9-24-02

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

09/24/02

Case Number: 03-C-95-009688 AA
Date Filed: 10/19/1995
Status: Closed/Active
Reference Number: CR93307SPHXA
Judge Assigned: To Be Assigned,
Location :

Security Management Corp Vs Board Of Appeals

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Case Folder ID	C95009688V01
	C9509688
Reference Number	CR93307SPHXA

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Disposition Addr Update	Entered
PLT	001	Security Management Corporation	Party ID: 0042534	CT DO 08/30/96	10/19/95
	Mail:	9901 Langs Road Baltimore, MD 21220	10/19/95		
	Attorney:	0016859 Gildea, David K		Removed: 10/19/95	10/19/95
		0016862 Barhight, G Scott		Removed: 10/19/95	10/19/95
		0021373 Rosner, James F		Removed: 10/19/95	10/19/95
		0016859 Gildea, David K			10/19/95

Gildea L L C
301 North Charles St
Ste 800
Baltimore, MD 21201
(410)234-0070

0016862 Barhight, G Scott 10/19/95
Whiteford, Taylor & Preston L.L.P.
210 West Pennsylvania Ave
400 Court Towers
Towson, MD 21204-4515
(410)832-2000

0021373 Rosner, James F 10/19/95
Whiteford, Taylor & Preston, L.L.P.
210 West Pennsylvania Ave
400 Court Towers
Towson, MD 21204
(410)832-2000

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Disposition Addr Update	Entered
DEF	001	County Board Of Appeals Of Baltimore County	Party ID: 0042535	CT DO 08/30/96	10/19/95
	Mail:	Old Court House, Room 49 400 Washington Avenue Towson, MD 21204	10/19/95	10/20/95 DA	
	Attorney:	0016859 Gildea, David K		Removed: 10/19/95	10/19/95
		0016862 Barhight, G Scott		Removed: 10/19/95	10/19/95
		0021373 Rosner, James F		Removed: 10/19/95	10/19/95
		0016635 Silber, Douglas Douglas N Silber, P L C 25 West Chesapeake Avenue Suite 202 Towson, MD 21285-7644 (410)296-1030			06/03/96
ITP	001	ERROR	Party ID: 0042536	BA ER 10/19/95	10/19/95
ITP	002	Peoples Counsels For Baltimore County	Party ID: 0043998	CT DO 08/30/96	10/26/95
ITP	003	Sparks Glencoe Community Association	Party ID: 0044540	CT DO 08/30/96	10/27/95

Attorney: 0012186 Holzer, J Carroll 10/27/95
Holzer And Lee
The 508 Building
508 Fairmount Avenue
Towson, MD 21286-5448
(410)825-6961

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Disposition Addr Update	Entered
ITP	004	Broadmead Residents Association The	Party ID: 0048134	CT DO 08/30/96	11/17/95

Attorney: 0013261 Biddison, James A 11/17/95
Broadmead, J-7
13801 York Road
Cockeysville, MD 21030
(410)527-0654

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Lvl	Atty	Jdg	Day	Of	Rslt	By	ResultDt	Jdg T	Notice	Rec	User ID
07/17/96	09:30A	02H	yes	CIVI		TBA	01	/01	RES	C		05/16/96	P		JD	JD
08/06/96	09:30A	02H	yes	CIVI		TBA	01	/01					P		JD	JD

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned,	J	10/19/95	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0001000	Petition for Judicial Review Case No. CR-93-307-SPHXA and Item No. 5, Cycle I, 1993 (recd 10/18)	10/19/95	10/19/95	PLT001	TBA		08/30/96	DA PH
0001001	Answer *	10/25/95	10/26/95	ITP002	TBA		08/30/96	ES PH
0001002	Answer	10/24/95	10/27/95	ITP003	TBA		08/30/96	JMG PH

jg NO DCM!!

