan (hereinafter "Development Plan") for DR property, is controlled by Section 1B01.3 of the BCZR. It is the Development Plan from which the Zoning Commissioner and Director of Planning are to, "...ascertain whether the project will comply with the zoning and subdivision requirements of Baltimore County...". Section 1B01.3.A(5)(b). Once a Development Plan has been approved, it may be amended pursuant to Section 1B01.3A(7). As explained by the Property Owners' witness, Mr. Gavrelis, in situations where there is no proposed change in the development with respect to any lot, structure, or use within 300 feet of a lot or structure which has been sold since the original Development Plan was filed, the plan can be amended by simply resubmitting it to the appropriate government office for approval. See, Section 1B01.3A(7)(a). It is clear from the undisputed expert testimony of Mr. Gavrelis that the inclusion of Brookview Farms Section 3B will simply require the submission of the appropriate document of revision to the proper county authorities pursuant to Section 1B01.3A(7)(a). As noted by Mr. Gavrelis, the entire 137 acre tract of Brookview Farms is zoned DR1. No component section of Brookview Farms has been planned to utilize more than the permitted 137 density units more than once. Therefore, the CRG Plan for Brookview Farms, Section 3A and 3B comply with all applicable provisions relative to the utilization of density as set forth in Section 1B03B.1 and 2.



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**CONCLUSION**

Procedurally, none of the Petitioners have standing to file a petition for Special Hearing under Section 500.7 of the BCZR. In addition, the issues sought to be addressed are premature, since density, and the transfer of density within tract boundaries, are clearly post-CRG matters.

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As in all cases before the Baltimore County Zoning Commissioner, the Petitioners in this case, bear the burden of presenting evidence and establishing that Section 3A and 3B of Brookview Farms are somehow is in derogation of the Baltimore County Zoning Regulations. Each Petitioner has failed to carry his burden with regard to the underlying issues that have been presented before the Commissioner. The CRG application for Brookview Farms, Section 3A and 3B conceptually, comply with the Baltimore County Code, and Development Regulations pertaining to DR residential real property in Baltimore County. Therefore, in conclusion, the Property Owners would seek a formal written opinion from the Zoning Commissioner rejecting the propriety of each petition and confirming that the CRG plan for Section 3A and 3B of Brookview Farms is in full compliance with the Baltimore County Zoning Regulations.

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IN RE: PETITION FOR SPECIAL HEARING
BROOKVIEW FARMS SECTION 3A AND B
NORTH SIDE OF CROMWELL BRIDGE ROAD
9TH ELECTION DISTRICT

* BEFORE THE
* ZONING COMMISSIONER
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* BALTIMORE COUNTY
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* * * * * * * * * * * * *

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**Patrick** and **Sandra Dolan**, Petitioners, et al., by their attorney, **J. Carroll Holzer**, hereby submits the following Memorandum in lieu of oral argument before the Zoning Commissioner.

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9. Such other and further issues as may be raised at the hearing.



**PRELIMINARY MOTION**

Property owners filed a Memorandum in Opposition to the Petition for Special Hearing, challenging the authority of the Petitioners to file a Petition for Special Hearing, or in other words, whether they had standing. Secondly, property owners challenged whether or not the Petitioners' Petition was timely filed alleging that it was premature.

Petitioners responded orally at the hearing to this Motion but would like to herein restate their authority as to the points raised.

First, the basis for a Petition for a Special Hearing is found in 500.7 of the Baltimore County Zoning Regulations which states,

> "the said Zoning Commissioner shall have the power to conduct such other hearings and pass such other orders thereon as shall in his discretion be necessary for the proper enforcement of all Zoning Regulations subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported non-conforming use on any premises or to determine any rights whatsoever of such person in Baltimore County insofar as they are affected by these Regulations."

Clearly, under this Section, the Petitioners testimony established that they are adjacent and adjoining property owners as well as persons who acquired property in Section 1 of Brookview Farms and have an interest in the property of Brookview Farms, Sections 3A and 3B.

Precedent for an adjacent or adjoining property owner to file such a Petition is clearly presented in a number of cases which affirmed the right of neighbors to file such an action. In re: Hubert N. Harker, Jr., Board of Child Care; In re: Pickersgill, Inc.. Finally, Petitioners are within the purview of the definition of "interested persons" as set forth in Morris v. Howard Research and Development Corporation, 278 Md. 417 (1976).

As to the second objection of the property owners that this request was not timely, Petitioners respond that clearly the matter is of significance and timely concern to the Petitioners in view of the fact that the matter will be referred from the Planning Board to the CRG which will result in, by definition of development regulations, an approval to not only this CRG Plan being granted, but also forms the basis of approval of the Development Plan and Subdivision Plat for this Subdivision.

Furthermore, the testimony of the Planning Director, David Fields, illustrates that timing is very significant in this case. In his request for Petition for Special Hearing, Fields asked for clarification because the Planning Board had the issue before them in regard to the Master Plan. In addition, because the CRG would also accept whatever findings the Planning Board made, he believed that it was appropriate, at this time, to receive an answer from the Zoning Commissioner as to an interpretation of the Zoning Regulations and whether or not the rest of this Plan was in accordance with the development regulations.



More importantly, Fields testified that the original CRG had been granted based on a 110 acre tract and there was a question in his mind as Director of the Office of Planning and Zoning as to whether the new Plan which enlarged the tract conflicted with the original Plan. Fields further testified that the 110 acre filed density Plats purported to cover all of the land known as Brookview Farms (Sections 1, 2 and 3, but not 3A and 3B as proposed) and he was concerned whether one could approve the second Plan which added Section 3B without amending the first Plan. All of this according to Fields testimony was due to a "mixing" of the original development plans for Brookview Farms under which individuals have acquired certain lots in Section 1 and a new "Conceptual Plan" which has been superimposed over existing Plats, thus creating a confusing situation.

The thrust of Fields' testimony likewise raises the same concerns as those raised by Petitioner Dolan, to wit: how does the present plan affect the property rights of those who acquired lots in Section 1?

WHEREFORE, Petitioners respectfully request the Motion of the Respondents be denied.

ISSUES PRESENTED

The issues presented in the matter before the Zoning Commissioner are those raised in both Petitions for Special Hearing.



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FACTS

David Fields, Director of Planning, was called by the Zoning Commissioner to explain the reasons for filing the Petition for Special Hearing and additional comments in regard to the instant case. As previously noted, in the record, the Petitioner Dolan adopted the comments of Fields as their testimony. The thrust of Fields testimony established the timeliness of filing the Petition for Special Hearing as well as the "confusion" of the Zoning and Planning Offices as it related to the unusual and extraordinary situation where there was a "mixture" in this case of properties in Brookview Farms which have been sold in Section 1 to many of the individual Petitioners herein, as well as a "Conceptual Plan" which purportedly covers all previous sections as well as a new Section 3B.

In Fields' opinion, the mixing of these various Sections causes concern to the Office of Planning and Zoning. In Mr. Fields' words, the "mixing of conceptual plans to existing recorded Plats makes it difficult to determine rights and concepts in this situation. In this case, Section 1 is built and properties sold, and Section 2 and 3 are at differing stages. In Fields' view, this latest Plan is not being viewed separately but as overlapping and impacting Sections 1 and 2 of Brookview Farms in light of the fact that the direct boundary is going to be amended to include Sections 1, 2, 3A and 3B. He



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concluded this plan and proposal will impact the property owners living in Section 1. There are already existing houses, roads and amenities in the subdivision.

Fields testimony suggests that the Zoning Commissioner should conduct a Special Hearing to determine the impact, if any, upon the surrounding property owners and those residing in Section 1 as a result of the amended tract boundary.

Sandra Dolan testified on behalf Petitioners' Numbers 21 through 33, as set forth on Petitioners' Exhibit #1. These individuals are all property owner residing adjacent to, or adjoining or in close proximity of Sections 3A and B of Brookview Farms. Ms. Dolan presented historical summary of the development of the property known as Brookview Farms utilizing six maps marked as Petitioners' Exhibit #2, #3, #4, #7, #10 and #15.

The thrust of Ms. Dolan's testimony was that the Zoning Regulations are silent as to the continuing expansion of a tract and tract boundaries. In this instance, the property owners are requesting that the tract be amended to include all of Section 1, 2, 3A and 3B. Various plans and the Plat for Brookview Farms, filed between 1985 when the approval from the CRG was first obtained through 1991 when a second extension for the Brookview Farms subdivision was obtained, never included what is now Section 3B. It is clear that Section 3B was never



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included in the original filing, on requests for extensions or on Plats and was not within the contemplation of the County when approving the original plan or granting an extension.

Secondly, Ms. Dolan indicated that there is a Master Plan indicating that this area should be preserved and that this Master Plan should serve as a guide for land use regulations in the County. It is her contention that when the Regulations are silent as to issues such as the one presented in the case herein, any Zoning decision should be in favor or in accordance with the Master Plan.

In addition, she contended that this continued amending of the tract boundary for which there is no legal authority in the Regulations, sets a dangerous precedent. In theory, at least one could continue to expand and add properties all the time amending the tract boundary to the detriment of the adjacent property owners and persons who have acquired lots within the tracts.

On Petitioners' Exhibit #2 (Map 1), which gives the tract acreage as 114, it is clear that Section 3B is not included in Brookview Farms. In Petitioners' Exhibit #3 (Map 2), the Plats cover 110 acres for total subdivision but what is now Brookview Farms Section 3B is never included. Petitioners' Exhibit #4, (Map 3), an amended plan for Lots 63-110 shows acreage for the parcel at 114 even though the Plat provides total acreage of



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110. A second extension from the County for lots 63 through 110 was requested. However, extension for lots 102 through 110 were not granted. An extension for lots 102-110, on the parcel now designated lot in 3A, was pursuant to a statement by Baltimore County that these lots conflicted with the long term preservation of Cromwell Valley and the Baltimore County Master Plan. (See Petitioners' Exhibit #5).

Edmund Laile, on behalf of Daft, McCune and Walker and the property owner subsequently withdrew those lots and in a self-serving statement indicated that the owners reserved a right to reapply for approval. (See Petitioners' Exhibit #6). The Petitioners submit that this Agreement on the part of the County constituted a contract and that property owners should not be able at this time to take the benefits of having received the extension, and be also allowed to frustrate the County's Plan, which had previously been preserved in Petitioners' Exhibit #5. Again, on Exhibit #4, the property owned individually by C. Franklin Eck, Jr. (Section 3B) is not included.

On Petitioners' Exhibit #7, (Map 4) again the total tract is given at 114 acres and, again Section 3B from the current CRG is not included. Petitioners' Exhibit #7 is deemed by the submitter to the Brookview Farms refined Amended Plan: Lots 63-102. These plans place an additional lot on the back portion of Section 2. What is now Section 3A of the current



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CRG plan is utilized as part of the 110 acres Brookview Farms tract and the 110 acre tract now has only 8 remaining development units.

Petitioners' Exhibit #10 (Map 5) a plan for Brookview Estates, not Brookview Farms, includes for the first time a 26 acre parcel of land owned individually by C. Franklin Eck, Jr. (ref. Petitioners' Exhibits 11-14) and designated Section 3B in the current CRG plan.

Petitioners' Exhibit 15 (Map 6) titled Brookview Farms Section 3A and 3B in essence is a refiled submission of Exhibit 10, the Brookview Estate Plan. And finally, the property owners have 17 lots on the portion of Brookview Farms (Section 3A) where the extension to place nine (9) lots was refused earlier by Baltimore County.

Protestants next called Bart Callahan who testified on behalf of Petitioners' #1 through #20 on Petitioners' Exhibit #1. Those individuals are property owners of Brookview Farms, Section 1. Callahan's testimony was that when he purchased his home in Section 1 of Brookview Farms, Lot 21 on Plat A, it was his understanding that Brookview Farms would be 110 acres in a DR.1 Zone giving a maximum of 100 single family homes in Sections 1 and 2. He further testified that Mr. Eck's property, Section 3B, was never included in the final development. He had no reason, nor right to expect, that the



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subdivision would be expanded beyond the original boundaries presented to him. He is opposed to additional homes and acreage being added in the form of Parcel 3B for various reasons; because of the ruling of the Zoning Commissioner Callahan was precluded from expanding on those reasons.

Petitioners would submit that issues such as density, overcrowding, traffic, schools and the impact on the surrounding community and environment would be appropriate issues for a Special Hearing to determine the impact of the amendment to the tract boundary.

Laura Jennifer also testified on behalf of Petitioners and submitted an Exhibit in the form of a Memo from Lillian Jennifer dated March 2, 1992, Petitioners Exhibit #18. It is significant to point out that in that Memo, under "Zoning and Density," the issue is raised Section 1B01.3.B.2., captioned Effect-Final Subdivision Plat, that the Regulations do not provide for mixing and matching properties without the developer first having to follow certain rules and procedures. It is her position that the Regulation reads as follows:

> "It is the intent of the Zoning Regulations to prohibit subdivision or re-subdivision of portions of a tract in a DR Zone in a matter so as to exceed the total number of dwelling or density units allowed under the applicable DR Zones for the entire tract."

Finally, James S. Patton, of Patton Consultants, Ltd., was called and qualified as an expert civil engineer as well as land planner. Patton's testimony will be discussed in the context of the legal arguments.



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Precedent for an adjacent or adjoining property owner to file such a Petition is clearly presented in a number of cases which affirmed the right of neighbors to file such an action. In re: Hubert H. Harker, Jr., Board of Child Care; In re: Pickersgill, Inc.. Finally, Petitioners are within the purview of the definition of "interested persons" as set forth in Morris v. Howard Research and Development Corporation, 278 Md. 417 (1976).

As to the second objection of the property owners that this request was not timely, Petitioners respond that clearly the matter is of significance and timely concern to the Petitioners in view of the fact that the matter will be referred from the Planning Board to the CRG which will result in, by definition of development regulations, an approval to not only this CRG Plan being granted, but also forms the basis of approval of the Development Plan and Subdivision Plat for this Subdivision.

Furthermore, the testimony of the Planning Director, David Fields, illustrates that timing is very significant in this case. In his request for Petition for Special Hearing, Fields asked for clarification because the Planning Board had the issue before them in regard to the Master Plan. In addition, because the CRG would also accept whatever findings the Planning Board made, he believed that it was appropriate, at this time, to receive an answer from the Zoning Commissioner as to an interpretation of the Zoning Regulations and whether or not the rest of this Plan was in accordance with the development regulations.



More importantly, Fields testified that the original CRG had been granted based on a 110 acre tract and there was a question in his mind as Director of the Office of Planning and Zoning as to whether the new Plan which enlarged the tract conflicted with the original Plan. Fields further testified that the 110 acre filed density Plats purported to cover all of the land known as Brookview Farms (Sections 1, 2 and 3, but not 3A and 3B as proposed) and **he was concerned whether one could approve the second Plan which added Section 3B without amending the first Plan**. All of this according to Fields testimony was due to a "mixing" of the original development plant for Brookview Farms under which individuals have acquired certain lots in Section 1 and a new "Conceptual Plan" which has been superimposed over existing Plats, thus creating a confusing situation.

The thrust of Fields' testimony likewise raises the same concerns as those raised by Petitioner Dolan, to wit: how does the present plan affect the property rights of those who acquired lots in Section 1?

**WHEREFORE**, Petitioners respectfully request the Motion of the Respondents be denied.

**ISSUES PRESENTED**

The issues presented in the matter before the Zoning Commissioner are those raised in **both** Petitions for Special Hearing.



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**FACTS**

David Fields, Director of Planning, was called by the Zoning Commissioner to explain the reasons for filing the Petition for Special Hearing and additional comments in regard to the instant case. As previously noted, in the record, the Petitioner Dolan adopted the comments of Fields as their testimony. The thrust of Fields testimony established the timeliness of filing the Petition for Special Hearing as well as the "confusion" of the Zoning and Planning Offices as it related to the unusual and extraordinary situation where there was a "mixture" in this case of properties in Brookview Farms which have been sold in Section 1 to many of the individual Petitioners herein, as well as a "Conceptual Plan" which purportedly covers all previous sections as well as a new Section 3B.

In Fields' opinion, the mixing of these various Sections causes concern to the Office of Planning and Zoning. In Mr. Fields' words, the "mixing of conceptual plans to existing recorded Plats makes it difficult to determine rights and concepts in this situation. In this case, Section 1 is built and properties sold, and Section 2 and 3 are at differing stages. In Fields' view, this latest Plan is not being viewed separately but as overlapping and impacting Sections 1 and 2 of Brookview Farms in light of the fact that the direct boundary is going to be amended to include Sections 1, 2, 3A and 3B. He



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concluded this plan and proposal will impact the property owners living in Section 1. There are already existing houses, roads and amenities in the subdivision.

Fields testimony suggests that the Zoning Commissioner should conduct a Special Hearing to determine the impact, if any, upon the surrounding property owners and those residing in Section 1 as a result of the amended tract boundary.

Sandra Dolan testified on behalf Petitioners' Numbers 21 through 33, as set forth on Petitioners' Exhibit #1. These individuals are all property owner residing adjacent to, or adjoining or in close proximity of Sections 3A and B of Brookview Farms. Ms. Dolan presented historical summary of the development of the property known as Brookview Farms utilizing six maps marked as Petitioners' Exhibit #2, #3, #4, #7, #10 and #15.

The thrust of Ms. Dolan's testimony was that the Zoning Regulations are silent as to the continuing expansion of a tract and tract boundaries. In this instance, the property owners are requesting that the tract be amended to include all of Section 1, 2, 3A and 3B. Various plans and the Plat for Brookview Farms, filed between 1985 when the approval from the CRG was first obtained through 1991 when a second extension for the Brookview Farms subdivision was obtained, never included what is now Section 3B. It is clear that Section 3B was never



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included in the original filing, on requests for extensions or on Plats and was not within the contemplation of the County when approving the original plan or granting an extension.

Secondly, Ms. Dolan indicated that there is a Master Plan indicating that this area should be preserved and that this Master Plan should serve as a guide for land use regulations in the County. It is her contention that when the Regulations are silent as to issues such as the one presented in the case herein, any Zoning decision should be in favor or in accordance with the Master Plan.

In addition, she contended that this continued amending of the tract boundary for which there is no legal authority in the Regulations, sets a dangerous precedent. In theory, at least one could continue to expand and add properties all the time amending the tract boundary to the detriment of the adjacent property owners and persons who have acquired lots within the tracts.

On Petitioners' Exhibit #2 (Map 1), which gives the tract acreage as 114, it is clear that Section 3B is not included in Brookview Farms. In Petitioners' Exhibit #3 (Map 2), the Plats cover 110 acres for total subdivision but what is now Brookview Farms Section 3B is never included. Petitioners' Exhibit #4, (Map 3), an amended plan for Lots 63-110 shows acreage for the parcel at 114 even though the Plat provides total acreage of



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110. A second extension from the County for lots 63 through 110 was requested. However, extension for lots 102 through 110 were not granted. An extension for lots 102-110, on the parcel now designated lot in 3A, was pursuant to a statement by Baltimore County that these lots conflicted with the long term preservation of Cromwell Valley and the Baltimore County Master Plan. (See Petitioners' Exhibit #5).

Edmund Haile, on behalf of Daft, McCune and Walker and the property owner subsequently withdrew those lots and in a self-serving statement indicated that the owners reserved a right to reapply for approval. (See Petitioners' Exhibit #6). The Petitioners submit that this Agreement on the part of the County constituted a contract and that property owners should not be able at this time to take the benefits of having received the extension, and be also allowed to frustrate the County's Plan, which had previously been preserved in Petitioners' Exhibit #5. Again, on Exhibit #4, the property owned individually by C. Franklin Eck, Jr. (Section 3B) is not included.

On Petitioners' Exhibit #7, (Map 4) again the total tract is given at 114 acres and, again Section 3B from the current CRG is not included. Petitioners' Exhibit #7 is deemed by the submitter to the Brookview Farms refined Amended Plan: Lots 63-102. These plans place an additional lot on the back portion of Section 2. What is now Section 3A of the current



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CRG plan is utilized as part of the 110 acres Brookview Farms tract and the 110 acre tract now has only 8 remaining development units.

Petitioners' Exhibit #10 (Map 5) a plan for Brookview Estates, not Brookview Farms, includes for the first time a 26 acre parcel of land owned individually by C. Franklin Eck, Jr. (ref. Petitioners' Exhibits 11-14) and designated Section 3B in the current CRG plan.

Petitioners' Exhibit 15 (Map 6) titled Brookview Farms Section 3A and 3B in essence is a refiled submission of Exhibit 10, the Brookview Estate Plan. And finally, the property owners have 17 lots on the portion of Brookview Farms (Section 3A) where the extension to place nine (9) lots was refused earlier by Baltimore County.

Protestants next called Bart Callahan who testified on behalf of Petitioners' #1 through #20 on Petitioners' Exhibit #1. Those individuals are property owners of Brookview Farms, Section 1. Callahan's testimony was that when he purchased his home in Section 1 of Brookview Farms, Lot 21 on Plat A, it was his understanding that Brookview Farms would be 110 acres in a DR.1 Zone giving a maximum of 100 single family homes in Sections 1 and 2. He further testified that Mr. Eck's property, Section 3B, was never included in the final development. He had no reason, nor right to expect, that the



subdivision would be expanded beyond the original boundaries presented to him. He is opposed to additional homes and acreage being added in the form of Parcel 3B for various reasons: because of the ruling of the Zoning Commissioner Callahan was precluded from expanding on those reasons.

Petitioners would submit that issues such as density, overcrowding, traffic, schools and the impact on the surrounding community and environment would be appropriate issues for a Special Hearing to determine the impact of the amendment to the tract boundary.

Laura Jennifer also testified on behalf of Petitioners and submitted an Exhibit in the form of a Memo from Lillian Jennifer dated March 2, 1992, Petitioners Exhibit #18. It is significant to point out that in that Memo, under "Zoning and Density," the issue is raised Section 1B01.3.B.2., captioned Effect-Final Subdivision Plat, that the Regulations do not provide for mixing and matching properties without the developer first having to follow certain rules and procedures. It is her position that the Regulation reads as follows:

> "It is the intent of the Zoning Regulations to prohibit subdivision or re-subdivision of portions of a tract in a DR Zone in a matter so as to exceed the total number of dwelling or density units allowed under the applicable DR Zones for the entire tract."

Finally, James S. Patton, of Patton Consultants, Ltd., was called and qualified as an expert civil engineer as well as land planner. Patton's testimony will be discussed in the context of the legal arguments.

**Legal Argument**

**First, the right to hearing:** The right of a person who has acquired property in reliance on a recorded Plat to demand a Special Hearing is found pursuant to Baltimore County Zoning Regulation 1B01.3A7.B.(3)(iii). Consistent with the testimony of Planning Director, Fields, Petitioners request that the Petition for Special Hearing filed herein be considered as a request for Special Hearing by adjacent property owners pursuant to the above cited Section to determine the impact upon their property of the amendment to the approved Development Plan of Brookview Farms.

Mr. Fields testified the sale of the properties under Section 1 and the Conceptual CRG of Sections 3A and 3B created a problem for the County. It creates a problem for the Petitioners herein as well. The Petitioners herein (numbers 1 through 21) are all individuals who have purchased properties within Section 1 of Brookview Farms. Property owners 22 through 33 are adjacent property owners. All of the Petitioners have serious concerns about this proposed project and the amendment of the tract boundary as exampled by the testimony of Mr. Callahan. The testimony of the developer's own witness, Jean Tansey, of Daft, McCune & Walker acknowledged that in the amendment of the Plan, the original Section 2 lot lines have been changed resulting of the shifting of an



additional lot to Section 2. It is clear therefore that the 300 foot delineation required from a lot in question should run from the boundary of Section 2, not from Section 3A and B as illustrated in the plan submitted by George Gavrellis. This shift would, therefore provide standing to the Petitioners who have acquired their properties in Section 1 of Brookview Farms to request a Special Hearing.

In addition, it is certainly arguable that the intent of the Baltimore County Zoning Regulation should be construed as to require a hearing under the circumstances of this particular case.

**WHEREFORE**, Petitioners request that the Zoning Commissioner schedule a Special Hearing to discuss the merits and impact of this request upon the property owners of Section 1 and those that are adjacent property owners.

**Second, Respondent shall be Precluded from Developing Lots 102-110:** Petitioners request that the Zoning Commissioner consider Baltimore County's granting of an extension to the property owners under the circumstances as set forth in the facts in this case and the resulting agreement entered into by Ed Haile of Daft, McCune & Walker on behalf of the property owner, be considered binding on the developer insofar as Lots 102 through 110 and find that the developer is precluded from revisiting the County with a request for the development



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of those lots. This determination should be made by the Zoning Commissioner in light of the evidence before him that the County's Master Plan calls for the preservation of the tract.

The Zoning Regulations are not silent on the role of the Master Plan concerning development within Baltimore County. Article 4A - Growth Management - in Section 4A00.2(2) defines the Master Plan as follows:

> "The Comprehensive Plan for orderly development of the County, adopted by the County Council, pursuant to the Baltimore County Charter, and including all parts and elements thereof which shall serve as the basis for land use in the County."

Further, Fields testified that it is customarily the Planning Staff's request that this property owner amend his CRG to comply with the County's Master Plan but has met with refusal by the property owner to date.

**WHEREFORE**, Petitioners respectfully request the Zoning Commissioner to deny development of Lots 102 through 110.

**Third, There exists no authority to extend tract boundary:** The Zoning Commissioner should find in the instant case that there is no authority provided by Baltimore County Zoning Regulations to extend the tract boundary as requested herein by the property owner by the Baltimore County Zoning Regulations.

This contention was the primary thrust of testimony of Ms. Dolan, Bob Callahan, and Jim Patton. The request of the property owners to take in additional property known as 3B on



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the CRG Plan is the very factor that is causing the dilemma as testified to by Fields.

Mr. James H. Patton testified as follows:

> "Based on the Development Regulations of Baltimore County, the CRG process and the preparation of an approved CRG plan is required for all subdivisions. Subsequent to the preparation of a CRG, once approved, a final development plan must be prepared in accordance with the Baltimore County Zoning Regulations for the residential development of a DR.1 zoned tract. An approved final development plan in either partial form or complete form covering the entire tract must be prepared in accordance with the Baltimore County Zoning Regulations in accordance with Article 1 B 01.3 plans and plats. Related to the provisions of 1 B 10.3 is the zoning policy RDP-2 Density Transfer (attached to this Memorandum herato with highlights). Patton testified that the development of the tract should be in accordance with the previous approved CRG. There could not be or would not be an amendment of tract boundary.
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The Zoning Regulations exist to control development within the County. Property owners would have us believe that inclusion of a new parcel of land, Section 3B, to the subdivision is merely an issue of simple addition in a DR-1 Zone, i.e., 135 acres equal 135 units. That, however, is not the issue here.

The issue is an approved subdivision comprising 110 acres. Piecemeal enlargement of a tract after the tract density has been set forth and a Plat sealing the subdivision density has been filed frustrates the very purpose of the Zoning Regulations. Such a practice allows a developer to submit a continuous series of partial plans where the County as well as the people affected will never know with certainty the developers true intent. No one concerned with approving or affected by a proposed development can make an informed decision. No one, besides the developer, at any point in the process can accurately assess the total impact of the development on an area or give an extension to an approved plan based on informed consent. If it is allowed here a dangerous precedent will have been set which will allow every developer in the County to demand the same right to pursue development and tract expansion where the Zoning Regulations give none.



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The extension of a tract's boundaries by fiat rather than by rules and regulations is certainly not the intent of the County Zoning Regulations.

**WHEREFORE**, the Petitioners respectfully request the Zoning Commissioner to deny approval of enlarging the tract boundary in the instant case to include the 8ck property identified as 3B and to limit the subdivision to that of such 1, 2 and 3A as originally presented in the original Brookview Farm.

**Fourth, Additional Determination:** The Petitioners would likewise request that the additional issues raised in the Petition for Special Hearing be answered in the Zoning Commissioner's order as follows:

1. Determine the acreage for the entire site.
2. Determine the density resulting from the current zoning classification.
3. Determine the existing density already used.
4. Determine whether proposal is under one or more ownerships and whether all owners are participating and whether that constitutes a permissible subdivision within the Baltimore County Zoning and Development Regulations.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
410-825-6960



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24th day of May, 1992, a copy of the aforegoing Brief in Lieu of Final Argument was mailed, postage pre-paid to: David H. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236.

J. CARROLL HOLZER, Esquire

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RE: PETITION FOR SPECIAL HEARING
NW/S Cromwell Bridge Rd., approx. 800' NE of intersection of Oakleigh Rd. (no address)
9th Election District
6th Councilmanic District

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING, Petitioner

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Zoning Case No. 92-357-SPH

ENTRY OF APPEARANCE

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

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204-4606
(410) 887-2188

I HEREBY CERTIFY that on this 27th day of April, 1992, a copy of the foregoing Entry of Appearance was mailed to P. David Fields, Director, Baltimore County Office of Planning & Zoning, Rm. 406, 401 Bosley Ave., Towson, Maryland 21204.

Phyllis Cole Friedman
Phyllis Cole Friedman

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**LEGAL ARGUMENT**

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Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
410-825-6960



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21st day of May, 1992, a copy of the aforegoing Brief in Lieu of Final Argument was mailed, postage pre-paid to: David H. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236.

J. CARROLL HOLZER, Esquire

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RE: PETITION FOR SPECIAL HEARING
NW/S Crossmill Bridge Rd., approx. 800' NE of intersection of Oakleigh Rd. (no address)
9th Election District
6th Councilmanic District
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING, Petitioner

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Zoning Case No. 92-357-SPH

: : : : : : :

ENTRY OF APPEARANCE

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

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204-4606
(410) 887-2188

I HEREBY CERTIFY that on this 27th day of April, 1992, a copy of the foregoing Entry of Appearance was mailed to P. David Fields, Director, Baltimore County Office of Planning & Zoning, Rm. 406, 401 Bosley Ave., Towson, Maryland 21204.

Phyllis Cole Friedman
Phyllis Cole Friedman

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| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| BROOKVIEW FARMS SECTION 3A AND 3B | * | ZONING |
| NORTH SIDE OF CROMWELL BRIDGE ROAD | * | COMMISSIONER OF |
| 9TH ELECTION DISTRICT | * | BALTIMORE COUNTY |
| | * | Case No. 92-357SPH |

* * * * * * * * * *

**BRIEF IN OPPOSITION TO PETITION FOR SPECIAL HEARING**

C. Franklin Eck, Jr. and Gibbs McKenney, Trustee, (hereinafter sometimes referred to as, "The Property Owner") by their attorneys, Moore, Carney, Ryan and Lattanzi, and E. Scott Moore, Esquire and David M. Meadows, Esquire, respond to a Petition for Special Hearing filed by P. David Fields, Director of Baltimore Office of Planning and Zoning and to a separate Petition filed by J. Carroll Holzer, Esquire, on behalf of named Petitioners (hereinafter sometimes collectively referred to as, "The Petitioners" or the, "Petition"); and in response thereto state:

**STATEMENT OF THE CASE**

The Petitioners, have filed a Petition seeking an interpretation of the Zoning Regulations of Baltimore County with respect to a development proposed by The Property Owners of approximately 45.7 acres of land located in the 9th Election District of Baltimore County, all of which is presently zoned DR1. (See, CRG Plan for Brookview Farms, Section 3A and 3B attached hereto and incorporated herewith as Exhibit 1). The, "CRG Plan", calls for the subdivision of the development into 35 single family residential lots. The CRG Plan was presented to the

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Baltimore County Review Group ("CRG") on February 20, 1992 and thereupon referred to the Planning Board of Baltimore County for what are alleged to be Master Plan Conflicts. On March 19, 1992, the Planning Board of Baltimore County issued a resolution referring the issues raised before it to various county agencies pursuant to 26-66(b) of the Baltimore County Code, 1988, as to whether or not those agencies think it is in the public interest to preserve and purchase a portion of the proposed development. See, Exhibit 2. Subsequent to the resolution of the Planning Board, the Director of Planning and Zoning petitioned for a Special Hearing in front of the Zoning Commissioner requesting an interpretation of the Zoning Regulations as they apply to the density associated with the development plan submitted by the property owners. Following the Director's Petition, several Baltimore County residents, represented by J. Carroll Holzer, Esquire, filed a similar Petition raising similar issues. Both Petitions were filed pursuant to the authority of Section 500.7 of BCZR.

**THE PETITION MUST BE DISMISSED BECAUSE THE PETITIONERS LACK STANDING TO FILE A PETITION PURSUANT TO BALTIMORE COUNTY ZONING REGULATION 500.7.**

In addition to the Planning Director's Petition, several individuals, through their attorney, J. Carroll Holzer, Esquire, have filed a Petition with the Zoning Commissioner, which has been joined for the hearing set on the original issue filed by

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the Director. In addition to adopting the issue raised by Mr. Fields, these Petitioners request that the Zoning Commissioner review a broad range of issues with regard to the CRG Application filed by the owners of Section 3A and 3B of Brookview Farms (hereinafter sometimes referred to as "the Development").

The basis for a Petition for Special Hearing, is found in Section 500.7 of the Baltimore County Zoning Regulations, (hereinafter sometimes referred to as, "BCZR").

> "The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported non-conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these Regulations".

Section 500.7 BCZR emphasis supplied.

None of The Petitioners, qualify as an, "Interested Person", whose rights are affected by the determination to be made by the Zoning Commissioner in this case, and therefore their Petitions must be dismissed. When interpreting zoning regulations such as Section 500.7, the language of the regulation must be strictly construed so as to allow the land owner the least restrictive use of his property. Mayor of Baltimore v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Board of Bingham Township, 440 A.2d 1284 (PA.CH., 1982). When the lan-

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guage of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Mongony v. Revilacqua, 432 A.2d 661 (R.I., 1981). The basic principals of statutory construction apply in the review of the text of zoning regulations. See, generally, State v. Fabritz, 276 Md. 416 (1975), Cert. Den. 425 U.S. 940 (1976); Bowie Volunteer Fire Department and Rescue Squad, Inc. v. Board of County Commissioners, 255 Md. 381; Aspen Hill Venture v. Montgomery County, 265 Md. 303 (1972); Gino's of Maryland, Inc. v. Baltimore, 250 Md. 621 (1968); Supervisor v. Southgate Harbour, 279 Md. 586 (1977); Yokely, Zoning Law and Practice, Sections 1-4 and 25-8; McQuillin, Municipal Corp., Section 25.72.

In applying these basic rules of statutory construction to Section 500.7 of the BCZR, it is apparent that the term "Interested Person", is limited to those that wish to file for a special hearing regarding purported non-conforming uses, "...or to determine any right whatsoever of such person in any property in Baltimore County in so far as they are affected by these regulations". This language is clear and direct and there is no need to look elsewhere to ascertain the intent of the section. Purifoy v. Merc.-Safe Deposit and Trust, 273 Md. 58 327 A.2d 483 (1974). Neither the Baltimore County Office of Planning and Zoning, nor the individual Petitioners represented by Mr. Holzer, qualify under Section 500.7 as an Interested Person, qualified to petition the Zoning Commissioner, for an interpretation of the zoning regulations, as they apply to the property owned by the The Property Owner in this case. Under the regulation, the only individ-

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uals who qualify as an Interested Person would be The Property Owners, who would generally act when there has been an adverse decision concerning the regulations that affect their property. In the context of the CRG, Section 26-204 provides that a plan will be distributed to various county agencies for review, including the Office of the Zoning Commissioner for comment. Generally, the CRG, will approve the plan conceptually. The zoning Density issue would be addressed prior to the recordation of the plat in the Land Records of Baltimore County. Therefore, it is only at the time of the filing of the final development plat that a density issue is considered, clearly a post CRG event, and not one involving individuals other than The Property Owners. If the Petitioner's wish to contest the approval of the CRG Plan, they have adequate administrative remedy under the Baltimore County Code through a direct appeal of the ultimate decision of the CRG.

The preceding interpretation of the term, "Interested Person", limiting those who may request a special hearing, under Section 500.7 BCZR, is consistent with the interpretation of similar language as it appears in other contents of Maryland law. Bryniarski v. Montgomery County Board of Appeals, 247 Md. 137, 230 A.2d 289 (1966); T&R Joint Venture v. Office of Planning and Zoning, 47 Md. App. 395, 424 A.2d 384 (1980); Barnes v. Commissioner of Labor and Industry, 45 Md. App. 396, 413 A.2d 259 290 Md. 9, 427 Md. 979 (1981). None of the individual Petitioners has, a property right, that would be affected by the Zoning Commissioners decision and interpretation of the regulations with

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regard to the Brookview Farms subdivision proposal. Based on the clear language of Section 500.7 BCZR, neither Petitioner has standing to file a Petition and therefore each Petition now before the Commissioner must be dismissed.

**DENSITY TRANSFER WITHIN BROOKVIEW FARMS SECTION 1, 2 AND 3**

The Petitioner's request that the Zoning Commissioner determine "whether the proposed density transfer is in accordance with the provisions of the Baltimore County Zoning Regulations", With respect to DR property, those regulations are contained in Sections 1B01.3B.

B. Final Subdivision Plat. (Bill No. 100, 1970.)

1. Purpose. Pursuant to the regulations for D.R. zones, a portion of a tract of land may be subdivided for development at a higher residential density than the maximum average density permitted, lessening the permitted density of development on the remainder of the tract; or a portion of the tract may be subdivided for development at less than the maximum average density, thus increasing the density at which the remainder of the tract may be developed. (See Paragraph 1B01.2.A) It is the purpose of this paragraph to assure that these factors will be identified in the sale of any portion of a development tract in a D.R. zone, and, in particular, to prevent the unknowing purchase of a tract which, as a result of such prior subdivision, may not itself be developed at the average gross density specified in the regulations. (Bill No. 100, 1970.)

2. Effect. No subdivision of a tract or a portion of a tract may be created after the effective date of this article, except as otherwise provided under subparagraph 1B02.3.A.2 unless

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the final subdivision plat therefor contains a summary showing the total number of dwelling or density units allowed for the entire tract under the applicable D.R. zones(s). The summary shall indicate, as appropriate, the number of dwelling or density units utilized by previous final subdivision plats for portions of the same tract, the number of dwelling or density units contained in the current subdivision plat, and the balance of dwelling or density units allowed for the remainder of the tract under the applicable D.R. zones (s). It is the intent of these Zoning Regulations to prohibit subdivision or resubdivision of portions of a tract in a D.R. zone in a manner so as to exceed the total number of dwelling or density units allowed under the applicable D.R. zone (s) for the entire tract. (Bill No. 100, 1970.)

1B03.3. B 1 and 2, Baltimore County Zoning Regulations.

The clear language of the BCZR provides that unused density for one portion of a larger tract may be utilized in developing the remaining portion of that tract. See also, Zoning Commissioners Policy Manual supra. The beneficial owners of the entire parcel which makes up Brookview Farms Sections 1, 2 and 3 has been either Charles F. Eck, Jr., or W. Gibbs McKenney , Equitable Bank Trustee under the Last Will and Testament of Viola B. Eck for the benefit of Charles F. Eck, Jr. The ownership of the development, however, is not a factor in determining density issues. The accumulation of small parcels into larger tracts for purposes of development is a common practice in Baltimore County. In the commercial context, the Court Towers and Towson Common Projects both involve the accumulation of smaller parcels, with separate ownership, combined into one (1) large tract for purpos-

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es of density development. In the residential context, Cromwell Woods/Cromwell Woods Section II provides a close parallel to the development of Brookview Farms. The original CRG was submitted for approval in October of 1987 which incorporated several parcels under separate ownership. Subsequent to that, in February of 1991, a CRG plan was submitted which added another 2.14 acres of adjacent DR property and was approved without comment as to density issues by the CRG or the Office of Planning. The Rolling Ridge subdivision provides another example where additional parcels of land, not part of the original CRG application were incorporated and their density used throughout the subdivision. Neither density nor tract boundary amendment was ever questioned, or considered a violation of the Baltimore County Zoning Regulations. See, CRG Comments of Cromwell Woods and Rolling Ridge attached hereto as Exhibit 3. Lastly, attached to this Memorandum as Exhibit 4 is a letter from James E. Dyer, Zoning Supervisor of Baltimore County, regarding an Owings Mills project, where the transfer of density within a DR zone was found to be permissable across road frontages and from parcel to parcel as long as the transfer took place within the overall tract boundary of the property being subdivided.

In fact, the accumulation of two (2) or more parcels into a larger tract for purposes of development is specifically anticipated in the regulations, (See, Section 1B01.3A.7 BCZR) and in the Zoning Commissioners Policy Manual.

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IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * ZONING
NORTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case No. 92-357SPH

* * * * * * * * * *

**BRIEF IN OPPOSITION TO PETITION FOR SPECIAL HEARING**

C. Franklin Eck, Jr. and Gibbs McKenney, Trustee, (hereinafter sometimes referred to as, "The Property Owner") by their attorneys, Moore, Carney, Ryan and Lattanzi, and E. Scott Moore, Esquire and David M. Meadows, Esquire, respond to a Petition for Special Hearing filed by P. David Fields, Director of Baltimore Office of Planning and Zoning and to a separate Petition filed by J. Carroll Holzer, Esquire, on behalf of named Petitioners (hereinafter sometimes collectively referred to as, "The Petitioners" or the, "Petition"); and in response thereto state:

**STATEMENT OF THE CASE**

The Petitioners, have filed a Petition seeking an interpretation of the Zoning Regulations of Baltimore County with respect to a development proposed by The Property Owners of approximately 45.7 acres of land located in the 9th Election District of Baltimore County, all of which is presently zoned DR1. (See, CRG Plan for Brookview Farms, Section 3A and 3B attached hereto and incorporated herewith as Exhibit 1). The, "CRG Plan", calls for the subdivision of the development into 35 single family residential lots. The CRG Plan was presented to the

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Baltimore County Review Group ("CRG") on February 20, 1992 and thereupon referred to the Planning Board of Baltimore County for what are alleged to be Master Plan Conflicts. On March 19, 1992, the Planning Board of Baltimore County issued a resolution referring the issues raised before it to various county agencies pursuant to 26-66(b) of the Baltimore County Code, 1988, as to whether or not those agencies think it is in the public interest to preserve and purchase a portion of the proposed development. See, Exhibit 2. Subsequent to the resolution of the Planning Board, the Director of Planning and Zoning petitioned for a Special Hearing in front of the Zoning Commissioner requesting an interpretation of the Zoning Regulations as they apply to the density associated with the development plan submitted by the property owners. Following the Director's Petition, several Baltimore County residents, represented by J. Carroll Holzer, Esquire, filed a similar Petition raising similar issues. Both Petitions were filed pursuant to the authority of Section 500.7 of BCZR.

**THE PETITION MUST BE DISMISSED BECAUSE THE PETITIONERS LACK STANDING TO FILE A PETITION PURSUANT TO BALTIMORE COUNTY ZONING REGULATION 500.7.**

In addition to the Planning Director's Petition, several individuals, through their attorney, J. Carroll Holzer, Esquire, have filed a Petition with the Zoning Commissioner, which has been joined for the hearing set on the original issue filed by

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the Director. In addition to adopting the issue raised by Mr. Fields, these Petitioners request that the Zoning Commissioner review a broad range of issues with regard to the CRG Application filed by the owners of Section 3A and 3B of Brookview Farms (hereinafter sometimes referred to as "the Development").

The basis for a Petition for Special Hearing, is found in Section 500.7 of the Baltimore County Zoning Regulations, (hereinafter sometimes referred to as, "BCZR").

> "The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported non-conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these Regulations".

Section 500.7 BCZR emphasis supplied.

None of The Petitioners, qualify as an, "Interested Person", whose rights are affected by the determination to be made by the Zoning Commissioner in this case, and therefore their Petitions must be dismissed. When interpreting zoning regulations such as Section 500.7, the language of the regulation must be strictly construed so as to allow the land owner the least restrictive use of his property. Mayor of Baltimore v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Board of Bingham Township, 440 A.2d 1284 (PA.CM., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Mongony v. Bevilacqua, 432 A.2d 661 (R.I., 1981). The basic principals of statutory construction apply in the review of the text of zoning regulations. See, generally, State v. Fabritz, 276 Md. 416 (1975), Cert. Den. 425 U.S. 940 (1976); Bowie Volunteer Fire Department and Rescue Squad, Inc. v. Board of County Commissioners, 255 Md. 381; Aspen Hill Venture v. Montgomery County, 265 Md. 303 (1972); Gino's of Maryland, Inc. v. Baltimore, 250 Md. 621 (1968); Supervisor v. Southgate Harbour, 279 Md. 586 (1977); Yokely, Zoning Law and Practice, Sections 1-4 and 25-8; McQuillin, Municipal Corp., Section 25.72.

In applying these basic rules of statutory construction to Section 500.7 of the BCZR, it is apparent that the term "Interested Person", is limited to those that wish to file for a special hearing regarding purported non-conforming uses, "....or to determine any right whatsoever of such person in any property in Baltimore County in so far as they are affected by these regulations". This language is clear and direct and there is no need to look elsewhere to ascertain the intent of the section. Purifoy v. Merc.-Safe Deposit and Trust, 273 Md. 58 327 A.2d 483 (1974). Neither the Baltimore County Office of Planning and Zoning, nor the individual Petitioners represented by Mr. Holzer, qualify under Section 500.7 as an Interested Person, qualified to petition the Zoning Commissioner, for an interpretation of the zoning regulations, as they apply to the property owned by the The Property Owner in this case. Under the regulation, the only individuals who qualify as an Interested Person would be The Property Owners, who would generally act when there has been an adverse decision concerning the regulations that affect their property. In the context of the CRG, Section 26-204 provides that a plan will be distributed to various county agencies for review, including the Office of the Zoning Commissioner for comment. Generally, the CRG, will approve the plan conceptually. The zoning Density issue would be addressed prior to the recordation of the plat in the Land Records of Baltimore County. Therefore, it is only at the time of the filing of the final development plat that a density issue is considered, clearly a post CRG event, and not one involving individuals other than The Property Owners. If the Petitioner's wish to contest the approval of the CRG Plan, they have adequate administrative remedy under the Baltimore County Code through a direct appeal of the ultimate decision of the CRG.

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**DENSITY TRANSFER WITHIN BROOKVIEW FARMS SECTION 1, 2 AND 3**

The Petitioner's request that the Zoning Commissioner determine "whether the proposed density transfer is in accordance with the provisions of the Baltimore County Zoning Regulations". With respect to DR property, those regulations are contained in Sections 1B01.3B.

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> 1. Purpose. Pursuant to the regulations for D.R. zones, a portion of a tract of land may be subdivided for development at a higher residential density than the maximum average density permitted, lessening the permitted density of development on the remainder of the tract; or a portion of the tract may be subdivided for development at less than the maximum average density, thus increasing the density at which the remainder of the tract may be developed. (See Paragraph 1B01.2.A) It is the purpose of this paragraph to assure that these factors will be identified in the sale of any portion of a development tract in a D.R. zone, and, in particular, to prevent the unknowing purchase of a tract which, as a result of such prior subdivision, may not itself be developed at the average gross density specified in the regulations. (Bill No. 100, 1970.)
>
> 2. Effect. No subdivision of a tract or a portion of a tract may be created after the effective date of this article, except as otherwise provided under subparagraph 1B02.3.A.2 unless the final subdivision plat therefor contains a summary showing the total number of dwelling or density units allowed for the entire tract under the applicable D.R. zones(s). The summary shall indicate, as appropriate, the number of dwelling or density units utilized by previous final subdivision plats for portions of the same tract, the number of dwelling or density units contained in the current subdivision plat, and the balance of dwelling or density units allowed for the remainder of the tract under the applicable D.R. zones (s). It is the intent of these Zoning Regulations to prohibit subdivision or resubdivision of portions of a tract in a D.R. zone in a manner so as to exceed the total number of dwelling or density units allowed under the applicable D.R. zone (s) for the entire tract. (Bill No. 100, 1970.)

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The clear language of the BCZR provides that unused density for one portion of a larger tract may be utilized in developing the remaining portion of that tract. See also, Zoning Commissioners Policy Manual supra. The beneficial owners of the entire parcel which makes up Brookview Farms Sections 1, 2 and 3 has been either Charles F. Eck, Jr., or W. Gibbs McKenney , Equitable Bank Trustee under the Last Will and Testament of Viola B. Eck for the benefit of Charles F. Eck, Jr. The ownership of the development, however, is not a factor in determining density issues. The accumulation of small parcels into larger tracts for purposes of development is a common practice in Baltimore County. In the commercial context, the Court Towers and Towson Common Projects both involve the accumulation of smaller parcels, with separate ownership, combined into one (1) large tract for purposes of density development. In the residential context, Cromwell Woods/Cromwell Woods Section II provides a close parallel to the development of Brookview Farms. The original CRG was submitted for approval in October of 1987 which incorporated several parcels under separate ownership. Subsequent to that, in February of 1991, a CRG plan was submitted which added another 2.14 acres of adjacent DR property and was approved without comment as to density issues by the CRG or the Office of Planning. The Rolling Ridge subdivision provides another example where additional parcels of land, not part of the original CRG application were incorporated and their density used throughout the subdivision. Neither density nor tract boundary amendment was ever questioned, or considered a violation of the Baltimore County Zoning Regulations. See, CRG Comments of Cromwell Woods and Rolling Ridge attached hereto as Exhibit 3. Lastly, attached to this Memorandum as Exhibit 4 is a letter from James E. Dyer, Zoning Supervisor of Baltimore County, regarding an Owings Mills project, where the transfer of density within a DR zone was found to be permissable across road frontages and from parcel to parcel as long as the transfer took place within the overall tract boundary of the property being subdivided.

In fact, the accumulation of two (2) or more parcels into a larger tract for purposes of development is specifically anticipated in the regulations, (See, Section 1B01.3A.7 BCZR) and in the Zoning Commissioners Policy Manual.

1B01.2.A.2

COMPUTATION OF DENSITY ON A TRACT WITH MORE THAN ONE ZONE: Increasingly, development plans submitted for approval include a computation of allocated density from one parcel to another in a D.R. zone within a tract. It is important to note whether the "partial" plan submitted encompasses such a transfer, regardless of whether the "final" plan is ever submitted. Such a transfer of density is acceptable. However, based on the language of the BCZR and the legislative intent, such a transfer limits the use of the parcel from which the density was borrowed.

a. The parcel from which the density was borrowed will be allowed to be developed only to the extent any density remains to that parcel. If all density is utilized elsewhere on the tract, the parcel must remain permanently undeveloped open space.

b. Subsequent rezoning or reclassification shall not impact on this; any future change in zoning will not permit use of that parcel where its density has been used elsewhere. Density requirements of an approved recorded subdivision plat are preserved against subsequent comprehensive rezoning when density from one parcel is utilized on another where a building permit has been issued and where substantial construction has begun.

c. The following paragraph shall be noted on all plans, partial and/or final, where density has been transferred:

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



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Zoning Commissioner's Policy Manual, pages 1B-14 and 1B-15.

**LAW APPLIED TO FACTS**

In determining the density associated with Brookview Farms, Section 3A and 3B, one must, in the words of the Zoning Commissioner's Policy Manual determine if, any part or parcel of the Development put forward in the CRG Plan, has been utilized for density elsewhere in the subdivision for any purpose other than that indicated and presented on the Plan. By examining the Density Chart contained in the General Minutes of Exhibit 1, the CRG Plan filed for Brookview Farms - Sections 3A and 3B, it is clear that all three (3) sections of Brookview Farms contains 137.47 acres of DR1 zoned property. That within the tract boundaries contained within the parcels as presented to the CRG, there are 137 development units, which may be disbursed throughout the subdivision in accordance with Section 1B01.3B BCZR, infra. Section 1, previously developed, utilized 62 development units on 60.2 gross acres. Section 2, which has received CRG approval, but which has not filed a Final Development Plan (FDP) proposes the use of 40 development units on 51.47 acres of land. Finally, Sections 3A and 3B, the subject of The Petition, contains 45.7 acres of land and proposes to use the remaining 35 development units for the subdivision. Such a use of density units throughout a subdivision, of adjacent parcels of DR property, is clearly contemplated by the Baltimore County Zoning Regulations, and is in conformity with the purpose of the DR zone to allow for more feasible preservation of natural features, such as Mine Bank Run, and to allow greater flexibility in subdivision development by



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allowing for the natural topography of the property by locating the individual density units in the most desirable fashion, meeting County concerns with regard to the preservation of wetlands and open space, while allowing the developer to utilize the density associated with a particular DR zone. See, Section 1B00.2 BCZR. Based on the review of pertinent regulations and case law, there can be no questions that the proposed CRG Plan for Brookview Farms, Section 3A and 3B complies with density requirements of DR zoned property under Baltimore County Zoning Regulations.

**CONCLUSION**

To simplify, we are dealing with one (1) tract owned by the Eck family covering 137.47 acres.

Under the current DR-1 zoning (1 housing unit to 1 acre), a total of 137 units can be utilized. Under our plan, 137 units are proposed on the total tract, all within the Density requirements of DR-1 zoned property under the BCZR.

E. Scott Moore
Moore, Carney, Ryan and Lattanzi
4111 East Joppa Road - Suite 201
Baltimore, Maryland 21236
(410) 529-4600

David M. Meadows
Moore, Carney, Ryan and Lattanzi
4111 East Joppa Road - Suite 201
Baltimore, Maryland 21236
(410) 529-4600

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Attorneys for Property Owners
C. Franklin Eck, Jr. and
Gibbs McKenney, Trustee

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23rd day of April, 1992, a copy of the foregoing Brief in Opposition to Petition for Special Hearing was hand-delivered to P. David Fields, Director, Baltimore County Office of Planning & Zoning, Room 406, 401 Bosley Avenue, Towson, Maryland 21204, and to J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204.

David M. Meadows

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# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 92-357-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and or Deputy Zoning Commissioner should approve Estate the proposed amendment of the tract boundaries for the areas known as Brookview and Brookview Farms in the manner proposed, and to determine the acreage of the entire tract and the density permitted resulting from the current zoning classification.

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

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

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

PETITIONER:
Robert Callanan

P. David Fields, Director
(Type or Print Name)
Baltimore County Office of Planning & Zoning
Signature

Rm 406, 401 Bosley Avenue
Address

Towson, Maryland 21204
City and State

Attorney for Petitioner:
Not Applicable
(Type or Print Name)

XXX
Signature

XXX
Address

XXX
City and State

Attorney's Telephone No.: XXX

Legal Owner(s):
NOT APPLICABLE
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address Phone No.

City and State

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

Name

Address Phone No.

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: DATE

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ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: CAH DATE 1/24/92

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#376

**PETITION FOR SPECIAL HEARING**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-357-SPH

The undersigned, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning commissioner and/or Deputy Zoning Commissioner should approve See attached

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

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

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

PETITIONER:
See attached
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:
J. Carroll Holzer, Esquire
(Type or Print Name)

Signature
305 W. Chesapeake Ave., Suite 105
Address
Towson, Maryland 21204
City and State
410-825-6840
Attorney's Telephone No.

Legal Owner(s):
Not Applicable
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address Phone No.

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

Name

Address

Phone No.

ORDERED By the Zoning Commissioner of Baltimore County, this day of _____, 1992, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the ____ day of _____, 1992, at __ o'clock __.m.

ZONING COMMISSIONER OF BALTIMORE COUNTY

(over)

MATK 3/3/92
see other forms

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**Petitioner's Names and Address:**

Ken & Helen Deusen
1225 Brookview Road
Baltimore, Maryland 21234

Robert J. Callanan
1311 Brook Meadow Drive
Towson, Maryland 21204

John & Muriel Boll
910 Hatfield Road
Baltimore, Maryland 21204

Walter & Helen Wicklein
1820 Cromwell Bridge Road
Baltimore, Maryland 21234

Patrick Sean & Sandra Lee Dolan
2000 Cromwell Bridge Road
Baltimore, Maryland 21234

Mrs. Frances W. Sherwood
2002 Cromwell Bridge Road
Baltimore, Maryland 21234

**Issues Presented:**

1. Petitioner's hereby adopt and incorporate the issues raised in the Petition for Special Hearing filed by David Fields, Director of Baltimore County Office of Planning and Zoning for Brookview Estates.
2. Petitioner's hereby raise the following additional issues:
   1. Is the proposed amendment of the tract boundaries known as Brookview Estates and Brookview Farms in the manner proposed in accordance with the Baltimore County Zoning Regulations?
   2. What is the impact upon previous approved property owners who relied upon the existing recorded plat?
   3. What is the impact upon adjacent and adjoining property owners of the proposed amendment of the tract boundaries?
   4. Determine the acreage of the entire tract.
   5. Determine the density permitted resulting from the current zoning classification.
   6. Determine the exiting density already used.
   7. Determine whether Baltimore County's Agreement for Extension of the CRG was breached.
   8. Determine whether proposal is under one or more ownership and whether all owners are participating.
   9. Such other and further issues as may be related and raised to the above issues and raised at said hearing.

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ITEM #376

DESCRIPTION

# 92-357-SPH

Beginning at a point on the northwest side of Cromwell Bridge Road at an approximate distance of 680 feet NEly of the intersection of the corner of Oakleigh Road and Cromwell Bridge Road and containing all that land depicted on the plan dated 1/3/92 entitled "CRG Plan for BROOKVIEW FARM Sections 3A and 3B Only" (formerly V.B. Eck Estates/and Brookview Estates). Located in the 9th Election District, 6th Councilmanic District.

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1B01.2.A.2 COMPUTATION OF DENSITY ON A TRACT WITH MORE THAN ONE ZONE: Increasingly, development plans submitted for approval include a computation of allocated density from one parcel to another in a D.R. zone within a tract. It is important to note whether the "partial" plan submitted encompasses such a transfer, regardless of whether the "final" plan is ever submitted. Such a transfer of density is acceptable. However, based on the language of the BCZR and the legislative intent, such a transfer limits the use of the parcel from which the density was borrowed.

a. The parcel from which the density was borrowed will be allowed to be developed only to the extent any density remains to that parcel. If all density is utilized elsewhere on the tract, the parcel must remain permanently undeveloped open space.

b. Subsequent rezoning or reclassification shall not impact on this; any future change in zoning will not permit use of that parcel where its density has been used elsewhere. Density requirements of an approved recorded subdivision plat are preserved against subsequent comprehensive rezoning when density from one parcel is utilized on another where a building permit has been issued and where substantial construction has begun.

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Zoning Commissioner's Policy Manual, pages 1B-14 and 1B-15.

**LAW APPLIED TO FACTS**

In determining the density associated with Brookview Farms, Section 3A and 3B, one must, in the words of the Zoning Commissioner's Policy Manual determine if, any part or parcel of the Development put forward in the CRG Plan, has been utilized for density elsewhere in the subdivision for any purpose other than that indicated and presented on the Plan. By examining the Density Chart contained in the General Minutes of Exhibit 1, the CRG Plan filed for Brookview Farms - Sections 3A and 3B, it is clear that all three (3) sections of Brookview Farms contains 137.47 acres of DR1 zoned property. That within the tract boundaries contained within the parcels as presented to the CRG, there are 137 development units, which may be disbursed throughout the subdivision in accordance with Section 1B01.3B BCZR, infra. Section 1, previously developed, utilized 62 development units on 60.2 gross acres. Section 2, which has received CRG approval, but which has not filed a Final Development Plan (FDP) proposes the use of 40 development units on 31.47 acres of land. Finally, Sections 3A and 3B, the subject of The Petition, contains 45.7 acres of land and proposes to use the remaining 35 development units for the subdivision. Such a use of density units throughout a subdivision, of adjacent parcels of DR property, is clearly contemplated by the Baltimore County Zoning Regulations, and is in conformity with the purpose of the DR zone to allow for more feasible preservation of natural features, such as Mine Bank Run, and to allow greater flexibility in subdivision development by



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allowing for the natural topography of the property by locating the individual density units in the most desirable fashion, meeting County concerns with regard to the preservation of wetlands and open space, while allowing the developer to utilize the density associated with a particular DR zone. See, Section 1B00.2 BCZR. Based on the review of pertinent regulations and case law, there can be no questions that the proposed CRG Plan for Brookview Farms, Section 3A and 3B complies with density requirements of DR zoned property under Baltimore County Zoning Regulations.

**CONCLUSION**

To simplify, we are dealing with one (1) tract owned by the Eck family covering 137.47 acres.

Under the current DR-1 zoning (1 housing unit to 1 acre), a total of 137 units can be utilized. Under our plan, 137 units are proposed on the total tract, all within the Density requirements of DR-1 zoned property under the BCZR.