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0001003	Answer NO DCM!!!	11/15/95	11/17/95	ITP004	TBA		08/30/96	JMG PH
0002000	Certificate of notice	10/20/95	10/23/95	000	TBA		08/30/96	JBJ PH
0003000	Motion to Extend Time	12/21/95	12/21/95	PLT001	TJB	Granted	12/21/95	AS AS
0004000	Transcript of Record from Adm Agency	01/17/96	01/22/96	DEF001	TBA		08/30/96	CG PH
0005000	notice of filing transcript notices sent.	01/17/96	01/22/96	DEF001	TBA		01/22/96	CG CG
0006000	Memorandum of law in support of petition for judical review. fd.	02/20/96	02/21/96	PLT001	TBA		02/21/96	ES ES
0007000	Scheduling Order	04/17/96	04/17/96	000	TBA		04/17/96	JD JD
0008000	People's Counsel's Memorandum	04/25/96	04/26/96	000	TBA		08/30/96	KDC PH
0009000	Memorandum In Opposition To Petition For Judicial Review.	04/26/96	04/29/96	ITP003	TBA		04/29/96	JBJ JBJ
0010000	Memorandum of Respondent	04/29/96	04/30/96	ITP004	TBA		08/30/96	KDC PH
0011000	Scheduling Order	05/16/96	05/16/96	000	TBA		05/16/96	JD JD
0012000	Attorney Appearance Filed	05/31/96	06/03/96	DEF001	TBA		06/03/96	ES ES
0013000	Motion of Baltimore County to Intervene for Limited Purpose of Filing Motion to Strike fd.	07/19/96	07/27/96	000	TBA		08/30/96	RHP PH
0013001	**Opposition to Motion with exhibits	07/29/96	07/30/96	PLT001	TBA		08/30/96	JMG PH
0014000	Request for Hearing of Baltimore County	07/19/96	07/27/96	000	TBA		08/30/96	RHP PH
0015000	Open Court Proceeding August 6, 1996 - Hon. Dana M. Levitz. Hearing had. Baltimore County's Motion to Intervene- Granted. Baltimore County's Motion to Strike - Denied. Opinion to be filed.	08/06/96	08/06/96	000	DML		08/30/96	DS PH
0016000	Order affirming the decision of the BOA	08/30/96	08/30/96	000	DML	Granted	08/30/96	PH PH
0017000	Notice Of Appeal *** 8/151	09/19/96	09/19/96	PLT001	TBA			JBJ JBJ
0018000	Order In The Court Of Special Appeals ** directs that the appeal proceed without a Prehearing	12/09/96	12/12/96	000	TBA			JBJ JBJ

Conference. (8/151)

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0019000	Original Record sent to COSA OF MARYLAND BY CERTIFIED MAIL ON JANUARY 31, 1997 WITH TWO BOXES EXHIBITS BOX # 360 (1 OF 2 AND 2 OF 2).	01/31/97	01/31/97	000	TBA			AJ AJ
0020000	Motion To Supplement Record **	02/18/97	02/18/97	PLT001	TBA			JBJ JBJ
0021000	Mandate from the COSA affirming judgment	10/01/97	10/01/97	000	TBA			PH PH
0022000	Writ of Certiorari recedived	10/27/97	10/28/97	000	TBA			CB CB

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
EXPU	Exhibit Pickup Notic	OPEN	10/29/96	30	no	no			000	000
SLIL	Set List - Informati	CANCEL	05/31/96	0	no	no	DAAF	D	012	000
SLMH	Set List For Motions	CANCEL	07/29/96	0	no	no	SLMM	T	000	000
SLMM	Set List Motions Mar	DONE	04/14/99	999	yes	yes	MOPP	D	000	000
SLMR	Set List For Motions	CANCEL	08/10/96	22	no	no	SLMM	T	000	000
SLMR	Set List For Motions	CANCEL	03/12/97	22	no	no	MMOT	D	000	000

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: PLT 001 Security Management Corporati								
001	BOX 360	0	RETURNED TO ZOANIN		0			

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

Track : N3 Description: CIVIL EXPEDITED TRACK Custom: Yes
Assign Date: 04/17/96 Order Date : 05/16/96
Start Date : 04/17/96 Remove Date:

1-28-02

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

01/28/02

Case Number: 03-C-95-009688 AA
Date Filed: 10/19/1995
Status: Closed/Active
Reference Number: CR93307SPHXA
Judge Assigned: To Be Assigned,

Security Management Corp Vs Board Of Appeals

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Case Folder ID	C95009688V01
	C9509688
Reference Number	CR93307SPHXA

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Disposition / Addr Update	Entered
PLT	001	Security Management Corporation	Party ID: 0042534	CT DO 08/30/96	10/19/95
	Mail:	9901 Langs Road Baltimore, MD 21220	10/19/95		
	Attorney:	0016859 Gildea, David K		Removed: 10/19/95	10/19/95
		0016862 Barhight, G Scott		Removed: 10/19/95	10/19/95
		0021373 Rosner, James F		Removed: 10/19/95	10/19/95
		0016859 Gildea, David K Gildea L L C 301 North Charles St			10/19/95

Ste 800
Baltimore, MD 21201
(410)234-0070

0016862 Barhight, G Scott 10/19/95
Whiteford, Taylor & Preston L.L.P.
210 West Pennsylvania Ave
400 Court Towers
Towson, MD 21204-4515
(410)832-2000

0021373 Rosner, James F 10/19/95
Whiteford, Taylor & Preston, L.L.P.
210 West Pennsylvania Ave
400 Court Towers
Towson, MD 21204
(410)832-2000

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Disposition Addr Update	Entered
ITP	001	ERROR	Party ID: 0042536	BA ER 10/19/95	10/19/95
ITP	002	Peoples Counsels For Baltimore County	Party ID: 0043998	CT DO 08/30/96	10/26/95
ITP	003	Sparks Glencoe Community Association	Party ID: 0044540	CT DO 08/30/96	10/27/95
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961			10/27/95
ITP	004	Broadmead Residents Association The	Party ID: 0048134	CT DO 08/30/96	11/17/95
	Attorney:	0013261 Biddison, James A Broadmead, J-7 13801 York Road Cockeysville, MD 21030 (410)527-0654			11/17/95
DEF	001	County Board Of Appeals Of Baltimore Cou	Party ID: 0042535	CT DO 08/30/96	10/19/95
	Mail:	Old Court House, Room 49 400 Washington Avenue Towson, MD 21204	10/19/95	10/20/95	
	Attorney:	0016859 Gildea, David K		Removed: 10/19/95	10/19/95
		0016862 Barhight, G Scott		Removed: 10/19/95	10/19/95
		0021373 Rosner, James F		Removed: 10/19/95	10/19/95

0016635 Silber, Douglas 06/03/96
Douglas N Silber, L L C
25 West Chesapeake Avenue
Suite 202
Towson, MD 21285-7644
(410)296-1030

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Lvl	Atty	Jdg	Day Of	Rslt	By	ResultDt	Jdg T	Notice	Rec	User ID
07/17/96	09:30A	02H	yes	CIVI			TBA	01 /01	RES	C	05/16/96		P		JD JD
08/06/96	09:30A	02H	yes	CIVI			TBA	01 /01					P		JD JD

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned.	J	10/19/95	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0001000	Petition for Judicial Review Case No. CR-93-307-SPHXA and Item No. 5, Cycle I, 1993 (recd 10/18)	10/19/95	10/19/95	PLT001	TBA		08/30/96	DA PH
0001001	Answer *	10/25/95	10/26/95	ITP002	TBA		08/30/96	ES PH
0001002	Answer jg NO DCM!!	10/24/95	10/27/95	ITP003	TBA		08/30/96	JMG PH
0001003	Answer NO DCM!!!	11/15/95	11/17/95	ITP004	TBA		08/30/96	JMG PH
0002000	Certificate of notice	10/20/95	10/23/95	000	TBA		08/30/96	JBJ PH
0003000	Motion to Extend Time	12/21/95	12/21/95	PLT001	TJB	Granted	12/21/95	AS AS
0004000	Transcript of Record from Adm Agency	01/17/96	01/22/96	DEF001	TBA		08/30/96	CG PH
0005000	notice of filing transcript notices sent.	01/17/96	01/22/96	DEF001	TBA		01/22/96	CG CG