E. Scott Moore
Moore, Carney, Ryan and Lattanzi
4111 East Joppa Road - Suite 201
Baltimore, Maryland 21236
(410) 529-4600

David M. Meadows
Moore, Carney, Ryan and Lattanzi
4111 East Joppa Road - Suite 201
Baltimore, Maryland 21236
(410) 529-4600



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Attorneys for Property Owners
C. Franklin Eck, Jr. and
Gibbs McKenney, Trustee

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23rd day of April, 1992, a copy of the foregoing Brief in Opposition to Petition for Special Hearing was hand-delivered to P. David Fields, Director, Baltimore County Office of Planning & Zoning, Room 406, 401 Bosley Avenue, Towson, Maryland 21204, and to J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204.

David M. Meadows



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# Petition for Special Hearing

92-357-SPH

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in the ~~Baltimore County~~ and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the proposed amendment of the tract boundaries for the areas known as Brookview Estate and Brookview Farms in the manner proposed, and to determine the acreage of the entire tract and the density permitted resulting from the current zoning classification.

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

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

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

PETITIONER: ~~Robert Callahan~~
P. David Fields, Director
(Type or Print Name)
Baltimore County Office of Planning & Zoning
Signature
Rm 406, 401 Bosley Avenue
Address
Towson, Maryland 21204
City and State

Attorney for Petitioner:
Not Applicable
(Type or Print Name)
XXX
Signature
XXX
Address
XXX
City and State

Attorney's Telephone No.: XXX

Legal Owner(s):
NOT APPLICABLE
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address Phone No.
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____
376

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL _____ OTHER 1 day
REVIEWED BY: CAM DATE _____
376

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#376

**PETITION FOR SPECIAL HEARING**

**TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:** 92-357-SPH

The undersigned, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning commissioner and/or Deputy Zoning Commissioner should approve See attached

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

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

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

PETITIONER:
See attached
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
J. Carroll Holzer, Esquire
(Type or Print Name)
Signature
305 W. Chesapeake Ave., Suite 105
Address
Towson, Maryland 21204
City and State
410-825-6960
Attorney's Telephone No.

Legal Owner(s):
Not Applicable
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address Phone No.
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Name
Address
Phone No.

ORDERED By the Zoning Commissioner of Baltimore County, this _____ day of _____, 1992, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the _____ day of _____, 1992, at ___ o'clock _.m.

ZONING COMMISSIONER OF BALTIMORE COUNTY

(over)

mtk - 3/3/92
see other forms

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**Petitioner's Names and Address:**

Ken & Helen Dauses
1225 Brookview Road
Baltimore, Maryland 21234

Robert J. Callanan
1311 Brook Meadow Drive
Towson, Maryland 21204

John & Muriel Roil
910 Metfield Road
Baltimore, Maryland 21204

Walter & Helen Wicklein
1820 Cromwell Bridge Road
Baltimore, Maryland 21234

Patrick Sean & Sandra Lee Dolan
2000 Cromwell Bridge Road
Baltimore, Maryland 21234

Mrs. Frances W. Sherwood
2002 Cromwell Bridge Road
Baltimore, Maryland 21234

**Issues Presented:**

1. Petitioner's hereby adopt and incorporate the issues raised in the Petition for Special Hearing filed by David Fields, Director of Baltimore County Office of Planning and Zoning for Brookview Estates.
2. Petitioner's hereby raise the following additional issues:
   1. Is the proposed amendment of the tract boundaries known as Brookview Estates and Brookview Farms in the manner proposed in accordance with the Baltimore County Zoning Regulations?
   2. What is the impact upon previous acquired property owners who relied upon the existing recorded plat?
   3. What is the impact upon adjacent and adjoining property owners of the proposed amendment of the tract boundaries?
   4. Determine the acreage of the entire tract.
   5. Determine the density permitted resulting from the current zoning classification.
   6. Determine the exiting density already used.
   7. Determine whether Baltimore County's Agreement for Extension of the CRG was breached.
   8. Determine whether proposal is under one or more ownership and whether all owners are participating.
   9. Such other and further issues as may be related and raised to the above issues and raised at said hearing.

c:\wp\pet\dolan.pet

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ITEM #376

DESCRIPTION

# 92-357-SPH

Beginning at a point on the northwest side of Cromwell Bridge Road at an approximate distance of 880 feet NEly of the intersection of the corner of Oakleigh Road and Cromwell Bridge Road and containing all that land depicted on the plan dated 1/3/92 entitled "CRG Plan for BROOKVIEW FARM Sections 3A and 3B Only" (formerly V.B. Eck Estates/and Brookview Estates). Located in the 9th Election District, 6th Councilmanic District.

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**CERTIFICATE OF POSTING**
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-357-SPH

District 9th — Date of Posting 3/18/92
Posted for: Special Hearing
Petitioner: Balto. Co. Office of Planning & Zoning
Location of property: N/S Cromwell Bridge Rd., 880' NE/of Oakleigh Rd.
Location of Signs: Facing Cromwell Br. Rd. at entrance of property being heard
Remarks:
Posted by [signature] — Date of return: 3/20/92
Number of Signs: 1

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIPT

92-357-SPH

3/18/92 — #A900578

| PUBLIC HEARING FEES | QTY | PRICE |
|---|---|---|
| 080 -POSTING SIGNS / ADVERTISING | 1 | $35.00 |
| LAST NAME OF OWNER: BROOKVIEW FARM | TOTAL: | 35.00 |

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BALTIMORE COUNTY, MARYLAND — No. 123618
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 3/31/92 — ACCOUNT 01-615
AMOUNT $175.00
RECEIVED Balto. Co. Office of Planning & Zoning
FOR Appeal - Brookview Farms
#376
MICROFILMED
VALIDATION OR SIGNATURE OF CASHIER — $175.00

---

**CERTIFICATE OF POSTING**
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-39-APH

District 9th — Date of Posting 4/18/92
Posted for: Appeal
Petitioner: Balto. Co. Planning Office / Brookview Farms
Location of property: N/S Cromwell Bridge Rd., approx. 880' NE/of Oakleigh Rd.
Location of Signs: Facing Cromwell Bridge Rd. at entrance of property being heard
Remarks:
Posted by [signature] — Date of return: 4/21/92
Number of Signs: 1

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**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 4-2, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4-2, 1992.

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

$4772

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Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

92-357-SPH

9/21/92 — A9300014

| APPEAL FEES | QTY | PRICE |
|---|---|---|
| 040 -OF ALL OTHER ORDERS | 1 X | $175.00 |
| 150 -POSTING SIGNS / ADVERTISING | 1 X | $35.00 |
| LAST NAME OF OWNER: BROOKVIEW FARM | TOTAL: | $210.00 |

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04-604-6001-2NICHBC — $210.00
DOC 149PM 9-22-92

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**CERTIFICATE OF POSTING**
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-357-SPH

District 9th — Date of Posting 9/24/92
Posted for: Appeal
Petitioner: Balto. Co. Office of Planning & Zoning
Location of property: N/S Cromwell Bridge Rd., 880' NE/of Oakleigh Rd.
Location of Signs: Facing Cromwell Bridge Rd. at entrance of property being heard
Remarks:
Posted by [signature] — Date of return: 9/28/92
Number of Signs: 1

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**CERTIFICATE OF POSTING**
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-357-SPH

District [illegible] — Date of Posting 1/30/93
Posted for: Appeal
Petitioner: Brookview Farms
Location of property: Cromwell Bridge Rd.
Location of Signs: Facing Cromwell Bridge Rd. approx. 880' NE of Oakleigh Rd. which has frontage of 1,810' on Cromwell Bridge Rd.
Remarks: Original sign(s) has been removed
Posted by [signature] — Date of return: 2/2/93
Number of Signs:

---

1/21/93

Mr. Staley:

T/C from neighbor in Case No. 92-357-SPH /Brookview Farms

--indicated that sign is posted on wrong property, behind road construction sign, and totally out of view of anyone driving by the property.

Could you please check posting of this property (scheduled for hearing on 2/02/93).

Thanks

kathi

Cromwell/Bridge Rd

1/22
94 617

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

111 West Chesapeake Avenue
Towson, MD 21204 — (410) 887-3353

MARCH 27, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-357-SPH
880 Cromwell Bridge Road, approximately 880' NE of intersection Oakleigh Road (no address)
9th Election District - 6th Councilmanic
Petitioner(s): Baltimore County Office of Planning & Zoning
HEARING: MONDAY, APRIL 27, 1992 at 9:00 a.m.

Special Hearing to approve the proposed amendment of the tract boundaries for the seven tracts as described (attached and boundaries Plans in the manner proposed) and to determine the acreage of the entire tract and the density permitted resulting from the current zoning classification.

Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Daft, McCune & Walker, Inc.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

4/3/92 Copies mailed to J. Carroll Holzer and Petitioners listed in 3/31/92 Special Hearing filed - both issues will be heard on 4/27/92.

MICROFILMED

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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 — October 29, 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. CBA-92-173 — BROOKVIEW FARMS (Sections 3A & 3B)
N/s Cromwell Bridge Road, approximately 3200' NE Cowpens Road
9th Election District; 6th Counc. District
RE: CRG Decision
9/10/92 - CRG Meeting wherein the Plan was approved.

AND

CASE NO. 92-357-SPH — BALTIMORE COUNTY PLANNING OFFICE/BROOKVIEW FARMS, NW/s Cromwell Bridge Rd., approx. 880' NE of inter. Oakleigh Road
SPH-Clarify Developer's amendment to tract boundaries; interpretation of RCER
8/31/92 -S.C.'s Order DENYING Petition.

ASSIGNED FOR: TUESDAY, FEBRUARY 2, 1993 at 10:00 a.m.

cc: David H. Meadows, Esquire - Counsel for Developer/Appellant
Mr. C. Franklin Eck, Jr. - Developer/Appellant
J. Carroll Holzer, Esquire - Counsel for Protestants
Daft-McCune-Walker, Inc. - Engineer
Mr. and Mrs. Walter Wicklein
Director of Planning
People's Counsel for Baltimore County
Lawrence E. Schmidt
Timothy M. Kotrozo
W. Carl Richards, Jr.
Docket Clerk - Zoning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
Jose H. Escalante
Michael J. Moran, Asst. County Attorney
Arnold Jablon, Director - Zoning Administration

LindaLee M. Kuszmaul - Legal Secretary

MICROFILMED

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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 — November 12, 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. CBA-92-173 — BROOKVIEW FARMS (Sections 3A & 3B)
N/s Cromwell Bridge Road, approximately 3200' NE Cowpens Road
9th Election District; 6th Counc. District
RE: CRG Decision
9/10/92 - CRG Meeting wherein the Plan was approved.

AND

*** AMENDED TO REFLECT DAY #2 ***

CASE NO. 92-357-SPH — BALTIMORE COUNTY PLANNING OFFICE/BROORVIEW FARMS, NW/s Cromwell Bridge Rd., approx. 880' NE of inter. Oakleigh Road
SPH-Clarify Developer's amendment to tract boundaries; interpretation of RCER
8/31/92 -S.C.'s Order DENYING Petition.

ASSIGNED FOR: TUESDAY, FEBRUARY 2, 1993 at 10:00 a.m.
AND
WEDNESDAY, FEBRUARY 10, 1993 at 10:00 a.m.

cc: David H. Meadows, Esquire - Counsel for Developer/Appellant
Mr. C. Franklin Eck, Jr. - Developer/Appellant
J. Carroll Holzer, Esquire - Counsel for Protestants
Daft-McCune-Walker, Inc. - Engineer
Mr. and Mrs. Walter Wicklein
Director of Planning
People's Counsel for Baltimore County
Lawrence E. Schmidt
Timothy M. Kotrozo
W. Carl Richards, Jr.
Docket Clerk - Zoning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
Jose H. Escalante
Michael J. Moran, Asst. County Attorney
Arnold Jablon, Director - Zoning Administration

LindaLee M. Kuszmaul - Legal Secretary

**CERTIFICATE OF POSTING**
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-357-SPH

District: 9th — Date of Posting: 4/10/92
Posted for: Special Hearing
Petitioner: Balto Co. Office of Planning & Zoning
Location of property: N/S Cromwell Br. Rd., 880' NE/Oak Leigh Rd
Location of Signs: Facing Cromwell Br. Rd. at Entrance
(for prop.)
Remarks:
Posted by: [signature] Signature — Date of return: 4/10/92
Number of Signs: 1

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

Account: R-001-6150
Number

92-357-SPH

3/18/92 — H9200376

PUBLIC HEARING FEES — QTY — PRICE
040 -SPECIAL HEARING (OTHER) — TOTAL: $.00
LAST NAME OF OWNER: BROOKVIEW FARM

Please Make Checks Payable To: Baltimore County

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**CERTIFICATE OF POSTING**
ZONING DEPARTMENT OF BALTIMORE COUNTY 92-357-SPH
Towson, Maryland

District: 9th — Date of Posting: 4/3/92
Posted for: Appeal
Petitioner: Balto Co. Office of Planning / Brookview Farms
Location of property: N/S Cromwell Bridge Rd., approx. 880' NE/Oak Leigh Rd
Location of Signs: Facing sign posted on opposite side of Road
Remarks: Sign posted - (as required)
Posted by: [signature] Signature — Date of return: 4/13/92
Number of Signs: 1+1

---

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 4-2, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4-2, 1992

THE JEFFERSONIAN,

S. Zeke Orlinsky
Publisher

$47.72

Case Number: 92-357-SPH
9th Election District
Location: 111 West Chesapeake Avenue, Room 118, Old Courthouse, Towson, Maryland 21204
Petitioner(s): Baltimore County Office of Planning & Zoning
Hearing Date: Monday, April 27, 1992 at 9:00 a.m.
Special Hearing: to approve the proposed amendment of the tract boundaries for the areas known as Brookview Estates and Brookview Farms in the manner proposed; and to determine the acreage of the entire tract and the density permitted resulting from the current zoning classification.
In the event this is determined to be an assembled tract and the density permitted is not sufficient, zoning classification is requested.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
NOTES: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
4/084 April 2

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Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number
92-357-SPH

9/21/92 — A93000114

APPEAL FEES — QTY — PRICE
140 -OF ALL OTHER ORDERS — 1 X — $175.00
150 -POSTING SIGNS / ADVERTISING 1 X — $35.00
TOTAL: $210.00
LAST NAME OF OWNER: BROOKVIEW FARM

0A0A8001ZHICHRC
BA CO02:49PM09-22-92 $210.00
Please Make Checks Payable To: Baltimore County

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**CERTIFICATE OF POSTING**
ZONING DEPARTMENT OF BALTIMORE COUNTY 92-357-SPH
Towson, Maryland

District: 9th — Date of Posting: 9/24/92
Posted for: Appeal
Petitioner: Balto Co. Office of Planning & Zoning
Location of property: N/S Cromwell Bridge Rd., 880' NE/Oak Leigh Rd
Location of Signs: Facing Cromwell Bridge Rd. at Entrance of Property being Appealed
Remarks:
Posted by: [signature] Signature — Date of return: 10/7/92
Number of Signs: 1

---

**CERTIFICATE OF POSTING**
ZONING DEPARTMENT OF BALTIMORE COUNTY 92-357-SPH
Towson, Maryland

District:
Posted for: Appeal — Date of Posting: 1/29/93
Petitioner: Brookview Farms
Location of property: Cromwell Bridge Rd.
Location of Signs: Entrance Sign - Facing Approach Side of Road, which has Signage & Paint on Property being Appealed
Remarks: Sign(s) were not been removed
Posted by: [signature] Signature — Date of return: 1/29/93
Number of Signs:

---

1/21/93

Mr. Staley:

T/C from neighbor in Case No. 92-357-SPH /Brookview Farms

--indicated that sign is posted on wrong property, behind road construction sign, and totally out of view of anyone driving by the property.

Could you please check posting of this property (scheduled for hearing on 2/02/93).

Thanks

kathi

Cromwell Bridge Rd

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 27, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-357-SPH
N/S Cromwell Bridge Road, approximately 880' NE of intersection Oakleigh Road (no address)
9th Election District - 6th Councilmanic
Petitioner(s): Baltimore County Office of Planning & Zoning
HEARING: MONDAY, APRIL 27, 1992 at 9:00 a.m.

Special Hearing to approve the proposed amendment of the tract boundaries for the areas known as Brookview Estates and Brookview Farms in the manner proposed; and to determine the acreage of the entire tract and the density permitted resulting from the current zoning classification.

Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: Daft, McClune & Walker, Inc.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

4/3/92 Copies mailed to J. Carroll Holzer and Petitioners listed in 3/31/92 Special Hearing filed - both issues will be heard on 4/27/92.

Printed on Recycled Paper

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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

October 29, 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. CBA-92-173 — BROOKVIEW FARMS (Sections 3A & 3B)
N/s Cromwell Bridge Road,
approximately 3200' NE Cowpens Road
9th Election District; 6th Counc. District
RE: CRG Decision
9/10/92 - CRG Meeting wherein the Plan was approved.

AND

CASE NO. 92-357-SPH — BALTIMORE COUNTY PLANNING OFFICE/BROOKVIEW FARMS, NW/s Cromwell Bridge Rd., approx. 880' NE of inter. Oakleigh Road
SPH-Clarify Developer's amendment to tract boundaries; interpretation of BCZR
8/21/92 -Z.C.'s Order DENYING Petition.

ASSIGNED FOR: TUESDAY, FEBRUARY 2, 1993 at 10:00 a.m.

cc: David M. Meadows, Esquire - Counsel for Developer/Appellant
Mr. C. Franklin Eck, Jr. - Developer/Appellant
J. Carroll Holzer, Esquire - Counsel for Protestants
Daft-McCune-Walker, Inc. - Engineer
Mr. and Mrs. Walter Wicklein
Director of Planning
People's Counsel for Baltimore County
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
Jose H. Escalante
Michael J. Moran, Asst. County Attorney
Arnold Jablon, Director - Zoning Administration

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LindaLee M. Kuszmaul - Legal Secretary

Printed on Recycled Paper

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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

November 12, 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. CBA-92-173 — BROOKVIEW FARMS (Sections 3A & 3B)
N/s Cromwell Bridge Road,
approximately 3200' NE Cowpens Road
9th Election District; 6th Counc. District
RE: CRG Decision
9/10/92 - CRG Meeting wherein the Plan was approved.

AND

*** AMENDED TO
REFLECT DAY #2 ***

CASE NO. 92-357-SPH — BALTIMORE COUNTY PLANNING OFFICE/BROOKVIEW FARMS, NW/s Cromwell Bridge Rd., approx. 880' NE of inter. Oakleigh Road
SPH-Clarify Developer's amendment to tract boundaries; interpretation of BCZR
8/21/92 -Z.C.'s Order DENYING Petition.

ASSIGNED FOR: TUESDAY, FEBRUARY 2, 1993 at 10:00 a.m.
AND
WEDNESDAY, FEBRUARY 10, 1993 at 10:00 a.m.

cc: David M. Meadows, Esquire - Counsel for Developer/Appellant
Mr. C. Franklin Eck, Jr. - Developer/Appellant
J. Carroll Holzer, Esquire - Counsel for Protestants
Daft-McCune-Walker, Inc. - Engineer
Mr. and Mrs. Walter Wicklein
Director of Planning
People's Counsel for Baltimore County
Lawrence E. Schmidt Timothy M. Kotroco
W. Carl Richards, Jr. Docket Clerk - Zoning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey David L. Thomas Jose H. Escalante
Michael J. Moran, Asst. County Attorney
Arnold Jablon, Director - Zoning Administration

LindaLee M. Kuszmaul - Legal Secretary

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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

November 12, 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. CBA-92-173 — BROOKVIEW FARMS (Sections 3A & 3B)
N/s Cromwell Bridge Road,
approximately 3200' NE Cowpens Road
9th Election District; 6th Counc. District
RE: CRG Decision
9/10/92 - CRG Meeting wherein the Plan was approved.

AND

*** AMENDED TO
REFLECT DAY #2 ***

CASE NO. 92-357-SPH — BALTIMORE COUNTY PLANNING OFFICE/BROOKVIEW FARMS, NW/s Cromwell Bridge Rd., approx. 880' NE of inter. Oakleigh Road
SPH-Clarify Developer's amendment to tract boundaries; interpretation of RCSR
8/21/92 -Z.C.'s Order DENYING Petition.

ASSIGNED FOR: ~~TUESDAY, FEBRUARY 2, 1993 at 10:00 a.m.~~ Cont'd on record 4/04/93
AND
WEDNESDAY, FEBRUARY 10, 1993 at 10:00 a.m.

cc: David M. Meadows, Esquire - Counsel for Developer/Appellant
Mr. C. Franklin Eck, Jr. - Developer/Appellant
J. Carroll Holzer, Esquire - Counsel for Protestants
Daft-McCune-Walker, Inc. - Engineer
Mr. and Mrs. Walter Wicklein
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February 10, 1993

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CASE NO. CBA-92-173 — BROOKVIEW FARMS (Sections 3A & 3B)
N/s Cromwell Bridge Road,
approximately 3200' NE Cowpens Road
Cont'd from 9th Election District; 6th Counc. District
Day #1 -2/10/93 RE: CRG Decision
9/10/92 - CRG Meeting wherein the Plan was approved.

AND

CASE NO. 92-357-SPH — BALTIMORE COUNTY PLANNING OFFICE/BROOKVIEW FARMS, NW/s Cromwell Bridge Rd., approx. 880' NE of inter. Oakleigh Road
SPH-Clarify Developer's amendment to tract boundaries; interpretation of RCSR
8/21/92 -Z.C.'s Order DENYING Petition.

ASSIGNED FOR: TUESDAY, JUNE 29, 1993 at 10:00 a.m. /Day #2
AND
WEDNESDAY, JUNE 30, 1993 at 10:00 a.m. /Day #3

cc: David M. Meadows, Esquire - Counsel for Developer/Appellant
Mr. C. Franklin Eck, Jr. - Developer/Appellant
J. Carroll Holzer, Esquire - Counsel for Protestants
Daft-McCune-Walker, Inc. - Engineer
Mr. and Mrs. Walter Wicklein
Director of Planning
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
Jose H. Escalante
Michael J. Moran, Asst. County Attorney
Arnold Jablon, Director - Zoning Administration

RECEIVED
FEB 11 1993
ZONING OFFICE

Kathleen C. Weidenhammer
Administrative Assistant

MICROFILMED

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 14, 1992

P. David Fields, Director
Baltimore County Office of Planning & Zoning
Rm 406, 401 Bosley Avenue
Towson, MD 21204

RE: Item No. 376, Case No. 92-357-SPH
Petitioner: P. David Fields, et al
Petition for Special Hearing

Dear Mr. Fields:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

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

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

MICROFILMED

Zoning Plans Advisory Committee Comments
Date: April 14, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

17th day of March, 1992.

ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: P. David Fields

Petitioner's Attorney:

MICROFILMED

4/561-92

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Maryland Department of Transportation
State Highway Administration

April 1, 1992

Mr. Arnold Jablon, Director
Zoning Administrator and
Development Management
County Office Building
Towson, Maryland 21204

Attn: Ms. Julie Winiarski

Re: Baltimore County
Zoning Meeting of
March 30, 1992
Item #376
Cromwell Bridge Road
(MD 567) 880' N/E of
Oakleigh Road

Dear Mr. Jablon:

In response to the site plan for the referenced property which we received on March 26th, we offer the following comments:

-- Any access onto Cromwell Bridge Road must be approved through this office and an access permit issued prior to the issuance of any building or grading permits from Baltimore County.

-- We have forwarded the site plan to our Traffic Forecasting Section for their review of the traffic impacts on Cromwell Bridge Road due to this development.

If you have any questions, please contact Peggy Blank of this office at 333-1350.

Very truly yours,
John Contestabile, Chief
Engineering Access Permits
Division

PB:maw

cc: Daft-McCune-Walker, Inc.

RECEIVED
APR 6 1992
ZONING OFFICE

My telephone number is 301-333-1350 (Fax# 333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5862 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

MICROFILMED

1636-92

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Maryland Department of Transportation
State Highway Administration

April 6, 1992

Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
County Office Building
Towson, Maryland 21204

Attn: Ms. Julie Winiarski

Re: Baltimore County
Item #376
Brookview Farm Estates
Cromwell Bridge Road

Dear Mr. Jablon:

Upon additional review of the above referenced property, we find that we were incorrect in our correspondence to you of April 1st.

This property is approximately 100' south of where SHA maintenance begins on Cromwell Bridge Road and therefore, falls under the jurisdiction of Baltimore County.

We apologize for any inconvenience this may have caused. If you have any questions concerning this information, please contact Peggy Blank of this office at 333-1350.

Very truly yours,
David N. Ramsey
for John Contestabile, Chief
Engineering Access Permits
Division

PB:maw

cc: Ms. Jean Tansey

RECEIVED
APR 10 1992
ZONING OFFICE

MICROFILMED

My telephone number is 301-333-1350 (Fax# 333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5862 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

W/Att
4/25-92

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 1, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 30, 1992

ITEM NUMBER: 376

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

Rahee J. Famili
Traffic Engineer II

RJF/lvd

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APR 6 1992
ZONING OFFICE

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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

November 12, 1992

*** AMENDED NOTICE OF ASSIGNMENT ***

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N/s Cromwell Bridge Road,
approximately 3200' NE Cowpens Road
9th Election District; 6th Counc. District
RE: CRG Decision
9/10/92 - CRG Meeting wherein the Plan was approved.

AND

*** AMENDED TO
REFLECT DAY #2 ***

CASE NO. 92-357-SPH — BALTIMORE COUNTY PLANNING OFFICE/BROOKVIEW FARMS, NW/s Cromwell Bridge Rd., approx. 880' NE of inter. Oakleigh Road
SPH-Clarify Developer's amendment to tract boundaries; interpretation of BCZR
8/21/92 -Z.C.'s Order DENYING Petition.

ASSIGNED FOR: ~~TUESDAY, FEBRUARY 2, 1993 at 10:00 a.m.~~ Cont'd on record 2/02/93
AND
WEDNESDAY, FEBRUARY 10, 1993 at 10:00 a.m.

cc: David M. Meadows, Esquire - Counsel for Developer/Appellant
Mr. C. Franklin Eck, Jr. - Developer/Appellant
J. Carroll Holzer, Esquire - Counsel for Protestants
Daft-McCune-Walker, Inc. - Engineer
Mr. and Mrs. Walter Wicklein
Director of Planning
People's Counsel for Baltimore County
Lawrence E. Schmidt Timothy M. Kotroco
W. Carl Richards, Jr. Docket Clerk - Zoning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey David L. Thomas Jose H. Escalante
Michael J. Moran, Asst. County Attorney
Arnold Jablon, Director - 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

February 10, 1993

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approximately 3200' NE Cowpens Road
9th Election District; 6th Counc. District
RE: CRG Decision
9/10/92 - CRG Meeting wherein the Plan was approved.

Cont'd from Day #1 -2/10/93

AND

CASE NO. 92-357-SPH — BALTIMORE COUNTY PLANNING OFFICE/BROOKVIEW FARMS, NW/s Cromwell Bridge Rd., approx. 880' NE of inter. Oakleigh Road
SPH-Clarify Developer's amendment to tract boundaries; interpretation of BCZR
8/21/92 -Z.C.'s Order DENYING Petition.

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AND
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Mr. C. Franklin Eck, Jr. - Developer/Appellant
J. Carroll Holzer, Esquire - Counsel for Protestants
Daft-McCune-Walker, Inc. - Engineer
Mr. and Mrs. Walter Wicklein
Director of Planning
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
Jose H. Escalante
Michael J. Moran, Asst. County Attorney
Arnold Jablon, Director - Zoning Administration

RECEIVED
FEB 11 1993
ZONING OFFICE

Kathleen C. Weidenhammer
Administrative Assistant

MICROFILMED

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

111 West Chesapeake Avenue
Towson, MD 21204

April 14, 1992

P. David Fields, Director
Baltimore County Office of Planning & Zoning
Rm 406, 401 Bosley Avenue
Towson, MD 21204

RE: Item No. 376, Case No. 92-357-SPH
Petitioner: P. David Fields, et al
Petition for Special Hearing

Dear Mr. Fields:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

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MICROFILMED

Zoning Plans Advisory Committe Comments
Date: April 14, 1992
Page 2

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Very truly yours,

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

17th day of March, 1992.

ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: P. David Fields

Petitioner's Attorney:

MICROFILMED

4/501-92

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

April 1, 1992

Mr. Arnold Jablon, Director
Zoning Administrator and
Development Management
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Zoning Meeting of
March 30, 1992
Item #376
Cromwell Bridge Road
(MD 567) 880' N/E of
Oakleigh Road

Attn: Ms. Julie Winiarski

Dear Mr. Jablon:

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-- We have forwarded the site plan to our Traffic Forecasting Section for their review of the traffic impacts on Cromwell Bridge Road due to this development.

If you have any questions, please contact Peggy Blank of this office at 333-1350.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

PB:maw

cc: Daft-McCune-Walker, Inc.

RECEIVED
APR 6 1992
ZONING OFFICE

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Teletypewriter for Impaired Hearing or Speech
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4/638-92

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

April 6, 1992

Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
County Office building
Towson, Maryland 21204

Re: Baltimore County
Item #376
Brookview Farm Estates
Cromwell Bridge Road

Attn: Ms. Julie Winiarski

Dear Mr. Jablon:

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Very truly yours,

for John Contestabile, Chief
Engineering Access Permits
Division

PB:maw

cc: Ms. Jean Tansey

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707 North Calvert St., Baltimore, Maryland 21203-0717

4/425-92

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 1, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 30, 1992

ITEM NUMBER: 376

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

Rahee J. Famili
Traffic Engineer II

RJF/lvd

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APR 6
ZONING OFFICE

MICROFILMED

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

April 15, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Comments

The agenda for the zoning advisory committee meeting of March 30, 1992 has been reviewed by the Department of the Environmental Protection and Resource Management staff.

There is no comment for the following item numbers:

362
363
366
367
368
369
376
378
379
380
381

SSF:rmp

NO_CMNT/GWRMD

RECEIVED

ZONING OFFICE

---

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: April 3, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 30, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 363, 366, 367, 368, 369, 370, 371, 372, 374, 376, 377, 378, 379, 380, 381 and 382.

For Item 362, the parking space that is shown in the Grendon Avenue widening should not be counted in the variance request.

For Items 373 and 375, we think that these sites are subject to Division II of the Development Regulations.

Robert W. Bowling

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:DAK:s

MICROFILMED

---

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 21, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

92 SEP 22 PM 12:01
COUNTY BOARD OF APPEALS

RE: Petition for Special Hearing
NWS Cromwell Bridge Rd. approx.
(680 ft. NE of intersection
Oakleigh Road)
9th Election District, 6 Councilmanic District
Baltimore County Office of Planning and Zoning, et al.
Case No. 92-357-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 17, 1992 by J. Carroll Holzer, attorney on behalf of Protestants. All materials relative to the case are being forwarded herewith.

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

Very truly yours,

Arnold Jablon

Arnold Jablon - Director
Zoning Administration and
Development Management

AJ:cer

Enclosures

cc: P. David Fields - Baltimore County Office of Planning and Zoning

J. Carroll Holzer, Esquire - Holzer, Hamber, Demilio & Lee
Suite 105, 305 West Chesapeake Avenue - Towson, Maryland 21204

People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File

Printed on Recycled Paper

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APPEAL

Petition for Special Hearing
NWS Cromwell Bridge Rd. approx.
(680 ft. NE of intersection
Oakleigh Road)
9th Election District, 6 Councilmanic District
Baltimore County Office of Planning and Zoning, et al.
Case No. 92-357-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel
Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (None submitted)

Petitioner's Exhibits:
1. Special Zoning Hearing Petitioners
2-4. Amended Plan (Color-coded)
5. CRG Comments
6. Letter from Daft-McCune-Walker, Inc.
7. Refined Amended Plan (Color-coded)
8. Letter from Daft-McCune-Walker, Inc.
9. Letter from Baltimore County Department of Public Works
10. CRG Plan (Color-coded)
11-13. Deeds
14. Assessments Inquiry
15. Revised CRG
16. No Exhibit Marked #16
17. No Exhibit Marked #17
18. Memo from Lillian G. Janifer of Campaign to Save Cromwell Valley

Protestant's Exhibits: None

Zoning Commissioner's Order dated August 21, 1992 (DENIED)

Notice of Appeal received September 17, 1992 from J. Carroll Holzer

cc: P. David Fields - Baltimore County Office of Planning and Zoning

J. Carroll Holzer, Esquire - Holzer, Hamber, Demilio & Lee
Suite 105, 305 West Chesapeake Avenue - Towson, Maryland 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration and Development Management
Public Services

MICROFILMED

---

APPEAL

Petition for Administrative Variance
S/S Red Run Blvd. at E/S and W/S Owings Mills Blvd.
4th Election District - 3rd Councilmanic District
BALTIMORE COUNTY, MARYLAND - LEGAL OWNER
NEW TOWN DEVELOPMENT CORP., - LESSEE
Case No. 94-524-A

✓ Petition(s) for Zoning Variance
✓ Description of Property
✓ Certificate of Posting
✓ Certificate of Publication
✓ Zoning Plans Advisory Committee Comments
✓ Petitioner(s) Sign-In Sheets
✓ Miscellaneous correspondence (3)

Petitioner's Exhibits:
✓ 1 - Agreement dated June 16, 1994
✓ 2A-2D - Four Photographs
✓ 3 - Drawing of Owings Mills New Town sign
✓ 4 - Letter from James H. Thompson (4/11/94)
✓ 5 - Zoning Use Permit (temporary sign - 3/1/94)
✓ 6 - Letter from John J. Johnson, P.E. (5/11/94)
✓ 7 - Sketch of Owings Mills New Town Signage Concept
✓ 8 - Plat - To Accompany Variance Hearing

✓ Zoning Commissioner's Order dated July 29, 1994 (Granted)
✓ Notice of Appeal received on August 19, 1994 from Peter Max Zimmerman People's Counsel for Baltimore County

cc: The Honorable Janice A. Piccinini, James Senate Office Building Annapolis, MD 21401-1991
Neil Schechter, Esquire, Gordon, Feinblatt, Rothman, Hoffman & Hollander, 233 E. Redwood Street, Baltimore, MD 21202
Stanley J. Shapiro, Esquire, H.S. 2209
James Rubenstein, Pres., New Town Development Corp., 10045 Red Run Blvd., STE 150, Owings Mills, MD 21117
Carmen Gilmore, 10045 Red Run Blvd., STE 150, Owings Mills, MD 21117
People's Counsel of Baltimore County, M.S. 2010
Michael Mason, Asst. to Atty. - Copy of Final Decision

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
James H. Thompson, Zoning Enforcement Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

94 AUG 29 PM 3:45

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#376

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-357-SPH

The undersigned, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning commissioner and/or Deputy Zoning Commissioner should approve See attached

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

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

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

PETITIONER:
See attached
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
J. Carroll Holzer, Esquire
(Type or Print Name)
Signature
305 W. Chesapeake Ave., Suite 105
Address
Towson, Maryland 21204
City and State
410-825-6960
Attorney's Telephone No.

Legal Owner(s):
Not Applicable
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address Phone No.
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Name
Address
Phone No.

ORDERED By the Zoning Commissioner of Baltimore County, this _____ day of _____, 1992, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the _____ day of _____, 1992, at ___ o'clock _.m.

ZONING COMMISSIONER OF BALTIMORE COUNTY

(over)

92 SEP 25 PM 3:49
COUNTY BOARD OF APPEALS

Rev 8 - 5/1/92
(Use other forms)

---

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

December 6, 1993

BILLED TO: J. Carroll Holzer, Esquire
HOLZER & LEE
305 Washington Avenue
Towson, MD 21204

* Cost of certified documents in Case No. CBA-92-173 . . $218.00
(Petition for Judicial Review filed in Circuit Court)

BROOKVIEW FARMS (Sections 3A and 3B)
N/S CROMWELL BRIDGE ROAD, APPROXIMATELY 3200'
NE COWPENS ROAD
9TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT

MAKE CHECK PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Room 49 - Basement
Old Courthouse
400 Washington Avenue
Towson, MD 21204

* PLEASE NOTE THAT THESE COSTS ARE SEPARATE AND DISTINCT FROM ANY AMOUNT PAID BY YOU FOR THE TRANSCRIPT.

Printed with Soybean Ink on Recycled Paper

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

January 4, 1994

Mr. Kenneth Dauses
The Campaign to Save Cromwell Valley, Inc.
1225 Brookview Road
Towson, Maryland 21204

RE: CBA-92-173
BROOKVIEW FARMS

Dear Mr. Dauses:

We have received your in the amount of $218.00 covering the cost of certified documents in the above case. Enclosed please find your copy of the cash receipt for your records.

Thank you for your prompt attention to this matter.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

/cer

Enclosure

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

April 15, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Comments

The agenda for the zoning advisory committee meeting of March 30, 1992 has been reviewed by the Department of the Environmental Protection and Resource Management staff.

There is no comment for the following item numbers:

362
363
366
367
368
369
376
378
379
380
381

SSF:rmp

NO_CMNT/GWRMP

RECEIVED
APR 16 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 3, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 30, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 363, 366, 367, 368, 369, 370, 371, 372, 374, 376, 377, 378, 379, 380, 381 and 382.

For Item 362, the parking space that is shown in the Grendon Avenue widening should not be counted in the variance request.

For Items 373 and 375, we think that these sites are subject to Division II of the Development Regulations.

Robert W. Bowling

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:DAK:s

MICROFILMED

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 21, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
NWS Cromwell Bridge Rd. approx.
(880 ft. NE of intersection
Oakleigh Road)
9th Election District, 6 Councilmanic District
Baltimore County Office of Planning and Zoning, et al.
Case No. 92-357-SPH

92 SEP 23 PM 12:07
COUNTY BOARD OF APPEALS
RECEIVED

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this ofice on September 17, 1992 by J. Carroll Holzer, attorney on behalf of Protestants. All materials relative to the case are being forwarded herewith.

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

Very truly yours,

Arnold Jablon

Arnold Jablon - Director
Zoning Administration and
Development Management

AJ:cer

Enclosures

cc: P. David Fields - Baltimore County Office of Planning and Zoning

J. Carroll Holzer, Esquire - Holzer, ~~Hamber~~ MAHER, Demilio & Lee
Suite 105, 305 West Chesapeake Avenue - Towson, Maryland 21204

People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File

Printed on Recycled Paper

**APPEAL**
Petition for Special Hearing
NWS Cromwell Bridge Rd. approx.
(880 ft. NE of intersection
Oakleigh Road)
9th Election District, 6 Councilmanic District
Baltimore County Office of Planning and Zoning, et al.
Case No. 92-357-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel
Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (None submitted)

Petitioner's Exhibits:
1. Special Zoning Hearing Petitioners
2-4. Amended Plan (Color-coded)
5. CRG Comments
6. Letter from Daft-McCune-Walker, Inc.
7. Refined Amended Plan (Color-coded)
8. Letter from Daft-McCune-Walker, Inc.
9. Letter from Baltimore County Department of Public Works
10. CRG Plan (Color-coded)
11-13. Deeds
14. Assessments Inquiry
15. Revised CRG
16. No Exhibit Marked #16
17. No Exhibit Marked #17
18. Memo from Lillian G. Jenifer of Campaign to Save Cromwell Valley

Protestant's Exhibits: None

Zoning Commissioner's Order dated August 21, 1992 (DENIED)

Notice of Appeal received September 17, 1992 from J. Carroll Holzer

cc: P. David Fields - Baltimore County Office of Planning and Zoning

J. Carroll Holzer, Esquire - Holzer, Hamher, Demilio & Lee
Suite 105, 305 West Chesapeake Avenue - Towson, Maryland 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

MICROFILMED

APPEAL
Petition for Special Hearing
S.S Red Run Blvd. at E.S and W.S Owings Mills Blvd.
4th Election District - 3rd Councilmanic District
BALTIMORE COUNTY, MARYLAND - LEGAL OWNER
NEW TOWN DEVELOPMENT CORP., - LESSEE
Case No. 94-274-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) Sign-in Sheets

Miscellaneous correspondence (3)

Petitioner's Exhibits: 1 - Agreement dated June 16, 1994

2A-2D - Four Photographs

3 - Drawing of Owings Mills New Town sign

4 - Letter from James H. Thompson (4/11/94)

5 - Zoning Use Permit (temporary sign - 3/1/94)

6 - Letter from John J. Johnson, P.E. (5/11/94)

7 - Sketch of Owings Mills New Town Signage Concept

8 - Plat - To Accompany Variance Hearing

Zoning Commissioner's Order dated July 29, 1994 (Granted)

Notice of Appeal received on August 19, 1994 from Peter Max Zimmerman
People's Counsel for Baltimore County

cc: The Honorable Janice A. Piccinini, James Senate Office Building
Annapolis, MD 21401-1991
Neil Schechter, Esquire, Gordon, Feinblatt, Rothman, Hoffman & Hollander, 233 E. Redwood Street, Baltimore, MD 21202
Stanley J. Shapiro, Esquire, M.S. 2209
James Rubenstein, Pres., New Town Development Corp., 10045 Red Run Blvd., STE 150, Owings Mills, MD 21117
Carmen Gilmore, 10045 Red Run Blvd., STE 150, Owings Mills, MD 21117
People's Counsel of Baltimore County, M.S. 2010
[illegible]

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
James H. Thompson, Zoning Enforcement Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

94 AUG 19 AM 8:45

#376

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-357-SPH

The undersigned, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning commissioner and/or Deputy Zoning Commissioner should approve See attached

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

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

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

| PETITIONER: | Legal Owner(s): |
|---|---|
| See attached (Type or Print Name) | Not Applicable (Type or Print Name) |
| Signature | Signature |
| Address | (Type or Print Name) |
| City and State | Signature |
| Attorney for Petitioner: J. Carroll Holzer, Esquire (Type or Print Name) | Address Phone No. |
| Signature | City and State |
| 305 W. Chesapeake Ave., Suite 105 Address | Name, address and phone number of legal owner, contract purchaser or representative to be contacted. |
| Towson, Maryland 21204 City and State | |
| 410-825-6960 Attorney's Telephone No. | Name |
| | Address |
| | Phone No. |

ORDERED By the Zoning Commissioner of Baltimore County, this _____ day of _____, 1992, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the _____ day of _____, 1992, at ___ o'clock _.m.

ZONING COMMISSIONER OF BALTIMORE COUNTY

(over)

92 SEP 25 PM 3:49
RECEIVED
COUNTY BOARD OF APPEALS

3/97 E - 3/3/97
re: other forms

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

December 6, 1993

BILLED TO: J. Carroll Holzer, Esquire
HOLZER & LEE
305 Washington Avenue
Towson, MD 21204

* Cost of certified documents in Case No. CBA-92-173 . . $218.00
(Petition for Judicial Review filed in Circuit Court)

BROOKVIEW FARMS (Sections 3A and 3B)
N/S CROMWELL BRIDGE ROAD, APPROXIMATELY 3200'
NE COMPENS ROAD
9TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT

MAKE CHECK PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Room 49 - Basement
Old Courthouse
400 Washington Avenue
Towson, MD 21204

* PLEASE NOTE THAT THESE COSTS ARE SEPARATE AND DISTINCT FROM ANY AMOUNT PAID BY YOU FOR THE TRANSCRIPT.

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

January 4, 1994

Mr. Kenneth Dauses
The Campaign to Save Cromwell Valley, Inc.
1225 Brookview Road
Towson, Maryland 21204

RE: CBA-92-173
BROOKVIEW FARMS

Dear Mr. Dauses:

We have received your in the amount of $218.00 covering the cost of certified documents in the above case. Enclosed please find your copy of the cash receipt for your records.

Thank you for your prompt attention to this matter.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

/cer

Enclosure

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Chairman, Board of Appeals DATE: September 21, 1992

FROM: David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

SUBJECT: Notice of Appeal for
Brookview Farms
Section 3A and 3B

On September 11, 1992, this office received a Notice of Appeal in the name of David M. Meadows, Esq., Moore, Carney, Ryan & Lattanzi, 4111 E. Joppa Road, Baltimore, Maryland, 21236 on behalf of C. Franklin Eck, Jr., from the decision of the County Review Group made on September 10, 1992 in regard to the approval of the Plan of Brookview Farms, Section 3A and 3B.

Attached is a copy of the Notice of Appeal, a copy of the receipt for $75.00 covering the filing cost, and a copy of the subdivision file.

If you would care to discuss this matter in any way, please contact me at your convenience.

David L. Thomas
David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

DLT:jba
Attachments

cc: C. Franklin Eck, Jr.
Office of Law
Director of Planning
Zoning Admin. & Dev. Mgmt.
Developers Engineering Division
Economic Development Commission
File

True Copy Test: David L. Thomas

92 SEP 22 AM 10:53
COUNTY BOARD OF APPEALS

---

**10/29/92 - Following parties notified of hearing set for February 2, 1993 at 10:00 a.m.:**

**David M. Meadows, Esquire**
**Mr. C. Franklin Eck, Jr.**
**J. Carroll Holzer, Esquire**
**Daft-McCune-Walker, Inc.**
**Mr. and Mrs. Walter Wicklein**
**Director of Planning**
**People's Counsel for Baltimore County**
**Lawrence E. Schmidt**
**Timothy M. Kotroco**
**W. Carl Richards, Jr.**
**Docket Clerk - Zoning**
**Developers Engineering Division**
**Economic Development Commission**
**Robert E. Covahey**
**David L. Thomas**
**Jose H. Escalante**
**Michael J. Moran**
**Arnold Jablon**

---

11/04/92 -Letter from David M. Meadows, Esquire, requesting additional day for hearing due to number of appeals involved.

---

11/12/92 - Above parties notified of Day #2 set for February 10, 1993 at 10:00 a.m.

2/01/93 -T/C from M. Moran, Law Office; requests that Board grant continuance of matter pending possible settlement of issues before hearing; has agreement of D. Meadows and C. Holzer; only Moran would attend on 2/02/93 to put request and continuance on record. Also requests that 2/10/93 be held as possible Day #1, with 2/25/93 as possible next day, if agreeable to Counsel.

---

2/02/93 -Continued on record; holding 2/10/93 for start of case if necessary. M. Moran and C. Holzer in Board's office to put request on record; 2/25/93 not possible due to schedule conflicts. Will hold two weeks in June; M. Moran to get back to me within next couple of days as to which date is agreeable to D. Meadows (both Holzer and Moran available during period being held).

---

2/02/93 -Ltr from C. Holzer/ requests that hearing be halted on 2/10/93 due to hearing scheduled before zoning commissioner.

---

2/10/93 -Hearing before Board; continued to 6/29/93 for Day #2; also set in for Day #3 on 6/30/93, both to start at 10:00 a.m. /also includes Case No. CBG appeal /Brookview Farms CBA-92-173; Notice of Assignment sent to all parties.

---

6/30/93 -Matter concluded before Board; memos due July 30, 1993.

-Holzer filed 7/30/93
- Meadows filed 7/30/93

---

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

November 23, 1993

J. Carroll Holzer, P.A.
HOLZER and LEE
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: Civil Action No. 93-CV-10143
BROOKVIEW FARMS (Sections 3A and 3B)

Dear Mr. Holzer:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

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

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Campaign to Save Cromwell Valley, Inc., et al

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---

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

November 23, 1993

David M. Meadows, Esquire
Moore, Carney, Ryan & Lattanzi
4111 W. Joppa Road, Suite 102
Baltimore, MD 21234

RE: Civil Action No. 93-CV-10143
BROOKVIEW FARMS (Sections 3A and 3B)

Dear Mr. Meadows:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on November 10, 1993 in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

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

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: C. Franklin Eck, Jr.
Mr. & Mrs. Walter Wicklein
People's Counsel of Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards
Docket Clerk /ZADM
Donald T. Rascoe /ZADM
Arnold Jablon /ZADM

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| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| BROOKVIEW FARMS SECTION 3A AND 3B | * | ZONING |
| SOUTH SIDE OF CROMWELL BRIDGE ROAD | * | COMMISSIONER OF |
| 9TH ELECTION DISTRICT | * | BALTIMORE COUNTY |
| | * | Case Nos. 92-357SPH and CBA-92-173 |

* * * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. Joseph Maranto
Baltimore County Bureau of Current Planning
111 West Chesapeake Avenue
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear and produce documents in your custody and control, as the Chairman of the CRG concerning the files of Baltimore County, Maryland, regarding Brookview Farms, Sections 1, 2, 3A and 3B, or in the custody of your department of Baltimore County;

at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on June 29, 1993 and June 30, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED:

**COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By:

Subpoena requested by attorney for Appellee, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

93 JAN 23 AM 10:24
COUNTY BOARD OF APPEALS

---

| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| BROOKVIEW FARMS SECTION 3A AND 3B | * | ZONING |
| SOUTH SIDE OF CROMWELL BRIDGE ROAD | * | COMMISSIONER OF |
| 9TH ELECTION DISTRICT | * | BALTIMORE COUNTY |
| | * | Case Nos. 92-357SPH and CBA-92-173 |

* * * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. Richard Moore
Bureau of Traffic Engineering
Department of Public Works
Baltimore County, Maryland

**YOU ARE HEREBY COMMANDED TO:** Personally appear at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on June 29, 1993 and June 30, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED:

**COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By:

Subpoena requested by attorney for Appellee, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236. (410) 529-4600.

93 JAN 23 AM 10:24
COUNTY BOARD OF APPEALS

---

| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| BROOKVIEW FARMS SECTION 3A AND 3B | * | ZONING |
| SOUTH SIDE OF CROMWELL BRIDGE ROAD | * | COMMISSIONER OF |
| 9TH ELECTION DISTRICT | * | BALTIMORE COUNTY |
| | * | Case Nos. 92-357SPH and CBA-92-173 |

* * * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. John McGrain
Office of Planning and Zoning
401 Bosley Avenue
Suite 406
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on June 29, 1993 and June 30, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED:

**COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By:

Subpoena requested by attorney for Appellee, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

93 JAN 23 AM 10:24
COUNTY BOARD OF APPEALS

---

| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| BROOKVIEW FARMS SECTION 3A AND 3B | * | ZONING |
| SOUTH SIDE OF CROMWELL BRIDGE ROAD | * | COMMISSIONER OF |
| 9TH ELECTION DISTRICT | * | BALTIMORE COUNTY |
| | * | Case Nos. 92-357SPH and CBA-92-173 |

* * * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Jeff Wolinski
Allen Worth
Thomas Vidmar
Rocky Powell

Baltimore County
Department of Environmental Protection and
Resource Management
401 Bosley Avenue, Room 416
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on June 29, 1993 and June 30, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED:

**COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By:

Subpoena requested by attorney for Appellee, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

93 JAN 23 AM 10:24
COUNTY BOARD OF APPEALS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Chairman, Board of Appeals DATE: September 21, 1992

FROM: David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

SUBJECT: Notice of Appeal for
Brookview Farms
Section 3A and 3B

On September 11, 1992, this office received a Notice of Appeal in the name of David M. Meadows, Esq., Moore, Carney, Ryan & Lattanzi, 4111 E. Joppa Road, Baltimore, Maryland, 21236 on behalf of C. Franklin Eck, Jr., from the decision of the County Review Group made on September 10, 1992 in regard to the approval of the Plan of Brookview Farms, Section 3A and 3B.

Attached is a copy of the Notice of Appeal, a copy of the receipt for $75.00 covering the filing cost, and a copy of the subdivision file.

If you would care to discuss this matter in any way, please contact me at your convenience.

David L. Thomas
David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

DLT:jna
Attachments

cc: C. Franklin Eck, Jr.
Office of Law
Director of Planning
Zoning Admin. & Dev. Mgmt.
Developers Engineering Division
Economic Development Commission
File

True Copy Test: David L. Thomas

92 SEP 22 AM 10:53
COUNTY BOARD OF APPEALS
RECEIVED

**10/29/92 - Following parties notified of hearing set for February 2, 1993 at 10:00 a.m.:**

**David M. Meadows, Esquire**
**Mr. C. Franklin Eck, Jr.**
**J. Carroll Holzer, Esquire**
**Daft-McCune-Walker, Inc.**
**Mr. and Mrs. Walter Wicklein**
**Director of Planning**
**People's Counsel for Baltimore County**
**Lawrence E. Schmidt**
**Timothy M. Kotroco**
**W. Carl Richards, Jr.**
**Docket Clerk - Zoning**
**Developers Engineering Division**
**Economic Development Commission**
**Robert E. Covahey**
**David L. Thomas**
**Jose H. Escalante**
**Michael J. Moran**
**Arnold Jablon**

11/04/92 -Letter from David M. Meadows, Esquire, requesting additional day for hearing due to number of appeals involved.

11/12/92 - Above parties notified of Day #2 set for February 10, 1993 at 10:00 a.m.

2/01/93 -T/C from M. Moran, Law Office; requests that Board grant continuance of matter pending possible settlement of issues before hearing; has agreement of D. Meadows and C. Holzer; only Moran would attend on 2/02/93 to put request and continuance on record. Also requests that 2/10/93 be held as possible Day #1, with 2/25/93 as possible next day, if agreeable to Counsel.

2/02/93 -Continued on record; holding 2/10/93 for start of case if necessary. M. Moran and C. Holzer in Board's office to put request on record; 2/25/93 not possible due to schedule conflicts. Will hold two weeks in June; M. Moran to get back to me within next couple of days as to which date is agreeable to D. Meadows (both Holzer and Moran available during period being held).

2/02/93 -Ltr from C. Holzer/ requests that hearing be halted on 2/10/93 due to hearing scheduled before zoning commissioner.

2/10/93 -Hearing before Board; continued to 6/29/93 for Day #2; also set in for Day #3 on 6/30/93, both to start at 10:00 a.m. /also includes Case No. CBG appeal /Brookview Farms CBA-92-173; Notice of Assignment sent to all parties.

6/30/93 -Matter concluded before Board; memos due July 30, 1993.

-Holzer filed 7/30/93
- Meadows filed 7/30/93

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

November 23, 1993

J. Carroll Holzer, P.A.
HOLZER and LEE
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: Civil Action No. 93-CV-10143
BROOKVIEW FARMS (Sections 3A and 3B)

Dear Mr. Holzer:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

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

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Campaign to Save Cromwell Valley, Inc., et al

Printed with Soybean Ink on Recycled Paper

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

November 23, 1993

David M. Meadows, Esquire
Moore, Carney, Ryan & Lattanzi
4111 W. Joppa Road, Suite 102
Baltimore, MD 21234

RE: Civil Action No. 93-CV-10143
BROOKVIEW FARMS (Sections 3A and 3B)

Dear Mr. Meadows:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on November 10, 1993 in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

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

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: C. Franklin Eck, Jr.
Mr. & Mrs. Walter Wicklein
People's Counsel of Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards
Docket Clerk /ZADM
Donald T. Rascoe /ZADM
Arnold Jablon /ZADM

Printed with Soybean Ink on Recycled Paper

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * ZONING
SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos.
* 92-357SPH and
* CBA-92-173

* * * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. Joseph Maranto
Baltimore County Bureau of Current Planning
111 West Chesapeake Avenue
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear and produce documents in your custody and control, as the Chairman of the CRG concerning the files of Baltimore County, Maryland, regarding Brookview Farms, Sections 1, 2, 3A and 3B, or in the custody of your department of Baltimore County;

at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on June 29, 1993 and June 30, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED: **COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By:

Subpoena requested by attorney for Appellee, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

93 JUN 23 AM 10:24
COUNTY BOARD OF APPEALS
RECEIVED

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * ZONING
SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos.
* 92-357SPH and
* CBA-92-173

* * * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. Richard Moore
Bureau of Traffic Engineering
Department of Public Works
Baltimore County, Maryland

**YOU ARE HEREBY COMMANDED TO:** Personally appear at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on June 29, 1993 and June 30, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED: **COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By:

Subpoena requested by attorney for Appellee, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

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SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
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* Case Nos.
* 92-357SPH and
* CBA-92-173

* * * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. John McGrain
Office of Planning and Zoning
401 Bosley Avenue
Suite 406
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on June 29, 1993 and June 30, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

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By:

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9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos.
* 92-357SPH and
* CBA-92-173

* * * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Jeff Kolinski
Allen Worth
Thomas Vidmar
Rocky Powell

Baltimore County
Department of Environmental Protection and
Resource Management
401 Bosley Avenue, Room 416
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on June 29, 1993 and June 30, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED: **COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By:

Subpoena requested by attorney for Appellee, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

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SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

* * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: P. David Fields, Secretary to the Planning Board
of Baltimore County
Baltimore County Office of Planning & Zoning
401 Bosley Avenue
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear and produce documents in your custody and control, as the Secretary of the Planning Board of Baltimore County regarding Brookview Farms, Section 3A and 3B (Master Plan Conflict Review), or in the custody of your department of Baltimore County;

at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on June 29, 1993 and June 30, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED: **COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By: Kathleen C. Weidenhammer

Subpoena requested by attorney for Appellee, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

RECEIVED
COUNTY BOARD OF APPEALS
93 JAN 23 AM 10:24

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * BOARD OF APPEALS
SOUTH SIDE OF CROMWELL BRIDGE ROAD * OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

* * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Carl Richards
ZADM
1st Floor Court office Bldg.

**YOU ARE HEREBY COMMANDED TO:** Personally appear and produce documents in your custody and control, _____

_____

at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on June 29, 1993 and June 30, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED: **COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By: Kent

Subpoena requested by attorney for Appellee, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

RECEIVED
COUNTY BOARD OF APPEALS
93 JAN 30 AM 9:57

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * BOARD OF APPEALS
SOUTH SIDE OF CROMWELL BRIDGE ROAD * OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

* * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: CUSTODIAN OF RECORDS/ARNOLD JABLON, ESQUIRE, DIRECTOR
Baltimore County Office of Zoning Administration and
Development Management (ZADM)
111 West Chesapeake Avenue
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear and produce documents in your custody and control, as the Director or his designee concerning the files of Baltimore County, Maryland, regarding Brookview Farms, Sections 1, 2, 3A and 3B, or in the custody of your department of Baltimore County;

at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on June 29, 1993 and June 30, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED: **COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By: Kent

Subpoena requested by attorney for Appellee, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

RECEIVED
COUNTY BOARD OF APPEALS
93 JAN 29 AM 9:18

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * ZONING
SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

* * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Jeff Wolinski
Allen Worth
Thomas Vidmar
Rocky Powell

Baltimore County
Department of Environmental Protection and
Resource Management
401 Bosley Avenue, Room 416
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on February 2, 1993 and February 10, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED: **COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By: Kathleen C. Weidenhammer
Linda Rueswul

Subpoena requested by attorney for Appellee, Owings Run Apartments Limited Partnership, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * ZONING
SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

* * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. John McGrain
Office of Planning and Zoning
401 Bosley Avenue
Suite 406
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on February 2, 1993 and February 10, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

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By: Kathleen C. Weidenhammer
Linda Rueswul

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9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

* * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. Les Schreiber
Baltimore County Bureau of Public Services
111 West Chesapeake Avenue
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear and produce documents in your custody and control, as the Chairman of the CRG concerning the files of Baltimore County, Maryland, regarding Brookview Farms, Sections 1, 2, 3A and 3B, or in the custody of your department of Baltimore County;

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Linda Rueswul

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BROOKVIEW FARMS SECTION 3A AND 3B * ZONING
SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-97-173

* * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. Richard Moore
Bureau of Traffic Engineering
Department of Public Works
Baltimore County, Maryland

**YOU ARE HEREBY COMMANDED TO:** Personally appear at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on February 2, 1993 and February 10, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

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Linda Rueswul

Subpoena requested by attorney for Appellee, Owings Run Apartments Limited Partnership, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

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BROOKVIEW FARMS SECTION 3A AND 3B * ZONING
SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

* * * * * * * * * *

**SUBPOENA**

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Baltimore County Bureau of Public Services
111 West Chesapeake Avenue
Towson, Maryland 21204

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DATE ISSUED: **COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By: Kathleen C. Weidenhammer
Linda Rueswul

Subpoena requested by attorney for Appellee, Owings Run Apartments Limited Partnership, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * ZONING
SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

* * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: P. David Fields, Secretary to the Planning Board
of Baltimore County
Baltimore County Office of Planning & Zoning
401 Bosley Avenue
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear and produce documents in your custody and control, as the Secretary of the Planning Board of Baltimore County regarding Brookview Farms, Section 3A and 3B (Master Plan Conflict Review), or in the custody of your department of Baltimore County;

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DATE ISSUED: **COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By: Kathleen C. Bianchamme
Linda Kuszmaul

Subpoena requested by attorney for Appellee, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

RECEIVED
COUNTY BOARD OF APPEALS
93 JUN 23 AM 10: 24

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IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * BOARD OF APPEALS
SOUTH SIDE OF CROMWELL BRIDGE ROAD * OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

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**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Carl Richards
ZADM
1st Floor Court office Bldg.