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0006000	Memorandum of law in support of petition for judical review, fd.	02/20/96	02/21/96	PLT001	TBA	02/21/96	ES ES
0007000	Scheduling Order	04/17/96	04/17/96	000	TBA	04/17/96	JD JD
0008000	People's Counsel's Memorandum	04/25/96	04/26/96	000	TBA	08/30/96	KDC PH
0009000	Memorandum In Opposition To Petition For Judicial Review.	04/26/96	04/29/96	ITP003	TBA	04/29/96	JBJ JBJ
0010000	Memorandum of Respondent	04/29/96	04/30/96	ITP004	TBA	08/30/96	KDC PH
0011000	Scheduling Order	05/16/96	05/16/96	000	TBA	05/16/96	JD JD
0012000	Attorney Appearance Filed	05/31/96	06/03/96	DEF001	TBA	06/03/96	ES ES
0013000	Motion of Baltimore County to Intervene for Limited Purpose of Filing Motion to Strike fd.	07/19/96	07/27/96	000	TBA	08/30/96	RHP PH
0013001	**Opposition to Motion with exhibits	07/29/96	07/30/96	PLT001	TBA	08/30/96	JMG PH
0014000	Request for Hearing of Baltimore County	07/19/96	07/27/96	000	TBA	08/30/96	RHP PH
0015000	Open Court Proceeding August 6, 1996 - Hon. Dana M. Levitz. Hearing had. Baltimore County's Motion to Intervene- Granted. Baltimore County's Motion to Strike - Denied. Opinion to be filed.	08/06/96	08/06/96	000	DML	08/30/96	DS PH
0016000	Order affirming the decision of the BOA	08/30/96	08/30/96	000	DML Granted	08/30/96	PH PH
0017000	Notice Of Appeal *** 8/151	09/19/96	09/19/96	PLT001	TBA		JBJ JBJ
0018000	Order In The Court Of Special Appeals ** directs that the appeal proceed without a Prehearing Conference. (8/151)	12/09/96	12/12/96	000	TBA		JBJ JBJ
0019000	Original Record sent to COSA OF MARYLAND BY CERTIFIED MAIL ON JANUARY 31, 1997 WITH TWO BOXES EXHIBITS BOX # 360 (1 OF 2 AND 2 OF 2).	01/31/97	01/31/97	000	TBA		AJ AJ
0020000	Motion To Supplement Record **	02/18/97	02/18/97	PLT001	TBA		JBJ JBJ
0021000	Mandate from the COSA affirming judgment	10/01/97	10/01/97	000	TBA		PH PH
0022000	Writ of Certiorari recedived	10/27/97	10/28/97	000	TBA		CB CB

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
EXPU	Exhibit Pickup Notic	OPEN	10/29/96	30	no	no			000	000
SLIL	Set List - Informati	CANCEL	05/31/96	0	no	no	DAAF	D	012	000
SLMH	Set List For Motions	CANCEL	07/29/96	0	no	no	SLMM	T	000	000
SLMM	Set List Motions Mar	DONE	04/14/99	999	yes	yes	MOPP	D	000	000
SLMR	Set List For Motions	CANCEL	08/10/96	22	no	no	SLMM	T	000	000
SLMR	Set List For Motions	CANCEL	03/12/97	22	no	no	MMOT	D	000	000

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: PLT 001 Security Management Corporati								
001	BOX 360	0	RETURNED TO ZOANIN		0			

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

Track : N3 Description: CIVIL EXPEDITED TRACK Custom: Yes
Assign Date: 04/17/96 Order Date : 05/16/96
Start Date : 04/17/96 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(		05/02/96	08/30/96	CLOSED
Discovery must by completed by		06/06/96	08/30/96	CLOSED
All Motions (excluding Motions in Limine		06/16/96	08/30/96	CLOSED
Settlement Conference is		07/01/96	08/30/96	CLOSED
TRIAL DATE is	08/06/96	07/16/96	08/30/96	CLOSED

9/01/93 -Letter to Counsel (Barhight and Zimmerman) advising of preliminary conference scheduled in Board's office on 9/15/93. (Case scheduled for 4 days: 10/13; 10/14; 10/19; and 10/20/93.)

9/17/93 -Letter to Counsel and Sparks-Glencoe and Valleys Planning Council advising of meeting scheduled in Board's office on 9/23/93. (Additional date of 10/22/93 to be held; Holzer entering appearance on behalf of protestants in case; possible conflict w/schedule on 10/19 and 10/20.)

9/23/93 -Memo to File /copies to all attendees at 9/23/93 meeting /summarizing contents of said meeting.

10/01/93 -Letter received from Scott Barhight, Counsel for Petitioner, requesting continuance for purpose of amendments to Petition.

10/04/93 -Letter from James V. McCoy, President, Greater Jacksonville Association, Inc. -to be included in case file; joining with Sparks-Glencoe in opposition to reclassification petition.

10/05/93 -Notice of Requested Continuance sent to all parties as indicated below. Continuance request to be put on the record on Wednesday, October 13, 1993 at 10:00 a.m.; said continuance to be granted to permit amendments to Petition and to include all scheduled dates as indicated.

G. Scott Barhight, Esquire
Peter F. Fagan, Exec. V.P.
Security Management Corp.
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
Margaret Worrall /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.
Lyle A. Brecht
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

10/12/93 -Ltr from J. Carroll Holzer in response to Mr. Barhight's ltr of 10/01/93 -- stating understanding that proposed amendment, per Code, must come to the Board before the Planning Board; and also that action should be taken on the record. T/C to S. Leese this date --continuance to be requested on record pursuant to above Notice dtd 10/05/93; Carroll Holzer has received his copy; correspondence crossed in mail.

10/13/93 -CONTINUED on the record; amended petition/plan to be submitted at public hearing to be scheduled upon request of Petitioner.

10/20/93 -Rule 8 papers filed by James A. Biddison, Jr. on behalf of Broadmead Residents Association.

12/08/94 -Letter from Scott Barhight on behalf of Petitioner -- requesting public hearing for sole purpose of submitting amendments to Petition and Documented Site Plan; understands this could occur in early part of January 1995.

12/13/94 -Notice of Assignment sent to parties; matter set in for public hearing on Thursday, January 12, 1995 at 9:30 a.m. for the purpose of submitting amendments to Petition and Documented Site Plan; no testimony or evidence to be received at this public hearing.

12/21/94 -Letter from S. Barhight, Esquire; requesting postponement of above date; amendments will not be available by 1/12/95; requests no earlier than second week of February 1995.

12/22/94 - Matter POSTPONED at request of Counsel for Petitioner to allow time for completion of amendments; will reschedule public hearing for purpose of receiving amendments at request of Petitioner or his Counsel.

3/17/95 -Letter from S. Barhight; requesting public hearing for purpose of submitting amendments to Plan and Petition. Also requesting 10 hearing days for this matter on Board's schedule.

3/24/95 -Letter dated 3/21/95 from J. C. Holzer; requesting scheduling conference in light of number of days being requested by Petitioner's counsel; also advising of dates during which time he will be unavailable.

3/24/95 -Notice of Assignment sent to parties; scheduled for Tuesday, April 11, 1995 at 9:30 a.m. for sole purpose of submitting amendments to Plan and Petition to the Board, for forwarding to Planning.

- Matter open at this time regarding scheduling conference, etc.

4/01/95 -Letter to Barhight, Holzer and Zimmerman -scheduling conference set for Thursday, April 27, 1995 at 2:00 p.m.

------ CONTINUED ON PAGE 3 /COMPUTER PRINTED COPY ------

5/02/95 -Notice of Assignm nt (6 h aring days) sent to parties; dates as agreed to by Counsel: 8/16/95; 8/17/95; 8/23/95; 8/24/95; 9/13/95; and 9/14/95, all beginning at 9:00 a.m.

8/01/95 -Letter from P. Zimmerman regarding threshhold issues, including authority of Board to hear this matter; requesting hearing on legal issues prior to hearing on merits.

8/07/95 -Letter from C. Holzer /adopting Mr. Zimmerman's above Motion and Memorandum requesting hearing on legal issues.

8/07/95 -Follow up letter from P. Zimmerman to above correspondence.