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By:

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RECEIVED
COUNTY BOARD OF APPEALS
93 JUN 30 AM 9: 57

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IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * BOARD OF APPEALS
SOUTH SIDE OF CROMWELL BRIDGE ROAD * OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

* * * * * * * * * *

**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: **CUSTODIAN OF RECORDS/ARNOLD JABLON, ESQUIRE, DIRECTOR**
**Baltimore County Office of Zoning Administration and Development Management (ZADM)**
**111 West Chesapeake Avenue**
**Towson, Maryland 21204**

**YOU ARE HEREBY COMMANDED TO:** Personally appear and produce documents in your custody and control, as the Director or his designee concerning the files of Baltimore County, Maryland, regarding Brookview Farms, Sections 1, 2, 3A and 3B, or in the custody of your department of Baltimore County;

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By:

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COUNTY BOARD OF APPEALS
93 JUN 29 AM 9: 10

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**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Jeff Wolinski
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Baltimore County
Department of Environmental Protection and Resource Management
401 Bosley Avenue, Room 416
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DATE ISSUED: **COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By: Kathleen C. Bianchamme
Linda Kuszmaul

Subpoena requested by attorney for Appellee, Owings Run Apartments Limited Partnership, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

COUNTY BOARD OF APPEALS
93 JUL 27 PM 3:30

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IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
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SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

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**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. John McGrain
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401 Bosley Avenue
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By: Kathleen C. Bianchamme
Linda Kuszmaul

Subpoena requested by attorney for Appellee, Owings Run Apartments Limited Partnership, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

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* Case Nos. 92-357SPH and CBA-92-173

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**SUBPOENA**

**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. Les Schreiber
Baltimore County Bureau of Public Services
111 West Cheapeake Avenue
Towson, Maryland 21204

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DATE ISSUED: **COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

By: Kathleen C. Bianchamme
Linda Kuszmaul

Subpoena requested by attorney for Appellee, Owings Run Apartments Limited Partnership, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

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SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

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**STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:**

TO: Mr. Richard Moore
Bureau of Traffic Engineering
Department of Public Works
Baltimore County, Maryland

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By: Kathleen C. Bianchamme
Linda Kuszmaul

Subpoena requested by attorney for Appellee, Owings Run Apartments Limited Partnership, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

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SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

* * * * * * * * * *

**SUBPOENA**

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By: Kathleen C. Bianchamme
Linda Kuszmaul

Subpoena requested by attorney for Appellee, Owings Run Apartments Limited Partnership, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * ZONING
SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

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

**SUBPOENA**

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: Mr. Joseph Maranto
Baltimore County Office of Current Planning
111 West Chesapeake Avenue
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear and produce documents in your custody and control, as the Chairman of the CRG concerning the files of Baltimore County, Maryland, regarding Brookview Farms, Sections 1, 2, 3A and 3B, or in the custody of your department of Baltimore County:

at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on February 2, 1993 and February 10, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

By: Kathleen C. Weidenhammer
Linda Kuszmaul

Subpoena requested by attorney for Appellee, Owings Run Apartments Limited Partnership, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

---

IN THE MATTER OF * BEFORE THE
Brookview Farms Re: CRG * COUNTY BOARD OF APPEALS
N/s Cromwell Bridge Rd * BALTIMORE COUNTY
6th Councilmanic District * CASE NO. CBA-92-173 and 92-357-SPH

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

**SUBPOENA**

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday Feb. 2, 1993 at 10:00 AM at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Wayne Harman
Address: Director, Rec and Parks
Towson, Md. 21204

Name: J. Carroll Holzer
Firm: Holzer, Maher & DeMilio
Address: 305 W. Chesapeake Ave. #105
Towson, Md. 21204 825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Kathleen C. Weidenhammer
County Board of Appeals of Baltimore County

Cost: $_____
Summoned: _____, 19___
Not served: _____, 19___
Sheriff of Baltimore County

RECEIVED COUNTY BOARD OF APPEALS 93 JAN 25 PM 12:55

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IN THE MATTER OF * BEFORE THE
Brookview Farms Re: CRG * COUNTY BOARD OF APPEALS
N/s Cromwell Bridge Rd * BALTIMORE COUNTY
6th Councilmanic District * CASE NO. CBA-92-173 and 92-357-SPH

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

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Address: 305 W. Chesapeake Ave. #105
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Kathleen C. Weidenhammer
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Cost: $_____
Summoned: _____, 19___
Not served: _____, 19___
Sheriff of Baltimore County

RECEIVED COUNTY BOARD OF APPEALS 93 JAN 25 PM 12:55

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HOLZER, MAHER, DEMILIO & LEE

February 2, 1993
#66210

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

RE: Brookview Farm Appeal
Hearing Date: Wednesday, February 10, 1993
10:00 a.m.

Dear Mr. Hackett:

Please be advised that the second day of hearing in Brookview Farm was scheduled for Wednesday, February 10, 1993. It is my understanding that we will now begin hearing the appeal on that date in view of the postponement request of Baltimore County for Tuesday, February 2, 1993.

I would alert you to the proposition that I will have to stop the hearing at approximately 1:30 p.m. or shortly before in order to attend an Administrative Hearing before the Zoning Commissioner at 2:00 p.m. on that same day concerning the matter of Wagers Landing. By copy of this letter, I am notifying the Zoning Commissioner's office of this potential problem with the scheduling before the Board.

Thank you very much for your consideration.

Very truly yours,
J. Carroll Holzer

JCH:mlg

cc: Michael J. Moran, Esquire
Mr. David Meadows

---

MOORE, CARNEY, RYAN & LATTANZI

April 20, 1992

HAND-DELIVERED

The Zoning Commissioner of Baltimore County
Court House
Towson, Maryland 21204

Re: Motion to Dismiss
Case No. 92-357SPH

Dear Commissioner:

Please find enclosed a Motion to Dismiss the two (2) Petitions filed in the above-captioned matter.

Sincerely,
David N. Meadows

DNM:je
Enclosures
cc: Mr. P. David Fields, Director,
Baltimore County Office of Planning & Zoning
J. Carroll Holzer, Esquire
Mr. Edmund F. Haile - Daft-McCune & Walker (via fax)
Frank C. Eck, Jr., Esquire
Gibbs McKenney, Esquire

---

GUY'S GOODFELLOWSHIP
2000 CROMWELL BRIDGE ROAD
LINKLEN VALLEY, MARYLAND 21234
301-821-4812

Wed. 11 Mar. 1992

Dear Mr. Wertz:

Re: Brookview Farms Section 3 A & 3 B

I would just like to thank you and Mr. Richards for taking the time to meet with Mr. Holzer and myself to discuss the proposed development on Sections 3 A & 3 B of Brookview Farm 1.

We all realize that the density calculations and transfer of development units between two different ownerships is indeed a difficult question.

Hopefully, the Planning Board will refer this matter to the Zoning Administration and Development Office first to determine if this particular development plan has met all the County Zoning regulations before it is referred to other Department for comments.

It is our belief that the Zoning question must be resolved first to determine the number of development units each section has and if those units can be transfer between properties held under different title. Once that question has been answered then the other department will have the necessary and correct information to evaluate this development.

Again, I thank you for your time and consideration.

Sincerely,
Patrick Sean Dolan

cc Mr. Carl Richards
Mr. P. David Fields

92-357-SPH

RECEIVED
MAR 13 1992
By PDF

RECEIVED
MAR 12 1992
ZONING OFFICE

---

Mr. Gene Neff

Dear Sir

As a resident of Cromwell Valley (Brookview Estates) I protest the development of Goodfellowship farm. Please help us keep this beautiful valley open space for all of us in the Towson area to enjoy as a scenic vista.

Sincerely, Robert C Perkins

---

| NAME | DATE | NAME |
|---|---|---|
| Brookview Farms Sect 3A&B | | |
| Signed CRG Plan To Mike Moran | 1/15 | 2-2-93 |

---

SPECIAL

1

BROOKVIEW FARMS (Sections 3A & 3B) RE: CRG Decision and amended to reflect Day 02 * BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY * Case No. CBA-92-173 * Case No. 92-357-SPH * February 10, 1993

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Towson, Maryland 21204 at 10 o'clock a.m., February 10, 1993.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
HARRY E. BUCHHEISTER, JR.

Reported by:
C.E. Peatt

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
BROOKVIEW FARMS SECTION 3A AND 3B * ZONING
SOUTH SIDE OF CROMWELL BRIDGE ROAD * COMMISSIONER OF
9TH ELECTION DISTRICT * BALTIMORE COUNTY
* Case Nos. 92-357SPH and CBA-92-173

* * * * * * * * * *

**SUBPOENA**

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: Mr. Joseph Maranto
Baltimore County Office of Current Planning
111 West Chesapeake Avenue
Towson, Maryland 21204

**YOU ARE HEREBY COMMANDED TO:** Personally appear and produce documents in your custody and control, as the Chairman of the CRG concerning the files of Baltimore County, Maryland, regarding Brookview Farms, Sections 1, 2, 3A and 3B, or in the custody of your department of Baltimore County;

at Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, on February 2, 1993 and February 10, 1993 at 10:00 a.m. before the hearing scheduled before the County Board of Appeals.

DATE ISSUED: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

By: Kathleen C. Weidenhammer
Linda Kuszmaul

Subpoena requested by attorney for Appellee, Owings Run Apartments Limited Partnership, David M. Meadows, Esquire, Moore, Carney, Ryan and Lattanzi, 4111 East Joppa Road, Suite 201, Baltimore, Maryland 21236, (410) 529-4600.

IN THE MATTER OF * BEFORE THE
Brookview Farms Re: CRG * COUNTY BOARD OF APPEALS
N/s Cromwell Bridge Rd * BALTIMORE COUNTY
6th Councilmanic District * CASE NO. CBA-92-173 and 92-357-SPH

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

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Witness: Wayne Harman
Address: Director, Rec and Parks
Towson, Md. 21204

Name: J. carroll Holzer
Firm: Holzer, Maher & Demilio
Address: 305 W. Chesapeake Ave. #105
Towson, Md. 21204 825-6961

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Kathleen C. Weidenhammer
County Board of Appeals of Baltimore County

Cost: $_____

Summoned: _____, 19___

Not served: _____, 19___

Sheriff of Baltimore County

93 JAN 25 PM 12:55
RECEIVED
COUNTY BD. OF APPEALS

IN THE MATTER OF * BEFORE THE
Brookview Farms Re: CRG * COUNTY BOARD OF APPEALS
N/s Cromwell Bridge Rd * BALTIMORE COUNTY
6th Councilmanic District * CASE NO. CBA-92-173 and 92-357-SPH

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County Board of Appeals of Baltimore County

Cost: $_____

Summoned: _____, 19___

Not served: _____, 19___

Sheriff of Baltimore County

93 JAN 25 PM 12:55
RECEIVED
COUNTY BD. OF APPEALS

RONALD L. MAHER
J. CARROLL HOLZER
CHARLES DEMILIO
THOMAS J. LEE

EDWARD HOLZER
1907-1986

LAW OFFICES
HOLZER, MAHER, DEMILIO & LEE
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
410/ 825-6961
FAX 410/ 825-4923

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDERSBURG, MARYLAND 21784
(410) 795-8556
FAX (410) 795-5535

SUITE 700
1725 DeSALES STREET, N.W.
WASHINGTON, D.C. 20036

February 2, 1993
#6628

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

RE: Brookview Farm Appeal
Hearing Date: Wednesday, February 10, 1993
10:00 a.m.

Dear Mr. Hackett:

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I would alert you to the proposition that I will have to stop the hearing at approximately 1:30 p.m. or shortly before in order to attend an Administrative Hearing before the Zoning Commissioner at 2:00 p.m. on that same day concerning the matter of Magers Landing. By copy of this letter, I am notifying the Zoning Commissioner's Office of this potential problem with the scheduling before the Board.

Thank you very much for your consideration.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Michael J. Moran Esquire
Mr. David Meadows

Mr. Gene Neff
Dear Sir

Bird Corning 8-20-92

As a resident of Cromwell Valley (Brookview Estates) I protest the development of Goodfellowship farm. Please help us keep this beautiful valley open space for all of us in the Towson area to enjoy as a scenic vista.

Sincerely, Robert C Perkins

MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
4111 EAST JOPPA ROAD, SUITE 201
BALTIMORE, MARYLAND 21236
(410) 529-4600
FAX (410) 529-4620

ROBERT J. RYAN
OF COUNSEL

April 20, 1992

HAND-DELIVERED

The Zoning Commissioner of Baltimore County
Court House
Towson, Maryland 21204

Re: Motion to Dismiss
Case No. 92-357SPH

Dear Commissioner:

Please find enclosed a Motion to Dismiss the two (2) Petitions filed in the above-captioned matter.

Sincerely,

David M. Meadows

DMM:jej
Enclosures
cc: Mr. P. David Fields, Director,
Baltimore County Office of Planning & Zoning
J. Carroll Holzer, Esquire
Mr. Edmund F. Haile - Daft-McCune & Walker (via fax)
Frank C. Eck, Jr., Esquire
Gibbs McKenney, Esquire

11-2-92
3/11/92
9

GUY'S GOODFELLOWSHIP
2000 CROMWELL BRIDGE ROAD
LIMEKILN VALLEY, MARYLAND 21234
301-821-6812

92-357-SPH

Wed. 11 Mar, 1992

RECEIVED
By pej

Dear Mr. Wertz:

Re: Brookview Farms Section 3 A & 3 B

I would just like to thank you and Mr. Richards for taking the time to meet with Mr. Holzer and myself to discuss the proposed development on Sections 3 A & 3 B of Brookview Farms.

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Hopefully, the Planning Board will refer this matter to the Zoning Administration and Development Office first to determine if this particular development plan has met all the County Zoning regulations before it is refered to other Department for comments.

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Again, I thank you for your time and consideration.

Sincerely,

Patrick Sean Dolan

cc Mr. Carl Richards
Mr. P. David Fields

RECEIVED
MAR 12 1992
ZONING OFFICE

FINAL 1

| | | | |
|---|---|---|---|
| 1 | **BROOKVIEW FARMS** | * | **BEFORE THE** |
| 2 | **(Sections 3A & 3B)** | * | **COUNTY BOARD OF APPEALS** |
| 3 | **RE: CRG Decision** | * | **OF BALTIMORE COUNTY** |
| 4 | **and amended to reflect** | * | **Case No. CBA-92-173** |
| 5 | **Day #2** | * | **Case No. 92-357-SPH** |
| 6 | | * | **February 10, 1993** |
| 7 | | * * * * * | |
| 8 | **The above-entitled matter came on for hearing** | | |
| 9 | **before the County Board of Appeals of Baltimore County at** | | |
| 10 | **the Old Courthouse, Towson, Maryland 21204 at 10 o'clock** | | |
| 11 | **a.m., February 10, 1993.** | | |
| 12 | | * * * * * | |
| 13 | | | |
| 14 | **BOARD MEMBERS:** | | |
| 15 | | **WILLIAM T. HACKETT, Chairman** | |
| 16 | | **C. WILLIAM CLARK** | |
| 17 | | **HARRY E. BUCHHEISTER, JR.** | |
| 18 | | | |
| 19 | | | |
| 20 | **Reported by:** | | |
| 21 | **C.E. Peatt** | | |

ORIGINAL

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VOLUME I

| | | |
|---|---|---|
| BROOKVIEW FARMS (SECTION 3A OR 3B) N/S CROMWELL BRIDGE ROAD CRG DECISION 9/10/92 and BALTIMORE COUNTY PLANNING OFFICE/BROOKVIEW FARMS N/S CROMWELL BRIDGE ROAD SPH-CLARIFY DEVELOPER'S AMENDMENT TO TRACT BOUNDARIES; INTERPRETATION OF ECR 8/21/92-Z.C.'S ORDER DENYING PETITION | * * * * * * * * * * * * * * * * * * * * | BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO: CBA-92-173 92-357-SPH JUNE 29, 1993 |

The above-entitled matter came on for hearing before the Baltimore County Board of Appeals at the Old Courthouse, 401 Washington Avenue, Towson, Maryland 21204, at 10:00 a.m.

* * * * *

BOARD MEMBERS: WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
HARRY E. BUCHHEISTER, JR.

APPEARANCES:

J. CARROLL HOLZER, Esquire
On behalf of the Protestants

DAVID M. MEADOWS, Esquire
On behalf of the Respondents

MICHAEL J. MORAN, Esquire
Baltimore County Office of Law

Reported by:
Heather R. McLauchlin

TOWSON REPORTING COMPANY, INC.

ORIGINAL

1

| | | |
|---|---|---|
| BROOKVIEW FARMS (Sections 3A & 3B) RE: CRG Decision and amended to reflect Day 02 | * * * * * * * * * * * * * * * * * * * * | BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. CBA-92-173 Case No. 92-357-SPH June 30, 1993 |

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Towson, Maryland 21204 at 10 o'clock a.m., June 30, 1993.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
HARRY E. BUCHHEISTER, JR.

Reported by:
C.E. Peett

BOARD OF APPEALS - Original Transcript -

Baltimore County Government
Office of Planning and Zoning

EXHIBIT 11 — Tom Bayden — IX-585

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

TO: P. David Fields, Secretary
Baltimore County Planning Board
New Courts Building - Suite 406
Towson, MD 21204

DATE: February 24, 1992

FROM: County Review Group

SUBJECT: BROOKVIEW ESTATES

On February 20, 1992, the County Review Group (CRG) held a public meeting on a project identified as Brookview Estates, located on the northwest side of Cromwell Bridge Road, northeast of Oakleigh Road, in the ninth election district of Baltimore County. It was the decision of the CRG that the proposed plan represents a potential conflict with the Baltimore County Master Plan.

In accordance with Section 26-207 of the Development Regulations and Section 26-66 of the County Code, the CRG hereby refers the plan to the Baltimore County Planning Board for their review and consideration.

The CRG has identified the following four (4) very specific areas of potential conflict with the Baltimore County Master Plan:

1. The site is part of the Cromwell Valley, a major scenic resource. Page 106 of the Master Plan calls for preservation of the valley as open space.

2. The Development Policy Plan map on page 102 designates Cromwell Bridge Road as a "scenic corridor" and designates the valley as "potential park/open space."

3. The proposed density transfer of nine (9) units from Brookview Farms Section 2 is another potential conflict with the Master Plan due to its impact of adding more traffic to Cromwell Bridge Road. The Master Plan states on page 106: "The winding alignment of the [Cromwell Bridge] road has a rural charm despite its dangerous curves and very heavy volume of commuter traffic. The poor sight distances at most of the intersecting roads and lanes reinforce the need to avoid adding more traffic or more intersections." In addition, since this project does not appear to be part of the Brookview Farms development, the planning staff has recommended that the Zoning Commissioner hold a special

APR-14-92 TUE 9:22 DAFT-McCUNE-WALKER P.12

Ex IIIA

SUBJECT: COUNTY REVIEW GROUP COMMENTS — CRG DATE: 6/27/90, PRE-CRG DATE: 6/11/90

FROM: ZONING OFFICE

PROJECT NAME: Rolling Ridge (3rd Amended, Alternate #2) (SECTION 2 ONLY) — PLAN: 5/21/90 — REV.: 6/19/90 REV.:

LOCATION: W/S Marriottsville Road, N of Lyons Mill Road

DISTRICT: 2c)

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The revised plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify obvious conflicts with the Baltimore County Zoning Regulations, and details necessary in order to determine compliance with these regulations. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer, or developer's engineer to rectify all conflicts well in advance of any expected zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning conflicts must be identified conspicuously on the plan under "Zoning Public Hearing Request". If a public hearing is requested, the assistance received at the time of filing zoning petitions and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of any public hearing requests:

BA 1. The Partial Final Development Plan of Section I (provisory section) approved on 1/16/90 must be amended pursuant to Section 1801.3.A.7 (B.C.Z.R.) prior to zoning approval. Clarify if there has been any lots sold within 300 feet of the amended provisory section and tract boundary.

O 2. Zone Line - Density - Sections -- Correct the zoning line on the plan to agree with the Mandamus Order by the Circuit Court on 11/30/89, Case #90/61/89CS2405. Reference case number and adjust density accordingly. Provide an accurate, complete density chart of Section 1, Section 2 and any remainder property not to conflict with the final development plan already approved. Provide bold, clear section lines on the plan of all proposed sections not to conflict with the approved final development plan.

MICROFILMED

APR-14-92 TUE 9:22 DAFT-McCUNE-WALKER P.34

Ex. 3B

Zoning - The Comment #5 in reference to the lot sizes less than 20,000 sq. ft. has been resolved. This development proposal does not stand on itself, but is an amendment to the Cromwell Woods II Section I addition.

Traffic Engineering - Place the note on the plan stating that Smith Avenue is to be widened to a minimum 16-foot paved section along its entire length.

The citizens were invited to comment, and their comments were reviewed:

Mr. Thomas Shipley stated that the residents are opposed to the routing of the water line. The addition of lots should not require a change in location of the water line. The cost to be incurred in the hookup would impose a hardship to the residents. The required roadway width of Smith Avenue will increase the storm water runoff. Excessive depth required to serve site 9261 with sewer would impose undue hardship on property owners.

Response - Mr. Schreiber explained to the members of the public that this development does meet the Zoning Regulations and is allowed by Baltimore County Development Regulations. It was explained that Smith Avenue is a public roadway by which there is a 30-foot easement based on the existing Smith Avenue and unless the DPW has a reason not to allow the water line in the easement of Smith Ave., the developer does have the right to locate it there provided he follows Baltimore County policies. It was explained that the adjacent property owners would not be assessed for the improvements unless they actually tied into the uses of the utilities and the developer would be required to foot the bill of front foot assessment. It was also explained that the adjacent residents would not be required to tie into the utilities unless there existed a health problem on their site with failing wells and septic systems. Mr. Schreiber explained that Smith Avenue would have to be widened to a minimum width of 16 feet of pavement to allow emergency vehicles to ingress and egress with a Baltimore County standard turnaround at the terminus of the roadway.

Marge Lenhan expressed concern with the proposed development of Smith Ave. No response was necessary.

Karen Chenowith read a letter to Mr. Hayden concerning the development and the impact to the residents. She then submitted a copy to the CRG dated 7/12/91 to Mr. Hayden. No response was necessary.

CONCLUSION. The plan was approved, the appeal process was explained, and the meeting was adjourned at 10:30 a.m.

MICROFILMED

APR-14-92 TUE 9:27 DAFT-McCUNE-WALKER P.21

Ex 4

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

February 5, 1987

Deborah C. Dopkin, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

RE: Foxleigh Enterprises, Inc.
Your File No.: 6873/19665

Dear Ms. Dopkin:

The Zoning Commissioner has referred your letter regarding the above referenced matter to me for reply. Due to time limitations that apparently exist in your office as well as this office I have not reviewed each and every reference in your letter. I can advise you however, that the transfer of density from within a single tract boundary, including transfers across road frontages and from parcel to parcel is not prohibited within the context of B.C. zoning regulations. Density units from parcel 6 on the west side of McDonogh Road may be transferred to parcels on the east side of McDonogh Road. Notwithstanding the above, it should be clearly understood that any such density transfer should take place within the overall tract boundary of the property being subdivided.

If you have any questions concerning the above, call me at your earliest convenience.

Sincerely,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

JED:kkb

Post-it® brand fax transmittal memo 7671 — Mr. Dyer — Dept. — Fax # — To: Deborah C. Dopkin — From: Jean M. H. Jung — Co. — Phone # — Fax #

MICROFILMED

92 MON 14:45 3013397107 P.01

Letters Ex No 1

| # | NAME | ADDRESS | LOCATION | LOT # |
|---|---|---|---|---|
| 1 | JAY & MARY MURPHY | 613 Mansfield Rd | BROOKVIEW SECT 1 | 13 |
| 2 | PHILIP & JEAN VON HEID | 611 Mansfield Rd | BROOKVIEW SECT 1 | 14 |
| 3 | MARK & DIANE PERRYMAN | 609 Mansfield Rd | BROOKVIEW SECT 1 | 15 |
| 4 | ROBERT & D. ROSS JAMES | 609 Mansfield Rd | BROOKVIEW SECT 1 | 19 |
| 5 | ROBERT & BETSY CALLAHAN | 1231 Brook Meadow Drive | BROOKVIEW SECT 1 | 21 |
| 6 | PATRICK & JOANNA HERLAND | 603 Mansfield Rd | BROOKVIEW SECT 1 | 25 |
| 7 | JOHN & MURIEL ROSS | 601 Mansfield Rd | BROOKVIEW SECT 1 | 26 |
| 8 | JIM & ANN CRESCH | 613 Mansfield Rd | BROOKVIEW SECT 1 | 27 |
| 9 | CHARLES & MARY PITSENBARGER | 599 Mansfield Rd | BROOKVIEW SECT 1 | 28 |
| 10 | DON & JEAN DIETRICK | 3 Mansfield Ct | BROOKVIEW SECT 1 | 30 |
| 11 | ROBERT & LINDA CERICHOZO | 7 Mansfield Ct | BROOKVIEW SECT 1 | 32 |
| 12 | JOHN & SHEILA DARDINE | 10 Mansfield Ct | BROOKVIEW SECT 1 | 34 |
| 13 | CRAIG & IRA HANDLER | 8 Mansfield Ct | BROOKVIEW SECT 1 | 33 |
| 14 | ROBERT & CARL PENNINGTON | 6 Mansfield Ct | BROOKVIEW SECT 1 | 35 |
| 15 | MARK & LINDA SHOUT | 4 Mansfield Ct | BROOKVIEW SECT 1 | 36 |
| 16 | ROBERT & CYNTHIA WARD | 2 Mansfield Ct | BROOKVIEW SECT 1 | 37 |
| 17 | VINCENT HOTABARGELO | 1308 Brookview Rd | BROOKVIEW SECT 1 | 40 |
| 18 | ROBIN HADLEY | 1307 Brookview Rd | BROOKVIEW SECT 1 | 41 |
| 19 | EDWARD & LINDA DASHER | 1305 Brookview Rd | BROOKVIEW SECT 1 | 42 |
| 20 | R. PEARCE & P. MAHONEY | 1306 Brookview Rd | BROOKVIEW SECT 1 | 88 |
| 21 | WALTER & HELEN NICKLEN | 1600 Cromwell Bridge Rd | Adjacent CBR | - |
| 22 | PATRICK & SANDRA DOLAN | 2000 Cromwell Bridge Rd | Adjacent CBR | - |
| 23 | FRANCIS & SHERWOOD | 2008 Cromwell Bridge Rd | Adjacent CBR | - |
| 24 | ALAN MCCORMELL | 1403 Mansfield Rd | South side of CBR | - |
| 25 | ROBERT HALLENTINE | 1404 Mansfield Rd | South side of CBR | - |
| 26 | MAY LOU BARRETT | 1405 Mansfield Rd | South side of CBR | - |
| 27 | CELIA DAVIES | 1406 Mansfield Rd | South side of CBR | - |
| 28 | A.J. PARISI, JR | 1360 Mansfield Rd | South side of CBR | - |
| 29 | WILLIAM E. BECKER | 1363 Mansfield Rd | South side of CBR | - |
| 30 | HENDERSON | 1364 Mansfield Rd | South side of CBR | - |
| 31 | AGLIPAY | 1366 Mansfield Rd | South side of CBR | - |
| 32 | BENEGANT | 1380 Mansfield Rd | South side of CBR | - |
| 33 | JASWANI | 1384 Mansfield Rd | South side of CBR | - |

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Pat Keller #2

TO: File

DATE: March 3, 1993

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

SUBJECT: Summary of Actions: Brookview Farms
a.k.a. Brookview Estates a.k.a. VB Eck
Estate, CRG No. ~~IV-464~~

A. CRG Plan Review, Approvals, Amendments, Extensions:

1. CRG approval 4/9/85
114.077 acres, 114 units allowed 113 proposed, zoning DR-1.

2. CRG amendment No. 1, 10/23/86

3. CRG amendment No. 2, 7/22/88
Gross and net acreage were changed, road alignments changed, lot numbers changed, number of units proposed changed.

| | Acres | Density |
|---|---|---|
| Section 1 | 60.3 | 62 |
| Section 2 | 31.47 | 40 |
| Section 3A | 18.8 | 35 |
| Section 3B | 26.9 | |
| | 137.47‡ | 137 |

Zoning DR-1

4. CRG extension No. 1, 3/7/89.

5. CRG extension No. 2, 10/9/91.
Extension for lots 63 through 101 but not 102 through 110 due to Master Plan Conflict. CRG for lots 102 through 110 (Sect. 3A & B) will be required.

6. CRG refinement 11/18/91.

7. CRG application for sections 3A & B 2/20/92.

8. CRG amendment No. 3, 12/18/92.

BROOKVIEW.TXTROZ

ORIGINAL

1

VOLUME I

| | | |
|---|---|---|
| BROOKVIEW FARMS (SECTION 3A OR 3B) N/S CROMWELL BRIDGE ROAD CRG DECISION 9/10/92 and BALTIMORE COUNTY PLANNING OFFICE/BROOKVIEW FARMS N/S CROMWELL BRIDGE ROAD SPH-CLARIFY DEVELOPER'S AMENDMENT TO TRACT BOUNDARIES; INTERPRETATION OF BCZR 8/21/92-Z.C.'S ORDER DENYING PETITION | * | BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. CBA-92-173 92-357-SPH JUNE 29, 1993 |

* * * * *

The above-entitled matter came on for hearing before the Baltimore County Board of Appeals at the Old Courthouse, 401 Washington Avenue, Towson, Maryland 21204, at 10:00 a.m.

* * * * *

BOARD MEMBERS: WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
HARRY E. BUCHHEISTER, JR.

APPEARANCES:

J. CARROLL HOLZER, Esquire
On behalf of the Protestants

DAVID M. MEADOWS, Esquire
On behalf of the Respondents

MICHAEL J. MORAN, Esquire
Baltimore County Office of Law

Reported by:
Heather R. McLauchlin

TOWSON REPORTING COMPANY, INC.

ORIGINAL

| | | |
|---|---|---|
| BROOKVIEW FARMS (Sections 3A & 3B) RE: CRG Decision and amended to reflect Day #2 | * | BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. CBA-92-173 Case No. 92-357-SPH June 30, 1993 |

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Towson, Maryland 21204 at 10 o'clock a.m., June 30, 1993.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman

C. WILLIAM CLARK

HARRY E. BUCHHEISTER, JR.

Reported by:

C.E. Peatt

BOARD OF APPEALS - Original Transcript -

Baltimore County Government
Office of Planning and Zoning

EXHIBIT II

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

TO: P. David Fields, Secretary
Baltimore County Planning Board
New Courts Building - Suite 406
Towson, MD 21204

DATE: February 24, 1992

FROM: County Review Group

SUBJECT: BROOKVIEW ESTATES

On February 20, 1992, the County Review Group (CRG) held a public meeting on a project identified as Brookview Estates, located on the northwest side of Cromwell Bridge Road, northeast of Oakleigh Road, in the ninth election district of Baltimore County. It was the decision of the CRG that the proposed plan represents a potential conflict with the Baltimore County Master Plan.

In accordance with Section 26-207 of the Development Regulations and Section 26-66 of the County Code, the CRG hereby refers the plan to the Baltimore County Planning Board for their review and consideration.

The CRG has identified the following four (4) very specific areas of potential conflict with the Baltimore County Master Plan:

1. The site is part of the Cromwell Valley, a major scenic resource. Page 106 of the Master Plan calls for preservation of the valley as open space.

2. The Development Policy Plan map on page 102 designates Cromwell Bridge Road as a "scenic corridor" and designates the valley as "potential park/open space."

3. The proposed density transfer of nine (9) units from Brookview Farms Section 2 is another potential conflict with the Master Plan due to its impact of adding more traffic to Cromwell Bridge Road. The Master Plan states on page 106: "The winding alignment of the [Cromwell Bridge] road has a rural charm despite its dangerous curves and very heavy volume of commuter traffic. The poor sight distances at most of the intersecting roads and lanes reinforce the need to avoid adding more traffic or more intersections." In addition, since this project does not appear to be part of the Brookview Farms development, the planning staff has recommended that the Zoning Commissioner hold a special

APP-14-92 TUE 9:22 DAFT-McCUNE-WALKER P.12

Ex III A

SUBJECT: COUNTY REVIEW GROUP COMMENTS — CRG DATE: 6/22/90, PRE-CRG DATE: 6/11/90

TO: ZONING OFFICE

PROJECT NAME: Rolling Ridge (3rd Amended, Alternate #2) (SECTION 2 ONLY) — PLAN: 5/21/90

LOCATION: W/S Marriottsville Road, N of Lyons Mill Road — REV.: 6/14/90 REV.:

DISTRICT: 2c3

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The revised plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify obvious conflicts with the Baltimore County Zoning Regulations, and details necessary in order to determine compliance with these regulations. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer, or developer's engineer to rectify all conflicts well in advance of any expected zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning conflicts must be identified conspicuously on the plan under "Zoning Public Hearing Request". If a public hearing is requested, the assistance received at the time of filing zoning petitions and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of any public hearing requests:

1. The Partial Final Development Plan of Section 1 (provisory section) approved on 1/16/90 must be amended pursuant to Section 1B01.3.A.7 (B.C.Z.R.) prior to zoning approval. Clarify if there has been any lots sold within 300 feet of the amended provisory section and tract boundary. BA O

2. Zone Line - Density - Sections -- Correct the zoning line on the plan to agree with the Mandamus Order by the Circuit Court on 11/30/89, Case #60,61 89SP4151. Reference case number and adjust density accordingly. Provide an accurate, complete density chart of Section 1, Section 2 and any remainder property not to conflict with the final development plan already approved. Provide bold, clear section lines on the plan of all proposed sections not to conflict with the approved final development plan. ✓

MICROFILMED

| # | Petitioner | Address | Location | Lot # |
|---|---|---|---|---|
| 1 | JAY & MISSY KENNEY | 913 Medfield Rd | BROOKVIEW SEC.# 1 | 13 |
| 2 | PHILIP & JEA SUE REID | 911 Medfield Rd | BROOKVIEW SEC.# 1 | 14 |
| 3 | MARK & DIANE PRESTON | 909 Medfield Rd | BROOKVIEW SEC.# 1 | 15 |
| 4 | ROBERT & D. ROSS TIANO | 909 Medfield Rd | BROOKVIEW SEC.# 1 | 16 |
| 5 | ROBERT & BETSY CALLANAN | 1511 Brook Meadow Drive | BROOKVIEW SEC.# 1 | 21 |
| 6 | PATRICK & JOANNA MORAND | 908 Medfield Rd | BROOKVIEW SEC.# 1 | 25 |
| 7 | JOHN & MURIEL ROE | 910 Medfield Rd | BROOKVIEW SEC.# 1 | 26 |
| 8 | JIM & ANN CRESCH | 912 Medfield Rd | BROOKVIEW SEC.# 1 | 27 |
| 9 | CARROLL & MARY FITGERLARD | 916 Medfield Rd | BROOKVIEW SEC.# 1 | 28 |
| 10 | DON & JEAN DIETRICH | 3 Minebank Ct. | BROOKVIEW SEC.# 1 | 30 |
| 11 | ROBERT & LINDA CURCURITO | 7 Minebank Ct. | BROOKVIEW SEC.# 1 | 32 |
| 12 | JEFF & SHELLA MARINER | 10 Minebank Ct. | BROOKVIEW SEC.# 1 | 33 |
| 13 | CRIEG & INA HANDLER | 8 Minebank Ct. | BROOKVIEW SEC.# 1 | 34 |
| 14 | ROBERT & GAIL PERMISON | 6 Minebank Ct. | BROOKVIEW SEC.# 1 | 35 |
| 15 | MARK & LINDA SMDOT | 4 Minebank Ct. | BROOKVIEW SEC.# 1 | 36 |
| 16 | ROBERT & CYNTHIA WANG | 2 Minebank Ct. | BROOKVIEW SEC.# 1 | 37 |
| 17 | VINCENT NOTARANGELO | 1305 Brookview Rd | BROOKVIEW SEC.# 1 | 40 |
| 18 | ROBIN SHIRLEY | 1307 Brookview Rd | BROOKVIEW SEC.# 1 | 41 |
| 19 | KENNETH & LINDA DAUSES | 1295 Brookview Rd | BROOKVIEW SEC.# 1 | 50 |
| 20 | R. PILAMOR & P. MARONEY | 1308 Brookview Rd | BROOKVIEW SEC.# 1 | 59 |
| 21 | WALTER & HELEN WICKLEIN | 1830 Cromwell Bridge Rd | Adjacent CBR | - |
| 22 | PATRICK & SANDRA DOLAN | 2000 Cromwell Bridge Rd | Adjacent CBR | - |
| 23 | FRANCES S. SHERWOOD | 2002 Cromwell Bridge Rd | Adjacent CBR | - |
| 24 | ALAN MCCONNELL | 1908 Haverhill Rd | South side of CBR | - |
| 25 | ROBERT BALLENTINE | 1904 Haverhill Rd | South side of CBR | - |
| 26 | MAT LOU BARRETT | 1906 Haverhill Rd | South side of CBR | - |
| 27 | CHEA BENDA | 1908 Haverhill Rd | South side of CBR | - |
| 28 | A.J. FASSO, JR. | 1910 Haverhill Rd | South side of CBR | - |
| 29 | WILLIAM R. BECKER | 1912 Haverhill Rd | South side of CBR | - |
| 30 | M.DAVIDSON | 1914 Haverhill Rd | South side of CBR | - |
| 31 | A.QUINN | 1916 Haverhill Rd | South side of CBR | - |
| 32 | STEVEN GATZ | 1920 Haverhill Rd | South side of CBR | - |
| 33 | J.S.EVANS | 1924 Haverhill Rd | South side of CBR | - |

Petitioners Ex No 1

APR-14-92 TUE 9:21 DAFT-McCUNE-WALKER P.11

Ex. 3B

Zoning - The Comment #5 in reference to the lot sizes less than 10,000 sq. ft. has been resolved. This development proposal does not stand on itself, but is an amendment to the Cromwell Woods II Section I addition.

Traffic Engineering - Place the note on the plan stating that Smith Avenue is to be widened to a minimum 16-foot paved section along its entire length.

The citizens were invited to comment, and their comments were reviewed:

Mr. Thomas Shipley stated that the residents are opposed to the routing of the water line. The addition of lots should not require a change in location of the water line. The cost to be incurred in the hookup would impose a hardship to the residents. The required roadway width of Smith Avenue will increase the storm water runoff. Excessive depth required to serve site 9241 with sewer would impose undue hardship on property owners.

Response - Mr. Schreiber explained to the members of the public that this development does meet the Zoning Regulations and is allowed by Baltimore County Development Regulations. It was explained that Smith Avenue is a public roadway by which there is a 30-foot easement based on the existing Smith Avenue and unless the DPW has a reason not to allow the water line in the easement of Smith Ave., the developer does have the right to install it there provided he follows Baltimore County policies. It was explained that the adjacent property owners would not be assessed for the improvements unless they actually tied into the uses of the utilities and the developer would be required to foot the bill of front foot assessment. It was also explained that the adjacent residents would not be required to tie into the utilities unless there existed a health problem on their site with failing wells and septic systems. Mr. Schreiber explained that Smith Avenue would have to be widened to a minimum width of 16 feet of pavement to allow emergency vehicles to ingress and egress with a Baltimore County standard turnaround at the terminus of the roadway.

Marge Lenhan expressed concern with the proposed development of Smith Ave. No response was necessary.

Karen Chenowith read a letter to Mr. Hayden concerning the development and the impact to the residents. She then submitted a copy to the CRG dated 2,12/91 to Mr. Hayden. No response was necessary.

CONCLUSION - The plan was approved, the appeal process was explained, and the meeting was adjourned at 10:50 a.m.

MICROFILMED

APR-14-92 TUE 9:21 DAFT-McCUNE-WALKER P.21

Ex 4

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

February 5, 1987

Deborah C. Dopkin, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

RE: Foxleigh Enterprises, Inc.
Your File No.: 6873/19966

Dear Ms. Dopkin:

The Zoning Commissioner has referred your letter regarding the above-referenced matter to me for reply. Due to time limitations that apparently exist in your office as well as this office I have not reviewed each and every reference in your letter. I can advise you however, that the transfer of density from within a single tract boundary, including transfers across road frontages and from parcel to parcel is not prohibited within the context of D.R. zoning regulations. Density units from parcel 6 on the west side of McDonogh Road may be transferred to parcels on the east side of McDonogh Road. Notwithstanding the above, it should be clearly understood that any such density transfer should take place within the overall tract boundary of the property being subdivided.

If you have any questions concerning the above, call me at your earliest convenience.

Sincerely,

JAMES E. DYER
Zoning Supervisor

JED:kkb

Post-it™ brand fax transmittal memo 7671 | # of pages > 2
To Pat Keller | From Deb Dopkin
Co./Dept. | Phone #
Fax # 494-3245 | Fax #

MICROFILMED

92 MON 14:45 3013397107 P.01

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Petitioners Ex No 2

TO: File

DATE: March 3, 1993

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

SUBJECT: Summary of Actions: Brookview Farms a.k.a. Brookview Estates a.k.a. VB Eck Estate, CRG No. ~~IV-464~~ IX-585

A. CRG Plan Review, Approvals, Amendments, Extensions:

1. CRG approval 4/9/85
114.0?? acres, 114 units allowed 113 proposed, zoning DR-1.

2. CRG amendment No. 1, 10/23/86

3. CRG amendment No. 2, 7/22/88
Gross and net acreage were changed, road alignments changed, lot numbers changed, number of units proposed changed.

| | Acres | Density |
|---|---|---|
| Section 1 | 60.3 | 62 |
| Section 2 | 31.47 | 40 |
| Section 3A | 18.8 | 35 |
| Section 3B | 26.9 | |
| | 137.47± | 137 |

Zoning DR-1

4. CRG extension No. 1, 3/7/89.

5. CRG extension No. 2, 10/9/91.
Extension for lots 63 through 101 but not 102 through 110 due to Master Plan Conflict. CRG for lots 102 through 110 (Sect. 3A & B) will be required.

6. CRG refinement 11/18/91.

7. CRG application for sections 3A & B 2/20/92.

8. CRG amendment No. 3, 12/18/92.

BROOKVEW TXTROZ

Prot Exh #3

RESOLUTION OF THE BALTIMORE COUNTY PLANNING BOARD,
TO AMEND
THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES

November 18, 1976

WHEREAS, The Baltimore County Zoning Regulations, in Clause 1801.3.A.7.b.iii, provide for defining a "homes association" under provisions adopted pursuant to the authority of Section 504 of the Regulations; and

WHEREAS, The Zoning Regulations, in Sub-subparagraph 1801.3.A.7.c, provide that certain amendments may be made to certain residential-development plans if, among other conditions, "[r]easonable notification, by a standard method established pursuant to the authority of Section 504 [of the Regulations]..." is "given to the occupants and owners of all real property which is fully or partially situated within 300 feet of the lot in question"; and

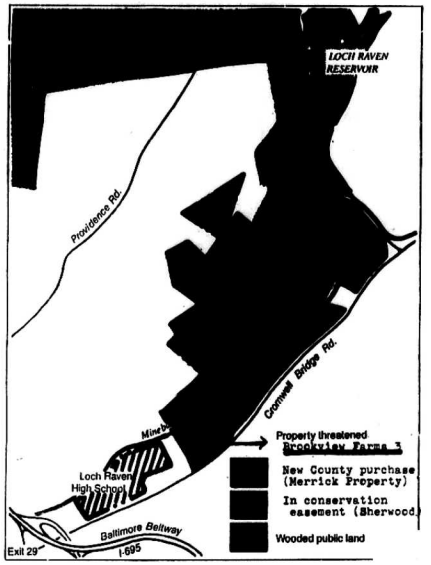
WHEREAS, Provisions embodying such a definition and standard method have been developed, as set forth below; and

WHEREAS, Those provisions have been formally submitted, as part of this resolution, to the County Solicitor for review and comment, and the notification method has been approved by the County Solicitor, as provided under Article V of the Rules of Procedure of the Baltimore County Planning Board and under Sub-subparagraph 1801.3.A.7.c of the Zoning Regulations, respectively; this resolution has been entered on and appended to the advance tentative agenda for this regular meeting of the Planning Board and has not since been amended, all as provided under Subsection 504.1 of the Zoning Regulations; and the advance tentative agenda has been forwarded to the Board members by certified mail or by courier seven days before the date of this meeting, and has been mailed to members of the press and other interested parties, no later than seven days before the date of this meeting, all as provided under Article II of the Rules of Procedur , now, therefore, pursuant to the authority of Section 504 of the Baltimore County Zoning Regulations, be it

RESOLVED, By the Baltimore County Planning Board, that Section VII of the Planning Board's land-use and development policies and zoning resolutions, set forth in the Comprehensive Manual of Development Policies (CMDP), as revised on September 21, 1972, be and it is hereby amended by adding a new subsection after Subsection VII.G, the new subsection to read as follows:

Prot Exh 1 #1

# "Brookview Farms 3"




***Campaign to Save Cromwell Valley***
2200 Cromwell Bridge Road, Baltimore, Maryl

EXHIBIT "5"

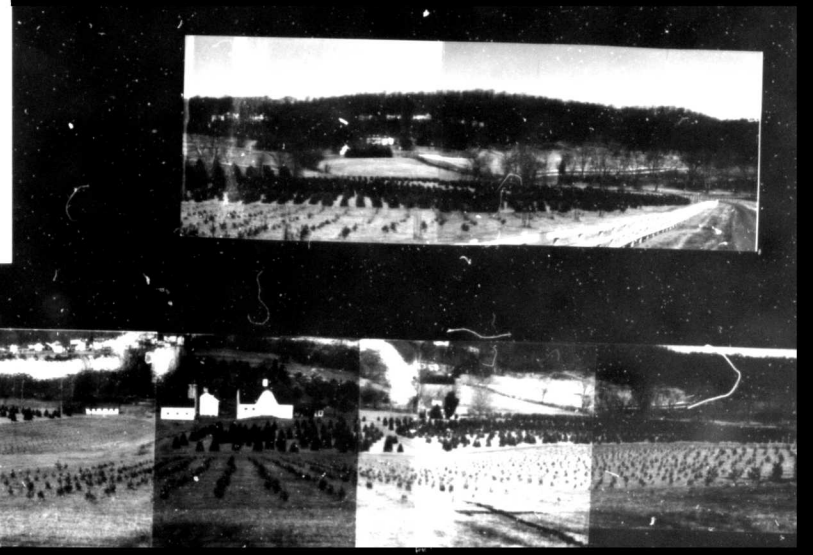
# Catalog Of Natural Areas In Maryland

1-PROTESTANTS EXHIBITS
VERIFIED 12-10-93

Prot Exh #2

STATE OF MARYLAND
Spiro T. Agnew, Governor

***Maryland State Planning Department***
James J. O'Donnell, Director



A HISTORY OF
"GOOD FELLOWSHIP FARM"
2000 CROMWELL BRIDGE ROAD

prepared for Patrick S. and Sandra L. Dolan

By Barbara K. Weeks
July 1991

BALTIMORE COUNTY PUBLIC SCHOOLS

DEPARTMENT OF PLANNING

Short-Term Peak Enrollment Forecast

Prot Exh #6

General Remarks

This report has been prepared to serve as the basis for preparation of the 1993-94 Operating Budget and provide information concerning the pupil capacity of Baltimore County Public Schools.


| Topics | Page |
|---|---|
| Scope and Reliability of Past Short-Term Enrollment Projections | 1 |
| Tenth School Day Enrollment Projections for the 1993-94 School Year | 2 |
| School Plant Capacity 1992-93 | 3-5 |


Department of Planning
September 29, 1992

RESOLUTION OF THE BALTIMORE COUNTY PLANNING BOARD,
TO AMEND
THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES

November 18, 1976

WHEREAS, The Baltimore County Zoning Regulations, in Clause 1801.3.A.7.b.iii, provide for defining a "homes association" under provisions adopted pursuant to the authority of Section 504 of the Regulations; and

WHEREAS, The Zoning Regulations, in Sub-subparagraph 1801.3.A.7.c, provide that certain amendments may be made to certain residential-development plans if, among other conditions, "[r]easonable notification, by a standard method established pursuant to the authority of Section 504 [of the Regulations]..." is "given to the occupants and owners of all real property which is fully or partially situated within 300 feet of the lot in question"; and

WHEREAS, Provisions embodying such a definition and standard method have been developed, as set forth below; and

WHEREAS, Those provisions have been formally submitted, as part of this resolution, to the County Solicitor for review and comment, and the notification method has been approved by the County Solicitor, as provided under Article V of the Rules of Procedure of the Baltimore County Planning Board and under Sub-subparagraph 1801.3.A.7.c of the Zoning Regulations, respectively; this resolution has been entered on and appended to the advance tentative agenda for this regular meeting of the Planning Board and has not since been amended, all as provided under Subsection 504.1 of the Zoning Regulations; and the advance tentative agenda has been forwarded to the Board members by certified mail or by courier seven days before the date of this meeting, and has been mailed to members of the press and other interested parties, no later than seven days before the date of this meeting, all as provided under Article II of the Rules of Procedure; now, therefore, pursuant to the authority of Section 504 of the Baltimore County Zoning Regulations, be it

RESOLVED, By the Baltimore County Planning Board, that Section VII of the Planning Board's land-use and development policies and zoning resolutions, set forth in the Comprehensive Manual of Development Policies (CMDP), as revised on September 21, 1972, be and it is hereby amended by adding a new subsection after Subsection VII.G, the new subsection to read as follows:

# "Brookview Farms 3"

***Campaign to Save Cromwell Valley***
2200 Cromwell Bridge Road, Baltimore, Maryland 21234 • 823-2159

# Catalog Of Natural Areas In Maryland

PROTESTANTS EXHIBITS
VERIFIED 12-10-93

STATE OF MARYLAND
Spiro T. Agnew, Governor

**Maryland State Planning Department**
James J. O'Donnell, Director

A HISTORY OF
"GOOD FELLOWSHIP FARM"
2000 CROMWELL BRIDGE ROAD

prepared for Patrick S. and Sandra L. Dolan

By Barbara K. Weeks
July 1991

BALTIMORE COUNTY PUBLIC SCHOOLS

DEPARTMENT OF PLANNING

Short-Term Peak Enrollment Forecast

General Remarks

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Department of Planning
September 29, 1992

## Parks and Open Space

Prot Exh #7

PARKS AND OPEN SPACE

The 1989 Baltimore County Master Plan has focused on the importance of open space in preserving the scenic and aesthetic values of the County and in providing citizens recreational opportunities. All the Sector Advisory Groups involved in the 1989 Master Plan have stated that meeting open space preservation goals must be a vital part of the County's comprehensive planning efforts.

To accommodate the recreational needs of the 1990 population the County will require an additional 2700 acres of parkland. This calculation is based on the State's recommendation of 20 acres per 1000 population. The Recreation and Parks Department Master Plan indicates the current open space and parkland deficit will continue into the next decade unless the County's ability to appraise, purchase, develop and maintain open space areas and recreational facilities is increased.

The next 10 years will be critical to the County's future. As urbanization and land speculation continue to drive up land values, potential opportunities for open space acquisition will disappear. Public demand for open space will rise as the County population grows. The large concentration of new residents in the two Growth Areas, Owings Mills and White Marsh, will require open space and recreational amenities. Many of the social and environmental impacts of growth in the County could be alleviated by a comprehensive network of stream valley parks, agricultural and forest lands, watershed protection areas and active recreation areas.

The current priorities for potential park and open space acquisition sites in each Sector have been located on the Development Policy Maps. These sites are listed at the end of this section.

**POLICY:**

Current County open space practices and procedures should be reevaluated. The Department of Recreation and Parks should be given the authority to achieve the ambitious goals of its Master Plan.

**ISSUE: Open Space Acquisition**

The Recreation and Parks Department has acquired 2500 acres of parkland since 1970, at a cost of $26 million dollars. Early acquisition efforts emphasized the purchase of sites for active recreation. In recent years the Department's priorities have shifted towards the preservation of significant natural areas.

The acquisition process has slowed considerably in the last two years. Since 1967 the Department has been able to acquire a total of 97 acres. The costs associated with potential acquisition projects have risen sharply, while the number of successful projects has steadily decreased. Appraisals of potential acquisition sites, which must be coordinated through the Department of Public Works, can take from 6-18 months to complete. County bids for property acquisition are not competitive with bids from other buyers, and successfully negotiated projects often meet with opposition from legislators reluctant to remove the land from the property tax roll.

**ACTIONS:**

1. The County appraisal and acquisition process will be revised to allow timely and cost effective purchase of open space and parkland.
2. Identify priorities for land acquisition in growth areas, waterfront areas, stream valleys, local communities, unique natural and historic areas and lands adjacent to existing County parks.

**ISSUE: Alternative Open Space Protection**

An effective open space protection program will require new approaches to development regulation and land acquisition. Public purchase of open space and recreational land will not be able to meet the needs of a growing and urbanizing County. Alternative methods of open space protection must be established.

**ACTIONS:**

1. Increase the mandatory requirements for dedicated local open space in all subdivisions of land outside of the Resource Conservation zones. In subdivisions where the total local open space required is less than 1/2 acre, the in-lieu fee should be raised to reflect actual market prices.
2. Revise the Planned Unit Development (PUD) regulations to require dedicated local open space. Currently, the County must rely exclusively on successful negotiations with developers for the provision of open space and recreational amenities.
3. Establish site design standards for all development in Resource Conservation zones. Current regulations do not adequately protect open space in rural areas. Alternatives to cluster local appeal will be promoted.
4. Potential parklands identified in the Sector Plans of this Master Plan will be submitted for funding as part of the Capital Improvement Program.
5. Investigate the feasibility of using the County power of condemnation to acquire parkland, and evaluate the positive and negative impacts of this authority.

**ISSUE: Stream Valley Greenways**

Stream valley greenways are undeveloped woodlands or open land which parallel the County's stream valleys and are privately or publicly owned. The establishment of a County-wide stream valley greenway network has been a goal of the Recreation and Parks Department for many years. A greenway along the



## Central Sector

opportunity should be taken to consolidate the points of vehicular entry/exit on York Road. Streetscaping and landscaping enhancements should continue. Opportunities for improving amenities for pedestrians should be sought.

2. The section from Ruxtancy Avenue to Ridgely Road typifies an undesirable combination of elements: narrow and shallow lots, frequent curb cuts, shallow front yards, lack of opportunity for parallel circulation at the front or rear, lack of a separate left-turn lane, excessive and chaotic signage, absence of visual amenity, inescapable high voltage power poles at the curbline, etc. Solving this complicated set of problems is beyond the level of Master Plan detail and would need to be addressed through a special study which could provide a prototype for similar situations elsewhere.
3. The remainder of York Road, from Ridgely to Shawan Roads, has generally adequate traffic capacity for a disappointing in general appearance. Other than the roadway, its most prominent unifying element is the overhead powerline along the west side. Future development should not only provide consistently attractive streetscaping and signage control but should also attempt to establish a series of distinctive commercial nodes as at Timonium Road. Special attention should be given to the difficulties of pedestrian access across such a very wide road (without any safety zone in the median) and to equitable relief for the owners of the few remaining residentially occupied properties fronting on this road.
4. There is no justification for additional office or commercial zoning along East Joppa Road in the vicinity of Goodlife, Edgemont, Edgerton, Center, Edgerton and Edgewood Roads. The residential character of this area should be preserved.

**ISSUE: Affirming the Character of Cromwell Valley**

In marked contrast to York Road, the narrow, two-lane Cromwell Bridge Road provides a remote respite for travelers entering and leaving the urbanized Towson area. It traverses a ledge along the steep eastern slope of a long, narrow valley, a small part of which is eastern farmland and all of which retains a predominantly open character despite its proximity to Towson. Cromwell Bridge Road is the only through road in the valley. Elsewhere the flows tranquility through the center of this environmentally sensitive area.

The increasing urbanization of the land has a strong, direct impact on the economic viability of many valuable if somewhat fragile agricultural operations. The poor sight distances at many of the intersections create and dangerous conditions for users of both automobiles and farm equipment. Consideration should be given to avoiding these problems in any improvements.

The Cromwell Valley is threatened by a trunk sewer line and its zoned for urban residential development (almost entirely at the lowest (DR 1) density). As a result, this irreplaceable environmental asset has publicly endorsed open space in its central portion of Cromwell Valley. Its 50 acres are consistent with public ownership to the valley's open space objectives, would be fundamentally incompatible with nearby town center objectives.

**ACTIONS:**

1. Because the preservation of the open space role of Cromwell Valley is a worthwhile public goal but is beyond the immediate financial means of Baltimore County government, the County should continue to assist the commercial property owners in the Valley in working with public and private conservation organizations for an equitable solution to this challenge.
2. In no event should the County grant higher density zoning in this Valley.
3. As is urged elsewhere in the Master Plan, the County should seriously attempt to establish a "transferable development rights" system. This concept, if it could be made workable in the Baltimore County context, could be a key means for giving equitable compensation to landowners in exchange for the preservation of irreplaceable natural and historic resources. The Cromwell Valley is an extremely appropriate area for preservation by using this concept.

Prot Exh #8



Preservation of Cromwell Valley
Cromwell Bridge Road as Scenic Corridor

## Central Sector

exceptional open space and recreational amenity. A much smaller but also significant city-owned open space area is Lake Roland, and its associated Robert E. Lee Park. The vast UMBC/Dr. Josephs/Hunt Valley/Prot complex is a major open space asset. Finally, providing major open space values in addition to recreational/cultural advantages are Goucher College and Towson State University.

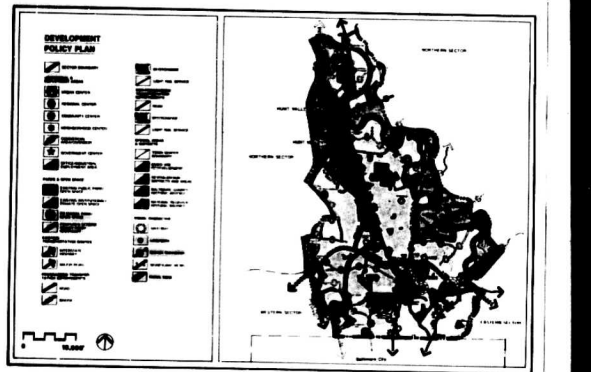
Prot Exh #9

**RESIDENCE ZONING & RECOMMENDATIONS**

Although the Master Plan does not propose any major immediate shifts in land use, it is nevertheless likely that the Central may experience the most dramatic changes of all the Sectors, especially in employment, during the next two decades.

If, as is strongly recommended in this Plan, the County retains its commitment to the basic principle of the Urban-Rural Demarcation Line, future employment and residential growth could well find the Towson and Hunt Valley - Timonium areas particularly attractive.

By the early part of the next century, a revitalized Towson and a redeveloping corridor northward from Timonium could clinch the Central Sector's role as the location of the most important mixed-use urban center in the County. Good access to the Interstate Highway system, an improved York Road, and an operating light rail system from Hunt Valley, and Towson, to downtown Baltimore and the Airport will be added incentives for future development and redevelopment to increase the urban character of these areas.






Development Policy Plan Map designates Cromwell Bridge Road as a Scenic Corridor

Prot Esh #7

PARKS AND OPEN SPACE

The 1989 Baltimore County Master Plan has focused on the importance of open space in preserving the scenic and aesthetic values of the County and in providing citizens recreational opportunities. All the Sector Advisory Groups involved in the 1989 Master Plan have stated that meeting open space preservation goals must be a vital part of the County's comprehensive planning efforts.

To accommodate the recreational needs of the 1990 population the County will require an additional 2700 acres of parkland. This calculation is based on the State's recommendation of 2% acres per 1000 population. The Recreation and Parks Department Master Plan indicates the current open space and parkland deficit will continue into the next decade unless the County's ability to appraise, purchase, develop and maintain open space areas and recreational facilities is increased.

The next 10 years will be critical to the County's future. As urbanization and land speculation continue to drive up land values, potential opportunities for open space acquisition will disappear. Public demand for open space will rise as the County population grows. The large concentration of new residents in the two Growth Areas, Owings Mills and White Marsh, will require open space and recreational amenities. Many of the social and environmental impacts of growth in the county could be alleviated by a comprehensive network of stream valley parks, agricultural and forest lands, watershed protection areas and active recreation areas.

The current priorities for potential park and open space acquisition sites in each Sector have been located on the Development Policy Maps. These sites are listed at the end of this section.

POLICY:

Current County open space practices and procedures should be reevaluated. The Department of Recreation and Parks should be given the authority to achieve the ambitious goals of its Master Plan.

ISSUE: Open Space Acquisition

The Recreation and Parks Department has acquired 2500 acres of parkland since 1970, at a cost of $24 million dollars. Early acquisition efforts emphasized the purchase of sites for active recreation. In recent years the Department's priorities have shifted towards the preservation of significant natural areas.

The acquisition process has slowed considerably in the last two years. Since 1987 the Department has been able to acquire a total of 97 acres. The costs associated with potential acquisition projects have risen sharply, while the number of successful projects has steadily decreased. Appraisals of potential acquisition sites, which must be coordinated through the Department of Public Works, can take from 6-10 months to complete. County bids for property acquisition are not competitive with bids from other buyers, and successfully negotiated projects often meet with opposition from legislators reluctant to remove the land from the property tax roll.

ACTIONS:

1. The County appraisal and acquisition process will be revised to allow timely and cost effective purchase of open space and parkland.
2. Identify priorities for land acquisition in growth areas, waterfront areas, stream valleys, local communities, unique natural and historic areas and lands adjacent to existing County parks.

ISSUE: Alternative Open Space Protection

An effective open space protection program will require new approaches to development regulation and land acquisition. Public purchase of open space and recreational land will not be able to meet the needs of a growing and urbanizing County. Alternative methods of open space protection must be established.

ACTIONS:

1. Increase the mandatory requirements for dedicated local open space in all subdivisions of land outside of the Resource Conservation zones. In subdivisions where the total local open space required is less than 1/2 acre, the in-lieu fee should be raised to reflect actual market prices.
2. Revise the Planned Unit Development (PUD) regulations to require dedicated local open space. Currently, the County must rely exclusively on successful negotiations with developers for the provision of open space and recreational amenities.
3. Establish site design standards for all development in Resource Conservation zones. Current regulations do not adequately protect open space in rural areas. Alternatives to costly rural sprawl will be promoted.
4. Potential parklands identified in the Sector Plans of this Master Plan will be submitted for funding as part of the Capital Improvement Program.
5. Investigate the feasibility of using the County power of condemnation to acquire parkland, and evaluate the positive and negative impacts of this authority.

ISSUE: Stream Valley Greenways

Stream valley greenways are undeveloped woodlands or open land which parallel the County's stream valleys and are privately or publicly owned. The establishment of a County-wide stream valley greenway network has been a goal of the Recreation and Parks Department for many years. A greenway along the





opportunity should be taken to consolidate the points of vehicular entry/exit on York Road. Streetscaping and landscaping enhancements should continue. Opportunities for improving amenities for pedestrians should be sought.

2. The section from Seminary Avenue to Ridgely Road typifies an undesirable combination of elements: narrow and shallow lots, frequent curb cuts, shallow front yards, lack of opportunity for parallel circulation at the front or rear, lack of a separate left-turn lane, excessive and chaotic signage, absence of visual amenity, immovable high voltage power poles at the curbline, etc. Solving this complicated set of problems is beyond the level of Master Plan detail and would need to be addressed through a special study which could provide a prototype for similar situations elsewhere.
3. The remainder of York Road, from Ridgely to Shawan Roads, has generally adequate traffic capacity but is disappointing in general appearance. Other than the roadway, its most prominent unifying element is the overhead powerline along the west side. Future development should not only provide consistently attractive streetscaping and signage control but should also attempt to establish a series of distinctive commercial nodes as at Timonium Road. Special attention should be given to the difficulties of pedestrian access across such a very wide road (without any safety zone in the median) and to equitable relief for the owners of the few remaining residentially occupied properties fronting on this road.
4. There is no justification for additional office or commercial zoning along East Joppa Road in the vicinity of Edgecliff, Edgemont, Edgeview, Center, Edgeston and Edgewood Roads. The residential character of this area should be preserved.

ISSUE: Preserving the Character of Cromwell Valley

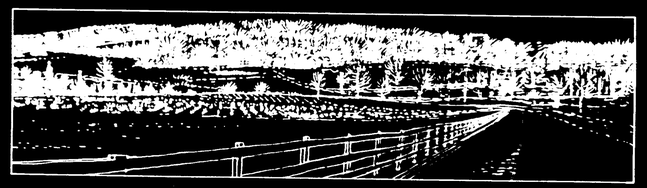
In marked contrast to York Road, the narrow, two-lane Cromwell Bridge Road provides a scenic respite for travelers entering and leaving the urbanized Towson area. It traverses a lodge along the steep eastern slope of a long, narrow valley, a small part of which is section designated and all of which retains a remarkably open character despite its proximity to urban areas. Historic estates are prominent in the pastoral landscape. Hitchcock Run flows tranquilly through the center of this environmentally sensitive area.

The winding alignment of the road has a rough charm despite its numerous curves and very heavy volume of commuting traffic. The poor sight distances at most of the intersecting roads and house entrances do tend to create safety hazards, however, especially during inclement weather.

The Cromwell Valley is transversed by a trunk sewer line and is zoned for urban residential development (mainly as the lowest (DR 1) density). As a result, this irreplaceable privately owned area probably enjoys more open space in its current property of density than any other area in the County. Any development existing in the valley's unique ambience, would be fundamentally incompatible with exactly that scenic character.

Actions:

1. Because the preservation of the open space role of Cromwell Valley is a responsibility quite part but is beyond the immediate financial means of Baltimore County government, the County should continue to assist the concerned property owners in the Valley in working with public and private conservation organizations for an equitable solution to this challenge.
2. In no event should the County enact higher density zoning in this Valley.
3. As is urged elsewhere in the Master Plan, the County should seriously attempt to establish a "transferable development rights" system. This concept, if it could be made workable in the Baltimore County context, could be a key means for giving equitable compensation to landowners in exchange for the preservation of irreplaceable natural and historic resources. The Cromwell Valley is an eminently appropriate area for preservation by using this concept.



Prot Esh #8



Preservation of Cromwell Valley
Cromwell Bridge Road as Scenic Corridor



exceptional open space and recreational amenity. A much smaller but also significant City-owned open space area is Lake Roland, and its associated Robert E. Lee Park. The area's MSMC/St. Josephs/Sheppard Pratt complex is a major open space asset. Finally, providing major open space values in addition to substantial cultural advantages are Goucher College and Towson State University.

STRATEGIC ISSUES & RECOMMENDATIONS

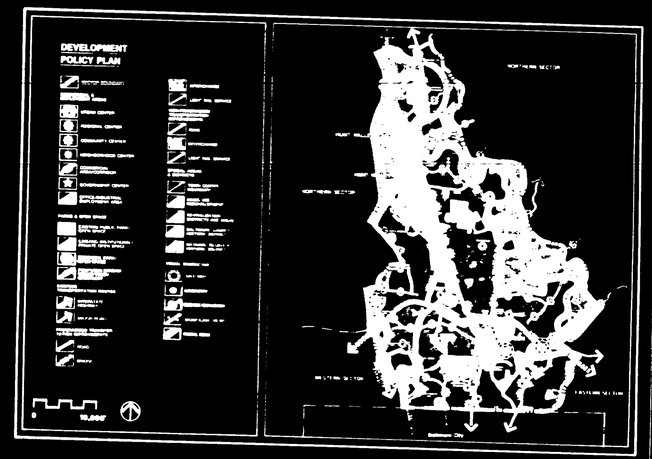
Although the Master Plan does not propose any major immediate shifts in land use, it is nevertheless likely that the Central may experience the most dramatic changes of all the Sectors, especially in employment, during the next two decades.

If, as is strongly recommended in this Plan, the County retains its commitment to the basic principle of the Metropolitan Demarcation Line, future employment and residential growth could well find the Towson and Hunt Valley - Timonium areas particularly attractive.

By the early part of the next century, a revitalized Towson and a redeveloping corridor northward from Timonium could orient the Central Sector's role as the location of the most important mixed-use urban center in the County. Good access to the Interstate Highway system, an improved York Road, and an operating

Prot Esh #9

light rail system from Hunt Valley, and Towson, to downtown Baltimore and the Airport will be added incentives for future development and redevelopment to increase the urban character of these areas.






Development Policy Map designates Cromwell Bridge Road as a Scenic Corridor

## Annotated Legends

highways and utility lines' which would jeopardize its historical integrity, including its site.

**Agricultural Preservation Districts:** By voluntary agreement with the State and County, the owner of eligible productive farm or forest land can establish binding restrictions for an open-ended term to prevent, absolutely, the subdivision or development of his land for nonfarm purposes. A District Agreement is the prerequisite to an Easement on the property. It is a clear expression of joint public-private intent for the property to remain agricultural indefinitely.

**Agricultural Preservation Easements:** The final step for permanent protection of agricultural land is the transfer of its nonagricultural development rights to a State or private organization. The State, through the Maryland Agricultural Land Preservation Foundation, and with direct financial participation by Baltimore County, has already purchased the easements on 6300 acres of prime agricultural land in Baltimore County (with another 1700 acres pending).

**Other Preservation Easements:** Besides the joint State-County agricultural easement purchase program, protective covenants or easements could be held by other entities for other resource protection purposes. Currently in Baltimore County only the Maryland Environmental Trust controls such acreage but organizations such as the Maryland Historical Trust, The Nature Conservancy, The Trust for Public Lands, etc., could become involved in implementing the Master Plan's conservation policies.

**Chesapeake Bay Critical Area:** Adopted by the County Council in 1988 in compliance with an exceptionally strong and complex mandate legislated by the state, the Critical Area Program substantially downzoned about 12,800 acres of land and imposed stringent performance standards on new development in this and an approximately equal acreage of already developed land adjoining the County's 173 miles of shoreline along the Bay and its tributaries.

**Study Area:** This symbol represents the 8400-acre study area known as Granite/Paisano.

**VISUAL CHARACTER:** This final group of policy elements involves concepts that are relatively more subjective and judgmental than most of the preceding topics. A distinguishing feature of this Master Plan, however, is its recognition of the distinctive visual elements which make Baltimore County so desirable to residents and attractive to visitors, and the Plan's strong concern that these quality-of-life components should not only be identified but should also be integrated into the County's ongoing development in a positive way that enhances and protects them as a legacy for posterity. The detailed mechanisms by which this additional goal might be achieved are still being formulated. This section of the Policy Plan serves principally as an initial inventory of the landscape features that might be involved in such programs.

**Gateway:** The underlying concept of this term refers not to a particular man-made structure (such as at the southern entrance to Druid Hill Park, on Madison Street) but, instead, to the area where one type of physical surroundings change clearly and fairly abruptly to a very different type. The clearest examples are the entry to the Cromwell Valley outbound from Towson past the Beltway, crossing the ridge southbound on I-83 towards Shawan Road, and crossing the Back River bridge into Essex. The specific design treatment of these visually sensitive localities will vary greatly but the basic objective would as to emphasize the distinctive character on each side of the gateway as the sense of transition becomes stronger. Special review of the design aspects of proposed development would be advisable.

**Landmark:** As mapped, this symbol identifies some of the significant properties which have been placed either on the Baltimore County Landmarks List or on the National Register of Historic Places, plus certain other structures. The concept is much broader, and could include prominent natural features (such as waterfalls). A landmark, in this sense, is any structure or feature which the residents of an area regard as important to its identity and sense of place, and which might be used as a reference point for giving directions. A landmark structure usually has at least local historical significance, and should receive the protection of being entered on the County's Landmarks List.

**Scenic Overlook:** Repeatedly in studies and surveys, "driving for pleasure" has ranked among the most popular of recreational activities in America. The scenic corridor symbol on the Policy Plan indicates a series of roads which, for the most part, are bordered by views and rural landscapes that are particularly scenic. An early action measure in conjunction with the County's tourism initiatives could be a series of brochures for self-guided driving tours on some of these routes. The ultimate goal would be special standards for design review as part of the approval of new development visible in these corridors, and, where technically justified, establishment of Historic Districts.

**Rural Clusters:** The small arrow symbols adjoining the scenic corridor routes indicate the location and general direction of particularly attractive views or vistas. In at least some of these places, exceptional protective measures such as the acquisition of view easements should be considered.

**Rural Edge:** This conceptual line, which generally matches the location of the Urban-Rural Demarcation Line, might be thought of as a linear and usually less dramatic form of "gateway". It is the place at which the more urban-suburban part of the County meets the rural landscape. In a very few places, as along I-83 at Hunt Valley, it is a dramatic contrast of opposites. For most of its length, however, it is a very soft, almost undistinguishable transition between uses of very similar character. Typically it merges from the lowest suburban densities to the almost equivalent Resource Residential. For much of the eastern half, the edge is further diffused by transition through the public, forested land in the Loch Raven Reservoir and Dunpowder State Park.



Cromwell Valley & Rural Scenic Corridor

## Parks and Open Space

**Open Space Network:** Baltimore County's Open Space Network is a system of interconnected parks, natural areas, and recreational facilities which are linked by greenways, stream valleys, and scenic routes. The Network is intended to provide a framework for future growth and development, and to protect the County's most valuable natural resources. The Network is also intended to provide a variety of recreational opportunities for the County's residents and visitors.

**Existing Public Park:** This symbol identifies existing public parks and recreation facilities. Most of the larger parks are shown on the Land Use Plan, but many of the smaller ones are not. Some of the parks shown on the Land Use Plan are not yet developed, and are shown on the Open Space Network as "Proposed Park".

**Existing Institutional/Private Open Space:** This symbol identifies existing private recreation facilities, such as golf courses, country clubs, and similar large institutional properties which presently have a significant open space role in relation to the adjoining residential areas.

**Proposed Stream Valley Park/Greenway:** This symbol is used in two ways. First, it shows the approximate location of sites the Department of Recreation and Parks still intends to acquire or develop. Second, it has been placed on most of the "Institutional/Private Open Space" properties not necessarily to suggest eventual public ownership, but to indicate if more intensive use of such properties is proposed a special review process should occur to retain as much of the open space character as possible.

**Existing Stream Valley Park/Greenway:** The greenway system will emerge through the ongoing application of the County's environmental protection standards, especially as they relate to stream valleys. The greenways might either remain in private ownership, or be acquired by the County through the development approval process. Within this network, however, the Master Plan proposes the eventual development of a stream valley park system for at least limited public access. The goal for this concept is the implementation of the Northern Central Bike-Hike Trail, which has been highly successful. The Development Policy Maps show the most important of these potential segments. Additional proposals may emerge from the detailed community plans to be prepared later.

**Relative Transportation Service:** To provide a context for understanding how the proposed transportation improvements will assist in improving mobility in and through the County, four categories of major existing routes are shown on the map.

**Interstate Highway:** The five expressways are shown by a double line symbol, which changes from a solid line to a dashed line along those segments where improvements are programmed.

**Major Road:** This category is an indication of a road's relative importance within (and between) the Sectors. It generally includes all arterial highways but also may include selected "collector roads that are significant for continuity of traffic patterns within a Sector. Inclusion in this category should not automatically be taken as an indication that improvements to the road are or even should be programmed.

**Metro Rail & Stations:** The existing "heavy rail" Metro Line to Owings Mills and the three stations within Baltimore County are shown by these symbols.

**Commuter Rail & Stations:** Two commuter railroad routes, operated for the State MARC: on the Amtrak and CSX (B&O) lines between Downtown Baltimore and Washington, pass through southwestern Baltimore County. The symbols show these lines and their stations, including the new station programmed on the CSX line at "Relay."

**Development Transportation Improvements:** All of the items in this group are included within the State's Consolidated Transportation Program or within the FY 1990 Capital Budget, 1991-1995 Capital Program as recommended by the County Planning Board. The indicated County projects will be corrected, as necessary, based on the County Council's final decisions. It is important to understand that inclusion within a capital program does not necessarily mean a project would be completed, or even that construction would begin during that period. Many of the projects are programmed only for the completion of planning or construction drawings, pending the availability of additional funding to acquire rights-of-way or begin construction.

**Road:** The needs for improvements to these road segments are generally self-evident, having been identified in many successive years of capital programs.

**Interchange:** Currently interchanges at I-83/Warren Road and MD 43/MD [illegible] are programmed for construction. Also, planning studies are programmed for a future interchange at I-83/Thornton Mill Road and an upgrading of the interchange at I-83/Padonia Road.

**Light Rail:** The Central Light Rail line from Hunt Valley to Glen Burnie and BWI Airport.

**Commuter Rail:** The Amtrak line from Perryville through Chase and Middle River to Downtown Baltimore.

**Non-Programmed Transportation Improvements:** Serious shortages of revenues continue to prevent both the County and the State from scheduling action on a large number of needed transportation projects. The items in this group have all been identified from one or more sources either as desirable improvements or



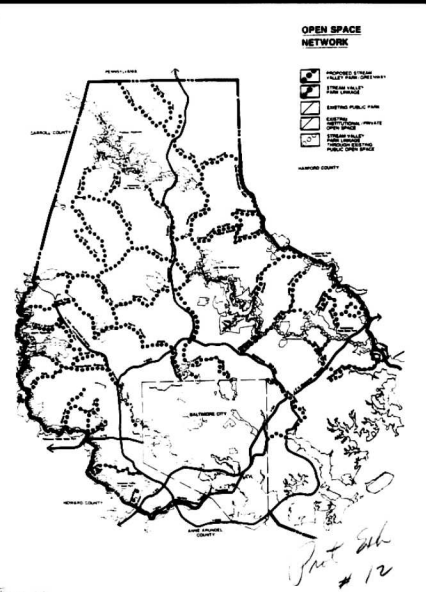




Cromwell Valley's Minebank Run — stream valley greenway system

**Open Space Network:** Baltimore County's Open Space Network is a system of interconnected parks, natural areas, and recreational facilities which are linked by greenways, stream valleys, and scenic routes. The Network is intended to provide a framework for future growth and development, and to protect the County's most valuable natural resources. The Network is also intended to provide a variety of recreational opportunities for the County's residents and visitors.

Open Space Network




#12

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson MD 21204

(410) 887-3211
Fax (410) 887-5862

May 20, 1992

#14

TO: Baltimore County Planning Board

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: BROOKVIEW FARM SECTIONS 3A & 3B
MASTER PLAN CONFLICT REVIEW

PREAMBLE

The CRG forwarded the plan for Brookview Farm, Sections 3A & 3B to the Planning Board as a development potentially in conflict with the Master Plan. In its submission to the Board, the CRG also raised a question as to whether the plan, which involved an amendment to the approved CRG plan for Brookview Farm, Sections 1 and 2, was submitted in accordance with the provisions of the Baltimore County Zoning and Development Regulations.

At the request of the Office of Planning and Zoning, a Special Hearing was held before the Zoning Commissioner on April 27, 1992, to resolve this matter. This hearing was continued by the Commissioner, to enable all the parties, including public protestants who had entered the case, to submit memoranda for his consideration. To date, no direction has been received from the Commissioner and it is not possible to provide the Board with an opinion as to the validity of the plan as submitted to the County.

MASTER PLAN CONFLICT

On Thursday, March 18, 1992, the Planning Board adopted a Resolution which identified the development of Brookview Farm, Sections 3A & 3B as being a potential conflict with the County's Master Plan. This action was in response to a referral from the CRG, dated February 20, 1992, which specifically identified the following four areas of potential conflict.

1. The site is part of the Cromwell Valley, a major scenic resource. Page 106 of the Master Plan calls for preservation of the valley as open space.

2. The Development Policy Plan map on page 102 designates Cromwell Bridge Road as a "scenic corridor" and designates the valley as "potential park/open space."

#11

Ogden's Falls has been acquired and developed as a stream valley park with a trail system and accessibility for the handicapped. The concept needs to be expanded into other urban areas and the Resource Conservation zones.

By identifying significant stream systems on the Development Policy Maps for each Sector and calling for their in-fee conveyance or equivalent easements, the County can initiate a long-range program to establish a greenway passing through the most beautiful parts of Baltimore County. A network linking Patapsco State Park, Soldiers Delight Park and Black Marsh would ultimately allow any pedestrian the opportunity to walk from Patapsco or Maryland Line to the Chesapeake Bay.

The steep hillsides and stream protection guidelines proposed by the Department of Environmental Protection and Resource Management will require an undisturbed buffer of 50-150 feet on all streams within any development. These mandatory buffer requirements will help establish a greenway of protected stream valleys which will serve as a framework for future County acquisition and possible recreational use. Negotiations with private landowners whose lands are not being developed will supply the linking parcels necessary to establish a linear greenway system.

ACTION:

1. Adopt a stream valley greenway system. All stream valley greenways selected for trail access or park development will be developed only if they can be adequately policed and maintained. The greenway system is a long-range plan. Active portions of the system will be implemented with community involvement to help determine supervisory personnel, design of access areas, and identification of appropriate use by the public.
2. Public access points to the greenway system will be strategically placed to utilize existing public facilities for parking and services. Access will be designed to protect adjacent private property from intrusion by the public.
3. Initiate an active community outreach campaign to promote the greenways using the successful example of the Northern Central Railroad Bike-Hike Trail. The greenway system will be planned with the help of community groups and private citizens who will be impacted by the trail system.
4. The buffer area or 100-year floodplain along smaller streams may not be large enough to allow the construction of a footpath. Additional land acquisition may be necessary along these streams.
5. Environmentally sensitive areas such as steep slopes and wetlands will be identified prior to the location of any trails or recreational facilities within future greenways or stream valley parks.

ISSUE: Private Open Space

Private and Public Open Space is a valuable amenity that can be lost to development. A mechanism to preserve open space and still allow reasonable development is needed.

ACTION:

Reevaluate the County's Open Space requirements and investigate procedures or Design Standards that will minimize or mitigate the impact of development.

ISSUE: State Parks

The growing number of development proposals within the take lines of State parks threatens the future expansion of the parks within Baltimore County.

ACTION:

In cases of conflict with future State park acquisition plans, the County must use its authority to negotiate with the developer to dedicate the land or if necessary, use the power of public reservation, as specified in the Baltimore County Code Section 22-16.

ISSUE: Multiple Use of the Reservoirs

Those large city-owned reservoirs fall within Baltimore County's boundaries -- Loch Raven, Prettyboy, and Liberty. These reservoirs offer many recreational opportunities such as fishing, hiking, and limited boating. To meet the recreational needs of the growing urban population, these uses may need to be expanded and others instituted.

ACTION:

Work with Baltimore City to explore further appropriate multiuse recreational opportunities that are compatible with the protection of the public water supply and can be monitored and controlled.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF RECREATION AND PARKS

Proposed Expressways and Park Sites
(As of April 1985 and as Amended by the County Council February 1990)

1. Northeastern Annex and Site
2. Land south of Westowne Elementary School, adjacent to Harlem Lane
3. Land south of Cedar Avenue, west of Clark Blvd., east of I-195 and north of the rail line
4. Yeoltey Line 69- Catonsville
5. Preserve Stream Valley in Woodbridge
6. Neighborhood Park in Chadwick
7. Pikesville Community Park south of Old Court
8. Retain Wellwood School-Recreation Site or Alternate
9. Continue acquisition of Lower Dolfield Park
10. Retain Westwood Landfill for park use
11. Acquire land adjacent to Hillwood Park
12. Owings Mills Town Park
13. Preserve woodlands near Stream Valley near McDonogh and along the Deyoes Falls
14. Red Run Lake
15. Investigate use of Ironwood Hospital
16. Urban Park for Reisterstown
17. Highway Administration Garage in Elysburn
18. Parkland in Elysburn Virginia
19. Merryman Property - Addition to Oregon Ridge
20. Land near Prettyboy Elementary School-B ation Center
21. Acquire land in Stream Valleys, such as Jones Falls
22. Retain Delaney Springs School-Recreation Site
23. Open Space in the Town Centers of Towson with Particular Emphasis in the Eastern Section
24. Neighborhood Park in Towson Manor Village Association
25. The Commedi Valley
26. Addition to Double Rock Park
27. Stemmers Run Stream Valley
28. Community Park - Perry Hall
29. Additional land - Honeygo Park
30. Addition to Linover Park
31. Expand Rosedale Park
32. Community Park in Stony Run Area-Canterbury
33. Acquisition of White Marsh Run
34. Days Cove
35. Dundee-Saltpeter Creek
36. Walnut Point
37. Property near Chesapeake Senior High School-Recreation Center
38. Porter's Beach - Addition to Bowly Point Park
39. Black Marsh with State
40. Parks identified in subsequent local Area or Community Plans

#15

Everett C. Carter

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ACADEMIC EXPERIENCE

University of Maryland: Professor, Department of Civil Engineering, 1972 to present; Associate Professor 1970-1972; Chairman 1973-1977;
Director, Transportation Studies Center, 1975 to 1985
West Virginia University: Associate Professor 1969 and 1970; Assistant Professor 1963-1969
Northwestern University: Teaching Assistant 1961-1962

COURSES TAUGHT

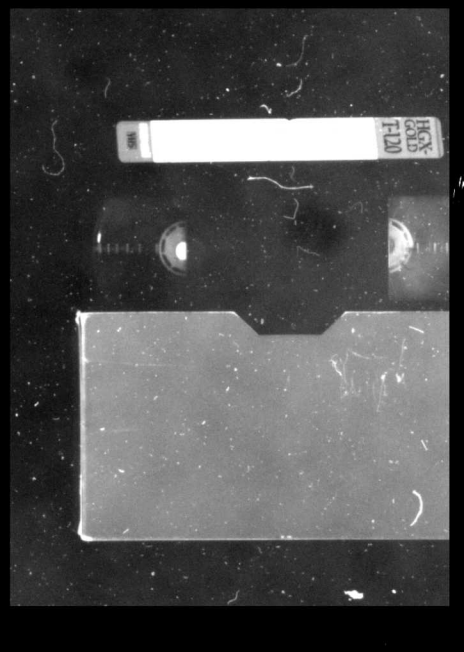
Regional Transportation Planning, Urban Transportation Planning, Urban Problems, Transportation Engineering, Transportation Economics and Administration, Highway Laws, Traffic Engineering Characteristics and Operations, Highway Engineering, Airport Planning and Design, Civil Engineering Planning, Geometric Design of Highways.

PROFESSIONAL SOCIETIES AND HONORS

American Society of Civil Engineers, Transportation Research Board, Institute of Transportation Engineers, American Public Works Association, Sigma Xi, Chi Epsilon, Tau Beta Pi, Phi Kappa Phi, American Road and Transportation Builders Association, American Society for Engineering Education.

PROFESSIONAL EXPERIENCE

Consultant on Traffic Impact Studies for various citizen groups and developers, 1980 - present.



highways and utility lines) which would jeopardize its historical integrity, including its site.

**Agricultural Preservation District:** By voluntary agreement with the State and County, the owner of eligible productive farm or forest land can establish binding restrictions for an open-ended term to prevent, absolutely, the subdivision or development of his land for nonfarm purposes. A District Agreement is the prerequisite to an Easement on the property. It is a clear expression of joint public-private intent for the property to remain agricultural indefinitely.

**Agricultural Preservation Easement:** The final step for permanent protection of agricultural land is the transfer of its nonagricultural development rights to a State or private organization. The State, through the Maryland Agricultural Land Preservation Foundation, and with direct financial participation by Baltimore County, has already purchased the easements on 6300 acres of prime agricultural land in Baltimore County (with another 1700 acres pending).

**Other Preservation Easement:** Besides the joint State-County agricultural easement purchase program, protective covenants or easements could be held by other entities for other resource protection purposes. Currently in Baltimore County only the Maryland Environmental Trust controls such acreage but organizations such as the Maryland Historical Trust, The Nature Conservancy, The Trust for Public Lands, etc., could become involved in implementing the Master Plan's conservation policies.

**Chesapeake Bay Critical Area:** Adopted by the County Council in 1988 in compliance with an exceptionally strong and complex mandate legislated by the State, the Critical Area Program substantially downzoned about 12,500 acres of land and imposed stringent performance standards on new development in this and an approximately equal acreage of already developed land adjoining the County's 173 miles of shoreline along the Bay and its tributaries.

**Study Area:** This symbol represents the 8600-acre study area known as Granite Patapsco.

**VISUAL CHARACTER:** This final group of policy elements involves concepts that are relatively more subjective and judgmental than most of the preceding topics. A distinguishing feature of this Master Plan, however, is its recognition of the distinctive visual elements which make Baltimore County so desirable to residents and attractive to visitors, and the Plan's strong concern that these quality-of-life components should not only be identified but should also be integrated into the County's ongoing development in a positive way that enhances and protects them as a legacy for posterity. The detailed mechanisms by which this ambitious goal might be achieved are still being formulated. This section of the Policy Plan serves principally as an initial inventory of the landscape features that might be involved in such programs.

**Gateway:** The underlying concept of this term refers not to a particular man-made structure (such as at the southern entrance to Druid Hill Park, on Madison Street) but, instead, to the area where one type of physical surroundings change clearly and fairly abruptly to a very different type. The clearest examples are the entry to the Cromwell Valley outbound from Towson past the Beltway, crossing the ridge southbound on I-83 towards Shawan Road, and crossing the Back River bridge into Essex. The specific design treatment of these visually sensitive localities will vary greatly but the basic objective would be to emphasize the distinctive character on each side of the gateway so the sense of transition becomes stronger. Special review of the design aspects of proposed development would be advisable.

**Landmark:** As mapped, this symbol identifies some of the significant properties which have been placed either on the Baltimore County Landmarks List or on the National Register of Historic Places, plus certain other structures. The concept is much broader, and could include prominent natural features (such as waterfalls). A landmark, in this sense, is any structure or feature which the residents of an area regard as important to its identity and sense of place, and which might be used as a reference point for giving directions. A landmark structure usually has at least local historical significance, and should receive the protection of being entered on the County's Landmarks List.

**Scenic Corridor:** Repeatedly in studies and surveys, "driving for pleasure" has ranked among the most popular of recreational activities in America. The scenic corridor symbol on the Policy Plan indicates a series of roads which, for the most part, are bordered by views and rural landscapes that are particularly scenic. An early action measure in conjunction with the County's tourism initiatives could be a series of brochures for self-guided driving tours on some of these routes. The ultimate goal would be special standards for design review as part of the approval of new development visible in these corridors, and, where technically justified, establishment of Historic Districts.

**Significant View:** The small arrow symbols adjoining the scenic corridor routes indicate the location and general direction of particularly attractive views or vistas. In at least some of these places, exceptional protective measures such as the acquisition of view easements should be considered.

**Rural Edge:** This conceptual line, which generally matches the location of the Urban-Rural Demarcation Line, might be thought of as a linear and usually less dramatic form of "gateway". It is the place at which the more urban-suburban part of the County meets the rural landscape. In a very few places, as along I-83 at Hunt Valley, it is a dramatic contrast of opposites. For most of its length, however, it is a very soft, almost undistinguishable transition between uses of very similar character. Typically it merges from the lowest suburban densities to the almost equivalent Resource Residential. For much of the eastern half, the edge is further diffused by transition through the public, forested land in the Loch Raven Reservoir and Gunpowder State Park.



Forest Buffer Zone on Scenic Corridor



Prot Exh #11

**Gwynn's Falls has been acquired and developed as a stream valley park with a trail system and accessibility for the handicapped. The concept needs to be expanded into other urban areas and the Resource Conservation zones.**

**By identifying significant stream systems on the Development Policy Maps for each Sector and calling for their in-fee conveyance or negotiated easements, the County can initiate a long-range program to establish a greenway passing through the most beautiful parts of Baltimore County. A network linking Patapsco State Park, Gunpowder State Park and Black Marsh would ultimately allow any pedestrian the opportunity to walk from Patapsco or Maryland Line to the Chesapeake Bay.**

**The steep slope and stream protection guidelines proposed by the Department of Environmental Protection and Resource Management will require an undisturbed buffer of 50-150 feet on all streams within new developments. These mandatory buffer requirements will help establish a greenway of protected stream valleys which will serve as a framework for future County acquisition and possible recreational use. Negotiations with private landowners whose lands are not being developed will supply the linking parcels necessary to establish a linear greenway system.**

**ACTION:**

1. Adopt a stream valley greenway system. All stream valley greenways selected for trail access or park development will be developed only if they can be adequately policed and maintained. The greenway system is a long-range plan. Active portions of the system will be implemented with community involvement to help determine supervisory personnel, design of access areas, and identification of appropriate use by the public.
2. Public access points to the greenway system will be strategically placed utilizing existing public facilities for parking and services. Access will be designed to protect adjacent private property from intrusion by the public.
3. Initiate an active community outreach campaign to promote the greenways using the successful example of the Northern Central Railroad Bike-Hike Trail. The greenway system will be planned with the help of community groups and private citizens who will be impacted by the trail system.
4. The buffer area or 100-year floodplain along smaller streams may not be large enough to allow the construction of a footpath. Additional land acquisition may be necessary along these streams.
5. Environmentally sensitive areas such as steep slopes and wetlands will be identified prior to the location of any trails or recreational facilities within future greenways or stream valley parks.

**ISSUE: Private Open Space**

**Private and Public Open Space is a valuable amenity that can be lost to development. A mechanism to preserve open space and still allow reasonable development is needed.**

**ACTION:**

**Reevaluate the County's Open Space requirements and investigate procedures or Design Standards that will minimize or mitigate the impact of development.**

**ISSUE: State Parks**

**The growing number of development proposals within the take lines of State parks threatens the future expansion of the parks within Baltimore County.**

**ACTION:**

**In cases of conflict with future State park acquisition plans, the County must use its authority to negotiate with the developer to dedicate the land or if necessary, use the power of public reservation, as specified in the Baltimore County Code Section 22-18.**

**ISSUE: Multiple Use of the Reservoirs**

**Three large city-owned reservoirs fall within Baltimore County's boundaries - Loch Raven, Prettyboy, and Liberty. These reservoirs offer some recreational opportunities such as fishing, hiking, and limited boating. To meet the recreational needs of the growing metropolitan population, these uses may need to be expanded and others instituted.**

**ACTION:**

**Work with Baltimore City to explore further appropriate multi-use recreational opportunities that are compatible with the protection of the public water supply and can be monitored and controlled.**

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF RECREATION AND PARKS

**Proposed Recreation and Park Sites**
(As of April 1989 and as Amended by the County Council February 1990)

1. Westchester Annex and Site
2. Land south of Westowne Elementary School, adjacent to Harlem Lane
3. Land south of Cedar Avenue, west of Clark Blvd., east of I-195 and north of the rail line
4. Trolley Line 68: Catonsville
5. Preserve Stream Valley in Woodbridge
6. Neighborhood Park in Chadwick
7. Pikesville Community Park south of Old Court
8. Retain Baltimorewood School-Recreation Site or Alternate
9. Continue acquisition of Lower Gwynns Falls
10. Retain Merrwood Landfill for park area
11. Acquire land adjacent to Wildwood Park
12. Owings Mills Town Park
13. Preserve woodlands near Stream Valley near McDonogh and along the Gwynns Falls
14. Red Run Lake
15. Investigate use of Rosewood Hospital
16. Urban Park for Reisterstown
17. Highway Administration Garage in Glyndon
18. Parkland in Glyndon Vicinity
19. Merryman Property - Addition to Oregon Ridge
20. Land near Prettyboy Elementary School-Recreation Center
21. Acquire land in Stream Valleys, such as Jones Falls
22. Retain Dulaney Springs School, Recreation Site
23. Open Space in the Town Center of Towson with Particular Emphasis in the Eastern Section.
24. Neighborhood Park in Towson Manor Village Association
25. The Cromwell Valley
26. Addition to Double Rock Park
27. Stemmers Run Stream Valley
28. Community Park - Perry Hall
29. Additional land in Honeygo Park
30. Addition to Elmower Park
31. Expand Rosedale Park
32. Community Park in Kings Court Area-Canterbury
33. Acquisition of White Marsh Run
34. Days Cove
35. Dundee-Saltpeter Creek
36. Walnut Point
37. Property near Chesapeake Senior High School-Recreation Center
38. Porter's Beach - Addition to Rocky Point Park
39. Black Marsh with State
40. Parks Identified in subsequent Local Area or Community Plans



Cromwell Valley is Minebank Run - stream valley greenway system

for office and community services such as libraries and senior centers.

**Community Center:** Varying widely in size, history, character and aspirations, the areas indicated by this symbol have one common characteristic. They are, or could become, multipurpose, mixed-use (residential as well as commercial) centers of identity, and governmental and commercial services, for a variety of surrounding neighborhoods. Places such as Catonsville, Pikesville, Essex, and Dundalk already perform this function. County programs should support their ability to do so even more effectively.

**Neighborhood Center:** This symbol designates commercial areas which function or should develop to function as the center for convenience commercial shopping for the adjoining residential neighborhood. Such a center should have at least a full size grocery store and would usually also have a pharmacy and other retail and service establishments.

**Government Center:** This symbol is used only to designate the central role of Towson in the County's governmental functions. As detailed local community planning proceeds, other locations for logical grouping of government functions are likely to be identified.

**Commercial Area/Corridor:** This pattern shows the current extent of commercially developed land outside the designated growth areas. Expansion of these areas beyond their present limits should be strenuously resisted because it would be detrimental not only to their own continued economic viability but also to neighboring residential areas, to the safety and capacity of adjoining highways, and to the County's overall physical appearance. The County should devise equitable means of dealing with the remaining residential properties adversely affected by their proximity to arterial highways and/or such commercial areas.

**Office/Industrial Employment Area and Industrial Employment Area:** To complete the picture of the County's principal employment centers, these two types of areas are shown in accordance with the corresponding areas on the Land Use Plan Map.

**Mixed-Use Redevelopment Area:** This category is used to indicate areas that should be studied for possible major redevelopment for more intensive, higher quality uses. Two areas are mapped for such study: the York Road approach to Towson (southward from the Beltway), which is not as attractive an entryway as the County's primary urban center merits, and the Hunt Valley - Timonium corridor.

**PARK & OPEN SPACE:** This group of symbols shows the existing public and private areas, and the major proposed additions to this network:

**Existing Public Park:** All existing publicly owned park, recreation and open space areas are indicated by this symbol.

**Existing Institutional/Private Open Space:** As on the Land Use Plan, this symbol indicates colleges, hospitals, cemeteries, country clubs, and similar large institutional properties which presently have a significant open space role in relation to the adjoining residential areas.

**Potential Park/Open Space:** This symbol is used in two ways. First, it shows the approximate location of sites the Department of Recreation and Parks will intends to acquire or develop. Second, it has been placed on most of the "Institutional/Private Open Space" properties not necessarily to suggest eventual public ownership, but to indicate if more intensive use of such properties is proposed a special review process should occur to retain as much of the open space character as possible.

**Proposed Stream Valley Park/Greenway:** The greenway system will emerge through the ongoing application of the County's environmental protection standards, especially as they



Prot Exh #13

pertain to stream valleys. The greenways might either remain in private ownership, or be acquired by the County through the development approval process. Within this network, however, the Master Plan proposes the eventual development of a stream valley park system for at least limited public access. The model for this concept is the implementation of the Northern Central Bike-Hike Trail, which has been highly successful. The Development Policy Maps show the most important of these potential segments. Additional proposals may emerge from the detailed community plans to be prepared later.

**EXISTING TRANSPORTATION NETWORK:** To provide a context for understanding how the proposed transportation improvements will assist in improving mobility in and through the County, four categories of major existing routes are shown on the map.

**Interstate Highway:** The five expressways are shown by a double line symbol, which changes from a solid line to a dashed line along those segments where improvements are programmed.

**Major Road:** This category is an indication of a road's relative importance within (and between) the Sectors. It generally includes all arterial highways but also may include selected collector roads that are significant for continuity of traffic patterns within a Sector. Inclusion in this category should not automatically be taken as an indication that improvements to the road are or even should be programmed.

**Metro Rail & Station:** The existing "heavy rail" Metro Line to Owings Mills and the three stations within Baltimore County are shown by these symbols.

**Commuter Rail & Station:** Two commuter railroad routes, operated for the State MARC on the Amtrak and CSX (B&O) lines between downtown Baltimore and Washington, pass through southwestern Baltimore County. The symbols show these lines and their stations, including the new station programmed on the CSX line at "Relay".

**PROGRAMMED TRANSPORTATION IMPROVEMENTS:** All of the items in this group are included either within the State's Consolidated Transportation Program or within the FY 1990 Capital Budget, 1991-1995 Capital Program as recommended by the County Planning Board. The indicated County projects will be corrected, as necessary, based on the County Council's final decisions. It is important to understand that inclusion within a capital program does not necessarily mean a project would be completed, or even that construction would begin during that period. Many of the projects are programmed only for the completion of planning or construction drawings, pending the availability of additional funding to acquire rights-of-way or begin construction.

**Road:** The needs for improvements to these road segments are generally self-evident, having been identified in many successive years of capital programs.

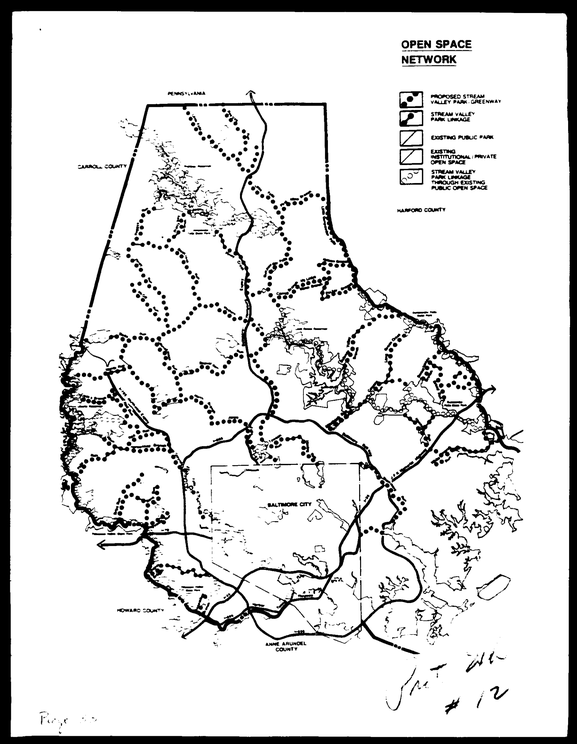
**Interchange:** Currently, interchanges at I-83/Warren Road and MD 45/MD 7 are programmed for construction. Also, planning studies are programmed for a future interchange at I-83/Thornton Mill Road and an upgrading of the interchange at I-95/Patapsco Road.

**Light Rail:** The Central Light Rail line from Hunt Valley to Glen Burnie and BWI Airport.

**Commuter Rail:** The Amtrak line from Perryville through Chase and Halethorpe to downtown Baltimore.

**NONPROGRAMMED TRANSPORTATION IMPROVEMENTS:** Serious shortages of revenues continue to prevent both the County and the State from scheduling action on a large number of needed transportation projects. The items in this group have all been identified from one or more sources either as desirable improvements or






Prot Exh #12

Page 1-9

Baltimore County Government
Office of Planning and Zoning

[redacted]
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

May 20, 1992

Prot Exh #14

TO: Baltimore County Planning Board

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: BROOKVIEW FARM SECTIONS 3A & 3B
MASTER PLAN CONFLICT REVIEW

PREAMBLE

The CRG forwarded the plan for Brookview Farm, Sections 3A & 3B to the Planning Board as a development potentially in conflict with the Master Plan. In its submission to the Board, the CRG also raised a question as to whether the plan, which involved an amendment to the approved CRG plan for Brookview Farm, Sections 1 and 2, was submitted in accordance with the provisions of the Baltimore County Zoning and Development Regulations.

At the request of the Office of Planning and Zoning, a Special Hearing was held before the Zoning Commissioner on April 27, 1992, to resolve this matter. This hearing was continued by the Commissioner, to enable all the parties, including public protestants who had entered the case, to submit memoranda for his consideration. To date, no direction has been received from the Commissioner and it is not possible to provide the Board with an opinion as to the validity of the plan as submitted to the County.

MASTER PLAN CONFLICT

On Thursday, March 18, 1992, the Planning Board adopted a Resolution which identified the development of Brookview Farm, Sections 3A & 3B as being a potential conflict with the County's Master Plan. This action was in response to a referral from the CRG, dated February 20, 1992, which specifically identified the following four areas of potential conflict.

1. The site is part of the Cromwell Valley, a major scenic resource. Page 106 of the Master Plan calls for preservation of the valley as open space.

2. The Development Policy Plan map on page 102 designates Cromwell Bridge Road as a "scenic corridor" and designates the valley as "potential park/open space."

Prot Exh #5

Everett C. Carter

Transportation Studies Center
Department of Civil Engineering
University of Maryland
College Park, Maryland 20742
(301) 405-1950

10509 Unity Lane
Potomac, MD 20854
(301) 762-0176

EDUCATION

B.S.C.E. Virginia Polytechnic Institute, 1958
M.E. (Transportation), University of California, Berkeley, 1959
Ph.D. (Transportation), Northwestern University, 1969

ACADEMIC EXPERIENCE

University of Maryland: Professor, Department of Civil Engineering, 1972 to present; Associate Professor 1970-1972; Chairman 1973-1977;
Director, Transportation Studies Center, 1975 to 1985
West Virginia University: Associate Professor 1969 and 1970; Assistant Professor 1963-1969
Northwestern University: Teaching Assistant 1961-1962

COURSES TAUGHT

Regional Transportation Planning, Urban Transportation Planning, Urban Problems, Transportation Engineering, Transportation Economics and Administration, Highway Laws, Traffic Engineering Characteristics and Operations, Highway Engineering, Airport Planning and Design, Civil Engineering Planning, Geometric Design of Highways.

PROFESSIONAL SOCIETIES AND HONORS

American Society of Civil Engineers, Transportation Research Board, Institute of Transportation Engineers, American Public Works Association, Sigma Xi, Chi Epsilon, Tau Beta Pi, Phi Kappa Phi, American Road and Transportation Builders Association, American Society for Engineering Education.

PROFESSIONAL EXPERIENCE

Consultant on Traffic Impact Studies for various citizen groups and developers, 1980 - present.

CROMWELL Bridge Rd
92-SET-3PH Prot Exh #4

Prot Exh #17

## COMMUNITY & ENVIRONMENTAL DEFENSE SERVICES

Richard D. Klein, President
Post Office Box 209
Maryland Line, Maryland 21105-0209
TEL (410) 329-8194
FAX (410) 357-4119

**Summary of Qualifications**

**Richard D. Klein Environmental Impact Assessment - Aquatic Systems**

I have 24 years of experience in assessing the impact of human activities upon aquatic systems. Much of this experience was gained through the Maryland Department of Natural Resources (DNR). I worked in DNR's fishery management and water quality assessment units for eight years. While with these units I became proficient in a wide variety of methods for studying the quality of aquatic systems and pin-pointing sources of impact. I learned these methods from the chemists, biologists, and water resources engineers I worked with. I also interpreted data and participated in report preparation. During my last 10 years with DNR I developed a wide variety of environmental impact assessment and mitigation methods. Over the past five years I have conducted environmental impact assessments on more than 300 projects.

**TESTIMONY AS AN EXPERT ON ENVIRONMENTAL IMPACT**

I have testified as an expert on aquatic system impacts before: the Board of Appeals of Baltimore County, Maryland (Greystone); the Planning Board of Prince William County, Virginia (Waverley); the Board of Appeals and the Commissioners of Worcester County, Maryland (Lighthouse Sound and Captains Pointe); the Zoning Commissioner of Baltimore County, Maryland (Greystone); the Zoning Hearing Examiner and the Planning Board of Montgomery County, Maryland (Marriott/Milestone Project and the VanGrack/McNeil Project); the Maryland Wetlands Administration (Riddle Farm Project); the Planning Board of Prince William County, Virginia (Waverly); the Board of Appeals of Anne Arundel County, Maryland (Buck Bay Beach); the Board of Appeals of St. Mary's County, Maryland (Cedar Cove marina); the Board of Appeals Cecil County, Maryland (Old Line Village); the Zoning Hearing Examiner of Prince Georges County, Maryland (Cross Road Trail rubble landfill); the Maryland Critical Areas Commission (Queenstown Harbour); the Board of Supervisors -Tinicum Township, Pennsylvania (Quarry Valley Country Club), and the Maryland Office of Administrative Hearings (Villa Julie College.

**STORMWATER MANAGEMENT**

While I was with the Water Quality Services Division of DNR I studied the quality of stormwater runoff from developed lands. This experience included sample collection, laboratory analysis, and interpretation of the results. In 1978, I conducted a study of the relationships between water quality/quantity and watershed urbanization. The results of my study were published in the Water Resources Bulletin (15(4):936-952) under the title of *Urbanization and Stream Quality Impairment*. This paper serves as the primary basis for percent impervious area limits found in many local and state land use laws.

I managed 18 major DNR investigations of the effects of developed lands upon the quality of aquatic systems. I compiled a review of scientific literature for DNR entitled *Effects of Urbanization Upon Aquatic Resources*. I was also the author of a DNR handbook entitled *The Restoration of Urban Streams*.

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# AN ASSESSMENT OF THE POTENTIAL ENVIRONMENTAL IMPACT OF BROOKVIEW ESTATES

for I.D.
Prot Exh #18

Prepared By
Richard D. Klein
Community & Environmental Defense Services
Post Office Box 206
Maryland Line, Maryland 21105-0206
(410) 329-8194

On Behalf Of
Campaign To Save Cromwell Valley, Inc.

February 1, 1993

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Petitioners Ex No 1
BA Exh 19
96-0

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Prot Exh #28

1801.3--Plans and Plats. (Bill No. 100, 1970.)

A. Development Plans. (Bill No. 100, 1970.)

1. Purpose. This paragraph is intended:

   a. to provide for the disclosure of development plans to prospective residents and to protect those who have made decisions based on such plans from inappropriate changes therein; and

   b. to provide for review of residential-development plans to determine whether they comply with these regulations and with standards and policies adopted pursuant to the authority of Section 504. (Bill No. 100, 1970.)

2. Partial Development Plan. For the purposes of this article, a "partial development plan" is a portion of a final development plan, and a partial or final development plan is "applicable" to a given lot if it covers all property in the subdivision within 300 feet of the given lot, in addition to the lot itself. (Bill No. 100, 1970.)

3. Subdivision Lot Sales, Development, and Use Subject to Partial Development Plan. No interest in any lot which is in a D.R. zone and is hereafter created by subdivision of a record lot the effective date of this article or created by consolidation of such lots may be sold unless a final or partial development plan applicable to the lot has been approved as required under Subparagraph 1., below; further, no use may be established and no construction may take place on any lot so created except in accordance with such plan. (Bill No. 100, 1970.)

4. Notice in Conveyance. Any party who sells an interest in real property within an area covered by an approved partial or final development plan shall attach to the instrument of sale a notice directing the buyer's attention to the plan (including any amendment) and listing the location of the various certified copies which may be publicly inspected (see Subparagraph 6) together with a listing of the recorded plats covering all portions of the subdivision as a whole. The notice shall also generally apprise the buyer of the rights, requirements, and remedies provided under the

REV 05/91

18-17

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Prot Exh #31

**AFFIDAVIT**

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the Campaign to Save Cromwell Valley Association.

ATTEST: Campaign to Save Cromwell Valley Association

Secretary President

DATE: June 21, 1993

---

29

Chatsworth ASSOCIATION

RESOLVED: That at the Board meeting of the Chatsworth Association held on _____, 1993, it was decided by the Association that responsibility for review and action on all zoning matters for the period from beginning to final resolution be placed in the (Board of Directors) (Zoning Committee) consisting of the following members:

Lynn Snider — Kathy Kinnan (proxy)
Jean Pfaffin
Judy Kautz
Bert Kehoe
Don Gunaburg

AS WITNESS OUR HANDS AND SEAL THIS 29 day of June, 1993.

ATTEST: Chatsworth Association

Judith Scott, Secretary — Lynn Snider, President

---

Prot Exh #30

Long Green Valley Association ASSOCIATION

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

CBA-92-173
92-357-SPH — ECK property "Brookview Farms"

is that: we support preservation of Cromwell Valley in its present state with no further subdivisions

AS WITNESS OUR HANDS AND SEAL THIS 25th day of June, 1993.

ATTEST: Long Green Valley Association

Nancy L. Boyce, Secretary — Charlotte Pine, President

---

Prot Exh #32

CROMWOOD, COVENTRY AND SATYR HILL COMMUNITY ASSOCIATION

RESOLVED: That the position of the Cromwell, Coventry and Satyr Hill Community Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:

CBA 92-173 and 92-357 STH (Brookview Farms, Sections 3-A and 3-B)

is that:

1. We support the appeal action filed by the Campaign to Save Cromwell Valley. (CBA 92-173/92-357 STH)

2. We strongly favor Baltimore County and/or State of Maryland acquisition of the property known as Brookview Farms Sections 3-A and 3-B and the inclusion of this property in the planned Baltimore County Park.

AS WITNESS OUR HANDS AND SEAL THIS 24th day of June, 1993.

ATTEST: Cromwood, Coventry and Satyr Hill Community Ass'n

Carol McCormick, Secretary — Paul Glyzz, President

---

Prot Exh #33

Summerfield Farms ASSOCIATION

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

Brookview Farms 3A + 3B
CBA-92-173
92-357-SPH

is that: We find the CRG approval in error, School and Traffic estimates do not square with reality and we claim a violation of zoning laws in the amendment of the tract boundaries and transfer of density.

AS WITNESS OUR HANDS AND SEAL THIS 22 day of June, 1993.

ATTEST: Summerfield Farms Association

Secretary — Stanley W. Pollack, President

Prot Exh # 17

# COMMUNITY & ENVIRONMENTAL DEFENSE SERVICES

Richard D. Klein, President
Post Office Box 206
Maryland Line, Maryland 21105-0206
TEL (410) 329-8194
FAX (410) 357-4119

**Summary of Qualifications**

**Richard D. Klein — Environmental Impact Assessment - Aquatic Systems**

I have 24 years of experience in assessing the impact of human activities upon aquatic systems. Much of this experience was gained through the Maryland Department of Natural Resources (DNR). I worked in DNR's fishery management and water quality assessment units for eight years. While with these units I became proficient in a wide variety of methods for studying the quality of aquatic systems and pin-pointing sources of impact. I learned these methods from the chemists, biologists, and water resources engineers I worked with. I also interpreted data and participated in report preparation. During my last 10 years with DNR I developed a wide variety of environmental impact assessment and mitigation methods. Over the past five years I have conducted environmental impact assessments on more than 300 projects.

**TESTIMONY AS AN EXPERT ON ENVIRONMENTAL IMPACT**

I have testified as an expert on aquatic system impacts before: the Board of Appeals of Baltimore County, Maryland (Greystone); the Planning Board of Prince William County, Virginia (Waverley); the Board of Appeals and the Commissioners of Worcester County, Maryland (Lighthouse Sound and Captains Pointe); the Zoning Commissioner of Baltimore County, Maryland (Greystone); the Zoning Hearing Examiner and the Planning Board of Montgomery County, Maryland (Marriott/Milestone Project and the VanGrack/McNeil Project); the Maryland Wetlands Administration (Riddle Farm Project); the Planning Board of Prince William County, Virginia (Waverly); the Board of Appeals of Anne Arundel County, Maryland (Back Bay Beach); the Board of Appeals of St. Mary's County, Maryland (Cedar Cove marina); the Board of Appeals Cecil County, Maryland (Old Line Village); the Zoning Hearing Examiner of Prince Georges County, Maryland (Cross Road Trail rubble landfill); the Maryland Critical Areas Commission (Queenstown Harbour); the Board of Supervisors -Tinicum Township, Pennsylvania (Quarry Valley Country Club), and the Maryland Office of Administrative Hearings (Villa Julie College.

**STORMWATER MANAGEMENT**

While I was with the Water Quality Services Division of DNR I studied the quality of stormwater runoff from developed lands. This experience included sample collection, laboratory analysis, and interpretation of the results. In 1978, I conducted a study of the relationships between water quality/quantity and watershed urbanization. The results of my study were published in the Water Resources Bulletin (15(4):936-952) under the title of *Urbanization and Stream Quality Impairment.* This paper serves as the primary basis for percent impervious area limits found in many local and state land use laws.

I managed 18 major DNR investigations of the effects of developed lands upon the quality of aquatic systems. I compiled a review of scientific literature for DNR entitled *Effects of Urbanization Upon Aquatic Resources.* I was also the author of a DNR handbook entitled *The Restoration of Urban Streams.*

# AN ASSESSMENT OF THE POTENTIAL ENVIRONMENTAL IMPACT OF BROOKVIEW ESTATES

For I.D.
Prot Exh
# 18

Prepared By
Richard D. Klein
Community & Environmental Defense Services
Post Office Box 206
Maryland Line, Maryland 21105-0206
(410) 329-8194

On Behalf Of
Campaign To Save Cromwell Valley, Inc.

February 1, 1993

| # | Name | Address | Location | Lot # |
|---|---|---|---|---|
| 1 | JEF & MARY BERNEY | 915 Mayfield Rd | BROOKVIEW SEC.# 1 | 13 |
| 2 | PHILIP & JEA WOLFORD | 911 Mayfield Rd | BROOKVIEW SEC.# 1 | 14 |
| 3 | MARK & DIANE THOMPSON | 909 Mayfield Rd | BROOKVIEW SEC.# 1 | 15 |
| 4 | ROBERT & D. BERRY TARPO | 909 Mayfield Rd | BROOKVIEW SEC.# 1 | 19 |
| 5 | ROBERT & BETSEY CAHLAHAN | 1511 Brook Meadow Drive | BROOKVIEW SEC.# 1 | 21 |
| 6 | PATRICK & JOANNA MORAND | 908 Mayfield Rd | BROOKVIEW SEC.# 1 | 25 |
| 7 | JOHN & MICHEL HOL | 910 Mayfield Rd | BROOKVIEW SEC.# 1 | 26 |
| 8 | JIM & ANN CRIMON | 913 Mayfield Rd | BROOKVIEW SEC.# 1 | 27 |
| 9 | CARROLL & MARY FITZGERALD | 915 Mayfield Rd | BROOKVIEW SEC.# 1 | 28 |
| 10 | RON & JEAN HENDRICK | 3 Mayfield Ct | BROOKVIEW SEC.# 1 | 30 |
| 11 | ROBERT & LINDA CORCORAN | 7 Mayfield Ct | BROOKVIEW SEC.# 1 | 32 |
| 12 | JEFF & GERDA BRENNER | 10 Mayfield Ct | BROOKVIEW SEC.# 1 | 33 |
| 13 | GREG & JILL SHARP JR | 8 Mayfield Ct | BROOKVIEW SEC.# 1 | 34 |
| 14 | ROBERT & CARL PEDERSON | 6 Mayfield Ct | BROOKVIEW SEC.# 1 | 35 |
| 15 | MARK & LINDA SMDOT | 4 Mayfield Ct | BROOKVIEW SEC.# 1 | 36 |
| 16 | ROBERT & CYNTHIA WARD | 2 Mayfield Ct | BROOKVIEW SEC.# 1 | 37 |
| 17 | VINCENT ROTONDOSCILLO | 1505 Brookview Rd | BROOKVIEW SEC.# 1 | 40 |
| 18 | ROBIN MISELEY | 1507 Brookview Rd | BROOKVIEW SEC.# 1 | 41 |
| 19 | KENNETH & LINDA DAUBIS | 1505 Brookview Rd | BROOKVIEW SEC.# 1 | 50 |
| 20 | R. PALMORE & P. MASTERSY | 1505 Brookview Rd | BROOKVIEW SEC.# 1 | 59 |
| 21 | WILLIAM & MELAN WICHLEIN | 1600 Crosswell Bridge Rd | Adjacent -CBR | - |
| 22 | PATRICK & SANDRA DOLAN | 3000 Crosswell Bridge Rd | Adjacent -CBR | - |
| 23 | FRANCIS S. GREENWOOD | 3008 Crosswell Bridge Rd | Adjacent -CBR | - |
| 24 | ALAN MACDONELL | 1608 Hunsdell Rd | South side of CBR | - |
| 25 | ROBERT BALLENTINE | 1604 Hunsdell Rd | South side of CBR | - |
| 26 | MAY LOUBERRETT | 1606 Hunsdell Rd | South side of CBR | - |
| 27 | CELIA DAVIDA | 1608 Hunsdell Rd | South side of CBR | - |
| 28 | A.J. FASSO, JR | 1610 Hunsdell Rd | South side of CBR | - |
| 29 | WILLIAM E. BECKER | 1612 Hunsdell Rd | South side of CBR | - |
| 30 | M.DAWSON | 1614 Hunsdell Rd | South side of CBR | - |
| 31 | A.QUINN | 1616 Hunsdell Rd | South side of CBR | - |
| 32 | ERNST GAST | 1620 Hunsdell Rd | South side of CBR | - |
| 33 | J.S.EVANS | 1624 Hunsdell Rd | South side of CBR | - |

Petitioners Ex No 1
BA Prot Exh 19

Prot Exh # 28

1B-16. Plans and Plats. (Bill No. 100, 1970.)

A. Development Plans. (Bill No. 100, 1970.)

1. Purpose. This paragraph is intended:

a. to provide for the disclosure of development plans to prospective residents and to protect those who have made decisions based on such plans from inappropriate changes therein; and

b. to provide for review of residential-development plans to determine whether they comply with these regulations and with standards and policies adopted pursuant to the authority of Section 504. (Bill No. 100, 1970.)

2. Partial Development Plan. For the purposes of this article, a "partial development plan" is a portion of a final development plan, and a partial or final development plan is "applicable" to a given lot if it covers all property in the subdivision within 300 feet of the given lot, in addition to the lot itself. (Bill No. 100, 1970.)

3. Subdivision Lot Sales, Development, and Use Subject to Partial Development Plan. No interest in any lot which is in a D.R. zone and is hereafter created by subdivision of a record lot the effective date of this article or created by consolidation of such lots may be sold unless a final or partial development plan applicable to the lot has been approved as required under Subparagraph 5.F., below; further, no use may be established and no construction may take place on any lot so created except in accordance with such a plan. (Bill No. 100, 1970.)

4. Notice in Conveyance. Any party who sells an interest in real property within an area covered by an approved partial or final development plan shall attach to the instrument of sale a notice directing the buyer's attention to the plan (including any amendment) and listing the location of the various certified copies which may be publicly inspected (see Subparagraph 6) together with a listing of the recorded plats covering all portions of the subdivision as a whole. The notice shall also generally apprise the buyer of the rights, requirements, and remedies provided under the

REV. 10 9.

1B-17

Prot Exh # 31

**AFFIDAVIT**

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the Campaign to Save Cromwell Valley Association.

ATTEST: Campaign to Save Cromwell Valley Association

Secretary — President

DATE:

_____ ASSOCIATION

RESOLVED: That at the _____ meeting of the _____ Association held on _____, 19____, it was decided by the Association that responsibility for review and action on all zoning matters for the period _____ be placed in the (Board of Directors) (Zoning Committee) consisting of the following members:

AS WITNESS OUR HANDS AND SEAL THIS ____ day of _____, 19____.

ATTEST: _____ Association

Secretary — President

Prot Exh # 30

Long Green Valley Association ASSOCIATION

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

CBA-92-173 Eck property
92-357-SPH "Brookview Farms"

is that: we support preservation of Cromwell Valley in its present state with no further subdivisions

AS WITNESS OUR HANDS AND SEAL THIS 25th day of June, 1993.

ATTEST: Long Green Valley Association

Nancy L. Boyce — Secretary
Charlotte Pine — President

Prot Exh # 32

CROMWOOD, COVENTRY AND SATYR HILL COMMUNITY ASSOCIATION

RESOLVED: That the position of the Cromwell, Coventry and Satyr Hill Community Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:

CBA 92-173 and 92-357 STH (Brookview Farms, Sections 3-A and 3-B)

is that:

1. We support the appeal action filed by the Campaign to Save Cromwell Valley. (CBA 92-173/92-357 STH)

2. We strongly favor Baltimore County and/or State of Maryland acquisition of the property known as Brookview Farms Sections 3-A and 3-B and the inclusion of this property in the planned Baltimore County Park.

AS WITNESS OUR HANDS AND SEAL THIS 24th day of June, 1993.

ATTEST: Cromwood, Coventry and Satyr Hill Community Ass'n

Secretary — President

Prot Exh # 33

Stemmersfield Farms ASSOCIATION

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

Stemmersfield Farms 3A & 3B

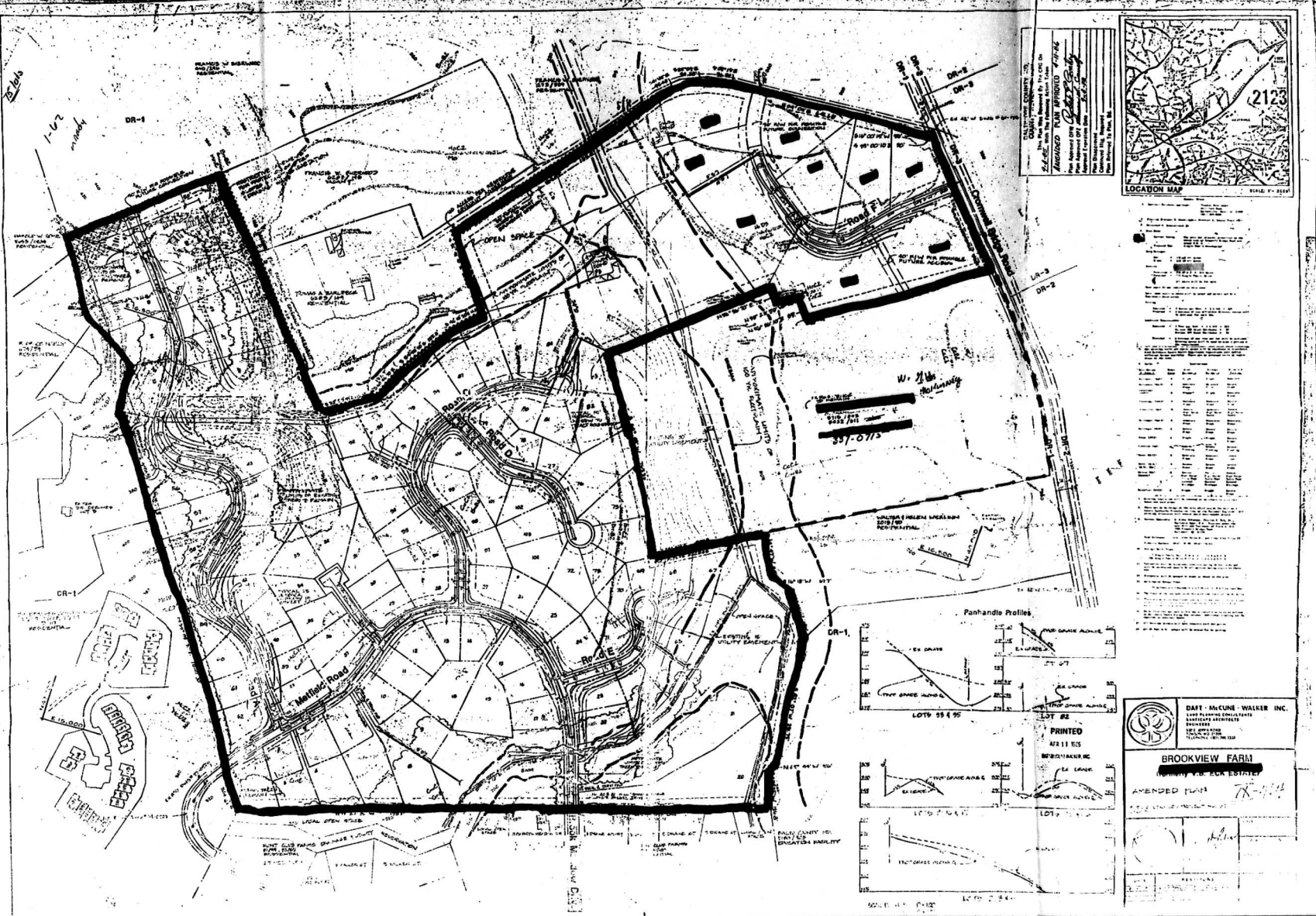
is that:

AS WITNESS OUR HANDS AND SEAL THIS 22 day of _____, 19 93.

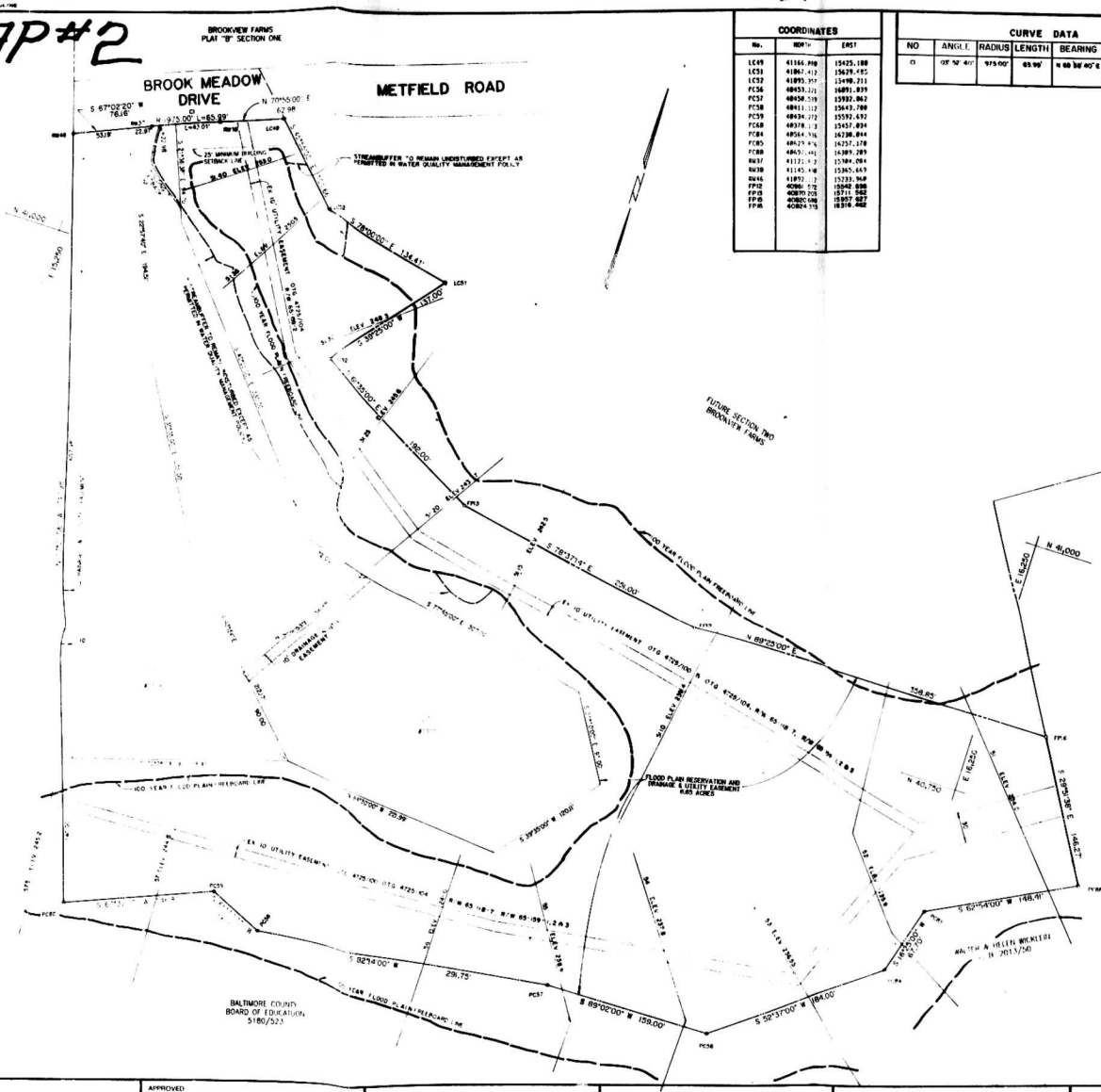
ATTEST: Stemmersfield Farms Association

Secretary — President

MAP #1


OPEN SPACE
Road D
Road E
Road F
Mattfield Road
Crondall Bridge Road
DR-1
DR-2
DR-3
LR-3
Panhandle Profiles
LOTS 94 & 95
LOT 82
LOCATION MAP
2123
DAFT · McCUNE · WALKER INC.
BROOKVIEW FARM
AMENDED PLAN
PRINTED
APR 11 '85

MAP #2




| COORDINATES | | |
|---|---|---|
| No. | NORTH | EAST |
| LC49 | 41566.910 | 15425.188 |
| LC51 | 41867.413 | 15629.695 |
| LC52 | 41893.357 | 15498.711 |
| PC56 | 40853.321 | 16091.039 |
| PC57 | 40858.519 | 15992.862 |
| PC58 | 40811.117 | 15643.780 |
| PC59 | 40834.117 | 15592.692 |
| PC68 | 40878.113 | 15457.834 |
| PC84 | 40864.516 | 16238.844 |
| PC85 | 40829.916 | 16257.178 |
| PC88 | 40857.141 | 16389.289 |
| RM37 | 41171.912 | 15784.084 |
| RM38 | 41145.148 | 15865.649 |
| RM46 | 41092.[illegible] | 15233.969 |
| FP12 | 40986.178 | 15842.886 |
| FP15 | 40870.205 | 15711.562 |
| FP16 | 40820.498 | 15897.527 |
| FP18 | 40824.313 | 16316.466 |

| CURVE DATA | | | | | | |
|---|---|---|---|---|---|---|
| NO | ANGLE | RADIUS | LENGTH | BEARING | CHORD | TANGENT |
| C1 | 03° 52' 40" | 975.00' | 65.99' | N 68° 58' 40" E | 65.98' | 33.01' |

| DENSITY TABLE | | |
|---|---|---|
| SECTION | AREA | UNITS |
| 1 | 39.09 Ac | 92 |
| 2 | 34.27 Ac | 68 |

Ref Ex #3
Bk A Unit Ex 21

LOCATION MAP 1"=500'

ERK JR 55 12

GENERAL NOTES

[illegible]

SECTION ONE PLAT 'A' BREAKDOWN

AREA OF THIS PLAT = 0.4543 ACRES
NUMBER OF PROPOSED LOTS = 2

REASON FOR AMENDMENT

THIS AMENDMENT [illegible] REMOVAL FROM SECTION ONE PLAT A OF A PARCEL OF LAND WITHIN THE FL[illegible] AS SHOWN ON THE PLAT RECORDED AT ADJACENT TO AND NORTH OF THE AREA BO[illegible] THE REASON FOR THE DELETION IS THAT THIS POR[illegible] THE PROPERTY WAS NOT INTENDED TO BE CONVEYED BY THE SELLERS TO COMPENS,[illegible]

AMENDED
PLAT OF
SECTION ONE PLAT "A"

# BROOKVIEW FARMS

PRE[illegible] RECORDED ON PLAT OF SECTION ONE, PLAT "A"
"BROOKVIEW FARMS" E.H.K. JR. 54 / 107

9TH ELECTION DISTRICT
SCALE: 1"=50'

BALTIMORE COUNTY, MARYLAND
JUNE 16, 1986

ERK JR 1 [illegible]
PC#1 N 0001002 [illegible]
07/05/86

APPROVED

7/9/86 DATE — [signature] COUNTY STATE ENGINEER

7/11/86 DATE — [signature] DIRECTOR OF PLANNING & ZONING

7/16/86 DATE — [signature] DIRECTOR OF PUBLIC WORKS

OWNER / DEVELOPER

COMPENS, INC.
406 JEFFERSON BUILDING
TOWSON, MD 21204

DEED REFERENCE: E.H.K. JR. 7178-705

TAX ACCOUNT NO: 20-00-009878 (NO) 20-00-008880

NOTE

COORDINATES and BEARINGS shown on this plat are referred to the system of coordinates established in The Baltimore County Metropolitan District and are based on the following baseline stations

X - 4918 N 40643.23 E (80)70.70
SOUTH AZ. 58°05' 40.2' TO X-45.4

OWNER'S CERTIFICATE

The undersigned, owner of the land shown on this plat, hereby certifies that to the best of its knowledge the requirements of Subsection (C) of Section 3.108 of the Real Property Article of the Annotated Code of Maryland have been complied with insofar as same concerns the making of the plat and setting of the markers.

COMPENS, INC.
By: [signature] ORMSBY S. MOORE, TREAS. 6/26/86 Date

SURVEYOR'S CERTIFICATE

The undersigned, a Registered Land Surveyor of the State of Maryland, does hereby certify that he is the surveyor who prepared this plat and that the land shown on this plat has been laid out and the plat thereof has been prepared in compliance with Subsection (C) of Section 3.108 of the Real Property Article of the Annotated Code of Maryland particularly insofar as same concerns the making of the plat and setting the markers.

[signature] 7/7/86
Registered Land Surveyor No. DATE

GUNPOWDER SANITARY SEWERSHED

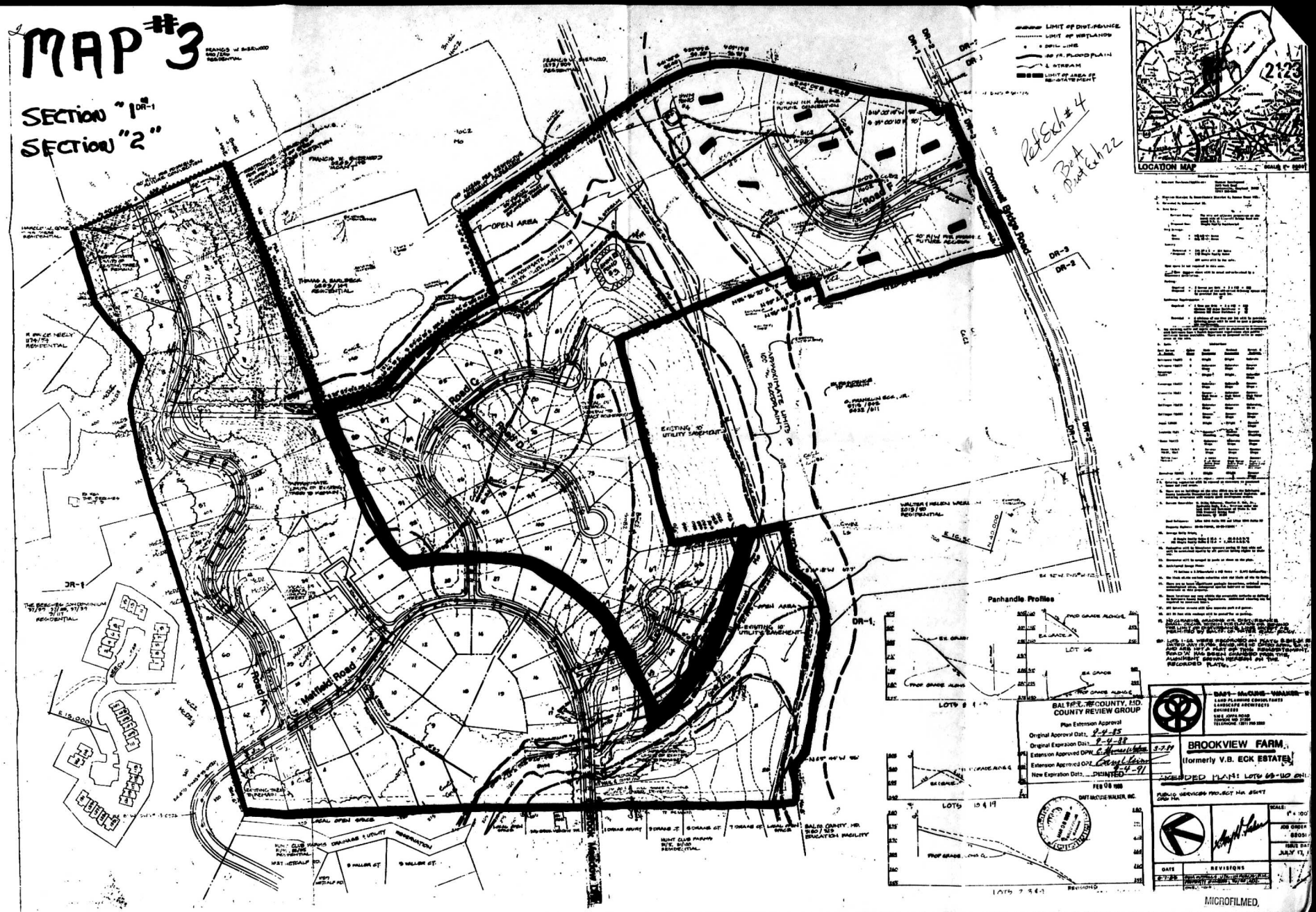
DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
[illegible] PENNSYLVANIA AVE. BALTIMORE, MARYLAND 21204
TELEPHONE 301 296 3333

COMPUTED RAS DRAWN HP CHECKED MTM JO # 82051 A

55 12

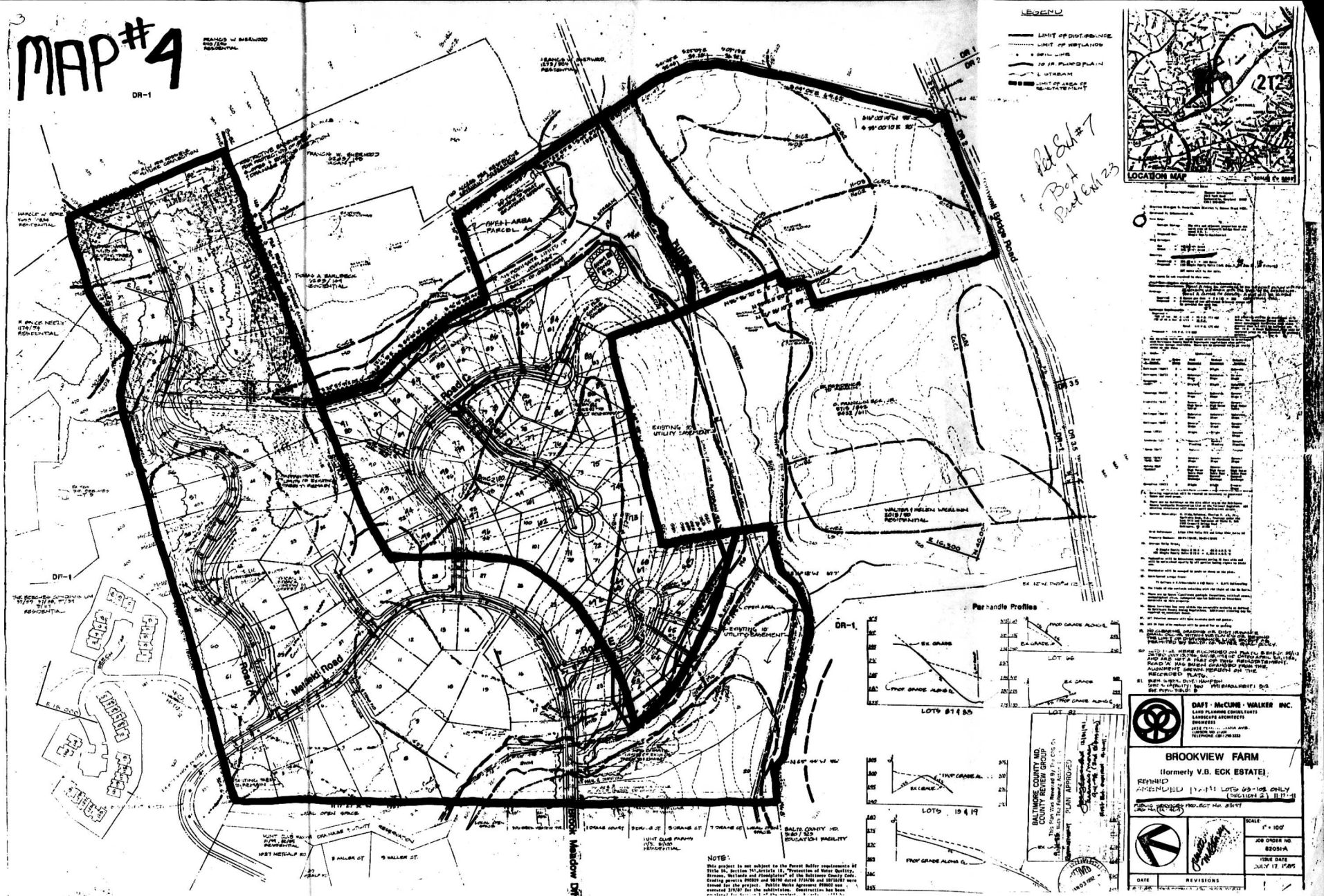
# MAP #3

SECTION "1"
SECTION "2"




MICROFILMED

# MAP #4




Ref Exh #7
Ref Exh 23

BALTIMORE COUNTY MD. COUNTY REVIEW GROUP
This Plan Was Reviewed By The Following Agencies And Approved As Complying With The Following Actions:
PLAN APPROVED
Date 11/9/89
Chief, Bureau of Land Development

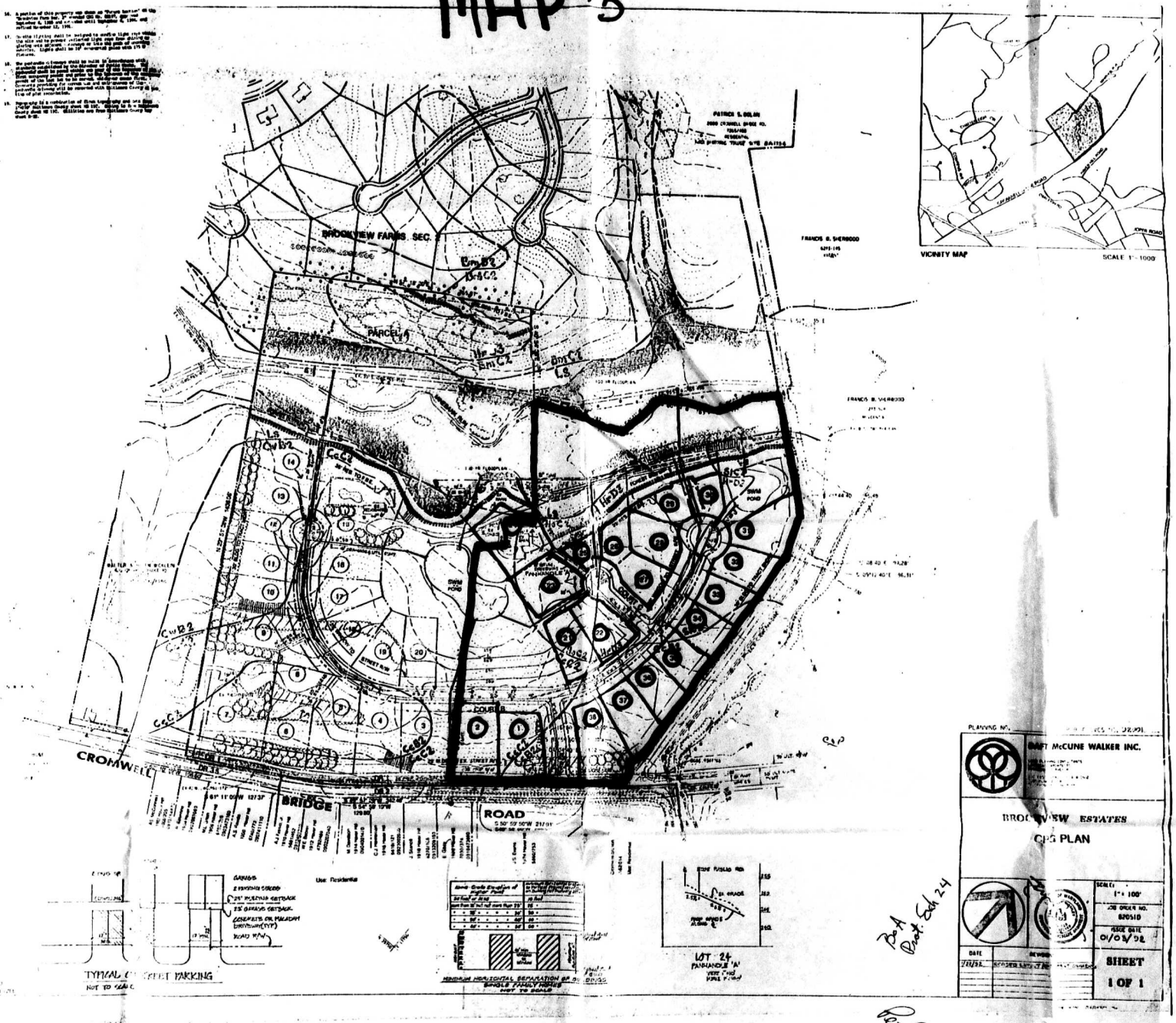
DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
200 E. PENNSYLVANIA AVE.
TOWSON, MD. 21204
TELEPHONE (301) 296-3333

**BROOKVIEW FARM**
(formerly V.B. ECK ESTATE)
REVISED
AMENDED 11-9-89: LOTS 69-105 ONLY (SECTION 2) 11-17-89
PUBLIC WORKERS PROJECT NO. 89417
LRDC No. (IV-464)

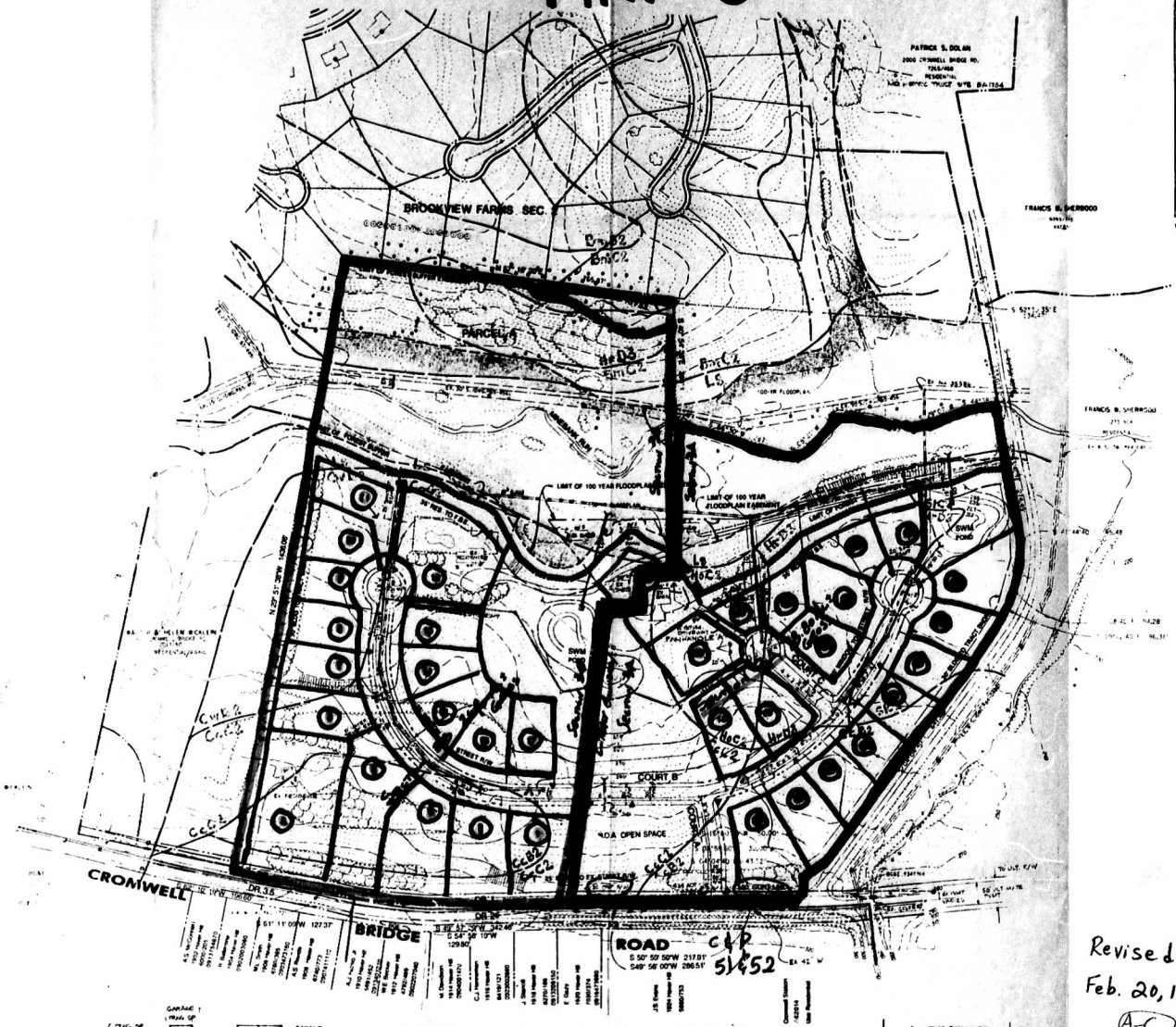
SCALE 1" = 100'
JOB ORDER NO. 8905M
ISSUE DATE JULY 17, 1989

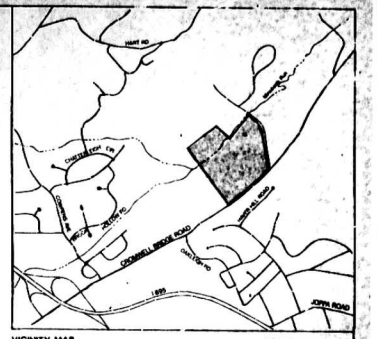
| DATE | REVISIONS |
|---|---|

MAP #5


BROOKVIEW FARMS SEC.
PARCEL 1
CROMWELL
BRIDGE
ROAD
COURT B
VICINITY MAP
SCALE 1"=1000'
LOT 24
PANHANDLE 'A'
TYPICAL CUL-DE-SAC STREET PARKING
NOT TO SCALE
MINIMUM HORIZONTAL SEPARATION OF BUILDINGS
NOT TO SCALE
DRAFT McCUNE WALKER INC.
BROOKVIEW ESTATES
GPS PLAN
SCALE: 1" = 100'
JOB ORDER NO. 920510
ISSUE DATE 01/05/92
SHEET 1 OF 1

# MAP *6



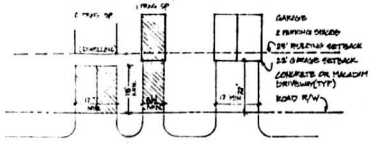

VICINITY MAP SCALE 1"=1000'

Ref Exh # 15
B & A
Prod Exh 25

LEGEND

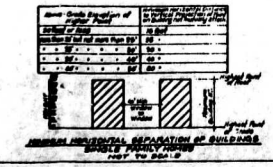
Prop. Water Line
Prop. Sewer Line
Prop. Storm Drain
Forest Buffer Easement
Soils
Zoning Line
25% and greater slopes
Existing Trees to be removed
Existing Trees to Remain
Ex. Septic
Ex. Well

BEARINGS SHOWN HEREON ARE BASED ON A SURVEY PLAT ENTITLED "PROPERTY IN ESTATE OF VIOLA B. ECK" BY GEYFOLD CROSS AND ETZEL

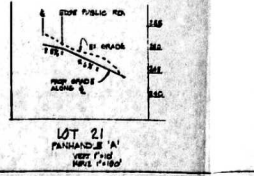



TYPICAL OFFSTREET PARKING
NOT TO SCALE

Use: Residential



MINIMUM HORIZONTAL SEPARATION OF BUILDINGS
NOT TO SCALE



LOT 21
PARCEL B 'A'

Revised Cre
Feb. 20, 1992
(A-C)

PLANNING NO. IX-585 PUBLIC SVCS NO. 92001

DAFT McCUNE WALKER INC.

CRG PLAN for
**BROOKVIEW FARM**
**SECTIONS 3A AND 3B ONLY**
(formerly V.B. Eck Estates / and Brookview Estates)

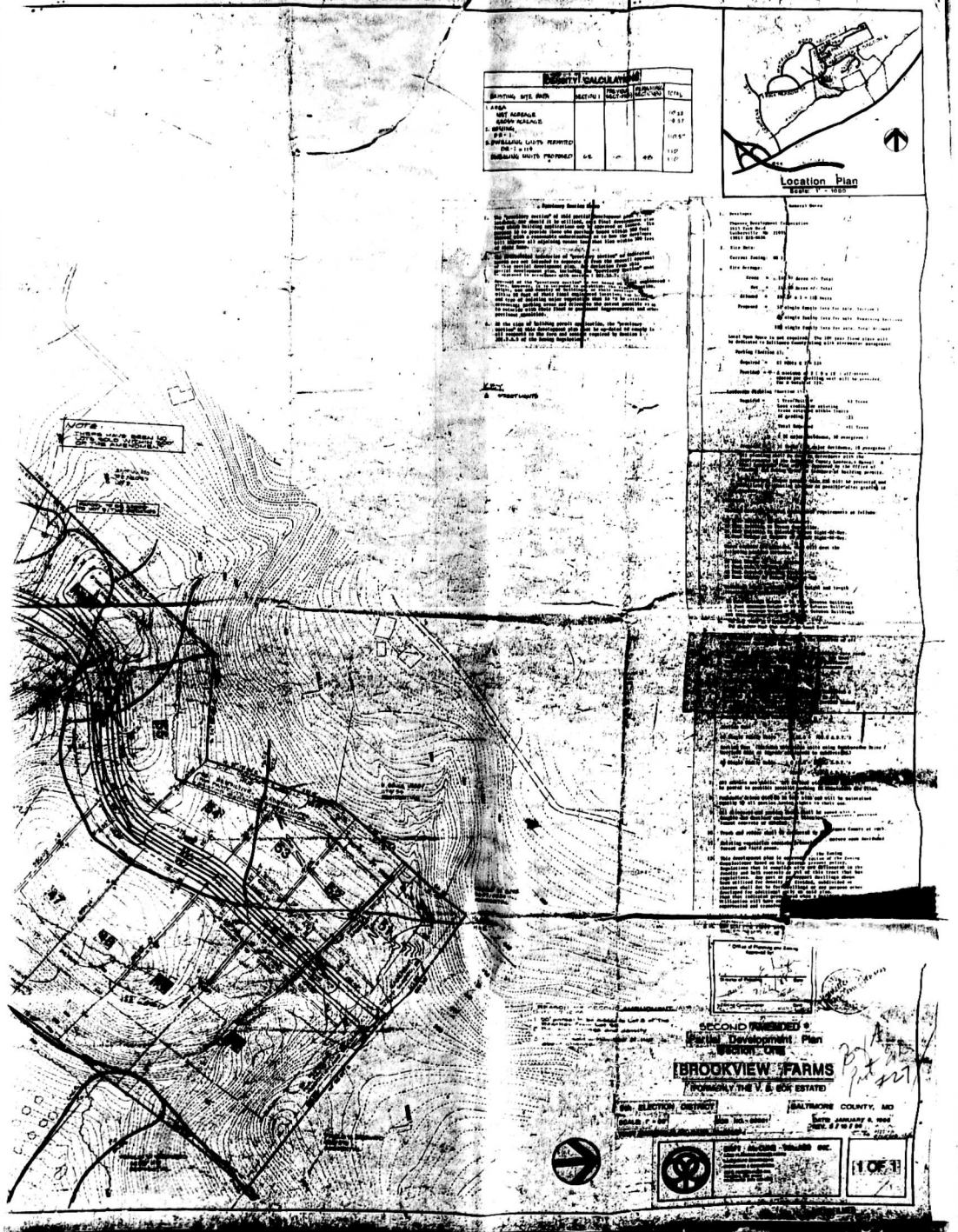
EHK Jr. 55/12, 54/108, 54/109, 54/110

SCALE: 1" = 100'
JOB ORDER NO. 820510
ISSUE DATE 01/03/92

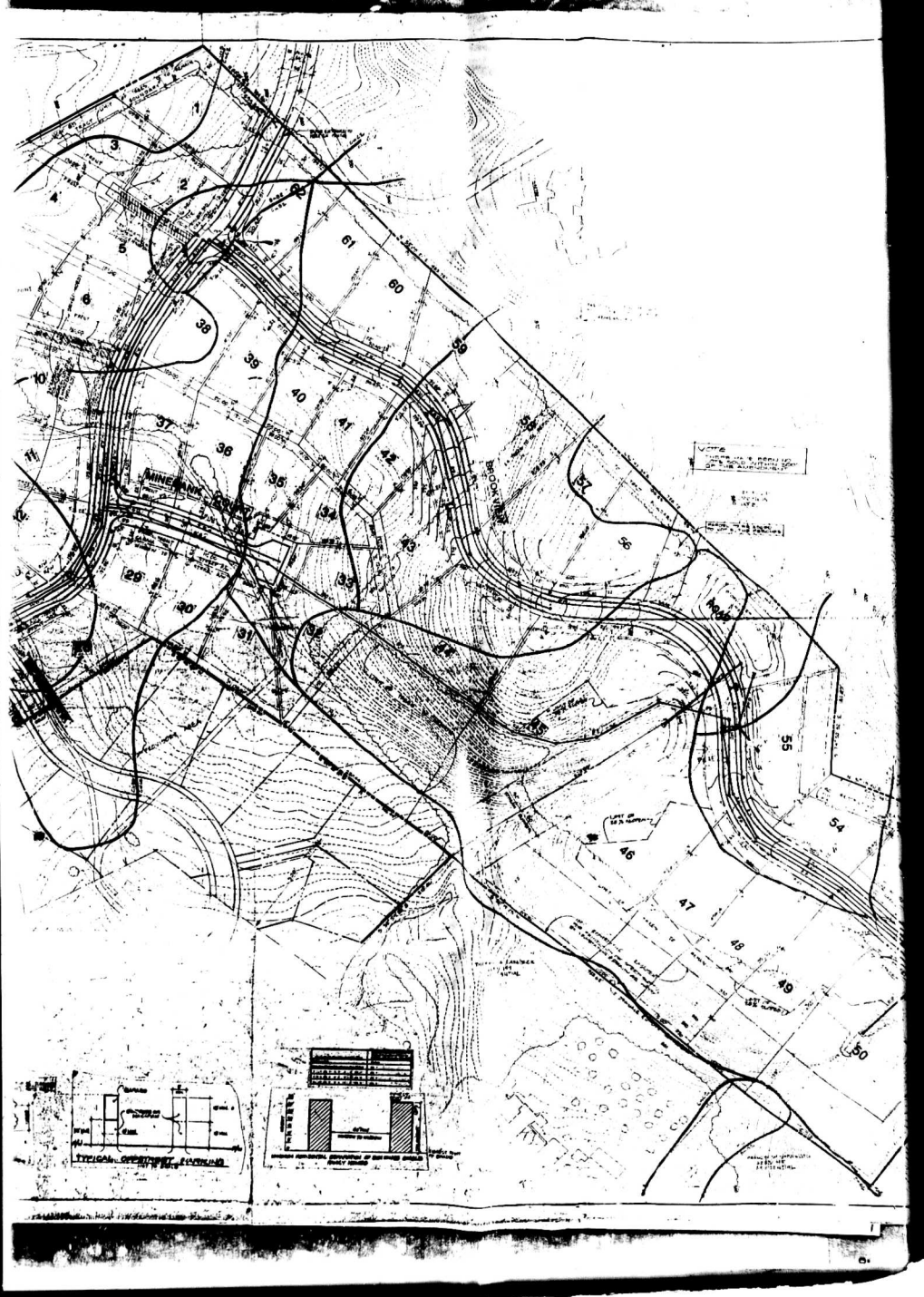
| DATE | REVISIONS |
|---|---|
| 1/31/92 | REVISED LAYOUT/DEVELOPMENT CONCEPT |
| 2/13/92 | SUM 3, UPDATE V.B. ECK ESTATES |

SHEET 1 OF 2

MINEBANK COURT
TYPICAL OFFSTREET PARKING


DENSITY CALCULATIONS
Location Plan
SCALE 1" = 1000'
NOTE
KEY
SECOND AMENDED
Partial Development Plan
Section One
BROOKVIEW FARMS
(FORMERLY THE V. L. BOK ESTATE)
9th ELECTION DISTRICT
BALTIMORE COUNTY, MD
1 OF 1

BROOKMEADOW
DRIVE

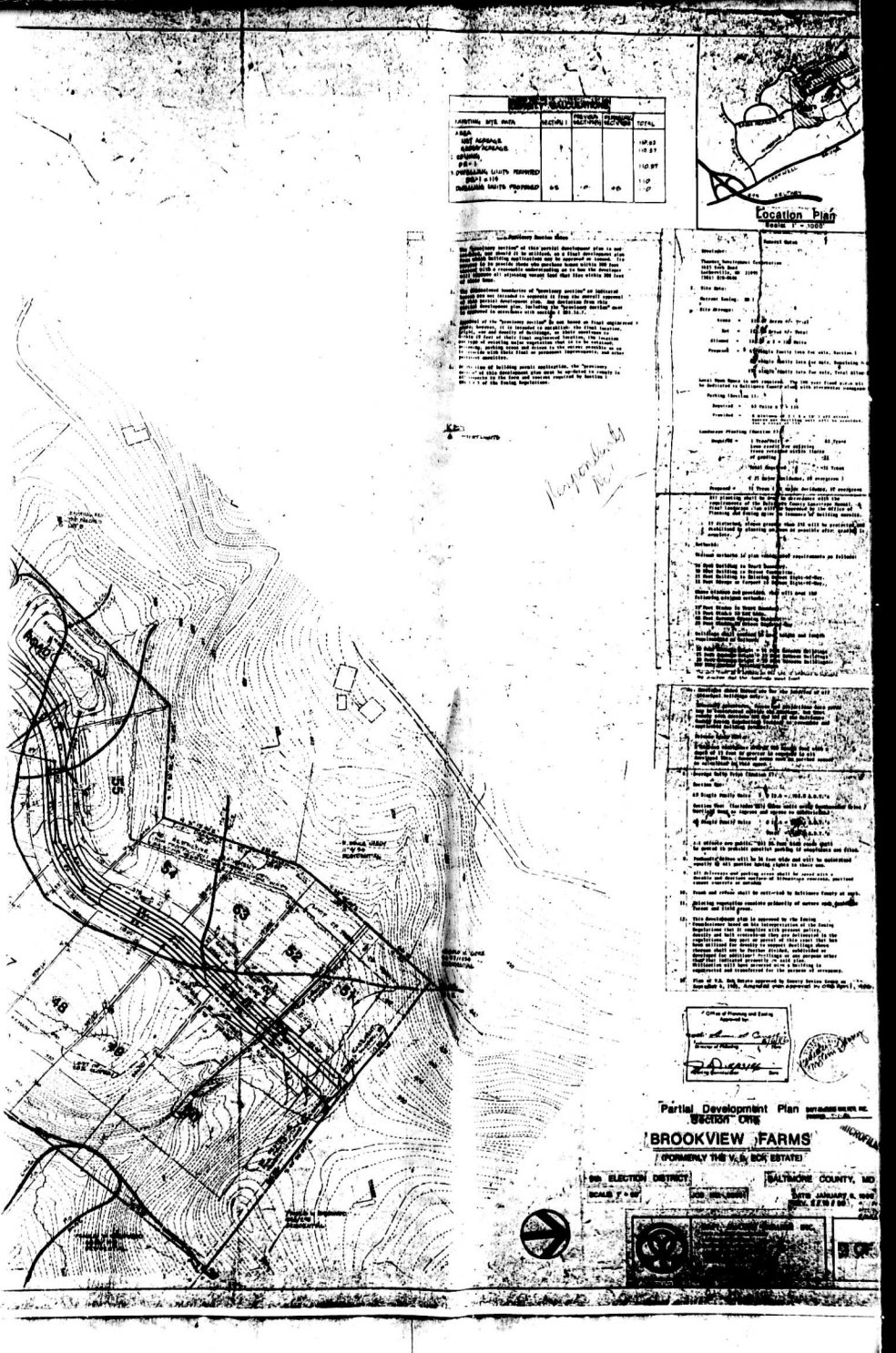

MINE LINK
TYPICAL OPPOSITE PARKING

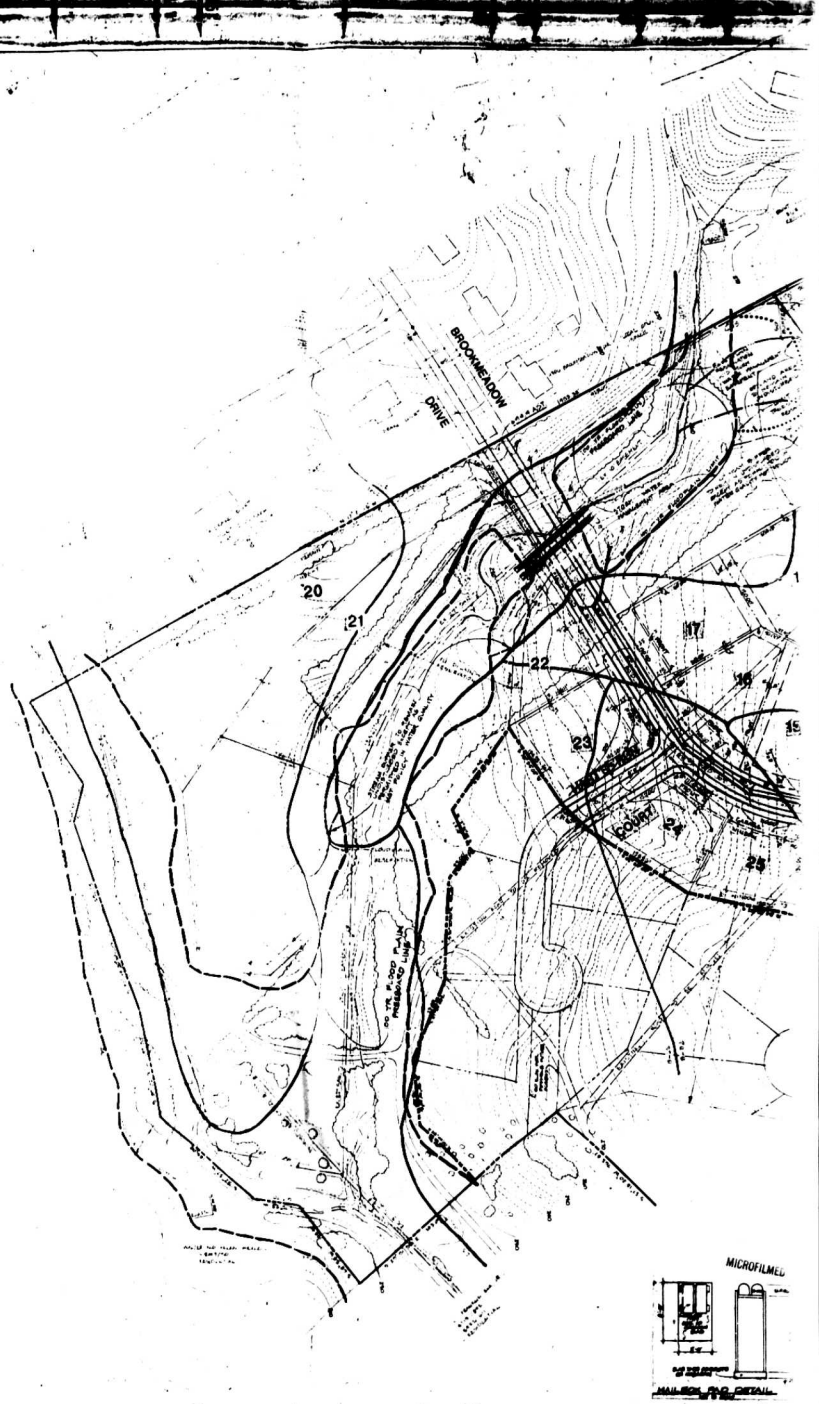
MAILBOX PAD DETAIL


ENTRANCE SIGN DETAIL

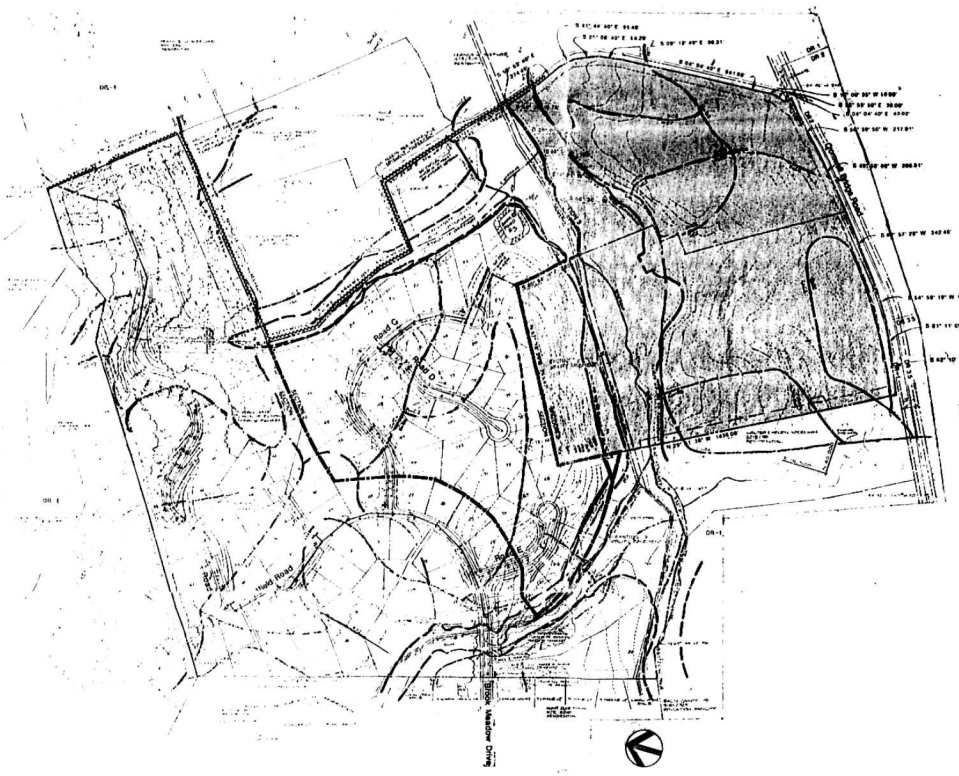

TYPICAL OFF-STREET PARKING


SECTION OF SCREENING FENCE ALONG ROAD




BROOKMEADOW
DRIVE
COURT
MICROFILMED

MINE BANK
COURT
FUTURE SECTION
TURNPOLE PLACE




## General Notes

1. Owner/Applicant: C. Franklin Eck, Jr.
1996 Cromwell Bridge Road
Baltimore, MD 21234
(410) 337-0715

2. Election District 9; Councilmanic District 6; Census Tract 4901

3. Watershed 4; Subwatershed 28

4. Site Data:

Site Acreage and Zoning

Net = 91.58 Ac. ± DR1 Sec. 1 & 2
18.43 Ac. ± DR1 Sec. 3A
26.36 Ac. ± DR1 Sec. 3B
136.37 Ac. ± Total

Gross = 91.58 Ac. ± DR1 Sec. 1 & 2
18.80 Ac. ± DR1 Sec. 3A (Incl. 30' Cromwell Bridge Road right-of-way)
26.90 Ac. ± DR1 Sec. 3B (Inc. 30' Cromwell Bridge Road right-of-way)
137.28 Ac. ± DR1 Total

Density

Permitted = 137.28 Ac. (DR1 = 1 D.U.

Proposed = Sec. 1 62 D.U. (Built)
Sec. 2 40 D.U.
Sec. 3 A & B 35 D.U. (Includes 3 existing residences to remain)
137 D.U.

All units will be for sale. Parcel A may be conveyed to an adjacent owner or HOA with no density.

Sections 3A and 3B as shown on the plan are held intact by the ownership shown. The developers engineer has confirmed that no part of the gross area of this property, as shown on the plan, has ever been utilized, recorded or represented as density or area to support any off-site dwellings.

Open Space

None required in DR1. The 100-year floodplain preservation may contain an easement for a greenway system.

Parking (Sec. 3A & 3B Only)

Required = 35 units at 2 spaces per D.U. = 70 spaces

Provided = A minimum of 2 off-street parking spaces will be provided for each lot.

Landscape Planting (Sec. 3A & 3B Only)

Required = 2,000 LF Int. Rd. at 1/20 = 100 FU (75 MD)
1,350 LF Adj. Rd. at 1/40 = 34 FU (26 MD)
770 LF Cl.A Scr. at 1/15 = 52 FU
186 FU (101 MD)

Proposed = 186 FU (101 MD)

Credit will be sought per sec. V.D. 2 of the 1990 Baltimore County Landscape Manual for existing trees retained within the net buildable area. Credits will be delineated on the Final Landscape Plan.

5. Existing residences will be connected to the proposed public water and sewer as it is available. Existing private sewage disposal systems shall be pumped and either backfilled or removed upon connection of residences to the public system. The existing residence on Lot 22 will not be connected until it is connected to public utilities. If not maintained, existing drilled wells will be backfilled by a licensed well driller prior to record plat and well abandonment reports submitted to Baltimore County DEPRM.

6. Soils (Sections 3A and 3B)

| Soils Series and Symbol | Hydro Class | Limitations With Basement | Limitations Without Basement | Streets and Parking |
|---|---|---|---|---|
| Baltimore BmC2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Chester CoB2 | B | Slight | Slight | Moderate: Slope |
| Chester CoC2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Conestoga CoB2 | B | Slight | Slight | Moderate: Slope |
| Hollinger HoC2 | C | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Hollinger HoD3 | C | Severe: Slope | Severe: Slope | Severe: Slope |
| Lindside Ln | C | Severe: Flooding | Severe: Flooding | Severe: Flooding |
| Sassafras SlC2 | B | Slight | Slight | Severe: Slope |

As per Section 26-277 where development occurs upon soils with possible severe or moderate limitations, borings will be taken to determine whether such conditions exist and the elevations at which they occur. Bedrock may be avoided by grading or blasting; high water table and poor drainage may be corrected by grading or construction of underground drains. The appropriate actions to be taken will be determined during construction by a licensed professional soils engineer.

7. Sections 3A and 3B are primarily open with some areas cultivated as an evergreen tree farm. Existing tree buffers will be retained where possible.

8. There are no buildings on Sections 3A and 3B which are on the Baltimore County Landmarks Preservation list or the National Register. Existing structures will be retained as storage, garages, or other permitted uses, or removed as dwellings. No agricultural uses are proposed.

9. Existing streams and wetlands have been field located and are as shown. No lands are confined to the stream channels.

10. The limits of 100 year floodplain preservation and reserve, and the Forest Buffer Easement (F.B.E.) are as shown on the plan. There shall be no clearing, grading, construction, or disturbance of vegetation in the F.B.E. except as permitted by the Baltimore County Department of Environmental Protection and Resource Management and as necessary for the upkeep, maintenance, use and repair of the existing structures and vegetation within their immediate vicinity as indicated on the plan. Protective covenants governing the use of the F.B.E. shall be recorded with the Land Records of Baltimore County at the time of plat recordation and shall run with the land in perpetuity.

11. Current Ownership:
Section 3A and 3B Only: C. Franklin Eck, Jr.
1996 Cromwell Bridge Road
Baltimore, Maryland 21234

W. Gibbs McKenney, et. al.
100 South Charles Street
Baltimore, MD 21201

Deed Reference: 5422/611
5715/842
6544/19

Property Numbers: 16-00-013163
17-00-009804
09-05-150101

12. Average Daily Traffic (Sec. 3A & 3B Only)

35 S.F. large lots at 12.4/lot = 434 ADT's

13. Stormwater for Sections 3A and 3B will be managed in two public wet ponds as shown on the plan.

14. There are no known significant geologic formations, critical areas, archeological sites, endangered species habitats, hazardous materials, or underground storage tanks on the property.

15. Elementary School District: Hampton

| | |
|---|---|
| School Capacity: | 740 |
| 1990 Enrollment: | 512 |
| Estimated Pupil Yield: (Section 3A and 3B Only) | 8 |

The Hampton School District is 42 percent over capacity as of October 1991. Sections 3A and 3B of this development are subject to the moratorium restrictions stated in Bill 177-90.

16. Section 3A of this property was shown as "Future Section" on the "Brookview Farm Sec. 2" revised CRG No. 85/191, approved September 4, 1985 and extended until September 4, 1994, and refined November 12, 1990.

17. Outdoor lighting shall be directed downward and shielded to confine light rays to the site and to prevent into adjacent roadways or into the path of oncoming vehicles.

18. The panhandle driveways shall be built in accordance with standards established by the Director of Public Works. The panhandle shall be paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first. Covenants providing for common use and maintenance of the panhandle driveway will be recorded with Baltimore County at the time of plat recordation.

19. Sections 3A and 3B: Topography is a combination of flown topography and data from 1"=200' Baltimore County sheet NE 11C. Zoning is from Baltimore County sheet NE 11C. Utilities are from Baltimore County key sheet 8-SE. Floodplain is from an approved study entitled "Minebank Run Sewer Protection and Erosion Study" prepared by Purdum & Jenchke, December 1984 (BC J.O. No. 1-19-34).

20. Areas within sight lines shall be cleared, graded, and kept free of obstructions, to the extent practical.

21. Existing residences have windows on all sides.

22. Variances:

The following variances may be requested:

Lot 21

- A variance from Section 400.1 BCZR to permit an accessory barn to be in the front yard.
- A variance from Section 400.3 BCZR to permit accessory barns with a building height of 32 feet in lieu of the maximum permitted 15 feet.

Lot 22

- A variance from Section 400.1 BCZR to permit an accessory shed on lot 25 to be in the front yard.

Lot 21 and 22

- A variance from Baltimore County Code Section 14-334 to permit two existing storage sheds, an existing barn and an associated driveway to remain in use in the Forest Buffer Easement and 100 year floodplain.

PLANNING NO. IX-585 PUBLIC SVCS NO. 92001

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E PENNSYLVANIA AVE
TOWSON, MD 21286
TELEPHONE (301) 296 3333

CRG PLAN for

# BROOKVIEW FARM
## SECTIONS 3A AND 3B ONLY

(formerly V.B. Eck Estates / and Brookview Estates)

EHK Jr. 55/12, 54/108, 54/109, 54/110

RECEIVED FEB 14 1992 BALTIMORE COUNTY PLANNING

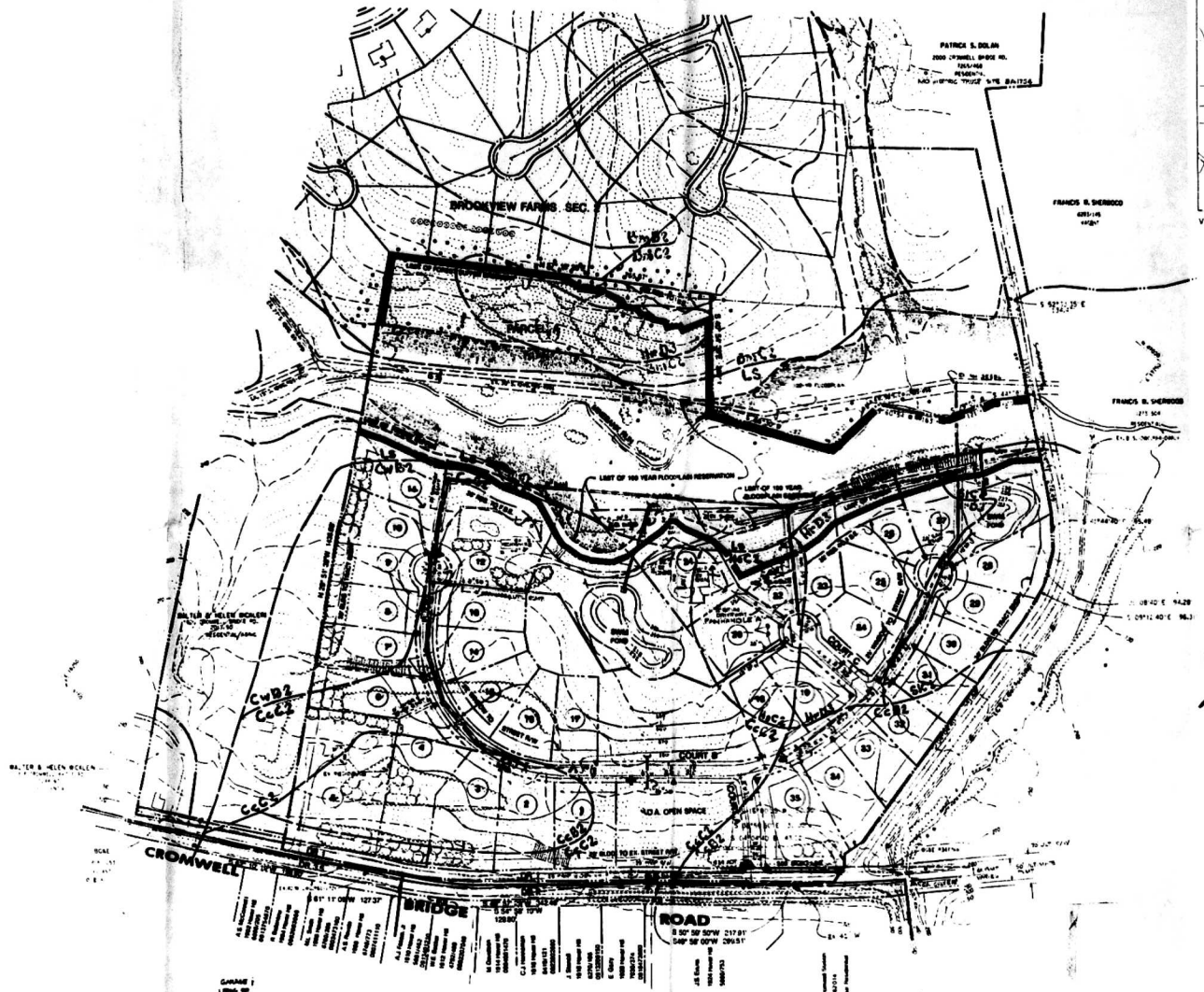
SCALE: 1" = 200'

JOB ORDER NO 820510

ISSUE DATE 01/03/92

| DATE | REVISIONS |
|---|---|
| 1/31/92 | ADD SHEET 2, ADDRESS COMMENTS |

2 OF 2




LEGEND

- Prop. Water Line
- Prop. Sewer Line
- Prop. Storm Drain
- Forest Buffer Easement
- Soils
- Zoning Line
- 25% and greater slopes
- Existing Trees to be removed
- Existing Trees to Remain
- Ex. Septic
- Ex. Well

BEARINGS SHOWN HEREON ARE BASED ON A SURVEY PLAT ENTITLED "PROPERTY IN ESTATE OF VIOLA B. ECK " BY GEYHOLD, CROSS AND ETZEL

92-357-SPH

PLANNING NO. IX-585 PUBLIC SVCS NO. 92001

DAFT McCUNE WALKER INC.

CRG PLAN for

**BROOKVIEW FARM**
**SECTIONS 3A AND 3B ONLY**

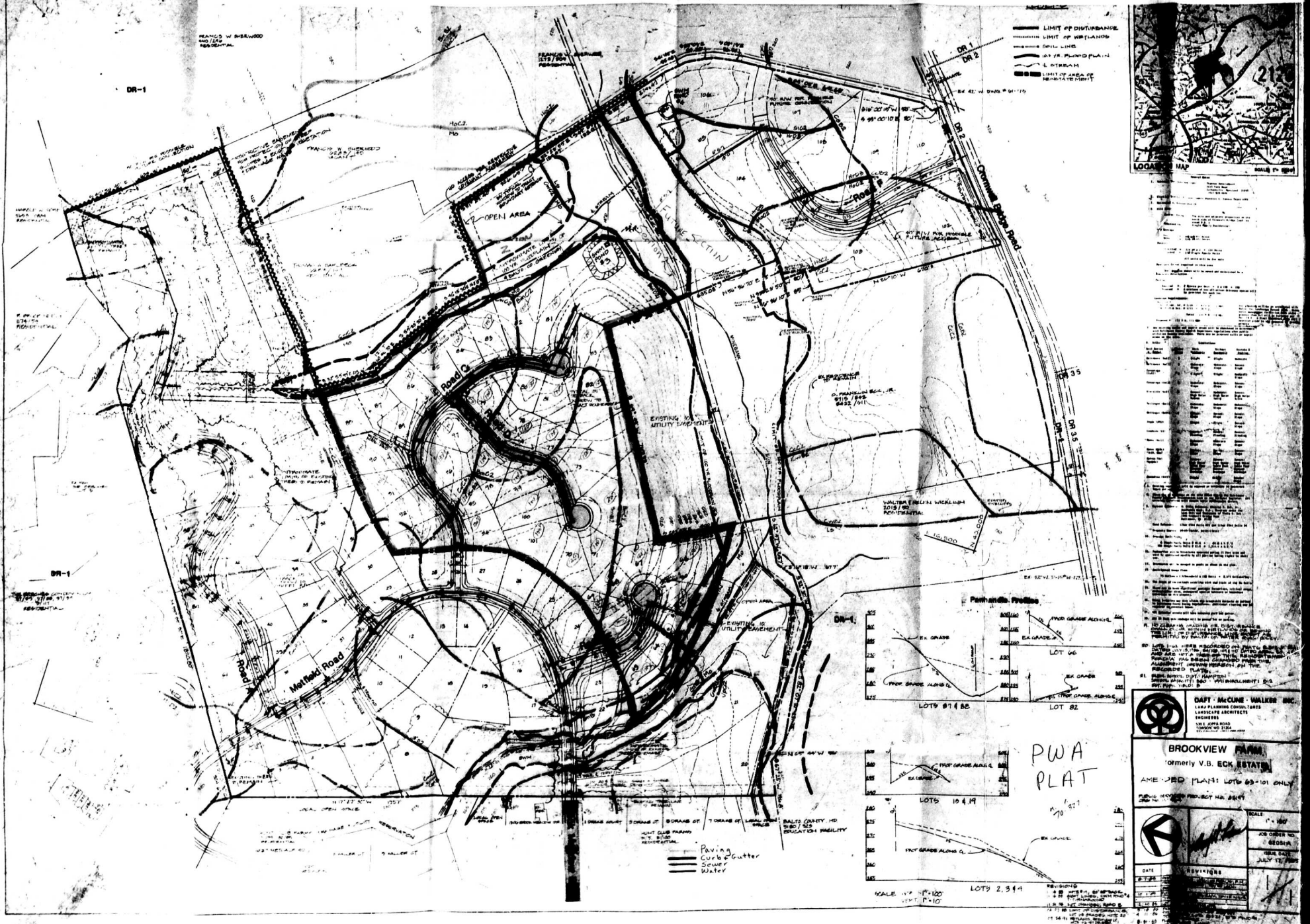
(formerly V.B. Eck Estates / and Brookview Estates)

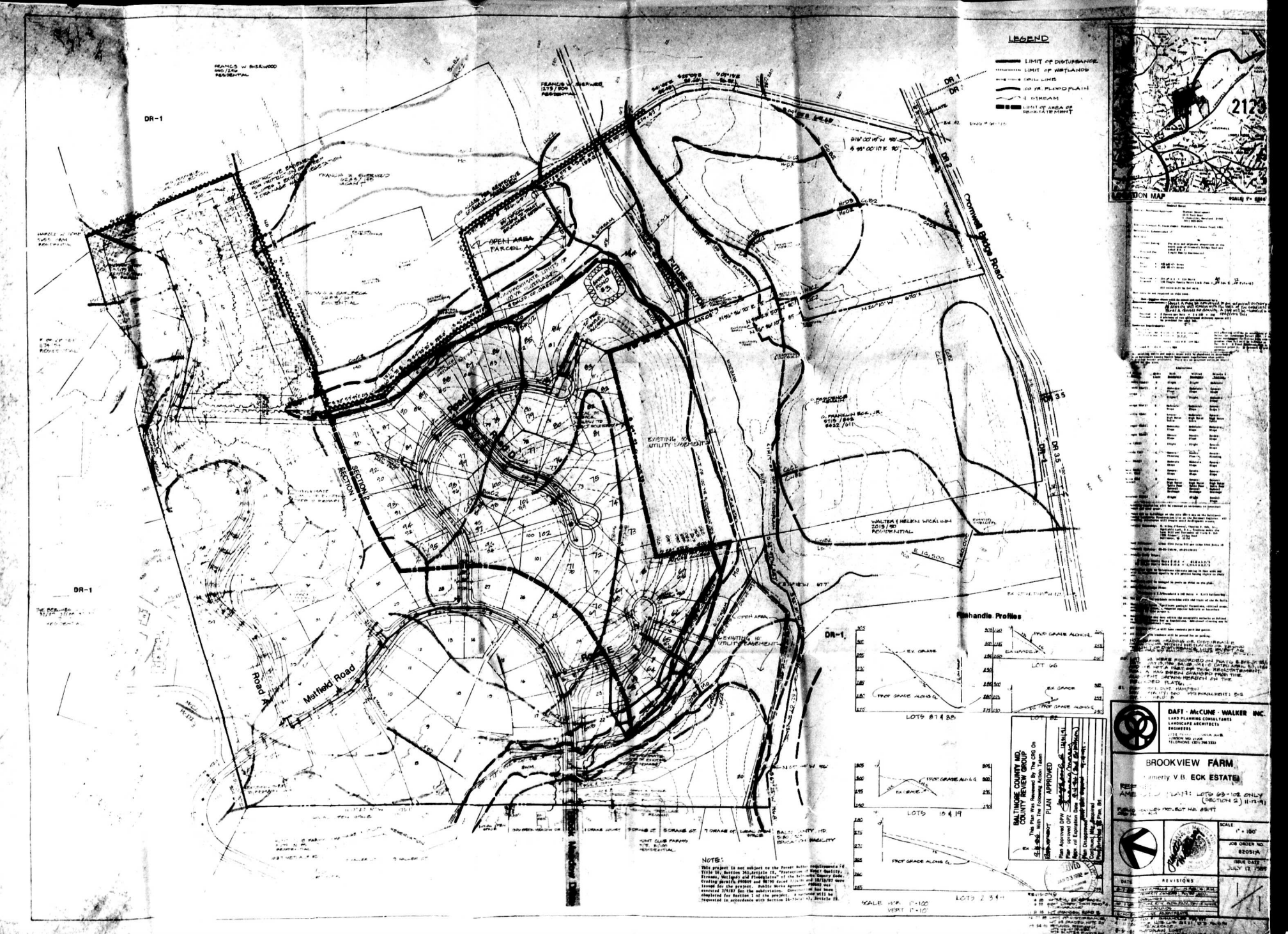
EHK Jr. 55/12, 54/108, 54/109, 54/110

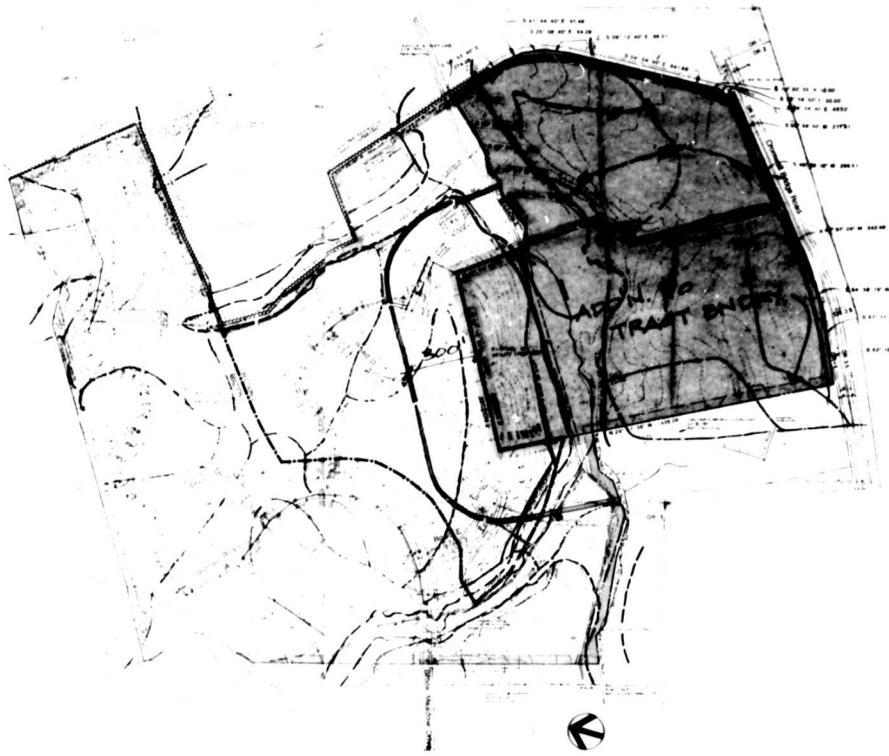
SCALE: 1" = 100'
JOB ORDER NO. 820510
ISSUE DATE 01/03/92
SHEET 1 OF 2

| DATE | REVISIONS |
|---|---|
| 1/31/92 | |
| 2/7/92 | |

376


LIMIT OF DISTURBANCE
LIMIT OF WETLANDS
SOIL LINE
100 YR. FLOOD PLAIN
E. STREAM
LIMIT OF AREA OF REINSTATEMENT
OPEN AREA
Owings Mills Road
Methfield Road
Road A
Road B
Road C
Road D
EXISTING 10' UTILITY EASEMENT
EXISTING 10' UTILITY EASEMENT
WALTER F. & C.N. WICKLIN
5019 / 682
RESIDENTIAL
D. FRANKLIN BOG, JR.
5115 / 662
5432 / 611
DR-1
DR-2
DR-3
DR-4
DR-5
Paving
Curb & Gutter
Sewer
Water
Panhandle Profiles
LOTS 81 & 82
LOT 86
LOT 82
LOTS 18 & 19
LOTS 2, 3 & 4
PWA PLAT
DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
BROOKVIEW FARM
formerly V.B. ECK ESTATE
AMENDED PLAN: LOTS 83-101 ONLY
SCALE 1" = 100'
JOB ORDER NO. 82091A
ISSUE DATE JULY 15, 1982
REVISIONS


LEGEND
LIMIT OF DISTURBANCE
LIMIT OF WETLANDS
100 YR. FLOOD PLAIN
STREAM
LIMIT OF AREA OF REFORESTATION
LOCATION MAP
SCALE 1" = 800'
2129
Continental Bridge Road
Mattfield Road
Road A
Road D
Road C
Road B
OPEN AREA PARCEL A
EXISTING 10' UTILITY EASEMENT
EXISTING 16' UTILITY EASEMENT
SECTION 1
SECTION 2
DR-1
DR-2
DR-3
DR-5
Fishandle Profiles
LOTS 81 & 80
LOT 66
LOT 82
LOTS 18 & 19
LOTS 2 & 3
SCALE HOR. 1"=100'
VERT. 1"=10'
NOTES:
BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
With The Following Action Taken
DEVELOPMENT PLAN APPROVED
DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
BROOKVIEW FARM
formerly V.B. ECK ESTATE
LOTS 69-102 ONLY
(SECTION 2) 11-13-89
SCALE 1" = 100'
JOB ORDER NO. 82091A
ISSUE DATE JULY 12, 1989
REVISIONS
DATE
1/1




## General Notes

1. Owner/Applicant: C. Franklin Eck, Jr.
1996 Cromwell Bridge Road
Baltimore, MD 21234
(410) 337-6715

2. Election District 9; Councilmanic District 6; Census Tract 4501

3. Watershed 4; Subwatershed 2B

4. Site Data:

Site Acreage and Zoning

| | | |
|---|---|---|
| Net = | 40.18 Ac. ± | DR1 Sec. 1 |
| | 0.18 Ac. ± | DR1 Sec. 1* |
| | 31.47 Ac. ± | DR1 Sec. 2 |
| | 10.43 Ac. ± | DR1 Sec. 3A |
| | 110.20 Ac. ± | Subtotal |
| | 26.34 Ac. ± | DR1 Sec. 3B |
| | 136.54 Ac. ± | Total |
| Gross = | 40.12 Ac. ± | DR1 Sec. 1 |
| | 0.18 Ac. ± | DR1 Sec. 1* |
| | 31.47 Ac. ± | DR1 Sec. 2 |
| | 10.43 Ac. ± | DR1 Sec. 3A |
| | 110.20 Ac. ± | Subtotal (ORM Jr. 54/108) |
| | 26.48 Ac. ± | DR1 Sec. 3B |
| | 137.47 Ac. ± | DR1 (Incl. 20' Cromwell Bridge Road right-of-way) |

Density

Permitted = 137.47 Ac. DR1 = 137 D.U.

Proposed = Sec. 1 42 D.U.
Sec. 2 68 D.U. (Approved CRG)
Sec. 3 A & B 36 D.U. (Includes 3 existing residences to remain)
137 D.U. TOTAL

All units will be for sale. Parcel A may be conveyed to an adjacent owner or HOA as open area with no density.

Sections 2, 3A and 3B as shown on the plan have been held in tact by the ownership shown since 1961. The developer's engineer has confirmed that no part of the gross area of Section 1, 2, 3A or 3B has ever been utilized, recorded or represented as density or area to support any off-site dwelling except as noted below.

*0.18 Ac. ± in Section 1 was apparently transferred by Ryland Homes to W. Peck on August 5, 1986, with the knowledge and consent of Baltimore County.

Open Space

Required = 35 D.U. x 650 S.F. = 22,750 S.F.

Proposed = The 100-year floodplain reservation was contain an easement for a greenway system, per Section III.E.2.c. of the Local Open Space Manual.

Parking (Sec. 3A & 3B Only)

Required = 35 units at 2 spaces per D.U. = 70 spaces

Provided = A minimum of 2 off-street parking spaces will be provided for each lot.

*Landscape Planting (Sec. 3A & 3B Only)

Required = 2,000 LF Int. Rd. at 1/20 = 100 PU (75 MD)
1,350 LF Adj. Rd. at 1/40 = 34 PU (26 MD)
770 LF C1:A Scr. at 1/15 = 52 PU
186 PU (101 MD)

Proposed = 186 PU (101 MD)

Credit will be sought per sec. V.D. 2 of the 1990 Baltimore County Landscape Manual for existing trees retained within the net buildable area. Credits will be delineated on the Final Landscape Plan.

5. Existing residences will be connected to the proposed public water and sewer as soon as it is available. Existing private sewage disposal systems shall be pumped and either backfilled or removed upon connection of residences to the public system. The existing residence on Lot 22 will not be occupied until it is connected to public utilities. If not maintained, existing drilled wells will be backfilled by a licensed well driller prior to record plat and well abandonment reports submitted to Baltimore County DEPRM.

6. Soils (Sections 3A and 3B)

| Soils Series and Symbol | Hydro Class | Limitations With Basement | Limitations Without Basement | Streets and Parking |
|---|---|---|---|---|
| Baltimore BmC2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Chester CcB2 | B | Slight | Slight | Moderate: Slope |
| Chester CcC2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Conestoga CwB2 | B | Slight | Slight | Moderate: Slope |
| Hollinger HoC2 | C | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Hollinger HoD3 | C | Severe: Slope | Severe: Slope | Severe: Slope |
| Lindside Ln | C | Severe: Flooding | Severe: Flooding | Severe: Flooding |
| Sassafras SlC2 | B | Slight | Slight | Severe: Slope |

As per Section 26-277 where development occurs upon soils with possible severe or moderate limitations, borings will be taken to determine whether such conditions exist and the elevations at which they occur. Bedrock may be avoided by grading or blasting; high water table and poor drainage may be corrected by grading or construction of underground drains. The appropriate actions to be taken will be determined during construction by a licensed professional soils engineer.

7. Sections 3A and 3B are primarily open with some areas cultivated as an evergreen tree farm. Existing tree buffers will be retained where possible.

8. There are no buildings on Sections 3A and 3B which are on the Baltimore County Landmarks Preservation List or the National Registar. Existing structures will be retained as storage, garages, or other permitted uses, or renovated as dwellings. No agricultural uses are proposed.

9. Existing streams and wetlands have been field located and are as shown. Wetlands are confined to the stream channels.

10. The limits of 100 year floodplain reservation and easement, and the Forest Buffer Easement (F.B.E.) are as shown on the plan. There shall be no clearing, grading, construction, or disturbance of vegetation in the F.B.E. except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

Procedural comments governing the use of the F.B.E. shall be executed with the Land Records of Baltimore County at the time of plat recordation and shall run with the land in perpetuity.

A. A variance has been approved for the continued existing uses within the forest buffer easement, to the west of the existing structures as shown on the plan that allows for the upkeep, maintenance, use and repair of the existing driveways and vegetation within their immediate vicinity as shown on the plan.

The south edge of the forest buffer for its entire length, excluding the variance area, will be planted with trees and shrubs and posted at 100 foot intervals with forest buffer regulation signs provided by DEPRM. These trees and shrubs currently exist, they may be substituted for planting requirements. Further, these trees will be reviewed with and funding.

11. Current Ownership:
Section 3A and 3B Only
C. Franklin Eck, Jr.
1996 Cromwell Bridge Road
Baltimore, Maryland 21234
C. Franklin Eck, Jr. and
M. Gildea McMurray, Et. Al.
100 South Charles Street
Baltimore, MD 21201

Deed Reference: 7422/611
7715/842
8544/19

Property Numbers: 09-00-013163
09-00-009804
09-05-150101

12. Average Daily Trips: (Sec. 3A & 3B Only)

35 S.F. large lots @ 12.4/lot = 434 ADT's

13. Stormwater for Sections 3A and 3B will be managed in two public wet ponds as shown on the plan.

14. There are no known significant geologic formations, critical areas, archaeological sites, endangered species habitats, hazardous materials or underground storage tanks on the property.

15. Elementary School District: Hampton
School Capacity: 360
1991 Enrollment: 512
Estimated Pupil Yield: 6
(Sections 3A and 3B Only)

16. Section 3A of this property was shown as "Future Section" on the "Brookview Farm Sec. 2" amended CRG No. 85197, approved September 4, 1985 and extended until September 4, 1994, and refined November 12, 1991.

17. On-site lighting on Sections 3A and 3B shall be designed to confine light rays within the site and to prevent reflected light rays from shining or glaring onto adjacent motorways or into the path of oncoming vehicles.

18. The perhandle driveways shall be built in accordance with standards established by the Director of Public Works. The perhandle shall be paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first. Covenants providing for common use and maintenance of the perhandle driveway will be recorded with Baltimore County at the time of plat recordation.

19. Sections 3A and 3B: Topography is a combination of field topography and data from 1"=200' Baltimore County sheet NE 11C. Zoning is from Baltimore County sheet NE 11C. Utilities are from Baltimore County key sheet 8-SE. Floodplain is from an approved study entitled "Minebank Run Sewer Protection and Erosion Study" prepared by Purdum & Joeckhe, December 1984 (BC J.O. No. 1-19-34).

20. Areas within sight lines shall be cleared, graded, and kept free of obstructions.

21. Existing residences have windows on all sides.

22. Variances:

The following variances may be requested:

Lot 21

- A variance from Section 400.1 BCZR to permit an accessory barn to be in the front yard.
- A variance from Section 400.3 BCZR to permit accessory barns with a building height of 32 feet in lieu of the maximum permitted 15 feet.

Lot 22

- A variance from Section 4001.1 BCZR to permit an accessory shed on Lot 25 to be in the front yard.

Lot 21 and 22

- A variance from Baltimore County Code Section 14-334 to permit two existing storage sheds, an existing barn and an associated driveway to remain in use in the Forest Buffer Easement and 100-year floodplain.

23. Special Hearing 92-157-SPH was held by the Zoning Commissioner April 27, 1992, with the following result:

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of August 1992 that, pursuant to the Petition for Special Hearing, the Developer may amend the tract boundary for that subdivision known as Brookview Farm, pursuant to the provisions of Section 1B01.1.A.(7) of the B.C.Z.R. for the reasons given herein and, further, that the Petition for Special Hearing be and is hereby GRANTED.

24. DEPRM and Daft-McCune-Walker will conduct a suitable outfall analysis for the 15 inch stormwater management outfall for Pond 2 prior to grading and sediment control plan approval.

* 4 In addition, landscape planting will be provided along the rear property lines which will incorporate a mixture of deciduous and evergreen trees, shrubs and existing forest to screen views of lot rears from Cromwell Bridge Road and maintain views from the proposed lots to the sharecrop property and vistas beyond.

PLANNING NO. IX-585 PUBLIC SVCS NO. 92001

DAFT · McCUNE · WALKER, INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E. PENNSYLVANIA AVE
TOWSON, MD 21286
TELEPHONE (301) 296 3333

CRG PLAN for

# BROOKVIEW FARM
## SECTIONS 3A AND 3B ONLY

(formerly V.B. Eck Estates / and Brookview Estates)

ERK Jr 55/12, 54/108, 54/109, 54/110

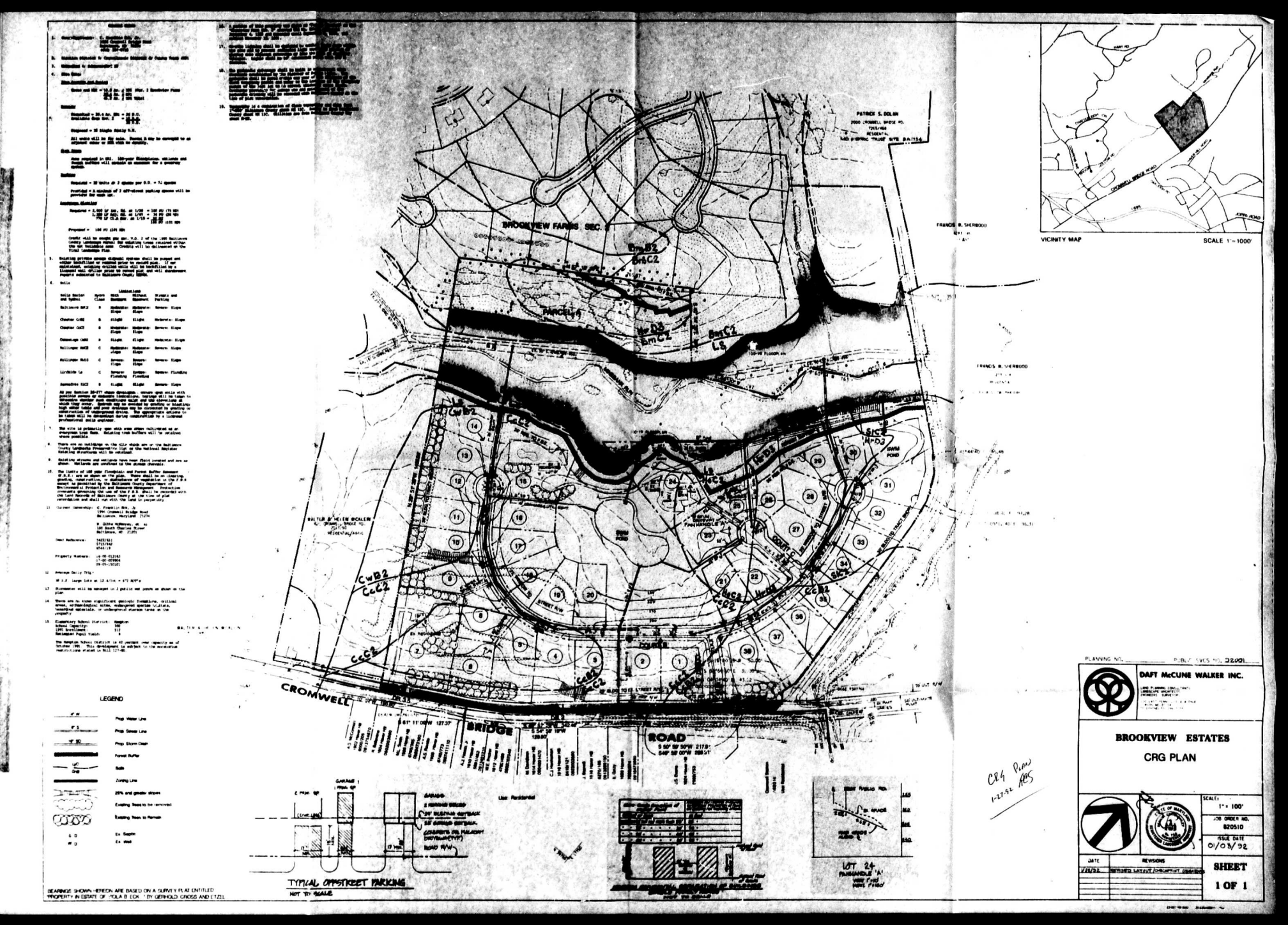
SCALE 1" = 200'

JOB ORDER NO. 82051D

ISSUE DATE 01/03/92

| DATE | REVISIONS |
|---|---|
| 11/2/92 | ADD SHEET 2 |
| 11/7/92 | REV. 3A & 3B DENSITY TBL., PLTG., CHECK 4, 7, 12, 15, 20, 23, 24 |
| 12/2/92 | NOTE 15 |

2 OF 2




PLANNING NO. PUBLIC SVCS NO. 92001

DAFT McCUNE WALKER INC.

**BROOKVIEW ESTATES**

**CRG PLAN**

SCALE: 1" = 100'

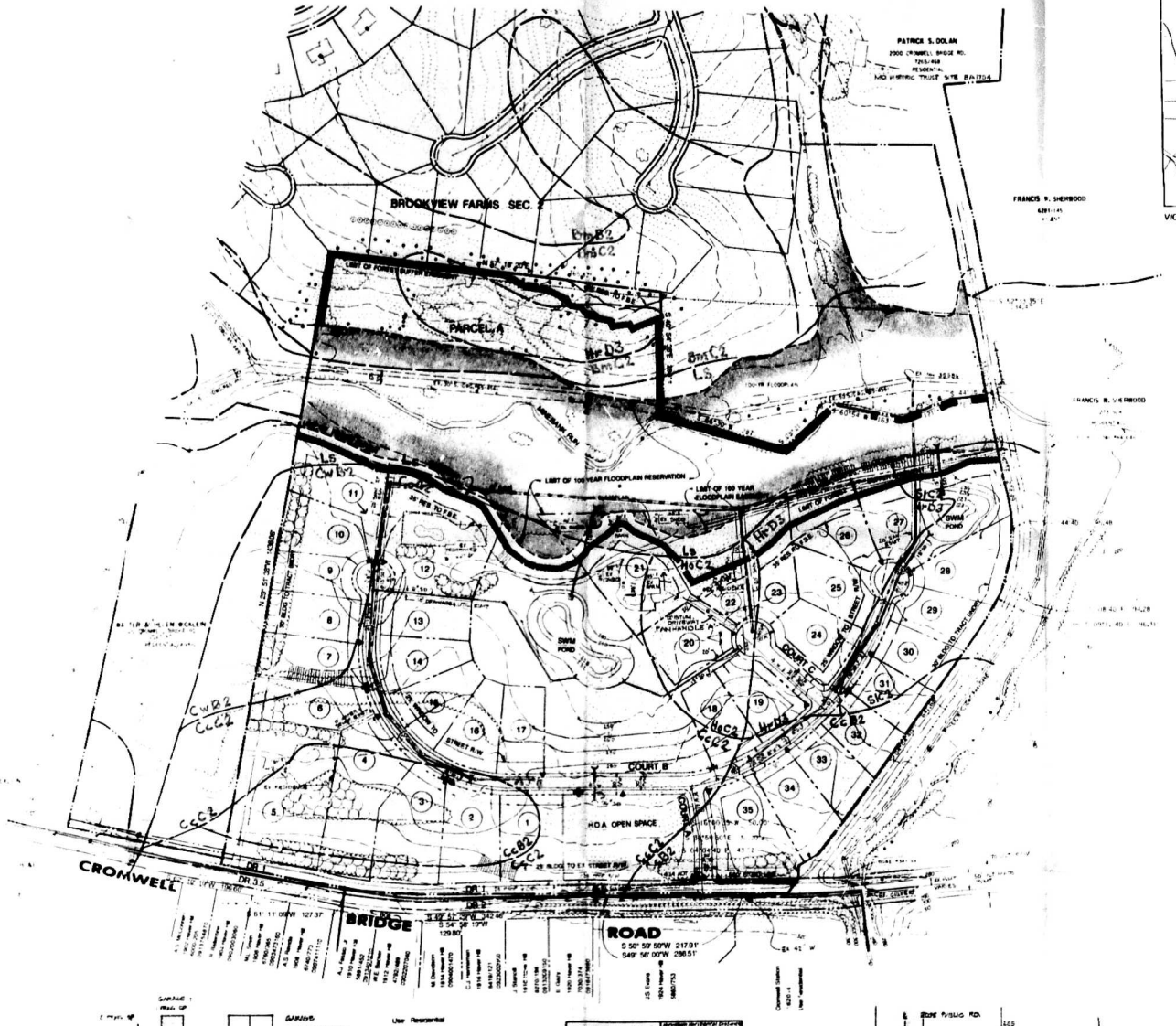
JOB ORDER NO. 820510

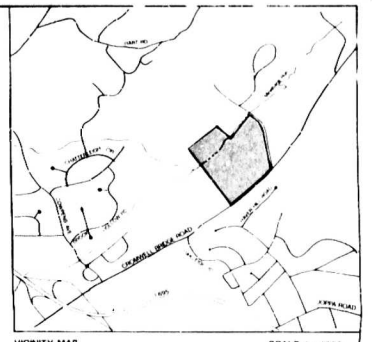
ISSUE DATE 01/03/92

| DATE | REVISIONS |
|---|---|
| 1/31/92 | REVISED LAYOUT/DESCRIPTIVE COMMENTS |

**SHEET 1 OF 1**

CRG Plan 1-27-92 AES




VICINITY MAP SCALE 1" = 1000'

LEGEND

TYPICAL OFFSTREET PARKING
NOT TO SCALE

MINIMUM HORIZONTAL SEPARATION OF BUILDINGS
SINGLE FAMILY HOMES
NOT TO SCALE

LOT 21
PANHANDLE 'A'
VERT 1"=10'
HORZ 1"=100'

PLANNING No. IX-585 VESTING No. 92001

DAFT McCUNE WALKER INC.

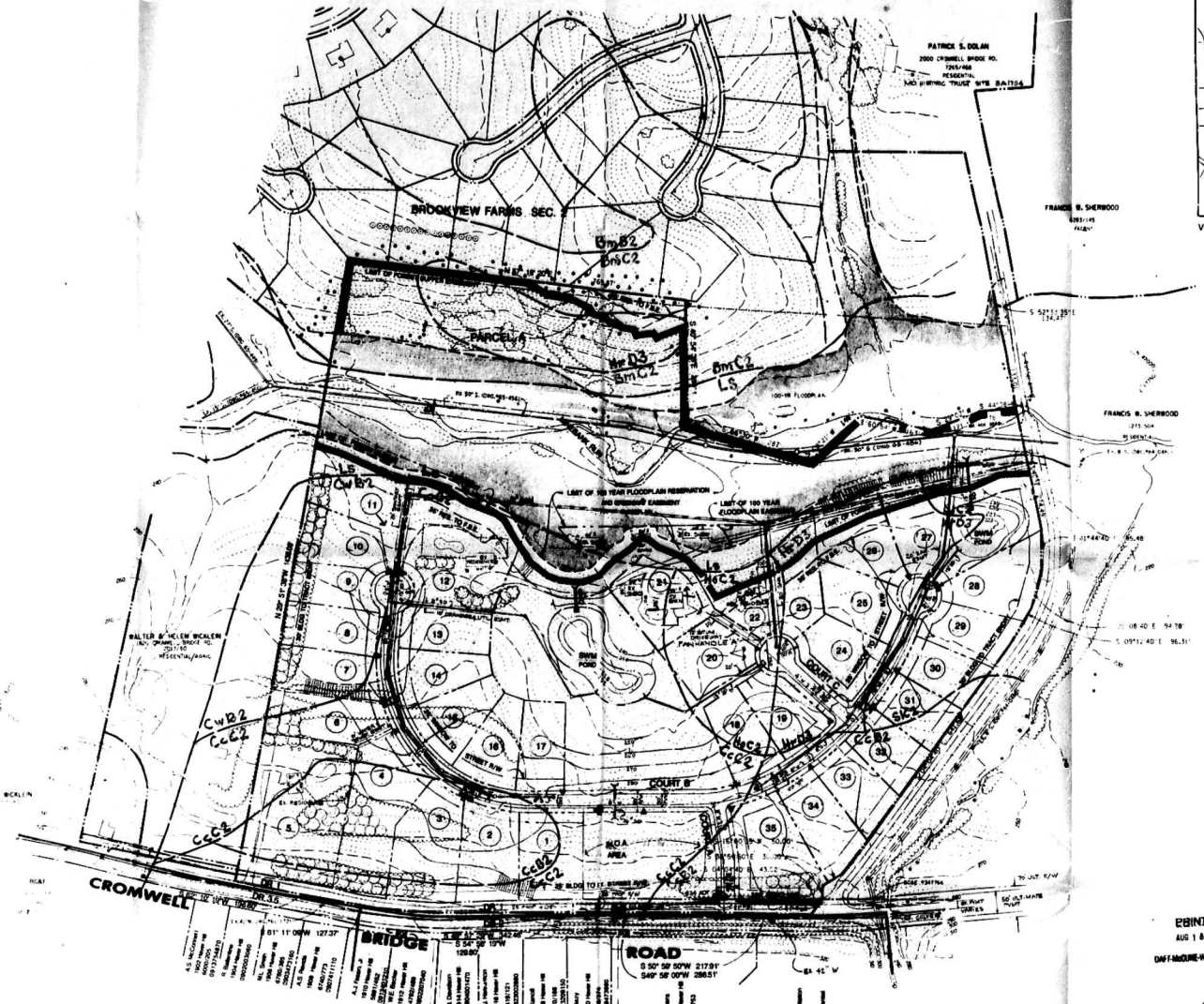
CRG PLAN for
**BROOKVIEW FARM**
**SECTIONS 3A AND 3B ONLY**
(formerly V.B. Eck Estates / and Brookview Estates)

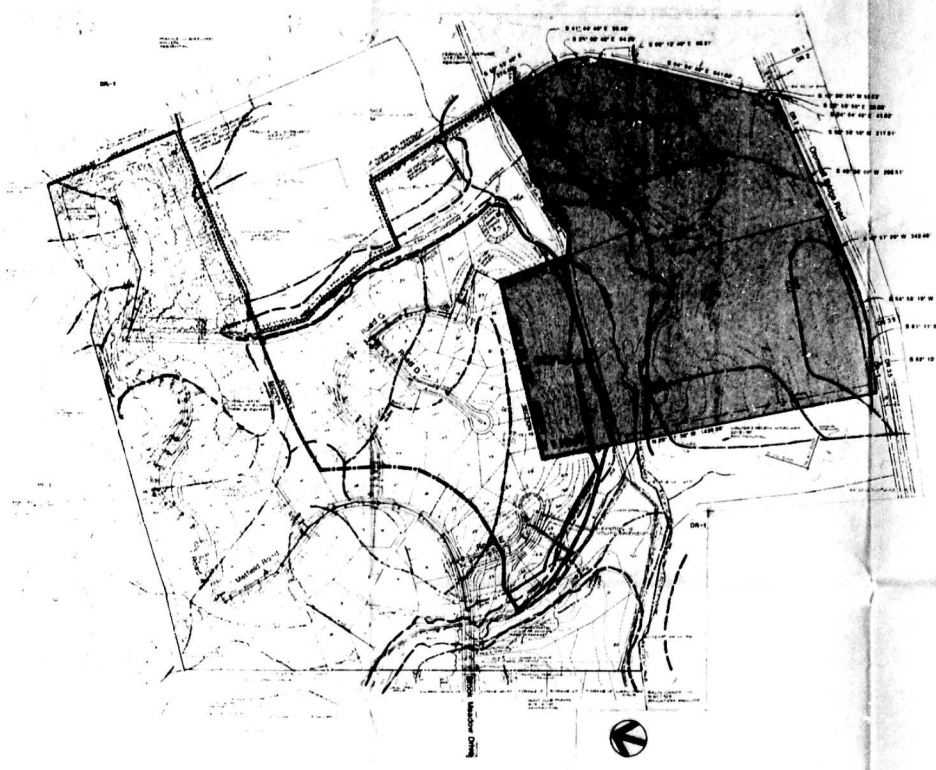
EHK Jr. 55/12, 54/108, 54/109, 54/110

SCALE: 1" = 100'
JOB ORDER NO. 92051D
ISSUE DATE 01/03/92

| DATE | REVISIONS |
|---|---|
| 7/15/92 | REVISED LOT LINES AT PANHANDLE |
| 8/3/92 | ADDED NOTE REGARDING THE LOCATION |

**SHEET 1 OF 2**


BROOKVIEW FARMS SEC. 2
PARCEL 6
PATRICK S. DOLAN
2000 CROMWELL BRIDGE RD.
7265/468
RESIDENTIAL
MD PLANNING "TRUST SITE 8A1704
FRANCIS B. SHERWOOD
5283/145
FRANCIS B. SHERWOOD
WALTER & HELEN MCALEN
LIMIT OF 100 YEAR FLOODPLAIN RESERVATION AND STORMDRAIN EASEMENT
LIMIT OF 100 YEAR FLOODPLAIN EASEMENT
SWM POND
COURT A
COURT B
COURT C
STREET A
STREET B
STREET C
STREET D
STREET E
STREET F
STREET G
STREET H
STREET I
STREET J
STREET K
STREET L
STREET M
STREET N
STREET O
STREET P
STREET Q
STREET R
STREET S
STREET T
STREET U
STREET V
STREET W
STREET X
STREET Y
STREET Z
STREET AA
STREET BB
STREET CC
STREET DD
STREET EE
STREET FF
STREET GG
STREET HH
STREET II
STREET JJ
STREET KK
STREET LL
STREET MM
STREET NN
STREET OO
STREET PP
STREET QQ
STREET RR
STREET SS
STREET TT
STREET UU
STREET VV
STREET WW
STREET XX
STREET YY
STREET ZZ
CROMWELL BRIDGE ROAD
S 50° 58' 50"W 217.91'
S 49° 58' 00"W 286.51'
S 54° 58' 10"W 129.80'
N 39° 11' 00"W 121.37'
BmB2
BmC2
CwB2
CcC2
HrD3
LS
SwC2
HuC2
CcB2
SwB2
HuB2
SwD2
SwC3
HrB3
HuB3
SwC3
SwB3
SwD3
SwC3
SwB3
SwD3
SwC3
SwB3
SwD




## General Notes

1. Owner/Applicant: C. Franklin Eck, Jr.
1996 Cromwell Bridge Road
Baltimore, MD 21234
(410) 337-0715

2. Election District 9; Councilmanic District 4; Census Tract 4901

3. Watershed 6; Subwatershed 28

4. Site Data:

Site Acreage and Zoning

| | | |
|---|---|---|
| Net = | 60.12 Ac. ± | DR1 Sec. 1 |
| | 0.18 Ac. ± | DR1 Sec. 1* |
| | 31.47 Ac. ± | DR1 Sec. 2 |
| | 18.63 Ac. ± | DR1 Sec. 3A |
| | 110.20 Ac. ± | Subtotal |
| | 24.36 Ac. ± | DR1 Sec. 3B |
| | 134.56 Ac. ± | Total |
| Gross = | 60.12 Ac. ± | DR1 Sec. 1 |
| | 0.18 Ac. ± | DR1 Sec. 1* |
| | 31.47 Ac. ± | DR1 Sec. 2 |
| | 18.80 Ac. ± | DR1 Sec. 3A |
| | 110.57 Ac. ± | Subtotal (see Jr. 54/108) |
| | 24.36 Ac. ± | DR1 Sec. 3B |
| | 137.47 Ac. ± | DR1 (Incl. 30' Cromwell Bridge Road right-of-way) |

Density

Permitted = 137.47 Ac. DR1 = 137 D.U.

Proposed = Sec. 1 42 D.U.
Sec. 2 49 D.U. (Approves CRG)
Sec. 3 A & B 36 D.U. (Includes 3 existing residences to remain)
137 D.U. TOTAL

All units will be for sale. Parcel A may be conveyed to an adjacent owner or HOA as open area with no density.

Sections 2, 3A and 3B as shown on the plan have been held in tact by the ownership shown since 1981. The developer's engineer has confirmed that no part of the gross area of Section 1, 2, 3A or 3B has ever been utilized, recorded or represented as density or area to support any off-site dwelling except as noted below.

*0.18 Ac. ± in Section 1 was apparently transferred by Pyland Homes to Peck on August 5, 1985, with the knowledge and consent of Baltimore County.

Open Space

Required = 35 D.U. x 650 S.F. = 22,750 S.F.

Proposed = The 100-year floodplain reservation will contain an easement for a greenway system, per Section III.E.2.c. of the Local Open Space Manual.

Parking (Sec. 3A & 3B Only)

Required = 35 units at 2 spaces per D.U. = 70 spaces

Provided = A minimum of 2 off-street parking spaces will be provided for each lot.

# Landscape Planting (Sec. 3A & 3B Only)

Required = 2,000 LF Int. Rd. at 1/20 = 100 PU (75 MD)
1,900 LF Adj. Rd. at 1/40 = 34 PU (26 MD)
770 LF Cl.A Brv. at 1/15 = 52 PU
186 PU (101 MD)

Proposed = 186 PU (101 MD)

Credit will be sought per Sec. V.D. 2 of the 1990 Baltimore County Landscape Manual for existing trees retained within the new building zones. Credits will be delineated on the Final Landscape Plan.

5. Existing residences will be connected to the proposed public water and sewer as soon as it is available. Existing private sewage disposal systems shall be pumped and either backfilled or removed upon connection of residences to the public system. The existing residence on Lot 22 will not be occupied until it is connected to public utilities. If not maintained, existing drilled wells will be backfilled by a licensed well driller prior to record plat and well abandonment reports submitted to Baltimore County DEPRM.

6. Soils (Sections 3A and 3B)

| Soils Series and Symbol | Hydro Class | Limitations With Basement | Limitations Without Basement | Streets and Parking |
|---|---|---|---|---|
| Baltimore BmC2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Chester CcB2 | B | Slight | Slight | Moderate: Slope |
| Chester CcC2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Conestoga CoB2 | B | Slight | Slight | Moderate: Slope |
| Hollinger HoC2 | C | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Hollinger HoD3 | C | Severe: Slope | Severe: Slope | Severe: Slope |
| Lindside Ln | C | Severe: Flooding | Severe: Flooding | Severe: Flooding |
| Sassafras SlE2 | B | Slight | Slight | Severe: Slope |

As per Section 26-277 where development occurs upon soils with possible severe or moderate limitations, borings will be taken to determine whether such conditions exist and the elevations at which they occur. Bedrock may be avoided by grading or blasting; high water table and poor drainage may be corrected by grading or construction of underground drains. The appropriate actions to be taken will be determined during construction by a licensed professional soils engineer.

7. Sections 3A and 3B are primarily open with some areas cultivated as an evergreen tree farm. Existing tree buffers will be retained where possible.

8. There are no buildings on Sections 3A and 3B which are on the Baltimore County Landmarks Preservation List or the National Register. Existing structures will be retained as storage, garages, or other permitted uses, or renovated as dwellings. No agricultural uses are proposed.

9. Existing streams and wetlands have been field located and are as shown. Wetlands are confined to the stream channels.

10. The limits of 100 year floodplain reservation and easement, and the Forest Buffer Easement (F.B.E.) are as shown on the plan. There shall be no clearing, grading, construction, or disturbance of vegetation in the F.B.E. except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

Protective covenants governing the use of the F.B.E. shall be recorded with the Land Records of Baltimore County at the time of plat recordation and shall run with the land in perpetuity.

A. A variance has been approved for the continued existing uses within the forest buffer easement in the case of the existing structures as shown on the plan that allows for the upkeep, maintenance, use and repair of the existing structures and landscaping, within their immediate vicinity as shown on the plan.

The south edge of the forest buffer for the entire length, excluding the variance area, will be planted with trees and shrubs and posted at 100 foot intervals with forest buffer easement signs as provided by DEPRM. These trees and shrubs currently exist. They may be substituted for planting requirements. Variance areas will be enclosed with wood fencing.

11. Current Ownership: Section 3A and 3B Only
C. Franklin Eck, Jr.
1996 Cromwell Bridge Road
Baltimore, Maryland 21234
C. Franklin Eck, Jr. and
M. Gilda McKenney, et. al.
100 South Charles Street
Baltimore, MD 21201

Deed Reference: 3422/411
5715/842
6544/19

Property Numbers: 16-00-013163
17-00-050904
09-05-150101

12. Average Daily Trips: (Sec. 3A & 3B Only)
35 S.F. large lots at 12.4/lot = 434 ADT's

13. Stormwater for Sections 3A and 3B will be managed in two public wet ponds as shown on the plan.

14. There are no known significant geologic formations, critical areas, archaeological sites, endangered species habitats, hazardous materials, or underground storage tanks on the property.

15. Elementary School District: Hampton
School Capacity: 360
1991 Enrollment: 512
Estimated Pupil Yield: 6
(Sections 3A and 3B Only)

16. Section 3A of this property was shown as "Future Section" on the "Brookview Farm Sec. 2" amended CRG No. 85197, approved September 4, 1985 and extended until September 4, 1994, and refined November 12, 991.

17. On-site lighting on Sections 3A and 3B shall be designed to confine light rays within the site and to prevent reflected light rays from shining or glaring onto adjacent motorways or into the path of oncoming vehicles.

18. The panhandle driveways shall be built in accordance with standards established by the Director of Public Works. The panhandle shall be paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first. Covenants providing for common use and maintenance of the panhandle driveway will be recorded with Baltimore County at the time of plat recordation.

19. Sections 3A and 3B: Topography is a combination of field topography and data from 1"=200' Baltimore County sheet NE 11C. Zoning is from Baltimore County sheet NE 11C. Utilities are from Baltimore County key sheet N-SE. Floodplain is from an approved study entitled "Gunpowder Run Sewer Protection and Erosion Study" prepared by Purdum & Jenkins, December 1, 1984 (BCP.Z.O. No. 1-19-34).

20. Areas within sight lines shall be cleared, graded, and kept free of obstructions.

21. Existing residences have windows on all sides.

22. Variances:

The following variances may be requested:

Lot 21

- A variance from Section 400.1 BCZR to permit an accessory barn to be in the front yard.
- A variance from Section 400.3 BCZR to permit accessory barns with a building height of 32 feet in lieu of the maximum permitted 15 feet.

Lot 22

- A variance from Section 400.1 BCZR to permit an accessory shed on Lot 25 to be in the front yard.

Lot 21 and 22

- A variance from Baltimore County Code Section 14-334 to permit two existing storage sheds, an existing barn and an associated driveway to remain in use in the Forest Buffer Easement and 100-year floodplain.

23. Special Hearing 92-357-SPH was held by the Zoning Commissioner April 27, 1992, with the following result:

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of August 1992 that, pursuant to the Petition for Special Hearing, the Developer may amend the track boundary for that subdivision known as Brookview Farm, pursuant to the provisions of Section 1B01.3.A.(7) of the B.C.Z.R. for the reasons given herein and, further, that the Petition for Special Hearing be and is hereby GRANTED.

24. DEPRM and Daft-McCune-Walker will conduct a suitable outfall analysis for the 15 inch stormwater management outfall for Pond 2 prior to grading and sediment control plan approval.

* 4 In addition, landscape planting will be provided along the rear property lines which will incorporate a mixture of deciduous and evergreen trees, shrubs and existing farms to screen views of lot rears from Cromwell Bridge Road and maintain views from the proposed lots to the Sharwood property and vistas beyond.

RECEIVED
SEP 16 1992
OFFICE OF PLANNING & ZONING

PRINTED
SEP 10 1992
DAFT-McCUNE-WALKER, INC

PLANNING NO. IX-585 PUBLIC SVCS NO. 92001

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
9-10-92 With The Following Action Taken
PLAN APPROVED
Plan Approved
Plan Approved as Amended
Plan Disapproved
Comments Are Attached
Plan Returned To Plan Bd.
9-10-92

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E PENNSYLVANIA AVE
TOWSON MD 21204
TELEPHONE (301) 296 3333

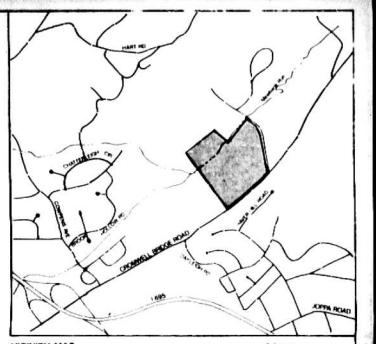
CRG PLAN for
# BROOKVIEW FARM
## SECTIONS 3A AND 3B ONLY
(formerly V.B. Eck Estates / and Brookview Estates)

EHK Jr 55/12, 54/108, 54/109, 54/110

SCALE: 1" = 200'
JOB ORDER NO. 82051D
ISSUE DATE 01/03/92

| DATE | REVISIONS |
|---|---|
| 4/6/92 | ADD SHEET 2 |
| 9/3/92 | PER DPR COMMENTS DTD. 11/26, 12/31/91 & 8/20/92 |
| 9/16/92 | DATE IS |

2 OF 2




LEGEND

- Prop. Water Line
- Prop. Sewer Line
- Prop. Storm Drain
- Forest Buffer Easement
- Soils
- Zoning Line
- 25% and greater slopes
- Existing Trees to be removed
- Existing Trees to Remain
- Ex. Septic
- Ex. Well
- Areas in 100 Yr. Floodplain Easmt excluded from Greenway Easmt
- Areas variranced from Forest Buffer Easement requirements

BEARINGS SHOWN HEREON ARE BASED ON A SURVEY PLAT ENTITLED "PROPERTY IN ESTATE OF VIOLA B. ECK" BY GERHOLD, CROSS AND ETZEL

TYPICAL OFFSTREET PARKING
NOT TO SCALE

TYPICAL HORIZONTAL SEPARATION OF BUILDINGS
NOT TO SCALE

LOT 21
PANHANDLE 'A'

RECEIVED
SEP 25 1992
DEPT OF PLANNING & ZONING

PRINTED
SEP 10 1992
DAFT-McCUNE-WALKER, INC

PLANNING NO. IX-585 PUBLIC SVCS NO. 92001

BALTIMORE COUNTY, MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 9-25-92 With The Following Action Taken
PLAN APPROVED
Plan Approved DPW 9-25-92
Plan Approved DEP 9-25-92
Approval Termination Date 9-25-93
Plan Disapproved
Plan Approved
Plan Referred To Plan. Bd.

DAFT McCUNE WALKER INC.
200 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 296-3333

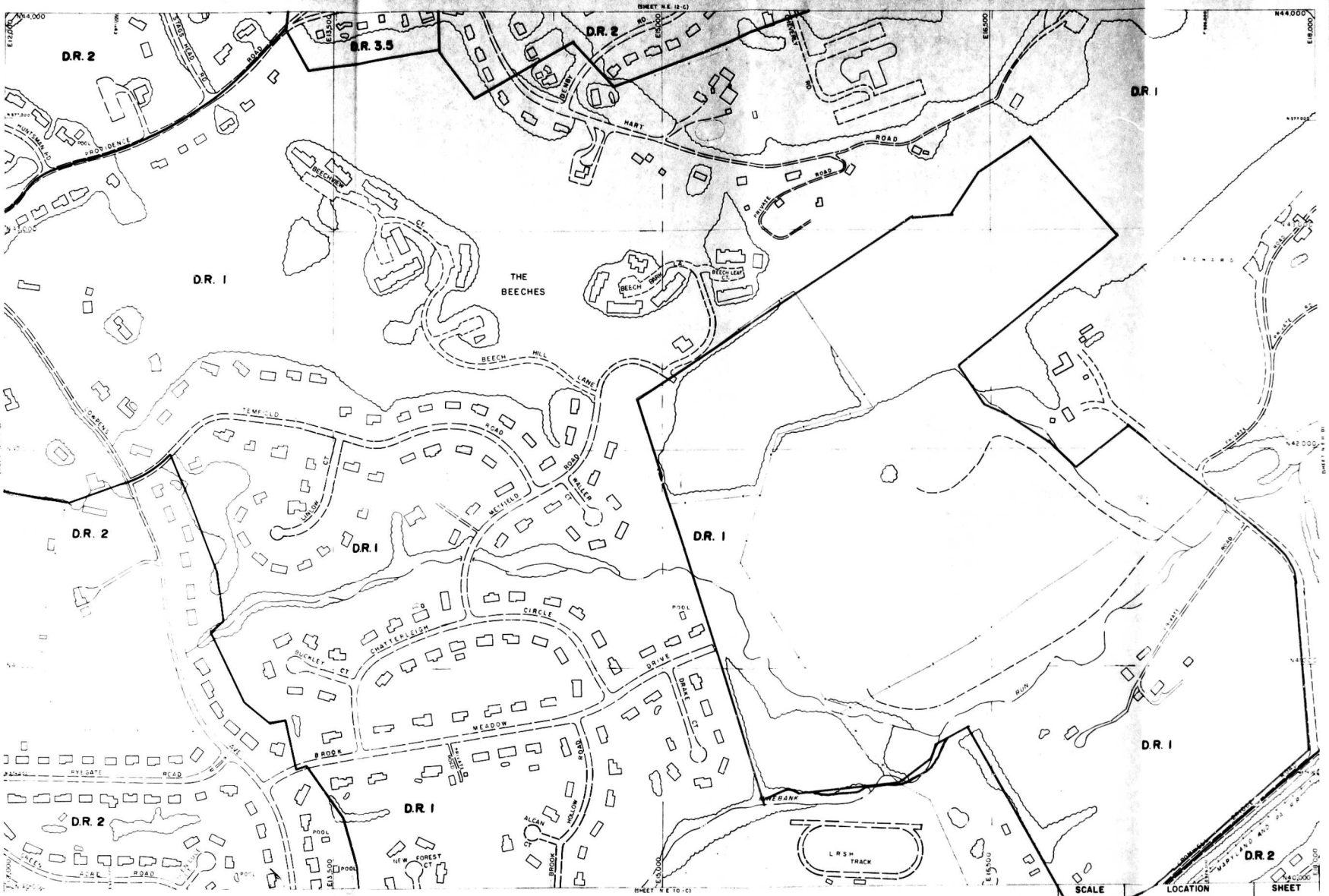
CRG PLAN for
BROOKVIEW FARM
SECTIONS 3A AND 3B ONLY
(formerly V.B. Eck Estates / and Brookview Estates)

EHK Jr. 55/12, 54/108, 54/109, 54/110

SCALE: 1" = 100'
JOB ORDER NO. 92051D
ISSUE DATE 01/09/92
9-24-92

| DATE | REVISIONS |
|---|---|
| 7/23/92 | REVISED LAYOUT CONCEPT |
| 8/18/92 | DEL. 3 LOT/REVISE NOS. 7-12 |
| 8/28/92 | REVISE NOS. 20 / 30 & 1 / ATTACHED |
| 9/14/92 | ADD 2 ASSESSMENT |
| 9/23/92 | ADD 3A & 3B CONCEPT PLAN |

For CRG Plan Signatures
Lee Schreiber - D.P.W.
Gary McDaniel - PL




R-SW R-SE
N-NW N-NE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN INC. BALTIMORE MD. 21210

# BALTIMORE COUNTY
## OFFICE OF PLANNING AND ZONING
# OFFICIAL ZONING MAP

| SCALE | LOCATION | SHEET |
|---|---|---|
| 1" = 200' | LIMEKILN HOLLOW Item 376 | N.E. 11-C |
| DATE OF PHOTOGRAPHY JANUARY 1988 | | |

MICROFILMED

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
# PHOTOGRAPHIC MAP

| SCALE | LOCATION | SHEET |
|---|---|---|
| 1" = 200' ± | LIMEKILN HOLLOW | NE 11-C |

DATE OF PHOTOGRAPHY
JANUARY 1986

item 370

MICROFILMED

PREPARED BY AIR PHOTOGRAPHICS INC
MARTINSBURG W V 25401

# MAP #1

Ref Exh #2

BOA Dec 6, 20

DR-1

DR-2

DR-3

LR-3

Cromwell Bridge Road

Road F

Road D

Road E

Metfield Road

OPEN SPACE

40' R/W PER MINIMUM FUTURE COLLECTOR

80' R/W PER MINIMUM FUTURE COLLECTOR

RESTRICTIVE COVENANT FOR FUTURE SLOPES EASEMENT

FRANCIS W. SHERWOOD 1275/504 RESIDENTIAL

WALTER & HELEN WERLEIN 3215/50 RESIDENTIAL

837-0715

Panhandle Profiles

LOTS 93 & 95

LOT 82

LOCATION MAP

2123

DAFT · McCUNE · WALKER INC.

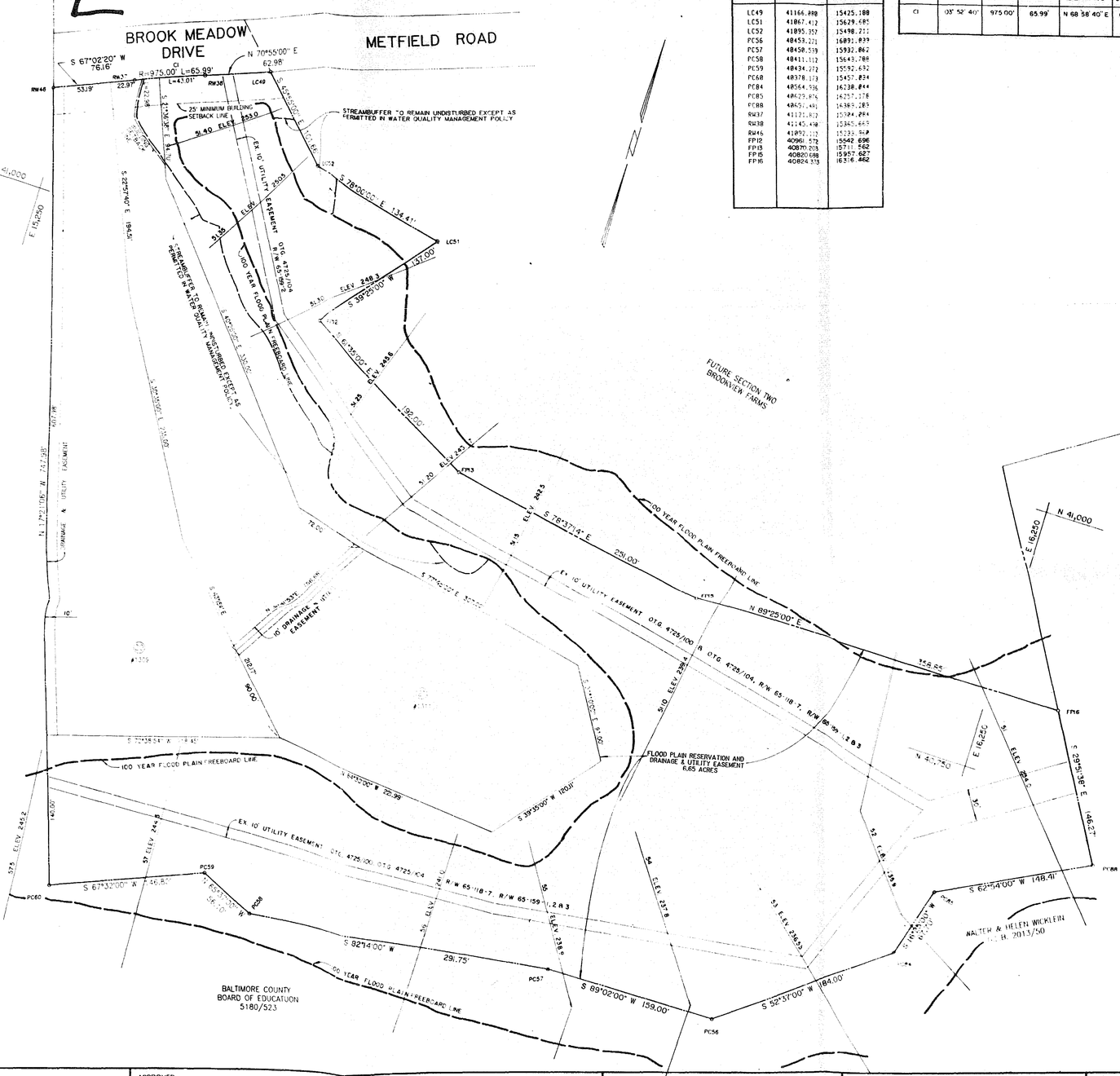
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS

BROOKVIEW FARM

AMENDED PLAN

MAP#2

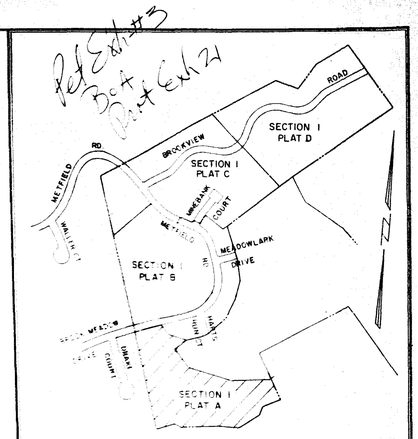
BROOKVIEW FARMS
PLAT "B" SECTION ONE




| COORDINATES | | |
|---|---|---|
| No. | NORTH | EAST |
| LC49 | 41166.488 | 15425.188 |
| LC51 | 41067.412 | 15629.685 |
| LC52 | 41095.357 | 15498.211 |
| PC56 | 40453.221 | 16091.839 |
| PC57 | 40458.539 | 15932.862 |
| PC58 | 40411.112 | 15643.788 |
| PC59 | 40434.272 | 15592.632 |
| PC60 | 40378.173 | 15457.834 |
| PC84 | 40564.536 | 16238.844 |
| PC85 | 40629.876 | 16257.378 |
| PC88 | 40451.481 | 16369.285 |
| RW37 | 41121.812 | 15924.284 |
| RW38 | 41145.438 | 15965.665 |
| RW46 | 41092.123 | 15933.549 |
| FP12 | 40961.572 | 15642.696 |
| FP13 | 40870.203 | 15711.562 |
| FP15 | 40820.088 | 15957.627 |
| FP16 | 40824.333 | 16316.462 |

| CURVE DATA | | | | | | |
|---|---|---|---|---|---|---|
| NO. | ANGLE | RADIUS | LENGTH | BEARING | CHORD | TANGENT |
| CI | 03° 52' 40" | 975.00' | 65.99' | N 68° 38' 40" E | 65.98' | 33.01' |

Ref Ex #3
Ref Ex #4




LOCATION MAP 1"=500'

| DENSITY TABLE | | |
|---|---|---|
| SECTION | AREA | UNITS |
| 1 | 59.01 Ac | 52 |
| 2 | 54.27 Ac | 48 |

ERR JR 55 12

Date Rec'd JUL 15 1986

## GENERAL NOTES

...AND ALL DRAINAGE AND UTILITY EASEMENTS SHOWN ...SUBJECT ... ARE HEREBY OFFERED FOR ... MARYLAND, THE DEVELOPER, HIS PERSONAL ... AND ASSIGNS SHALL CONVEY SAID AREAS TO BALTIMORE ... IN ACCORDANCE WITH THE PROVISIONS OF BALTIMORE ... SECTION 68 ... GUARANTEE THE INSTALLATION OF ... WHICH MAY BE SUPERSEDED BY A SUBSEQUENT OR ... INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE ... OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF ... NOTHING ON THIS PLAT SHALL CONSTITUTE OR IMPLY ACCEPTANCE BY ... OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC ... AREA SHOWN ON THIS PLAT. ... LOTS ... AREAS ... HEREIN ARE RESERVED UNTO THE ... AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, ... THE DEVELOPER, PERSONAL REPRESENTATIVES AND ASSIGNS ... SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT ... ROAD WIDTHS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE ... FOR DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO ... THE WIDTH OF THE STREET OR ALLEY TO BE DEDICATED ... RESERVED IN THE GRANTOR OF THE DEED TO WHICH THIS PLAT ... THEIR HEIRS AND ASSIGNS. ... = 10.52 ACRES +/- ... = 22 ACRES +/- ... = 57 ACRES +/- ... = 57 + 1 = 110 ... TWO FAMILY UNITS ... SECTION 1 = 52 + 2 = 124 ... SECTION 2 = 48 + 2 = 96 ... SECTION 1 = 124 ... SECTION 2 = 96 ... REQUIRED: NONE ... RESERVATION = 9.98 ACRES +/- ... SECTION A SURVEY PREPARED BY GERHOLD, ... & ETZEL, DATED JANUARY 15, 1986 ... ARE TO BE COMPLY WITH THE BEST MANAGEMENT ... IN THE WATER QUALITY MANAGEMENT POLICY.

## SECTION ONE PLAT 'A' BREAKDOWN

✓ AREA OF THIS PLAT = 104543 ACRES.
✓ NUMBER OF PROPOSED LOTS = 2.

**REASON FOR AMENDMENT**

THIS AMENDMENT ... THE REMOVAL FROM SECTION ONE PLAT A OF A PARCEL OF LAND WITHIN THE FLOOD PLAIN RESERVATION. THE PARCEL REMOVED WAS ADJACENT TO AND NORTH OF THE AREA SHOWN AS LOT ONE ON SAID PLAT. THE REASON FOR THE DELETION IS THAT THIS PORTION OF THE PROPERTY WAS NOT INTENDED TO BE CONVEYED BY THE SELLERS TO COMPENS, ...

W. A. Comments ... Final Plat ... Planning ... Engineering ... Survey Survey ... Mylar Mar ... 7-8-86

AMENDED
PLAT OF
SECTION ONE PLAT "A"

# BROOKVIEW FARMS

PREVIOUSLY RECORDED ON PLAT OF SECTION ONE, PLAT "A"
"BROOKVIEW FARMS" E.H.K. JR. 54 / 107

9TH ELECTION DISTRICT
SCALE: 1"=50'

BALTIMORE COUNTY, MARYLAND
JUNE 18, 1986

THE ... EXPLANATION OF THE DEVELOPMENT
THAT ... ITEMS MAY NOT
NOT ... BE COMPLETED
BE ... ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.
AND ...

E.H.K. JR. 7
#27198 0001R02 11:53
07/15/86

GUNPOWDER SANITARY SEWERSHED

APPROVED

7/9/86 DATE — DEPUTY STATE'S ATTORNEY (REAL ESTATE DEPT.)

7/11/86 DATE — DIRECTOR OF PLANNING & ZONING

7/8/86 DATE — DIRECTOR OF PUBLIC WORKS

OWNER / DEVELOPER

COMPENS, INC.
406 JEFFERSON BUILDING
TOWSON, MD. 21204

DEED REFERENCE: E.H.K. JR. 7178-705

TAX ACCOUNT NO: 20-00-009878 (RRU) 20-00-008880

NOTE

COORDINATES and BEARINGS shown on this plat are referred to the system of coordinates established in The Baltimore County Metropolitan District and are based on the following traverse stations.

X - 4518 N 40643.23 E 18070.70
SOUTH A2. 56°05' 40.2" TO X-4514

OWNER'S CERTIFICATE

The undersigned, owner of the land shown on this plat, hereby certifies that, to the best of its knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland have been complied with, insofar as same concerns the making of the plat and setting of the markers.

COMPENS, INC.
By: Ormsby S. Moore 6/19/86
ORMSBY S. MOORE, TREAS. Date

SURVEYOR'S CERTIFICATE

The undersigned, a Registered Land Surveyor of the State of Maryland, does hereby certify that he is the surveyor who prepared this plat and that the land shown on this plat has been laid out, and the plat thereof has been prepared, in compliance with Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, particularly insofar as same concerns the making of the plat and setting the markers.

Edward Hovier 7/7/86
Registered Land Surveyor No. DATE

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
200 E. PENNSYLVANIA AVE. BALTIMORE, MARYLAND 21204
TELEPHONE 301 296 3333

COMPUTED R.H.S. DRAWN H.P. CHECKED M.T.M. JO # 82051 A

3 of 12

# MAP #3

SECTION "1" DR-1

SECTION "2"

FRANCIS W SHERWOOD
900/284
RESIDENTIAL

FRANCIS W. SHERWOOD
1273/304
RESIDENTIAL

FRANCIS W SHERWOOD
1223/149
VACANT

THOMAS A EARLBECK
1223/149
RESIDENTIAL

R. ENOCH NEELY
1174/144
RESIDENTIAL

HAROLD W. GOME
1134/344
RESIDENTIAL

THE BERKSHIRE CONDOMINIUM
97/89 237/15, 97/89
RESIDENTIAL

WALTER & HELEN WACKER
2013/90
RESIDENTIAL

HUNT CLUB FARMS
81/M, 86/85
RESIDENTIAL

1027 METCALF RD.

G. FRANKLIN ECK, JR.
5715/842
8422/011

OPEN AREA

EXISTING TREES TO REMAIN

APPROXIMATE LIMITS OF EXISTING TREES TO REMAIN

EXISTING 10' UTILITY EASEMENT

APPROXIMATE 100 YR. FLOODPLAIN LIMITS

Road A

Road B

Road C

Road D

Road E

Road F

Cromwell Bridge Road

Metfield Road

Brook Meadow Drive

LOCAL OPEN SPACE

DRAINAGE & UTILITY RESERVATION

3 WALLER CT.

5 WALLER CT.

1 DRAKE COURT

3 DRAKE CT.

5 DRAKE CT.

7 DRAKE CT.

BALTO. COUNTY, MD.
91/80, 52/9
EDUCATION FACILITY

HUNT CLUB FARMS
81/M, 86/85
RESIDENTIAL

LIMIT OF DISTURBANCE
LIMIT OF WETLANDS
SOIL LINE
100 YR. FLOOD PLAIN
℄ STREAM
LIMIT OF AREA OF REINSTATEMENT

LOCATION MAP
SCALE 1" = 2000'

Panhandle Profiles

LOTS 8 & 20

LOTS 18 & 19

LOTS 2 & 3

BALTO. COUNTY, MD.
COUNTY REVIEW GROUP
Plan Extension Approval
Original Approval Date: 2-4-85
Original Expiration Date: 2-4-88
Extension Approved DPW: E. Hermelbracker 3-7-89
Extension Approved OPZ: Cary Kerr
New Expiration Date: DELETED 2-4-91
FEB 08 1989
DAFT McCUNE WALKER, INC.

DAFT—McCUNE—WALKER, INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
300 E. JOPPA ROAD
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

BROOKVIEW FARM
(formerly V.B. ECK ESTATE)
AMENDED PLAN: LOTS 63-110 ONLY

PUBLIC SERVICES PROJECT No. 85197
CRG No.

SCALE: 1" = 100'
JOB ORDER 82051
ISSUE DATE JULY 17, 1

| DATE | REVISIONS |
|---|---|
| 6-7-85 | RUN OUTFALLS UTILITY PLANS; PH. PROPERTY BOUNDS; 90/80 ADJ. |

MICROFILMED

# MAP #4

DR-1

FRANCIS W SHERWOOD
440/240
RESIDENTIAL

FRANCIS W SHERWOOD
1273/504
RESIDENTIAL

FRANCIS W SHERWOOD
2223/145
AGRICULTURE

HAROLD W GOHN
2053/284
RESIDENTIAL

THOMAS A EARLEBECK
2209/149
RESIDENTIAL

K GRACE NEELY
1174/55
RESIDENTIAL

THE BRIDGES CONDOMINIUM
3139 27/28, 3/131
RESIDENTIAL

HUNT CLUB FARMS
1199, 92/05
RESIDENTIAL

1027 METCALF RD.

3 WALLER CT

3 WALLER ST.

S. FRANKLIN BECK, JR.
3315/882
3422/011

WALTER & HELEN WICKLEIN
2013/50
RESIDENTIAL

HUNT CLUB FARMS
1175 B/100
RESIDENTIAL

BALTO COUNTY MD.
5180/325
EDUCATION FACILITY

Merfield Road

Brook Meadow Drive

Road A

Road B

Road C

Road D

Road E

Future Section

Section 1

Section 2

Cromwell Bridge Road

DR 1

DR 2

DR 35

DR-1

LEGEND

- LIMIT OF DISTURBANCE
- LIMIT OF WETLANDS
- SOIL LINE
- 50 YR. FLOODPLAIN
- C STREAM
- LIMIT OF AREA OF REVEGETATEMENT

LOCATION MAP
SCALE 1" = 2000'

1st Sub #7
+ Bal
Parcel 123

NOTE:
This project is not subject to the Forest Buffer requirements of Title 14, Section 341, Article 13, "Protection of Water Quality, Streams, Wetlands and Floodplains" of the Baltimore County Code. Grading permits #90809 and 98790 dated 7/14/86 and 10/15/87 were issued for the project. Public Works Agreement #98602 was executed 3/9/87 for the subdivision. Construction has been

Panhandle Profiles

DR-1

LOTS 87 & 88

LOT 86

LOTS 18 & 19

LOT 82

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
And With This Following Action:
PLAN APPROVED
Development 12/16/91
Zoning (Zoning Commissioner)
Final Development Plan
Environmental

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
200 E. PENNSYLVANIA AVE.
TOWSON, MD. 21286
TELEPHONE (301) 296-3333

BROOKVIEW FARM
(formerly V.B. ECK ESTATE)
REFINED
AMENDED PLAN: LOTS 63-102 ONLY
(SECTION 2) 11-17-91
PUBLIC HEARING PROJECT NO. 85-197

SCALE: 1" = 100'
JOB ORDER NO. 82051A
ISSUE DATE: JULY 17, 1985

DATE | REVISIONS

MAP #5

16. A portion of this property was shown as "Future Section" on the "Brookview Farms Sec. 2" recorded Plat No. 8247, also see Deed Liber 6, 1345 and Liber 1, 1296, and Deed Liber 6, 1345 and Liber 12, 1345.

17. No water or sewer shall be provided to and/or utilized outside the public and no private water or sewer lines shall be laid outside the public right-of-way except as shown on approved plans.

18. The use of wells is always shall be made in accordance with all criteria established by the Director of Public Works. Well and septic shall be placed outside the area of the Patapsco Flint Aquifer and prior to the issuance of the occupancy permit of the last lot to be developed, all the lot shall be connected to the public water and sewer system.

19. Property is a subdivision of Parcel "A" Brookview Farms Sec. 2 (Plat No. 8247) Deed Liber 6, 1345 and Liber 1, 1296 Baltimore County Zoned RE 1.0C. Utilities are from Baltimore County Water & Sewer.

BROOKVIEW FARMS SEC. 2

PARCEL A

PATRICK S. DOLAN

FRANCIS W. SHERWOOD

CROMWELL BRIDGE ROAD

VICINITY MAP

SCALE 1" = 1000'

LEGEND

LOT 24

DAFF McCUNE WALKER INC.

BROOKVIEW ESTATES

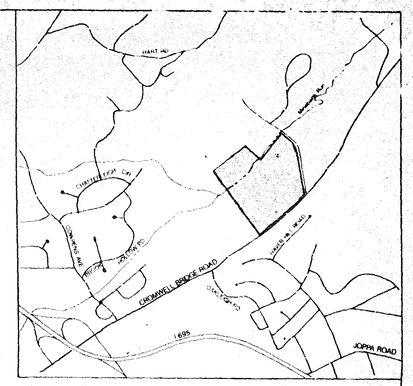
CRG PLAN

| | |
|---|---|
| SCALE | 1" = 100' |
| JOB ORDER NO. | 820510 |
| ISSUE DATE | 01/03/92 |
| DATE | |
| 1/3/92 | |
| | SHEET 1 OF 1 |

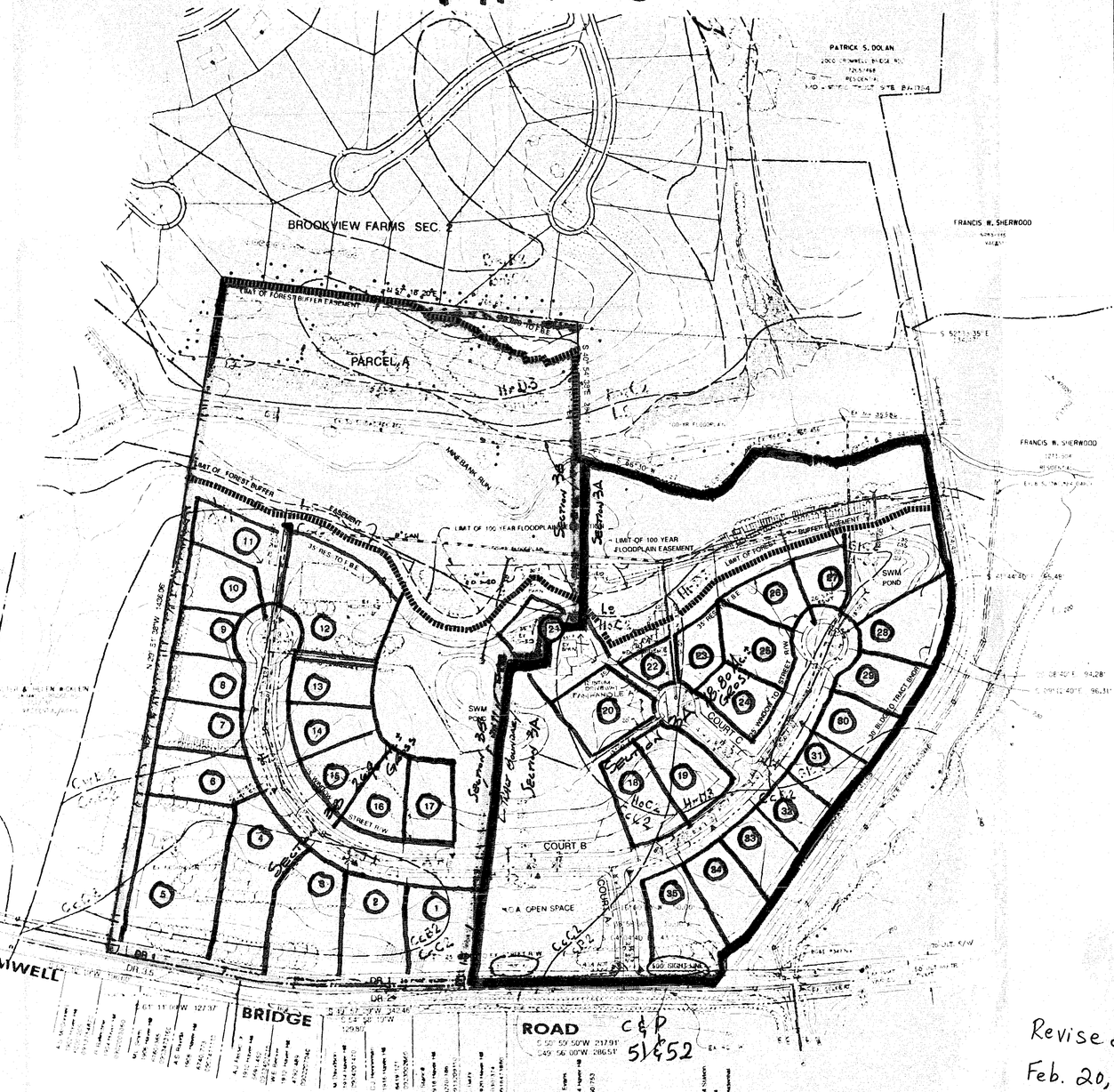
B.A. Book 54 24

Petition #5

# MAP #6




VICINITY MAP SCALE 1"=1000'




Ref Exh # 15
B of A
Brad ER 25

Revised CRG
Feb. 20, 1992
(A-C)

PLANNING NO. IX 585 PUBLIC SVCS NO. 92001

DAFT McCUNE WALKER INC.

CRG PLAN for
**BROOKVIEW FARM**
SECTIONS 3A AND 3B ONLY
(formerly V.B. Eck Estates / and Brookview Estates)

EHK Jr. 55/12, 54/108, 54/109, 54/110

SCALE: 1" = 100'
JOB ORDER NO. 82051D
ISSUE DATE 01/03/92

| DATE | REVISIONS |
|---|---|
| 7/31/92 | CCC ON AS PER DPW&T DWG 5452 |
| 9/25 | ST. LT. ON 18 & 19 PER CHRIS |

SHEET 1 OF 2

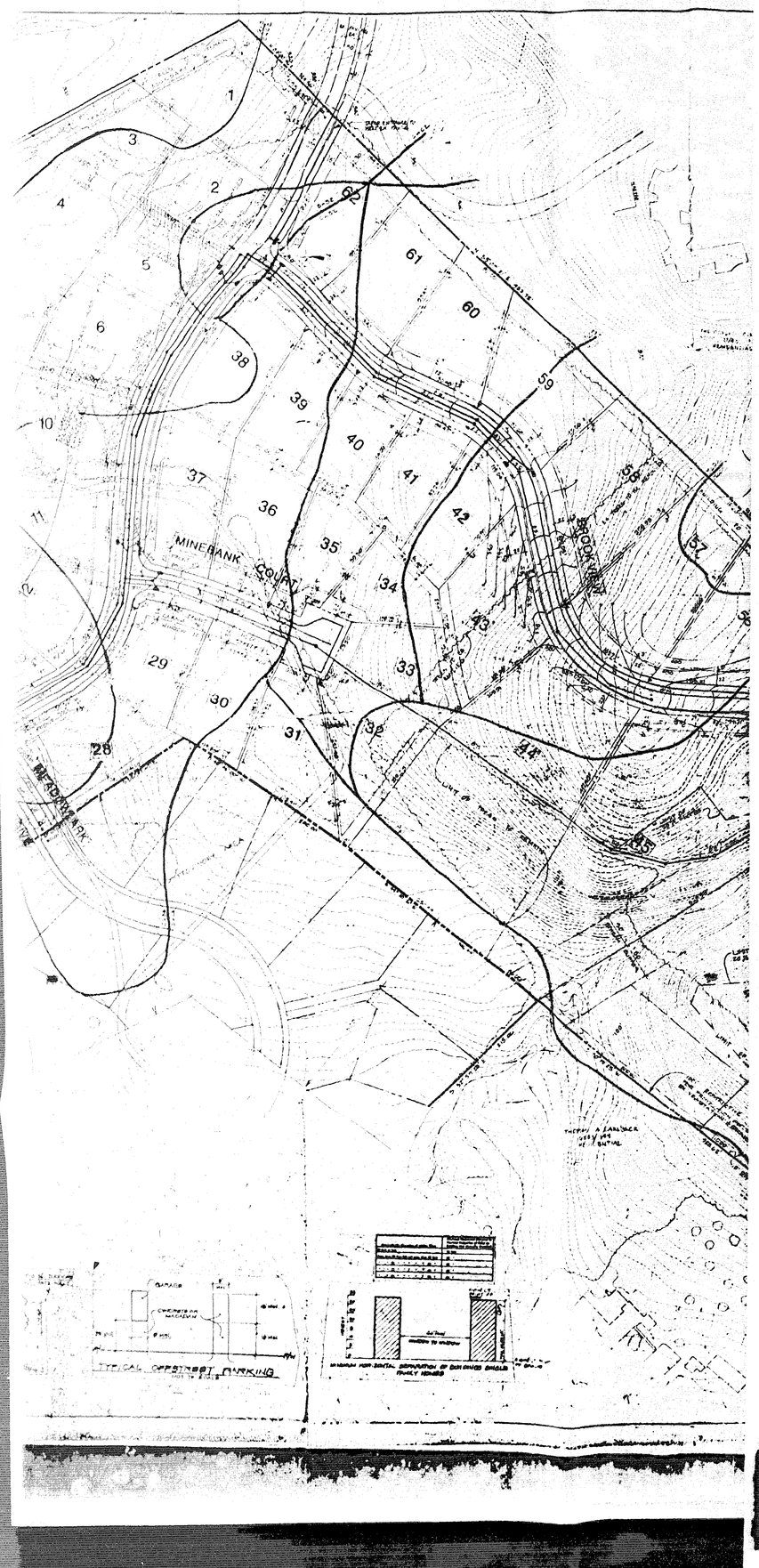
LEGEND

TYPICAL OFFSTREET PARKING
NOT TO SCALE

MINIMUM HORIZONTAL SEPARATION OF BUILDINGS
SINGLE FAMILY HOMES
NOT TO SCALE

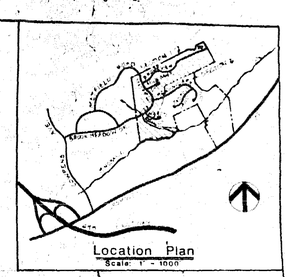
LOT 21
PANHANDLE 'A'
HOR 1"=10'
VERT 1"=10'

BEARINGS SHOWN HEREON ARE BASED ON A SURVEY PLAT ENTITLED "PROPERTY IN COUNTY OF HOWARD" BY GERHOLD, CROSS AND ETZEL




## DENSITY CALCULATIONS

| EXISTING SITE DATA | SECTION 1 | PREVIOUS SECT-ONE | REMAINING SECT-WAY | TOTAL |
|---|---|---|---|---|
| 1. AREA | | | | |
| NET ACREAGE | | | | 19.22 |
| GROSS ACREAGE | | | | 20.17 |
| 2. ZONING | | | | |
| DR-1 | | | | 110.67 |
| 3. DWELLING UNITS PERMITTED DR-1 x 1/4 | | | | 110 |
| DWELLING UNITS PROPOSED | 62 | 47 | 49 | 110 |




### Previous Section Notes

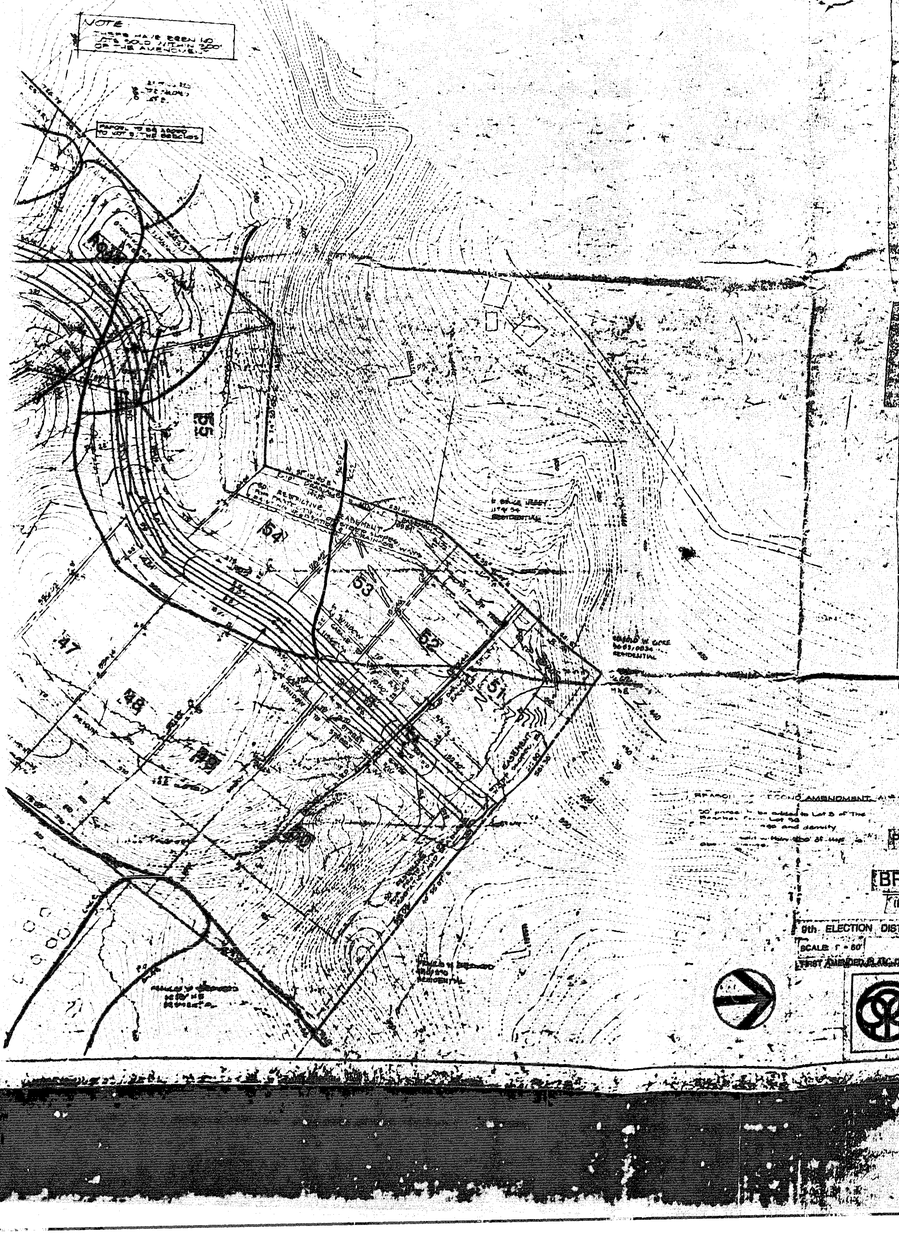
1. The "previous section" of this partial development plan is undated, nor should it be utilized, as a final development plan from which building applications may be approved or issued. Its purpose is to provide those who purchase homes within 300 feet thereof with a reasonable understanding as to how the developer will improve all adjoining vacant land that lies within 300 feet of their home.

2. The delineated boundaries of "previous section" of indicated parcels are not intended to separate it from the overall approved partial development plan. Any deviation from this "previous section" must be approved by the Baltimore County Office of Planning.

3. Removal of the "previous section" is not to be construed as final engineered plans, however, to be included in subdivision plans. Lot lines, setback lines, use and density of buildings, or their location, as shown within 10 feet of their final engineered location, and the location and type of existing major vegetation that is to be retained, screening, parking areas and driveways to the extent possible so as to coincide with their final or permanent improvements, and other pertinent amenities.

4. At the time of building permit application, the "previous section" of this development plan must be up-dated to comply in all respects to the form and content required by Section 1 B02.3.A.5 of the Zoning Regulations.

KEY
▲ STREET LIGHTS




### General Notes

1. Developer:
Thanner Development Corporation
7411 York Road
Lutherville, MD 21093
(301) 828-0600

2. Site Data:
Current Zoning: DR 1

3. Site Acreage:
Gross = 110.67 Acres +/- Total
Net = 19.22 Acres +/- Total
Allowed = 110.67 x 1 = 110 Units
Proposed = 62 single family lots for sale, Section 1
49 single family lots for sale, Remaining Sections
110 single family lots for sale, Total Allowed

Local Open Space is not required. The 100 year flood plain will be dedicated to Baltimore County along with stormwater management.

Parking (Section 1):
Required = 62 Units x 2 = 124
Provided = A minimum of 2 I P e (2 off-street spaces per dwelling unit will be provided, for a total of 124).

Landscape Planting (Section 1):
Required = 1 Tree/Unit = 62 Trees
Less credit for retaining trees existing within limits of grading = 31
Total Required = 31 Trees
Provided = 31 major deciduous, 30 evergreen

Provided = 31 Trees / major deciduous, 30 evergreen

[illegible] shall be done in accordance with the [illegible] County Landscape Manual. A final Landscape Plan will be approved by the Office of Planning and Zoning prior to issuance of building permits.

[illegible] slopes greater than 25% will be preserved and stabilized by grading and seeding as soon as possible after grading is complete.

[illegible] shall comply with the requirements as follows:
a) [illegible] to Other Dwellings.
b) [illegible] to Street Dwellings.
c) [illegible] to Detached Street Right-of-Way.
d) [illegible] on Opposite Side Right-of-Way.

Where windows are provided, they will have the following minimum setbacks:
a) [illegible] to Other Dwellings.
b) [illegible] to Street Dwellings.
c) [illegible] to Detached Street Right-of-Way.
d) [illegible] on Opposite Side Right-of-Way.

[illegible] shall be [illegible] and length

[illegible] shall be [illegible] height and length

All [illegible] shall be [illegible] to prohibit persons parking [illegible] obstructing the flow.

Pedestrian/driver sight-[illegible] in both [illegible] and will be maintained capacity by all persons having [illegible] to their use.

All driveways and paths [illegible] shall be constructed [illegible] double dust bituminous surface [illegible] concrete or [illegible].

Trash and refuse shall be collected by [illegible] County or [illegible].

Existing vegetation consisting primarily [illegible] mature open deciduous forest and field areas.

This development plan is approved [illegible] of the Zoning Commissioner based on his [illegible] petition. Regulations that it complies with and [illegible] to the [illegible] and both [illegible] of this Court that has [illegible] Any [illegible] or permanent buildings above [illegible] will be [illegible] and [illegible] to [illegible] [illegible] approved for additional [illegible] [illegible] Office of Planning and Zoning. [illegible] that [illegible] [illegible] Dillsville will have [illegible] [illegible] [illegible]

BROOKMEADOW DRIVE

MINEBANK COURT

BROOKVIEW

TYPICAL MAILBOX POST DETAIL

TYPICAL OFFSTREET PARKING

MINEBANK COURT

BROOKVIEW ROAD

MAYFIELD ROAD

MEADOWLARK DRIVE

TADPOLE LANE

COURT

DENSITY CALCULATIONS

| EXISTING SITE DATA | SECTION 1 | PREVIOUS SECTION(S) | REMAINING SECTIONS | TOTAL |
|---|---|---|---|---|
| AREA | | | | |
| NET ACREAGE | | | | 110.83 |
| GROSS ACREAGE | | | | 110.97 |
| ZONING | | | | |
| DR-1 | | | | 110.97 |
| DWELLING UNITS PERMITTED | | | | |
| DR-1 x 1/4 | | | | 110 |
| DWELLING UNITS PROPOSED | 62 | 0 | 48 | 110 |

Location Plan

Scale: 1" = 1000'

1. The "preliminary section" of this partial development plan is not finished, and should it be utilized, as a final development plan from which building applications may be approved or issued. Its purpose is to provide those who purchase homes within 300 feet thereof with a reasonable understanding as to how the developer will improve all adjoining vacant land that lies within 300 feet of their home.

2. The dimensioned boundaries of "preliminary section" as indicated hereon are not intended to separate it from the overall approval of this partial development plan. Any deviation from this partial development plan, including the "preliminary section" must be approved in accordance with section 1 BB 1.1.

3. Approval of the "preliminary section" is not based on final engineered plans; however, it is intended to establish the final locations, height, use and density of buildings, or their envelopes to within 10 feet of their final engineered location, the location and type of existing major vegetation that is to be retained, screening, parking areas and drives to the extent possible so as to coincide with their final or permanent improvements, as well as permanent amenities.

4. At the time of building permit application, the "preliminary section" of this development plan must be up-dated to comply to all requests in the form and content required by Section 1 BB1.1.A.5 of the Zoning Regulations.

KEY

STREET LIGHTS

1. Developer:
Theodore Development Corporation
1615 York Road
Lutherville, MD 21093
(301) 828-0606

2. Site Data:
Current Zoning DR 1
Site Acreage:
Gross - 110.97 Acres +/- Total
Net - 110.83 Acres +/- Total
Allowed - 110.97 x 1 = 110 Units
Proposed - 62 single family lots for sale, Section 1
48 single family lots for sale, Remaining Sections
110 single family lots for sale, Total Allowed
Local Open Space is not required. The 100 foot flood plain will be dedicated to Baltimore County along with stormwater management.
Parking (Section 1):
Required - 62 Units x 2 = 124
Provided - 4 driveway of 2 cars each (248 cars)
Spaces are provided in addition to the 2 car garages.
Landscape Planting (Section 1):
Required - 1 Tree/Unit = 62 Trees
Less credit for existing trees of existing = -11
Total Required = 51 Trees
(+ 21 Native Deciduous, 30 evergreens)
Proposed - 51 Trees (21 native deciduous, 30 evergreens)
All planting shall be done in accordance with the requirements of the Baltimore County Landscape Manual. A final landscape plan shall be approved by the Office of Planning and Zoning prior to issuance of building permits.
If disturbed, slopes greater than 3:1 will be protected and stabilized by planting and seed as possible after grading is complete.
3. Setbacks:
Minimum setbacks in plan conform to requirements as follows:
30 Foot Building to Tract Boundary.
30 Foot Building to Street Centerline.
25 Foot Building to Siding Right-of-Way.
12 Foot Garage or Carport to Siding Right-of-Way.
Where windows are provided, they will meet the following minimum setback requirements:
10' Foot Window to Tract Boundary.
15 Foot Window to Lot Line.
15 Foot Window to Opposing Windows.
25 Foot Window to Blank Opposing Wall.
Buildings shall conform to max. heights and length requirements as follows:
35 Foot Maximum Height - 50 Feet Between Buildings.
45 Foot Maximum Height - 70 Feet Between Buildings.
100 Foot Maximum Building Length.
4. Developer shall dedicate 50' of Mayfield Road with a depth of 15 feet or greater as required by the Department of Public Works.
5. Storage Utility Trips (Section 1):
Section One:
62 Single Family Units @ 10 D.U.A. = 620.0 A.D.T.'s
Section Four (Includes fifty three units under Accommodation Agreement Docket No. 1) to improve and approve to subdivision):
48 Single Family Units @ 10 D.U.A. = 480.0 A.D.T.'s
Total = 1100.0 A.D.T.'s
6. All streets are public. All 24 foot wide road shall be posted to prohibit overnight parking if ordinances are filed.
7. Permanent driveways will be 16 feet wide and will be maintained equally by all parties having rights to their use.
8. All driveways and parking areas shall be paved with a dense graded base of bituminous concrete, portland cement concrete or asphalt.
10. Trash and refuse shall be collected by Baltimore County at expense.
11. Existing vegetation consists primarily of mature open pasture, and field grass.
12. This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations that it complies with present policy, density and both reserves as they are delineated in the regulations. Any part or parcel of this tract that has been utilized for density to support dwelling shown thereon shall not be further developed, subdivided or developed for additional dwellings or any purpose other than that indicated specifically on plan. Violations will have occurred when a building is constructed and occupied for the purpose of occupancy.
13. Plan of B.A. Oak Estate approved by County Review Group on November 6, 1985. Amended plan approved by OPZ April 1, 1986.

Approved by Office of Planning and Zoning

Director of Planning — 8/16/86

Chief, Development Review Division

Partial Development Plan
Section One

BROOKVIEW FARMS
(FORMERLY THE V. B. ECK ESTATE)

9th ELECTION DISTRICT — BALTIMORE COUNTY, MD

SCALE 1" = 50' — JOB NO. 82081 — DATE JANUARY 6, 1986 — REV. 8/18/86

DAFT-McCUNE-WALKER INC.

5 OF

MAILBOX FOR DETAIL

ENTRANCE FEATURE DETAIL

TYPICAL OFFSTREET PARKING

MINIMUM HORIZONTAL SEPARATION OF BUILDINGS ENABLE (FAMILY HOUSES)

FUTURE SECTION
TAPPOLET LANE
MINEBANK COURT
BROOMMEADOW DRIVE
SECTION
COURT 24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
59
60
61
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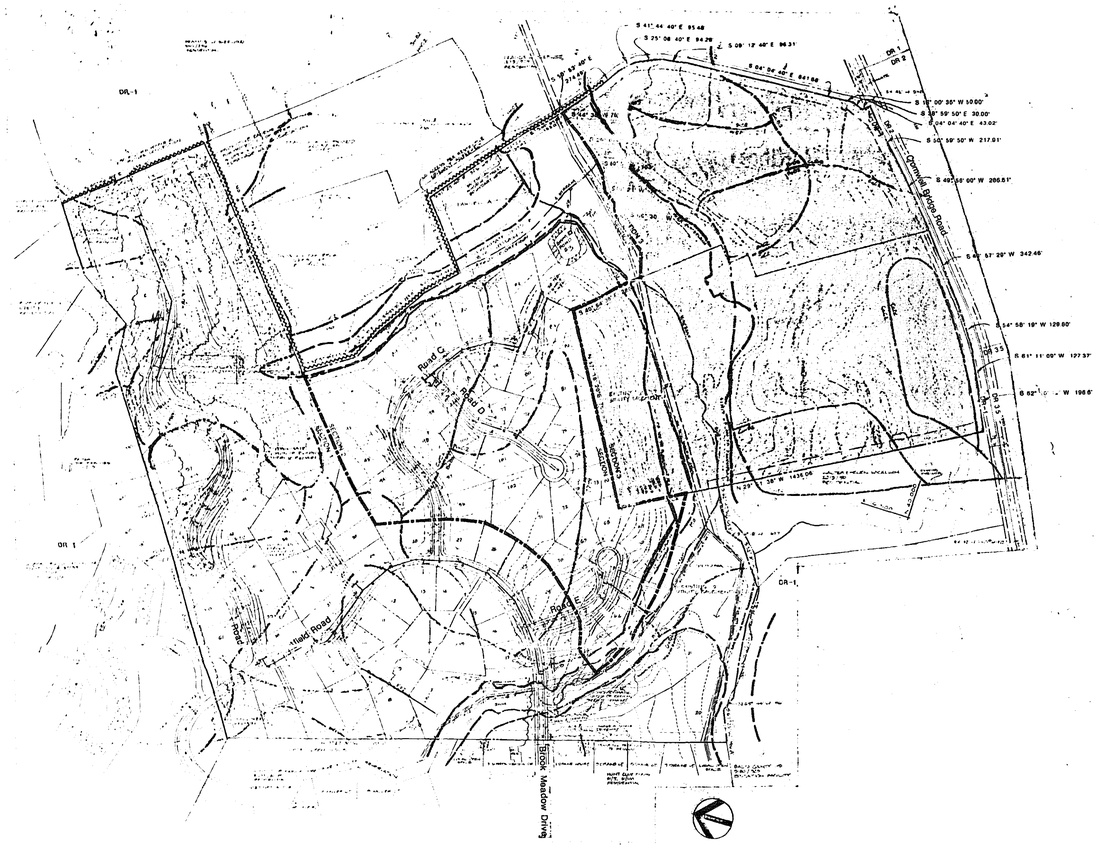



## General Notes

1. Owner/Applicant: C. Franklin Eck, Jr.
   1996 Cromwell Bridge Road
   Baltimore, MD 21234
   (410) 337-6715

2. Election District 9; Councilmanic District 6; Census Tract 4901

3. Watershed 4; Subwatershed 28

4. Site Data:

   Site Acreage and Zoning

   Net = 91.58 Ac. ± DR1 Sec. 1 & 2
   18.43 Ac. ± DR1 Sec. 3A
   26.36 Ac. ± DR1 Sec. 3B
   136.37 Ac. ± Total

   Gross = 91.58 Ac. ± DR1 Sec. 1 & 2
   18.80 Ac. ± DR1 Sec. 3A (incl. 30' Cromwell Bridge Road right-of-way)
   26.90 Ac. ± DR1 Sec. 3B (inc. 30' Cromwell Bridge Road right-of-way)
   137.28 Ac. ± DR1 Total

   Density

   Permitted = 137.28 Ac. DR1 = 137 D.U.

   Proposed = Sec. 1 62 D.U. (Built)
   Sec. 2 40 D.U.
   Sec. 3 A & B 35 D.U. (Includes 3 existing residences to remain)
   137 D.U.

   All units will be for sale. Parcel A may be conveyed to an adjacent owner or HOA with no density.

   Sections 3A and 3B as shown on the plan are held intact by the ownership shown. The developers engineer has confirmed that no part of the gross area of this property, as shown on the plan, has ever been utilized, recorded or represented as density or area to support any off-site dwellings.

   Open Space

   None required in DR1. The 100-year floodplain reservation may contain an easement for a greenway system.

   Parking (Sec. 3A & 3B Only)

   Required = 35 units at 2 spaces per D.U. = 70 spaces

   Provided = A minimum of 2 off-street parking spaces will be provided for each lot.

   Landscape Planting (Sec. 3A & 3B Only)

   Required = 2,000 LF Int. Rd. at 1/20 = 100 PU (75 MD)
   1,350 LF Adj. Rd. at 1/40 = 34 PU (26 MD)
   770 LF Cl.A Scr. at 1/15 = 52 PU
   186 PU (101 MD)

   Proposed = 186 PU (101 MD)

   Credit will be sought per sec. V.D. 2 of the 1990 Baltimore County Landscape Manual for existing trees retained within the net buildable area. Credits will be delineated on the Final Landscape Plan.

5. Existing residences will be connected to the proposed public water and sewer as soon as it is available. Existing private sewage disposal systems shall be pumped and either backfilled or removed upon connection of residences to the public system. The existing residence on Lot 22 will not be occupied until it is connected to public utilities. If not maintained, existing drilled wells will be backfilled by a licensed well driller prior to record plat and well abandonment reports submitted to Baltimore County DEPRM.

6. Soils (Sections 3A and 3B)

| Soils Series and Symbol | Hydro Class | Limitations With Basement | Limitations Without Basement | Limitations Streets and Parking |
|---|---|---|---|---|
| Baltimore BmC2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Chester CcB2 | B | Slight | Slight | Moderate: Slope |
| Chester CcC2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Conestoga CwB2 | B | Slight | Slight | Moderate: Slope |
| Hollinger HoC2 | C | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Hollinger HoD3 | C | Severe: Slope | Severe: Slope | Severe: Slope |
| Lindside Ls | C | Severe: Flooding | Severe: Flooding | Severe: Flooding |
| Sassafras SlC2 | B | Slight | Slight | Severe: Slope |

   As per Section 26-277 where development occurs upon soils with possible severe or moderate limitations, borings will be taken to determine whether such conditions exist and the elevations at which they occur. Bedrock may be avoided by grading or blasting; high water table and poor drainage may be corrected by grading or construction of underground drains. The appropriate actions to be taken will be determined during construction by a licensed professional soils engineer.

7. Sections 3A and 3B are primarily open with some areas cultivated as an evergreen tree farm. Existing tree buffers will be retained where possible.

8. There are no buildings on Sections 3A and 3B which are on the Baltimore County Landmarks Preservation list or the National Register. Existing structures will be retained as storage, garages, or other permitted uses, or renovated as dwellings. No agricultural uses are proposed.

9. Existing streams and wetlands have been field located and are as shown. Wetlands are confined to the stream channels.

10. The limits of 100 year floodplain reservation and easement, and the Forest Buffer Easement (F.B.E.) are as shown on the plan. There shall be no clearing, grading, construction, or disturbance of vegetation in the F.B.E. except as permitted by the Baltimore County Department of Environmental Protection and Resource Management and as necessary for the upkeep, maintenance, use and repair of the existing structures and vegetation within their immediate vicinity as indicated on the plan. Protective covenants governing the use of the F.B.E. shall be recorded with the Land Records of Baltimore County at the time of plat recordation and shall run with the land in perpetuity.

11. Current Ownership: C. Franklin Eck, Jr.
    Section 3A and 3B Only 1996 Cromwell Bridge Road
    Baltimore, Maryland 21234

    W. Gibbs McKenney, et. al.
    100 South Charles Street
    Baltimore, MD 21201

    Deed Reference: 5422/611
    5715/842
    6544/19

    Property Numbers: 16-00-013163
    17-00-009804
    09-05-150101

12. Average Daily Traffic (Sec. 3A & 3B Only)

    35 S.F. large lots at 12.4/lot = 434 ADT's

13. Stormwater for Sections 3A and 3B will be managed in two public wet ponds as shown on the plan.

14. There are no known significant geologic formations, critical areas, archeological sites, endangered species habitats, hazardous materials, or unexploded ordnance sites on the property.

15. Elementary School Districts: Hampton
    Sec. 1 Capacity: 360
    1991 Enrollment: 512
    Estimated Pupil Yields 8
    (Sections 3A and 3B Only)

    The Hampton School District is 42 percent over capacity as of October 1991. Sections 3A and 3B of this development are subject to the restrictions and limitations stated in Bill 178-79.

16. Section 3A of this property was shown as "Future Section" on the "Brookview Farm Sec. 2" amended CRG No. 85197, approved September 4, 1985 and extended until September 4, 1994, and revised November 12, 1991.

17. Exterior lighting will be directed inward and be provided with hoods to reflect light rays from shining or glaring onto adjacent roadways or into the path of oncoming vehicles.

18. The panhandle driveways shall be built in accordance with standards established by the Director of Public Works. The panhandle shall be paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first. Covenants providing for common use and maintenance of the panhandle driveway will be recorded with Baltimore County at the time of plat recordation.

19. Sections 3A and 3B: Topography is a combination of flown topography and data from 1"=200' Baltimore County sheet NE 11C. Zoning is from Baltimore County sheet NE 11C. Utilities are from Baltimore County key sheet 8-SE. Floodplain is from an approved study entitled "Minebank Run Sewer Protection and Erosion Study" prepared by Purdum & Jenchke, December 1984 (BC J.O. No. 1-19-34).

20. Areas within sight lines shall be cleared, graded, and kept free of obstructions, to the extent practical.

21. Existing residences have windows on all sides.

22. Variances:

    The following variances may be requested:

    Lot 21

    - A variance from Section 400.1 BCZR to permit an accessory barn to be in the front yard.
    - A variance from Section 400.3 BCZR to permit accessory barns with a building height of 32 feet in lieu of the maximum permitted 15 feet.

    Lot 22

    - A variance from Section 4001.1 BCZR to permit an accessory shed on Lot 25 to be in the front yard.

    Lot 21 and 22

    - A variance from Baltimore County Code Section 14-334 to permit two existing storage sheds, an existing barn and an associated driveway to remain in use in the Forest Buffer Easement and 100-year floodplain.

PLANNING NO. IX-585 PUBLIC SVCS NO. 92001

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E. PENNSYLVANIA AVE
TOWSON, MD 21204
TELEPHONE (301) 296 3333

CRG PLAN for

# BROOKVIEW FARM
## SECTIONS 3A AND 3B ONLY

(formerly V.B. Eck Estates / and Brookview Estates)

EHK Jr. 55/12, 54/108, 54/109, 54/110

RECEIVED
FEB 14 1992

SCALE: 1" = 200'

JOB ORDER NO 82051D

ISSUE DATE 01/03/92

| DATE | REVISIONS |
|---|---|
| 2/5/92 | ADD SHEET 2, FOR-REG COMMENTS |

2 OF 2

92-357-SPH

PLANNING NO. IX-585 PROJECT INDEX NO. 92001

DAFT McCUNE WALKER INC.

CRG PLAN for

**BROOKVIEW FARM**

SECTIONS 3A AND 3B ONLY

(formerly V.B. Eck Estates and Brookview Estates)

EHK Jr 55/12, 54/108, 54/129, 54/110

SCALE: 1" = 100'

JOB ORDER NO. 820510

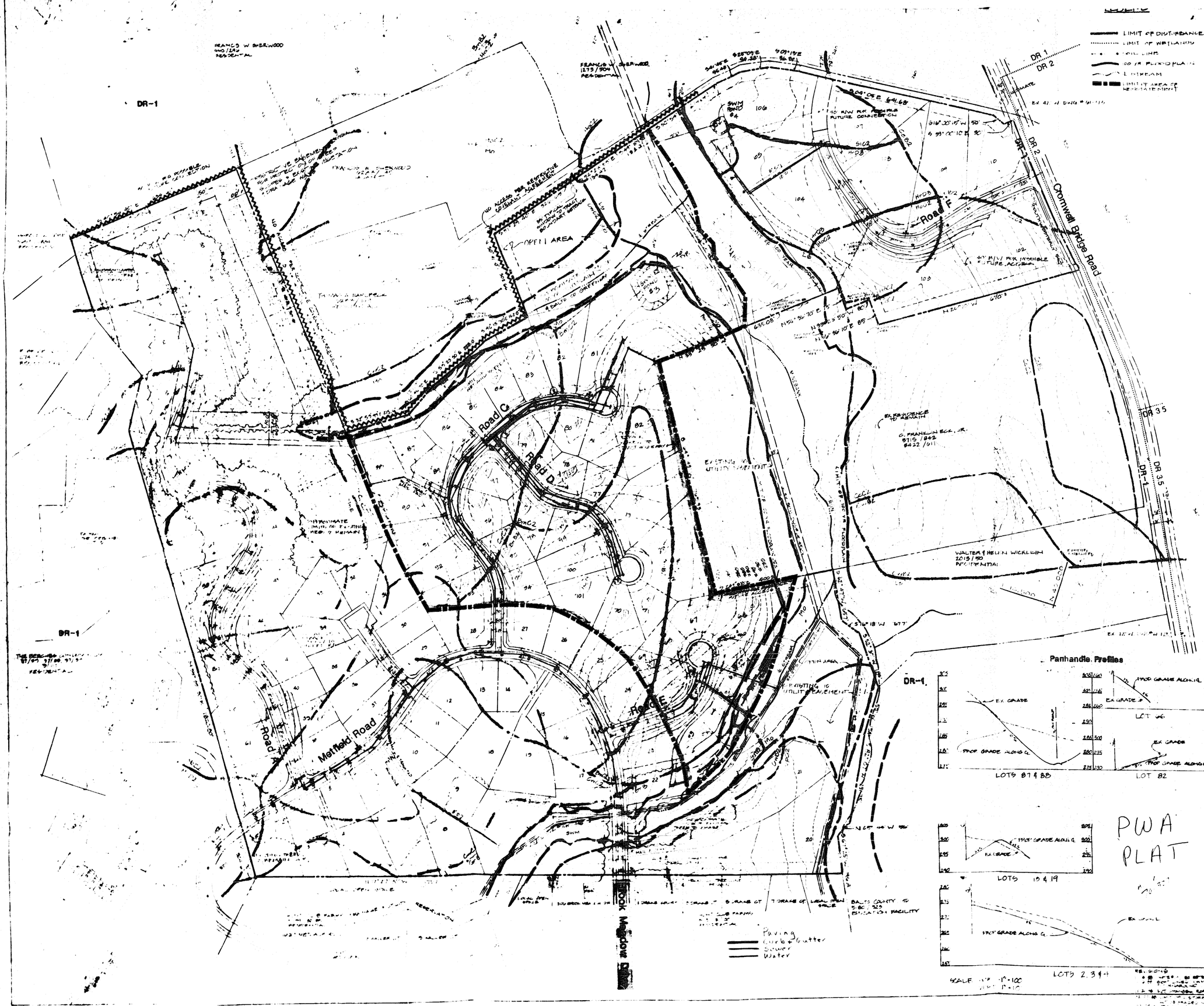
ISSUE DATE 01/03/92

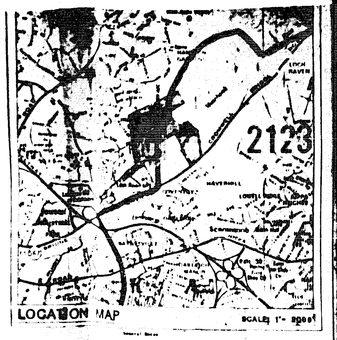
| DATE | REVISIONS |
|---|---|

SHEET 1 OF 2

BEARINGS SHOWN HEREON ARE BASED ON A SURVEY PLAT ENTITLED "PROPERTY IN ESTATE OF VIOLA B. ECK" BY GERHOLD, CROSS AND ETZEL

376




DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
200 E. PENNSYLVANIA AVENUE
TOWSON, MD. 21204

# BROOKVIEW FARM

formerly V.B. ECK ESTATE

AMENDED PLAT: LOTS 63-101 ONLY

PWA PLAT

PROJECT No. 85197

SCALE 1" = 100'

JOB ORDER NO. 82051A

ISSUE DATE JULY 7 1985

REVISIONS

DATE

LEGEND

- LIMIT OF DISTURBANCE
- LIMIT OF WETLANDS
- BUILDING
- TOP OF RETAINING WALL
- STREAM
- LIMIT OF AREA OF SEDIMENT CONTROL

DR-1

DR-2

DR-3

DR-3.5

FRANCIS N. SHERWOOD
179/304
RESIDENTIAL

OPEN AREA
PARCEL A

FUTURE SECTION
SECTION 2

EXISTING UTILITY EASEMENTS

Cromwell Bridge Road

Road B

Road D

Road C

Road A

Mayfield Road

Road E

SECTION 1

Brook Meadow Drive

G. FRANKLIN ECK, JR.
5715/842
8432/411

WALTER & HELEN WICKLEIN
2015/150
RESIDENTIAL

Panhandle Profiles

LOTS 8 & 9

LOTS 7 & 19

LOTS 7 & 8

NOTE:

This project is not subject to the Forest Conservation requirements of Title 14, Section 341, Article 38, "Forest Conservation, Water Quality, Streams, Wetlands and Floodplains" of the Baltimore County Code. Grading permits #98819 and 98 [illegible] were issued for the project. A [illegible] was executed 3/9/87 for the [illegible] has been completed for Section [illegible] requested in accordance with [illegible]

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
4-14-92 With The Following Action Taken
Comment PLAN APPROVED
Plan Approved DPW
Plan Approved Land Development
Plan Approved Environmental
Plan Disapproved
Comments Attached
Plan Revised By Plan Dev

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
200 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (301) 296-3333

BROOKVIEW FARM
(formerly V.B. ECK ESTATE)

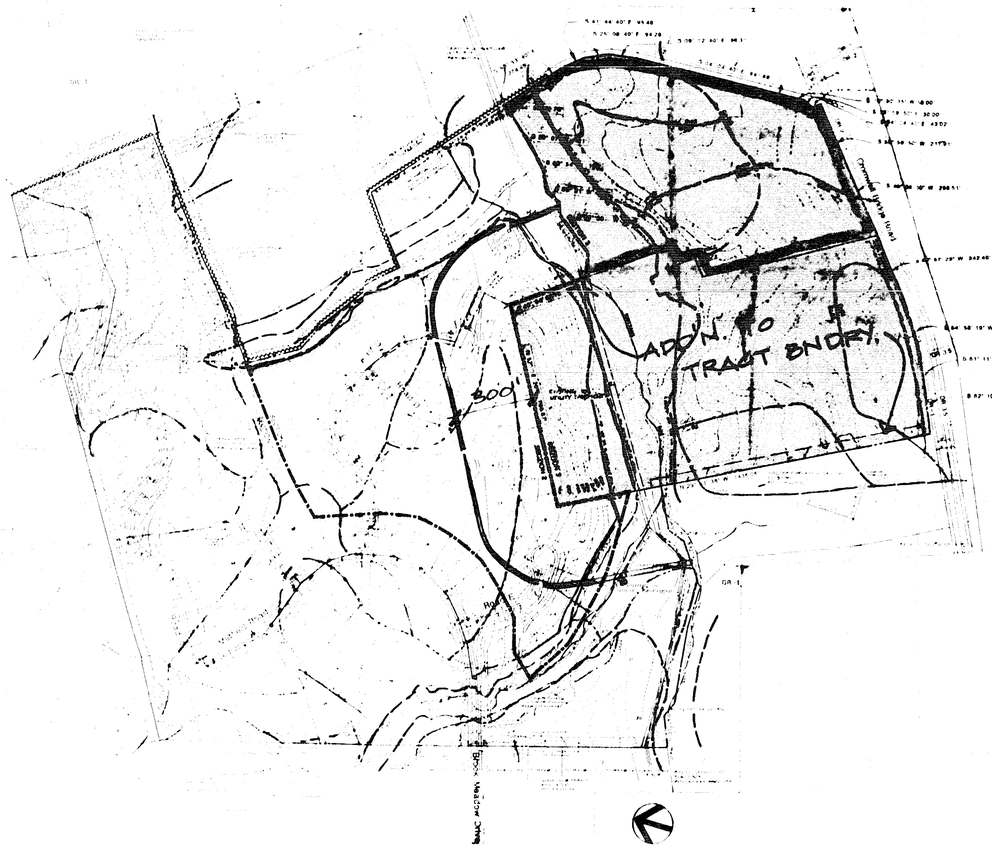
REFERENCE PLAT: LOTS 65 - 92 ONLY
AMENDED PLAT OF LOTS 1 - 11 (SECTION 2) (11-12-91)

PUBLIC WATER AND SEWER

SCALE 1" = 100'
AS BUILT NO. 82051-A
ISSUE DATE JULY 7, 1992

DATE REVISIONS

LOCATION MAP
SCALE: 1" = 800'




## General Notes

1. Owner/Applicant: C. Franklin Eck, Jr.
1996 Cromwell Bridge Road
Baltimore, MD 21234
(410) 337-0715

2. Election District 9; Councilmanic District 6; Census Tract 4901

3. Watershed 4; Subwatershed 28

4. Site Data:

Site Acreage and Zoning:

| | | |
|---|---|---|
| Net = | 60.12 Ac. ± | DR1 Sec. 1 |
| | 0.18 Ac. ± | DR1 Sec. 1* |
| | 31.47 Ac. ± | DR1 Sec. 2 |
| | 18.43 Ac. ± | DR1 Sec. 3A |
| | 110.20 Ac. ± | Subtotal |
| | 26.36 Ac. ± | DR1 Sec. 3B |
| | 136.56 Ac. ± | Total |
| Gross = | 60.12 Ac. ± | DR1 Sec. 1 |
| | 0.18 Ac. ± | DR1 Sec. 1* |
| | 31.47 Ac. ± | DR1 Sec. 2 |
| | 18.68 Ac. ± | DR1 Sec. 3A |
| | 110.57 Ac. ± | Subtotal (ERK Jr. 54/108) |
| | 26.90 Ac. ± | DR1 Sec. 3B |
| | 137.47 Ac. ± | DR1 (Excl. 30' Cromwell Bridge Road right-of-way) |

Density

Permitted = 137.47 Ac. DR1 = 137 D.U.

| | | |
|---|---|---|
| Proposed = | Sec. 1 | 62 D.U. |
| | Sec. 2 | 40 D.U. (Approved CRG) |
| | Sec. 3 A & B | 35 D.U. (Includes 3 existing residences to remain) |
| | | 137 D.U. TOTAL |

All units will be for sale. Parcel A may be conveyed to an adjacent owner or HOA as open area with no density.

Sections 2, 3A and 3B as shown on the plan have been held in tact by the ownership shown since 1983. The developer's engineer has confirmed that no part of the gross area of Section 1, 2, 3A or 3B has ever been utilized, recorded or represented as density or area to support any off-site dwelling except as noted below.

*0.18 Ac. ± in Section 1 was apparently transferred by Ryland Homes to W. Peck on August 5, 1988, with the knowledge and consent of Baltimore County.

Open Space

Required = 35 D.U. x 650 S.F. = 22,750 S.F.

Proposed = The 100 year floodplain reservation will contain an easement for a greenway system, per Section 111.E.2.c. of the Local Open Space Manual.

Parking (Sec. 3A & 3B Only)

Required = 35 units at 2 spaces per D.U. = 70 spaces

Provided = A minimum of 2 off-street parking spaces will be provided for each lot.

#4 Landscape Planting (Sec. 3A & 3B Only)

| | | |
|---|---|---|
| Required = | 2,000 LF Int. Rd. at 1/20 | = 100 PU (75 MD) |
| | 1,350 LF Adj. Rd. at 1/40 | = 34 PU (26 MD) |
| | 770 LF Cl.A Scr. at 1/15 | = 52 PU |
| | | 186 PU (101 MD) |

Proposed = 186 PU (101 MD)

Credit will be sought per sec. V.D. 2 of the 1990 Baltimore County Landscape Manual for existing trees retained within the net buildable area. Credits will be delineated on the Final Landscape Plan.

5. Existing residences will be connected to the proposed public water and sewer as soon as it is available. Existing private sewage disposal systems shall be pumped and either backfilled or removed upon connection of residences to the public system. The existing residence on Lot 22 will not be occupied until it is connected to public utilities. If not maintained, existing drilled wells will be backfilled by a licensed well driller prior to record plat and well abandonment reports submitted to Baltimore County DEPRM.

6. Soils (Sections 3A and 3B)

| Soils Series and Symbol | Hydric Class | Limitations With Basement | Limitations Without Basement | Limitations Streets and Parking |
|---|---|---|---|---|
| Baltimore BmC2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Chester ChB2 | B | Slight | Slight | Moderate: Slope |
| Chester ChC2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Conestoga CmB2 | B | Slight | Slight | Moderate: Slope |
| Hollinger HoC2 | C | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Hollinger HzD3 | C | Severe: Slope | Severe: Slope | Severe: Slope |
| Linvside Ls | C | Severe: Flooding | Severe: Flooding | Severe: Flooding |
| Sassafras SfC2 | B | Slight | Slight | Severe: Slope |

As per Section 26-277 where development occurs upon soils with possible severe or moderate limitations, borings will be taken to determine whether such conditions exist and the elevations at which they occur. Severe may be avoided by grading or blasting; high water table and poor drainage may be corrected by grading or construction of subsurface drains. The appropriate methods to be taken will be determined by a licensed professional soils engineer.

7. Sections 3A and 3B are primarily open with some areas cultivated as an evergreen tree farm. Existing tree buffers will be retained where possible.

8. There are no buildings in Sections 3A and 3B which are on the Baltimore County Landmarks Preservation list or the National Register. Existing structures will be retained as storage, garages, or other permitted uses, or renovated as dwellings. No agricultural uses are proposed.

9. Existing streams and wetlands have been field located and are as shown. Wetlands are confined to the stream channels.

10. The limits of 100 year floodplain reservation and easement, and the Forest Buffer Easement (F.B.E.) are as shown on the plan. There shall be no clearing, grading, construction, or disturbance of vegetation in the F.B.E. except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

Protective covenants governing the use of the F.B.E. shall be recorded with the Land Records of Baltimore County at the time of plat recordation and shall run with the land in perpetuity.

A. A variance has been approved for the continued existing uses within the forest buffer easement in the area of the existing structures as shown on the plan that allows for the upkeep, maintenance, use and repair of the existing structures and vegetation within their immediate vicinity as shown on the plan.

The south edge of the forest buffer for its entire length, excluding the variances area, will be planted with trees and shrubs and posted at 100 foot intervals with forest buffer reinforcement signs provided by DEPRM. Where trees and shrubs currently exist, they may be substituted for planting requirements. Variances areas will be enclosed with wood fencing.

11. Current Ownership: Section 3A and 3B Only
C. Franklin Eck, Jr.
1996 Cromwell Bridge Road
Baltimore, Maryland 21234
C. Franklin Eck, Jr. and
W. Gilbie McKenney, et. al.
100 South Charles Street
Baltimore, MD 21201

Deed Reference: 3422/611
3715/842
0544/19

Property Numbers: 16-00-013163
17-00-009904
09-05-150101

12. Average Daily Trips: (Sec. 3A & 3B Only)
35 S.F. large lots @ 12.4/lot = 434 ADT's

13. Stormwater for Sections 3A and 3B will be managed in two public wet ponds as shown on the plan.

14. There are no known significant geologic formations, critical areas, archaeological sites, endangered species habitats, hazardous materials, or underground storage tanks on the property.

15. Elementary School District: Hampton
School Capacity: 360
1991 Enrollment: 512
Estimated Pupil Yield: 6
(Sections 3A and 3B Only)

16. Section 3A of this property was shown as "Future Section" on the "Brookview Farm Sec. 2" amended CRG No. 85197, approved September 4, 1985 and extended until September 4, 1994, and refined November 12, 1991.

17. On-site lighting on Sections 3A and 3B shall be designed to confine light rays within the site and to prevent reflected light rays from shining or glaring onto adjacent motorways or into the path of oncoming vehicles.

18. The panhandle driveways shall be built in accordance with standards established by the Director of Public Works. The panhandle shall be paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first. Covenants providing for common use and maintenance of the panhandle driveway will be recorded with Baltimore County at the time of plat recordation.

19. Sections 3A and 3B: Topography is a combination of flown topography and data from 1"=200' Baltimore County sheet NE 11C. Zoning is from Baltimore County sheet NE 11C. Utilities are from Baltimore County key sheet R-SE. Floodplain is from an approved study entitled "Minebank Run Sewer Protection and Erosion Study" prepared by Purdum & Westbke, December 1984 (BC D.O. No. 1-19-34).

20. Areas within sight lines shall be cleared, graded, and kept free of obstructions.

21. Existing residences have windows on all sides.

22. Variances:

The following variances may be requested:

Lot 21

- A variance from Section 400.1 BCZR to permit an accessory barn to be in the front yard.

- A variance from Section 400.3 BCZR to permit accessory barns with a building height of 32 feet in lieu of the maximum permitted 15 feet.

Lot 22

- A variance from Section 4001.1 BCZR to permit an accessory shed on lot 25 to be in the front yard.

Lot 21 and 22

- A variance from Baltimore County Code Section 14-334 to permit two existing storage sheds, an existing barn and an associated driveway to remain in use in the Forest Buffer Easement and 100 year floodplain.

23. Special Hearing 92-357-SPH was held by the Zoning Commissioner April 27, 1992, with the following result:

THEREFORE, IT IS (illegible) by the Zoning Commissioner of Baltimore County this 21st day of August 1992 that, pursuant to the Petition for Special Hearing, the Developer may amend the tract boundary for that subdivision known as Brookview Farm, pursuant to the provisions of Section 1B01.1.A.(7) of the B.C.Z.R. for the reasons given herein and, further, that the Petition for Special Hearing be and is hereby DENIED.

24. DEPRM and Daft-McCune-Walker will conduct a suitable outfall analysis for the 15 inch stormwater management outfall for Pond 2 prior to grading and sediment control plan approval.

#4 In addition, landscape planting will be provided along the rear property lines which will incorporate a mixture of deciduous and evergreen trees, shrubs and existing fence to screen views of lot rears from Cromwell Bridge Road and maintain views form the proposed lots to the Sherwood property and vistas beyond.

PLANNING NO. IX-585 PUBLIC SVCS NO. 92001

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E. PENNSYLVANIA AVE.
TOWSON, MD 21204
TELEPHONE (301) 296-3333

CRG PLAN for

# BROOKVIEW FARM
## SECTIONS 3A AND 3B ONLY

(formerly V.B. Eck Estates / and Brookview Estates)

EHK Jr. 55/12,54/108,54/109,54/110

SCALE 1" = 200'

JOB ORDER NO. 82051D

ISSUE DATE 01/03/92

| DATE | REVISIONS |
|---|---|
| 2.3.93 | ADC 3-SEC 2 |
| 3.3.93 | ADD 3A & 3B GREENWAY BNDRY. NOTE |
| | WETLS. |
| 7.7.93 | ADD 4 |

## General Notes

1. Owner/Applicant: F. Franklin Bro., Jr.
   1906 Greenspring Valley Road
   Baltimore, MD 21234
   (410) 337-0715

2. Election District 9; Councilmanic District 4; Census Tract 4901

3. Worksheet: 24 Assessment 28

4. Site Data:

   **Site Acreage and Zoning**

   Gross area = 19.8 Ac ± (20) (Net: 2 Brookview Farms
   20.3 Ac ± (21)
   41.1 Ac ± (24) Total

   **Density**

   Permitted = 4.4 Ac. DU. = 26 D.U.
   Developed = 20 Single Family D.U.

   All units will be for sale. Parcel A may be conveyed to an apartment owner or REA with no density.

   **Open Space**

   Open required (10%) = 100-year floodplain, wetlands and forest buffers + 25% portion of remainder for a greenway/park

   **Parking:**

   Required = 38 units at 2 spaces per D.U. = 76 spaces

   Provided = a minimum of 2 off-street parking spaces will be provided for each unit.

   **Landscape Planting**

   Required = 1,500 LF (ext. Rd. at 1/20 = 100 PE) (25 HE)
   1,750 LF (Int. Rd. at 1/40 = 44 PE) (24 HE)
   200 LF (12.5 Ac. at 1/25 = 8 PE)
   152 PE (152 HE)

   Provided = 164 PE (152 HE)

   Street trees will be placed on the lots fronting internal roadways. The majority of trees required within the forest buffer area (existing will be delineated on the landscape plan.

5. Existing and future sewerage disposal system shall be private and either serviced or reserved pending by revised plan. If new septic systems are utilized, they will be certified by a licensed engineer and comply with the requirements of the Baltimore County Department of Environmental Protection and Resource Management (DEPRM).

6. Soils

| Symbol | Name | Slope | Erodibility | Drainage | Limitations for Dwellings with Basements | Limitations for Streets and Parking |
|---|---|---|---|---|---|---|
| BmC2 | Baile silt loam | C | Moderate | Moderate | Severe: Slope | |
| BmD2 | Baile silt loam | D | Moderate | Moderate | Severe: Slope | |
| CcC2 | Chester silt loam | C | Slight | Slight | Moderate: Slope | |
| CcD2 | Chester silt loam | D | Moderate | Moderate | Severe: Slope | |
| CwB2 | Codorus silt loam | B | Slight | Slight | Moderate: Slope | |
| CwC2 | Codorus silt loam | C | Slight | Slight | Moderate: Slope | |
| GgB2 | Glenelg silt loam | B | Moderate | Moderate | Severe: Slope | |
| GgC2 | Glenelg silt loam | C | Moderate | Moderate | Severe: Slope | |
| HoC2 | Hollins silt loam | C | Severe | Severe | Severe: Slope | |
| HrD3 | Hollins-Urban land complex | D | Severe | Severe | Severe: Slope | |
| LsB2 | Legore silt loam | B | Slight | Slight | Severe: Flooding | |
| LsC2 | Legore silt loam | C | Slight | Slight | Severe: Flooding | |
| SkC2 | Sykesville gravelly silt loam | C | Slight | Slight | Severe: Slope | |

As per Section 26-277, those developments which are proposed with private sewage to be approved shall not use septic fields that have been approved after April 1, 1982 unless each lot has a minimum usable area of 20,000 square feet and the original plat of subdivision clearly indicates such area on each lot. The approval of a percolation test does not guarantee that a lot will be buildable. Soil conditions will be determined at the time of application for a building permit.

The site is currently open with some areas cultivated as a corn field. Existing trees within the site will be retained where possible.

There are no known historic structures or cemeteries on the site.

Existing utilities are available to the site and will be extended as required.

The entire site drains internally and forest buffer easements are provided where required by law. There are no streams, wetlands, floodplains, or steep slopes on the site. Forest buffer easements are provided where necessary. Afforestation is provided on the site to meet the requirements of the Forest Conservation Act.

Forest Conservation:

Gross Area: 41.1 Ac. ±
Net Tract Area: 41.1 Ac. ±
Existing Forest: 1.0 Ac. ±
Forest Cleared: 0.0 Ac. ±
Forest Retained: 1.0 Ac. ±
Reforestation Required: 0.0 Ac. ±
Afforestation Required: 0.0 Ac. ±

Impervious Surface Coverage:
Roads: 3.0 Ac. ±
Lots: 8.0 Ac. ±
Total: 11.0 Ac. ±

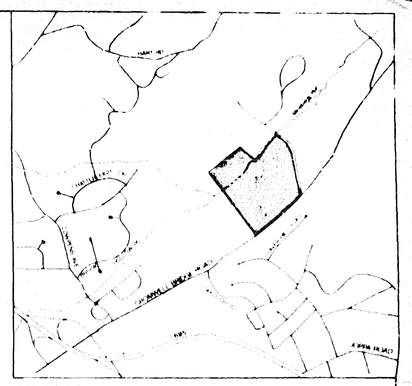
Community Sewage System: Septic
Water Supply: Well
Parkland Required: N/A
Parkland Provided: N/A

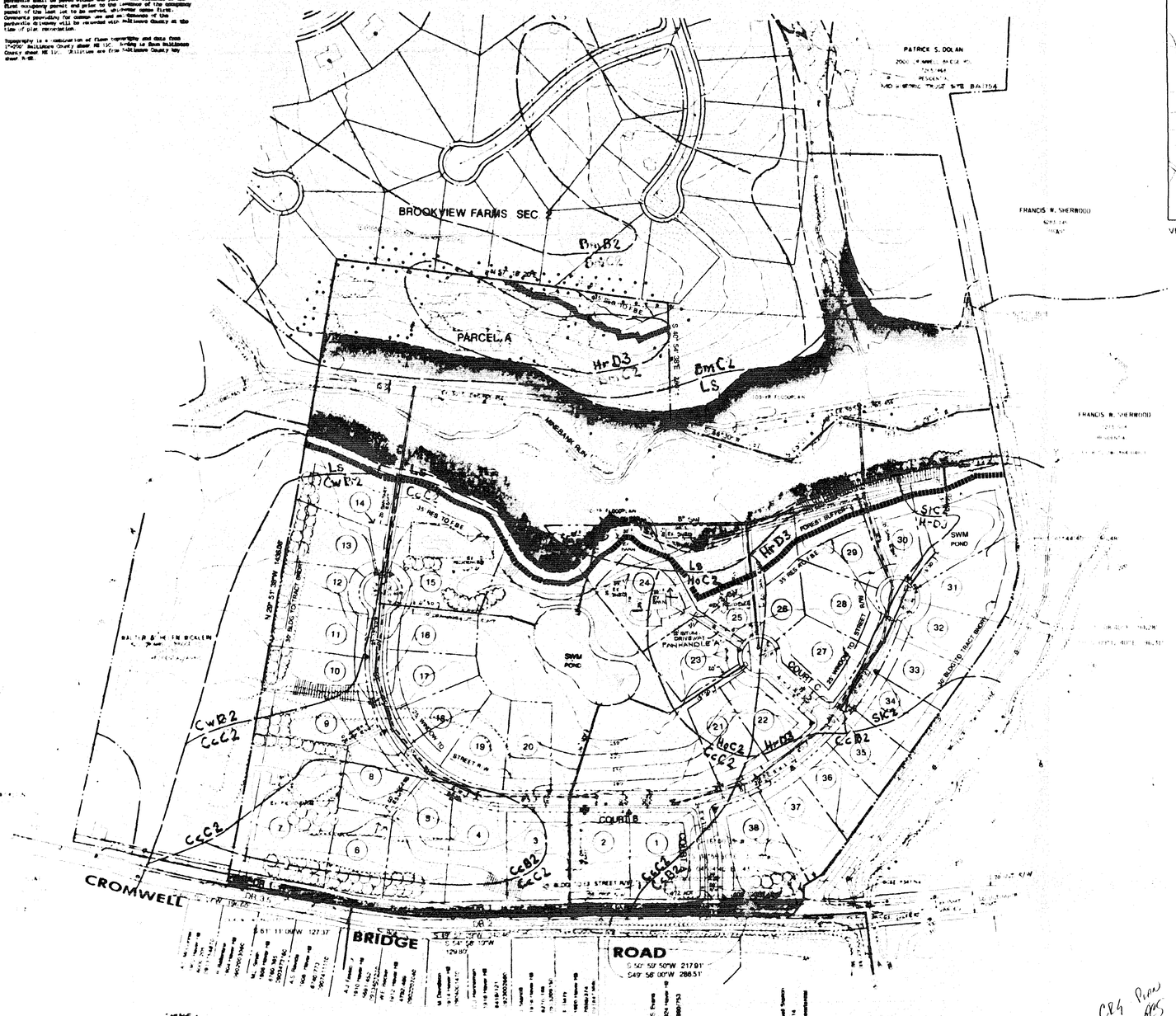
16. A portion of this property was shown as "Forest Retention" on the "Brookview Farms Sec. 2" amended CRG No. 81-135, approved September 4, 1980 and extended until September 4, 1984, and subject thereafter to LDR.

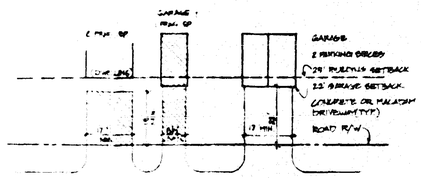
17. On-site lighting shall be designed to confine light rays within the site and to prevent undirected light rays from shining or glaring onto adjacent roadways or into the path of oncoming vehicles. Lights shall be 14' ornamental poles with 175 W fixtures.

18. The perimeter driveways shall be built in conformance with standards established by the Director of Public Works. The perimeter shall be paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first. Covenants providing for common use and maintenance of the perimeter driveway will be recorded with Baltimore County at the time of plat recordation.

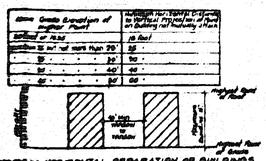
19. Topography is a combination of flown topography and data from 1"=200' Baltimore County sheet NE 11C. Survey is from Baltimore County sheet NE 11C. Utilities are from Baltimore County Bay sheet #48.



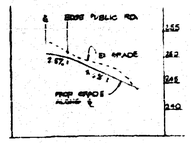




TYPICAL OFFSTREET PARKING
NOT TO SCALE



HORIZONTAL SEPARATION OF BUILDINGS
SINGLE FAMILY HOMES
NOT TO SCALE




LOT 24
PANHANDLE 'A'
HOR. 1"=10'
VERT. 1"=100'

CRG Plan
1-27-92 ARS

DAFT McCUNE WALKER INC.

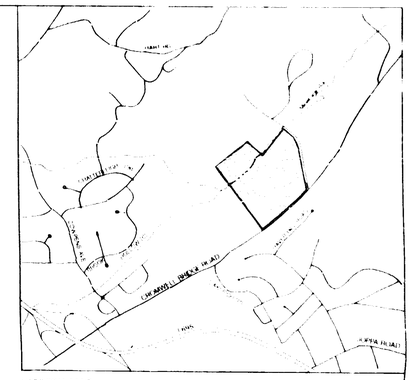
**BROOKVIEW ESTATES**

CRG PLAN

SCALE: 1" = 100'
JOB ORDER NO. 82051D
ISSUE DATE 01/03/92

| DATE | REVISIONS |
|---|---|
| 1/27/92 | REVISED CRG PLAN PER DEPT. COMMENTS |

SHEET 1 OF 1

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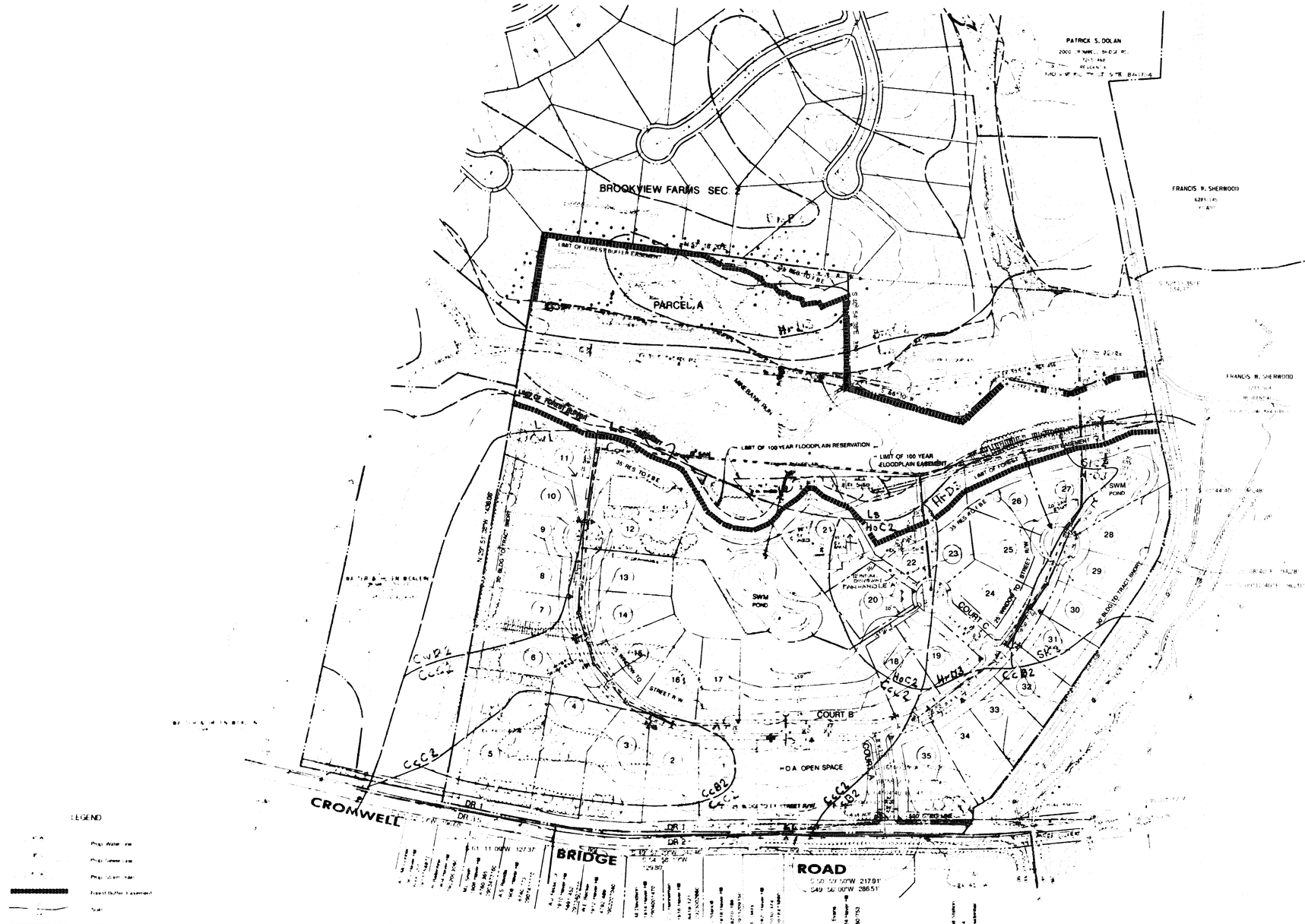
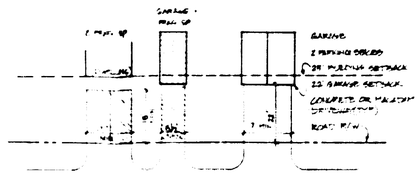


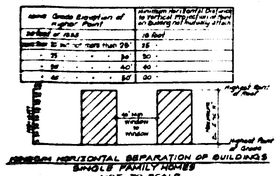

LEGEND

- Prop. Water line
- Prop. Sewer line
- Prop. storm line
- Forest Buffer Easement
- Swale
- Zoning line
- 25% and greater slopes
- Existing Trees to be removed
- Existing Trees to remain
- Ex. Drain
- Ex. Well

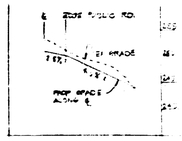



TYPICAL OFFSTREET PARKING

NOT TO SCALE




MINIMUM HORIZONTAL SEPARATION OF BUILDINGS
SINGLE FAMILY HOMES
NOT TO SCALE




LT 21
FANHANDLE A

PLANNING No. IX-585 92001

DAFT McCUNE WALKER INC.

CRG PLAN for

**BROOKVIEW FARM**
SECTIONS 3A AND 3B ONLY

(formerly V B Eck Estates / and Brookview Estates)

EHK Jr 55 12 54 108 54 109 54/110

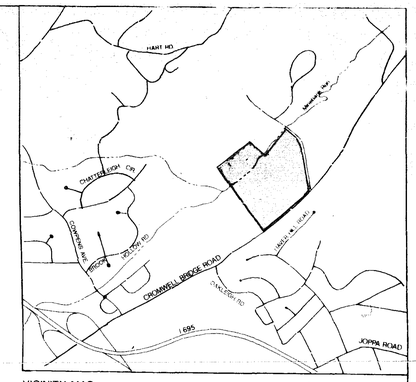
SCALE: 1" = 100'

JOB ORDER NO. 82051D

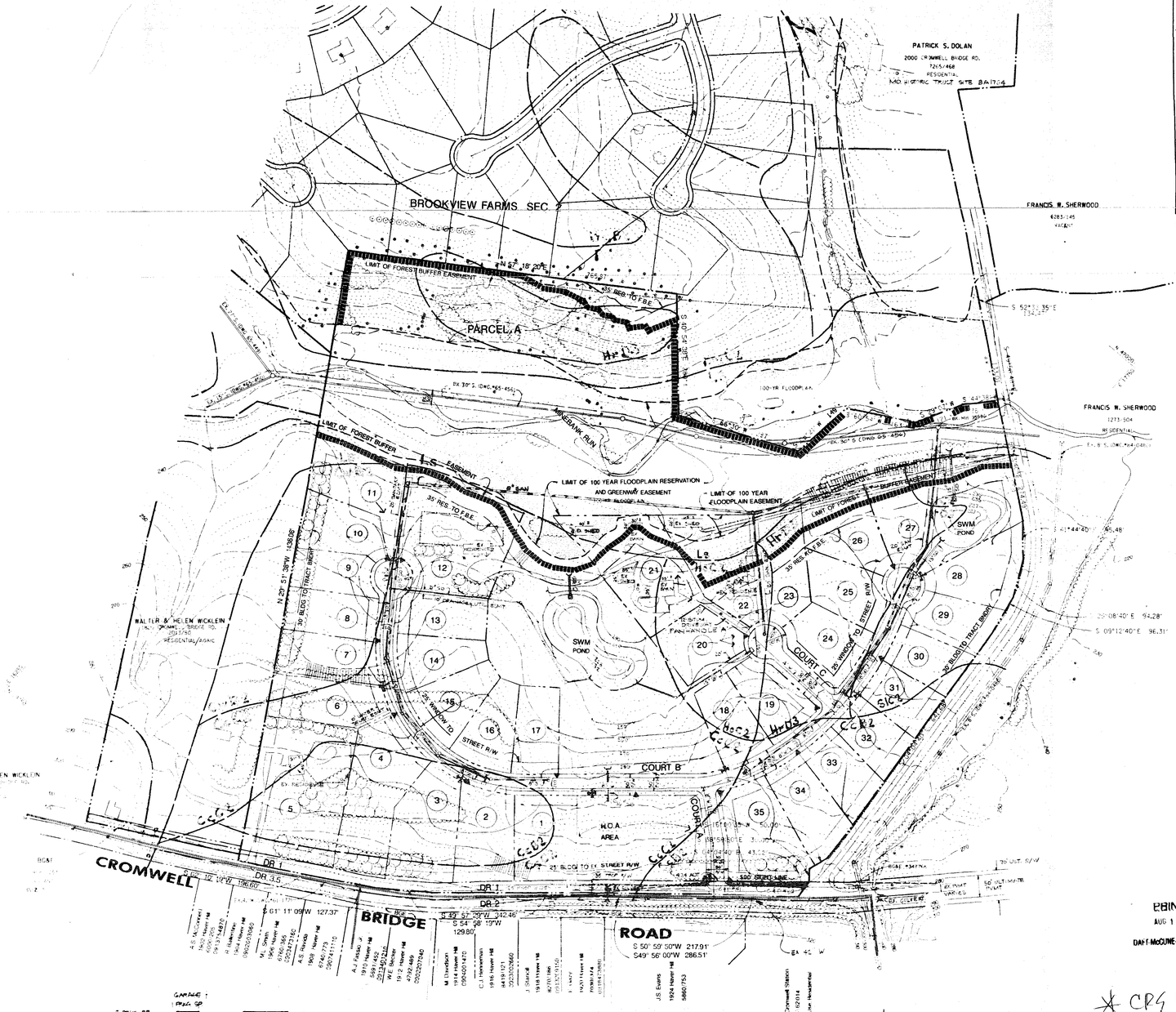
ISSUE DATE 01/03/92

DATE REVISIONS

**SHEET 1 OF 2**




VICINITY MAP SCALE 1"=1000'




LEGEND

- Prop. Water Line
- Prop. Sewer Line
- Prop. Storm Drain
- Forest Buffer Easement
- Soils
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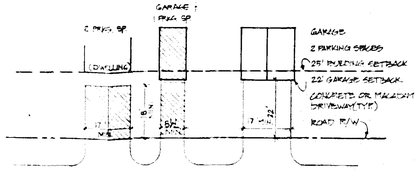
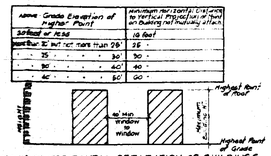
- 25% and greater Slopes
- Existing Trees to be removed
- Existing Trees to Remain
- Ex. Septic
- Ex. Well

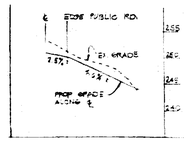



TYPICAL OFFSTREET PARKING
NOT TO SCALE




| Approx. Grade Elevation of Higher Point | Minimum horizontal distance to vertical Projection of Roof on Building of Adjoining Attach. |
|---|---|
| Splitlevel or RAISED | 15 feet |
| Less than 15' but not more than 25' | 25 " |
| " 25 " " " 35' | 30 " |
| " 35 " " " 45' | 40 " |
| 45' | 50 " |

MINIMUM HORIZONTAL SEPARATION OF BUILDINGS
SINGLE FAMILY HOMES
NOT TO SCALE




LOT 21
PANHANDLE (A)
REF PLAT
PARCEL "100"

PLANNING NO. IX-585 PUBLIC SVCS NO. 92001

PRINTED
AUG 18 1992
DAFT-McCUNE-WALKER, INC

* CRG Plan 8/20/92 RCS

DAFT McCUNE WALKER INC.
PLANNING CONSULTANTS
ENGINEERS
SURVEYORS

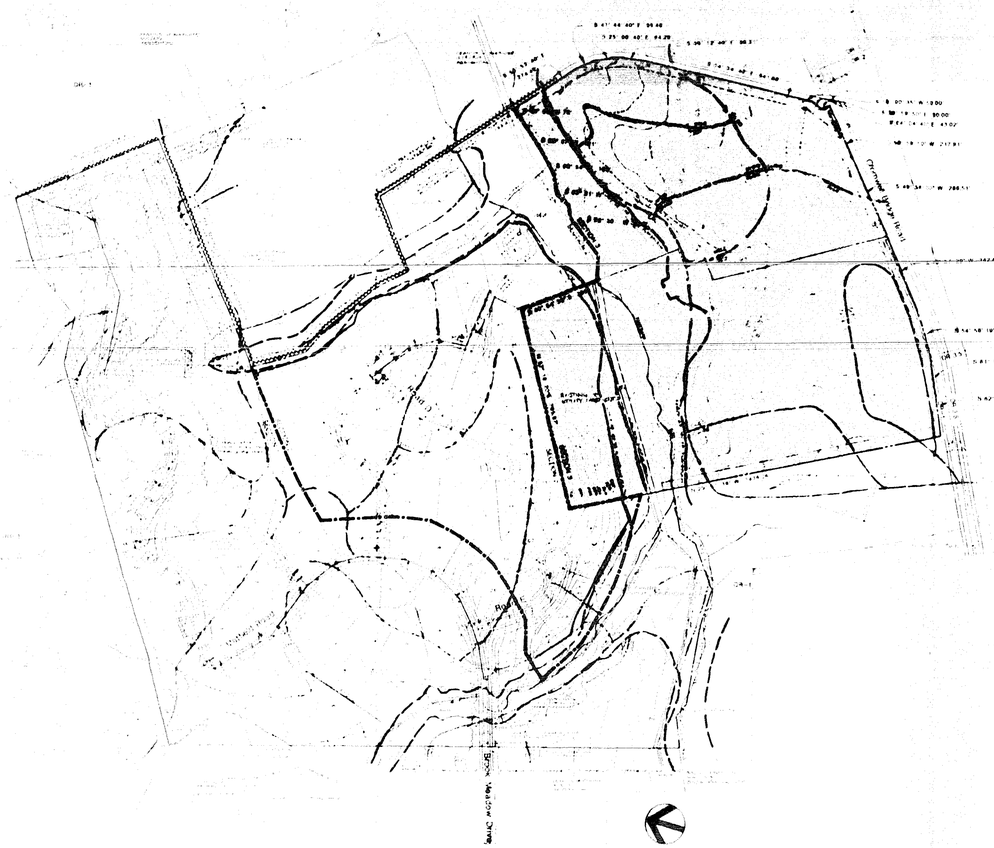
CRG PLAN for
**BROOKVIEW FARM**
SECTIONS 3A AND 3B ONLY
(formerly V.B. Eck Estates / and Brookview Estates)

EHK Jr. 55/12 54/108 54/109 54/110

SCALE: 1" = 100'
JOB ORDER NO. 82051D
ISSUE DATE 01/03/92

| DATE | REVISIONS |
|---|---|
| 7/23/92 | ADD LOT 21 PANHANDLE (A) |
| 8/18/92 | ADD 25' BLDG TO EX STREET R/W |
| 8/19/92 | INTER-LOT GRADING REVISIONS |
| 8/24/92 | ADD GREENWAY |

SHEET 1 OF 2




## General Notes

1. Owner/Applicant: C. Franklin Eck, Jr.
1996 Cromwell Bridge Road
Baltimore, MD 21234
(410) 337-0715

2. Election District 9; Councilmanic District 6; Census Tract 4901

3. Watershed 4; Subwatershed 28

4. Site Data:

Site Acreage and Zoning:

| | | |
|---|---|---|
| Net = | 60.12 Ac. ± | DR1 Sec. 1 |
| | 0.18 Ac. ± | DR1 Sec. 1* |
| | 31.47 Ac. ± | DR1 Sec. 2 |
| | 14.43 Ac. ± | DR1 Sec. 3A |
| | 130.20 Ac. ± | Subtotal |
| | 6.28 Ac. ± | DR1 Sec. 3B |
| | 136.56 Ac. ± | Total |
| Gross = | 60.12 Ac. ± | DR1 Sec. 1 |
| | 0.18 Ac. ± | DR1 Sec. 1* |
| | 31.47 Ac. ± | DR1 Sec. 2 |
| | 14.86 Ac. ± | DR1 Sec. 3A |
| | 130.53 Ac. ± | Subtotal (ESH Jr. 54/108) |
| | 6.36 Ac. ± | DR1 Sec. 3B |
| | 137.47 Ac. ± | DR1 (Incl. 30' Cromwell Bridge Road right-of-way) |

Density

Permitted = 137.47 Ac. DR1 = 137 D.U.

| | | |
|---|---|---|
| Proposed = | Sec. 1 | 62 D.U. |
| | Sec. 2 | 40 D.U. (Approved CRG) |
| | Sec. 3 A & B | 35 D.U. (Includes 3 existing residences to remain) |
| | | 137 D.U. TOTAL |

All units will be for sale. Parcel A may be conveyed to an adjacent owner or HOA as open area with no density.

Sections 2, 3A and 3B as shown on the plan have been held in fact by the ownership shown since 1983. The developer's engineer has confirmed that no part of the gross area of Section 1, 2, 3A or 3B has ever been utilized, recorded or represented as density or area to support any off-site dwelling except as noted below.

*0.18 Ac. ± in Section 1 was apparently transferred by Pyland Homes to W. Peck on August 5, 1988, with the knowledge and consent of Baltimore County.

Open Space

Required = 35 D.U. x 650 S.F. = 22,750 S.F.

Proposed = The 100-year floodplain reservation will contain an easement for a greenway system, per Section III.E.2.c. of the Local Open Space Manual.

Parking (Sec. 3A & 3B Only)

Required = 35 units at 2 spaces per D.U. = 70 spaces

Provided = A minimum of 2 off-street parking spaces will be provided for each lot.

# Landscape Planting (Sec. 3A & 3B Only)

| | | |
|---|---|---|
| Required = | 2,906 LF Int. Rd. at 1/20 | = 100 PU (75 MD) |
| | 1,350 LF Adj. Rd. at 1/40 | = 34 PU (26 MD) |
| | 770 LF Cul-A Scr. at 1/15 | = 52 PU |
| | | 186 PU (101 MD) |

Proposed = 186 PU (101 MD)

Credit will be sought per sec. V.D. 2 of the 1990 Baltimore County Landscape Manual for existing trees retained within the net buildable area. Credits will be delineated on the Final Landscape Plan.

5. Existing residences will be connected to the proposed public water and sewer as soon as it is available. Existing private sewage disposal systems shall be pumped and either backfilled or removed upon connection of residences to the public system. The existing residence on Lot 22 will not be occupied until it is connected to public utilities. If not maintained, existing drilled wells will be backfilled by a licensed well driller prior to record plat and well abandonment reports submitted to Baltimore County /EPPR.

6. Soils (Sections 3A and 3B)

| Soils Series and Symbol | Hydr. Class | Limitations With Basement | Limitations Without Basement | Limitations Streets and Parking |
|---|---|---|---|---|
| Baltimore BmB2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Chester ChB2 | B | Slight | Slight | Moderate: Slope |
| Chester ChC2 | B | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Conestoga CoB2 | B | Slight | Slight | Moderate: Slope |
| Hollinger HoC2 | C | Moderate: Slope | Moderate: Slope | Severe: Slope |
| Hollinger HgD3 | C | Severe: Slope | Severe: Slope | Severe: Slope |
| Linganore Ln | C | Severe: Flooding | Severe: Flooding | Severe: Flooding |
| Manor MrC | B | Slight | Slight | Severe: Slope |

As per Section 26-277 where development occurs upon soils with possible severe or moderate limitations, borings will be taken to determine whether fast conditions exist and the elevations at which they exist. Bedrock may be avoided by grading or blasting; high water table and poor drainage may be corrected by grading or construction of subsurface drains. The appropriate actions to be taken will be determined during construction by a licensed professional soils engineer.

7. Sections 3A and 3B are primarily open with some areas cultivated as an evergreen tree farm. Existing tree buffers will be retained where possible.

8. There are no buildings in Sections 3A and 3B which are on the Baltimore County Landmarks Preservation list or the National Register. Existing structures will be retained as storage, garages, or other permitted uses, or renovated as dwellings. No agricultural uses are proposed.

9. Existing streams and wetlands have been field located and are as shown. Wetlands are confined to the stream channels.

10. The limits of the 100-year floodplain reservation and easement, and the Forest Buffer Easement (F.B.E.) are as shown on the plan. There shall be no clearing, grading, construction, or disturbance of vegetation in the F.B.E. except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

Protective covenants governing the use of the F.B.E. shall be recorded with the Land Records of Baltimore County at the time of plat recordation and shall run with the land in perpetuity.

A. A variance has been approved for the continued existing uses within the forest buffer easement in the area of the existing structures as shown on the plan that allows for the upkeep, maintenance, use and repair of the existing structures and vegetation within their immediate vicinity as shown on the plan.

The south edge of the forest buffer for its entire length, excluding the variances area, will be planted with trees and shrubs and posted at 100 foot intervals with forest buffer nondisturbance signs provided by DEPRM. Where trees and shrubs currently exist, they may be substituted for planting requirements. Variances areas will be enclosed with wood fencing.

11. Current Ownership: Section 3A and 3B Only
C. Franklin Eck, Jr.
1996 Cromwell Bridge Road
Baltimore, Maryland 21234
C. Franklin Eck, Jr. and W. Gibbs McKelvey, et. al.
300 South Charles Street
Baltimore, MD 21201

Deed Reference: 5422/611
5715/842
6544/19

Property Numbers: 16-00-013163
17-00-009904
09-05-150101

12. Average Daily Trips: (Sec. 3A & 3B Only)

35 S.F. large lots at 12.4/lot = 434 ADT's

13. Stormwater for Sections 3A and 3B will be managed in two public wet ponds as shown on the plan.

14. There are no known significant geologic formations, critical areas, archaeological sites, endangered species habitats, hazardous materials, or underground storage tanks on the property.

15. Elementary School District: Hampton
School Capacity: 360
1991 Enrollment: 512
Estimated Pupil Yield: 6
(Sections 3A and 3B Only)

16. Section 3A of this property was shown as "Future Section" on the "Brookview Farm Sec. 1" amended CRG No. 85197, approved September 4, 1985 and extended until September 4, 1994, and refined November 12, 1991.

17. On-site lighting on Sections 3A and 3B shall be designed to confine light rays within the site and to prevent reflected light rays from shining or glaring onto adjacent motorways or into the path of oncoming vehicles.

18. The panhandle driveways shall be built in accordance with standards established by the Director of Public Works. The panhandle shall be paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first. Covenants providing for common use and maintenance of the panhandle driveway will be recorded with Baltimore County at the time of plat recordation.

19. Sections 3A and 3B: Topography is a combination of flown topography and data from 1"=200' Baltimore County sheet NE 11C. Zoning is from Baltimore County sheet NE 11C. Utilities are from Baltimore County Key sheet NE. Floodplain is from an approved study entitled "Minebank Run Sewer Protection and Erosion Study" prepared by Purdum & Jendrike, December 1984 (DC.J.O. No. 1-19-34).

20. Areas within sight lines shall be cleared, graded, and kept free of obstructions.

21. Existing residences have windows on all sides.

22. Variances:

The following variances may be requested:

Lot 21

- A variance from Section 400.1 BCZR to permit an accessory barn to be in the front yard.

- A variance from Section 400.3 BCZR to permit accessory barns with a building height of 32 feet in lieu of the maximum permitted 15 feet.

Lot 22

- A variance from Section 4001.1 BCZR to permit an accessory shed on Lot 25 to be in the front yard.

Lot 21 and 22

- A variance from Baltimore County Code Section 14-334 to permit two existing storage sheds, an existing barn and an associated driveway to remain in use in the Forest Buffer Easement and 100-year floodplain.

23. Special Hearing 92-357-SPH was held by the Zoning Commissioner April 27, 1992, with the following result:

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of August 1992 that, pursuant to the Petition for Special Hearing, the Developer may amend the tract boundary for that subdivision known as Brookview Farm, pursuant to the provisions of Section 1B01.3.A.(7) of the B.C.Z.R. for the reasons given herein and, further, that the Petition for Special Hearing be and is hereby DENIED.

24. DEPRM and Daft-McCune-Walker will conduct a suitable outfall analysis for the 15 inch stormwater management outfall for Pond 2 prior to grading and sediment control plan approval.

* 4. In addition, landscape planting will be provided along the rear property lines which will incorporate a mixture of deciduous and evergreen trees, shrubs and existing fence to screen views of lot rears from Cromwell Bridge Road and maintain views form the proposed lots to th Rearwood property and vistas beyond.

RECEIVED
SEP 28 1992
OFFICE OF PLANNING & ZONING

PRINTED
SEP 10 1992
DAFT McCUNE-WALKER, INC

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
9-10-92
And Is Hereby Tentatively Approved Subject To The Following Action Items
PLAN APPROVED
9-10-92
Plan Revised As Per Comments Dated 9-21-92

PLANNING NO. IX-585 PUBLIC SVCS NO. 92001

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E. PENNSYLVANIA AVE.
TOWSON, MD. 21204
TELEPHONE (301) 296-3333

CRG PLAN for
# BROOKVIEW FARM
## SECTIONS 3A AND 3B ONLY
(formerly W.B. Eck Estates / and Brookview Estates)

ERR # 55,12,54,108,54,109,54,110

STATE OF MARYLAND — CHARLES LEE WALKER — No. 9448 — REGISTERED LANDSCAPE ARCHITECT

SCALE: 1" = 200'
JOB ORDER NO. 82051D
ISSUE DATE 01/03/92

| DATE | REVISIONS |
|---|---|
| 9-21-92 | Plan Revised As Per Comments Dated 9-10-92 |

2 OF 2

BROOKVIEW FARMS SEC. 2

PATRICK S. DOLAN
2000 CROMWELL BRIDGE RD.
72/5/464
RESIDENTIAL

FRANCIS W. SHERWOOD

PARCEL A
H.O.A. OPEN AREA

LIMIT OF FOREST BUFFER EASEMENT

35' RES. TO F.B.E.

MINEBANK RUN

LIMIT OF 100 YEAR FLOODPLAIN RESERVATION AND GREENWAY EASEMENT

LIMIT OF 100 YEAR FLOODPLAIN EASEMENT

SWM POND #1

SWM POND #2

WALTER & HELEN WICKLEIN

COURT A

COURT B

COURT C

H.O.A. AREA

CROMWELL BRIDGE ROAD

DR. 1

DR. 2

S 59° 39' 59" W 217.91'
S 49° 56' 00" W 286.51'

S 52° 16' 35" E

N 29° 51' 35" W 1436.06'

S 61° 11' 11" W 127.37'

S 61° 28' 20" W 129.80'

S 61° 44' 40" W 96.48'

N 09° 12' 40" E 96.31'

VICINITY MAP — SCALE 1" = 1000'

LEGEND

- Prop. Water Line
- Prop. Sewer Line
- Prop. Storm Drain
- Forest Buffer Easement
- Soils
- Zoning Line
- 25% and greater slopes
- Existing Trees to be removed
- Existing Trees to remain
- Ex. Septic
- Ex. Well
- Areas in 100 Yr. Floodplain Land excluded from Greenway Land
- Areas surrounding Steep Forest Buffer Easement requirements

TYPICAL OFFSTREET PARKING
NOT TO SCALE

MINIMUM HORIZONTAL SEPARATION OF BUILDINGS
SINGLE FAMILY HOMES
NOT TO SCALE

| Above Grade Elevation of Higher Point | Minimum Horizontal Distance to Vertical Projection of Nearest Building (at Building at Elevation) |
|---|---|
| 30 feet or less | 15 feet |
| more than 30 feet but not more than 35' | 25 ' |
| 35 ' " " 30' | 30 ' |
| 30 ' " " 40' | 40 ' |
| 40 ' " " 50' | 50 ' |

EDGE PUBLIC RD.

PROP. GRADE ALONG ℄

UT 21
PANHANDLE A
REF. PLAT
HSE. #400

BALTIMORE COUNTY, MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
9-10-92 With The Following Action Taken
PLAN APPROVED
Chief, Development Control Section
9-10-95

RECEIVED
SEP 25 1992
OFFICE OF PLANNING & ZONING

PRINTED
SEP 10 1992
DAFT-McCUNE-WALKER, INC

PLANNING NO. IX-585 PUBLIC WKS NO. 92001

DAFT McCUNE WALKER INC.

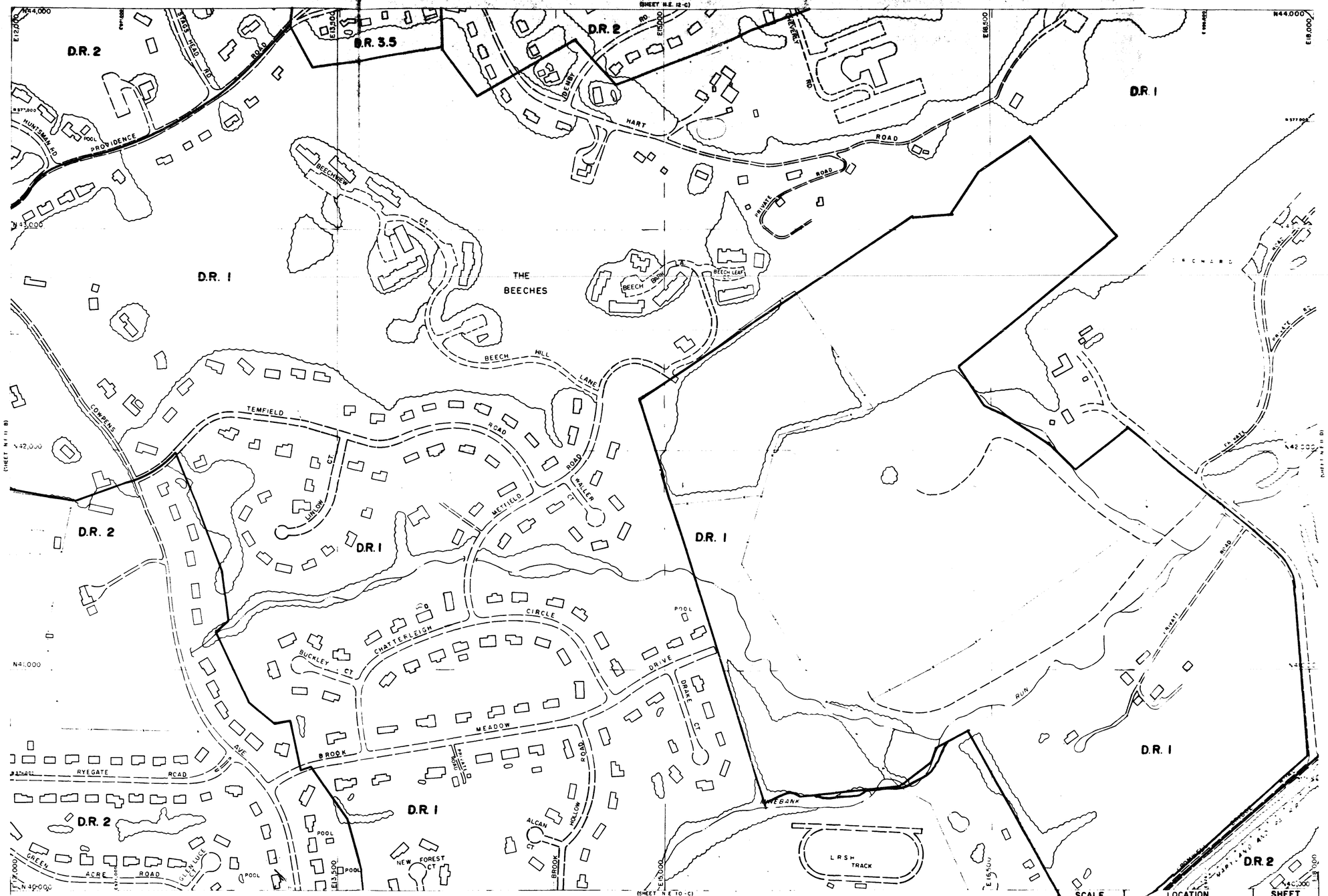
CRG PLAN for
**BROOKVIEW FARM**
SECTIONS 3A AND 3B ONLY
(formerly V.B. Eck Estates / and Brookview Estates)

EHK # 55:12 54:108 54:109 54:110

SCALE: 1" = 100'
WORK ORDER NO. 820510
ISSUE DATE: 01/03/92

| DATE | REVISIONS |
|---|---|
| 7-25-92 | GREENWAY |

7-25-92
FOR CRG PLAN SIGNATURES
OF Les Schreiber - D.P.W.
Erv McDaniel - PL




R-SW R-SE
N-NW N-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

# BALTIMORE COUNTY
## OFFICE OF PLANNING AND ZONING
# OFFICIAL ZONING MAP

| SCALE | LOCATION | SHEET |
|---|---|---|
| 1" = 200' | LIMEKILN HOLLOW Item 376 | N.E. 11-C |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |

MICROFILMED

SCALE
1" = 200'

LOCATION
LIMEKILN HOLLOW

SHEET
N.E.
11-C

DATE OF PHOTOGRAPHY
JANUARY
1966

item 370

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

MICROFILMED