8/10/95 -Response to People's Counsel's letters from S. Barhight, requesting denial of motion to dismiss without hearing, or in alternative, to hear motion to dismiss by PC on first day of hearing, 8/16/95.

8/10/95 -Letter to counsel; Board will to hear argument on legal issues as raised on 8/16/95 at start of hearing.

8/15/95 -Letter from P. Zimmerman forwarding "source material" to be discussed at 8/16/95 argument on legal issues. (PC letter indicates that copies were hand-delivered to S. Barhight and C. Holzer.)

9/14/95 -Petitioner's case in chief concluded after 6 days of evidence and testimony. Board then publicly deliberated People's Counsel Motion to Dismiss (joined by Holzer); upon deliberation, Board GRANTED Motion to Dismiss; written Ruling to be issued, from which appellate period will run.

9/29/95 -Letter received from Board from S. Barhight with request to supplement Deliberation Minutes and the record in this matter.

9/29/95 -Ruling on Motions to Dismiss issued by Board; Motion to Dismiss GRANTED. (R.M.B.)

10/05/95 -Response to Mr. Barhight from Chairman Schuetz; request to supplement minutes denied; request to include additional correspondence in official record denied; Mr. Barhight's letter received 9/29/95 returned; not to be included in case file.

10/16/95 -Letter from G. Scott Barhight; per agreement of parties, as consented to by Board, large exhibits to be replaced with 8-1/2" by 11" photographs or copies.

WHITEFORD, TAYLOR & PRESTON IN PROCESS OF REPLACING THE OVERSIZED EXHIBITS ENTERED IN THIS MATTER WITH AFOREMENTIONED SMALLER COPIES/PHOTOGRAPHS.

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

October 16, 1995

Via Hand Delivery
Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
400 Washington Avenue, Room 49
Towson, Maryland 21204

Re: Colvista Reclassification Case
Case No.:

Dear Mr. Schuetz:

This letter will serve to inform you that Whiteford, Taylor & Preston is in the process of replacing the oversized exhibits in the above-referenced case with 8-1/2" X 11" photographs or copies. Whiteford, Taylor & Preston will also be removing the model which is currently in the Board of Appeals' hearing room and maintaining it in its offices at 210 W. Pennsylvania Avenue, Towson, Maryland 21204. The Board of Appeals will have full access to the model for their review if they deem it necessary.

Should you have any questions or comments, please call me.

Sincerely,

G. Scott Barhight

GSB:dmk

cc: J. Carroll Holzer, Esquire
Peter M. Zimmerman, Esquire

60860

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

October 16, 1995

J. Carroll Holzer, Esquire
Holzer & Lee
305 Washington Avenue
Towson, Maryland 21204

Peter M. Zimmerman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Room 47
400 Washington Avenue
Towson, Maryland 21204

Re: Colvista Reclassification Case

Gentlemen:

This letter will confirm our agreement which was reached on Friday, October 13, 1995, wherein Whiteford, Taylor & Preston will replace the oversized exhibits in the above-referenced case with 8-1/2" X 11" photographs or xerox copies. Further, Whiteford, Taylor & Preston will maintain the model and the full size exhibits at its offices at 210 W. Pennsylvania Avenue, Towson, Maryland 21204, and it will be accessible to the Court for their review if it deems it necessary. If this is not your understanding, please so indicate by written response.

Sincerely,

G. Scott Barhight

GSB:dmk

COPY

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050.

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

October 11, 1995

VIA FAX AND REGULAR MAIL

J. Carroll Holzer, Esquire
Holzer & Lee
Suite 502
305 Washington Avenue
Towson, MD 21204

Re: Materials Used for Colvista Model

Dear Mr. Holzer:

Please refer to my letter sent to you via fax and regular mail dated September 25, 1995. As requested in that correspondence, please immediately return the documents provided to you under my cover letter dated September 12, 1995. If you find it difficult to comply with this request, please feel free to contact my secretary, Sandi Leland, and she will make immediate arrangements to send a courier to your office to pick up the documents.

Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB/sll
cc: Robert O. Schuetz, Chairman
Peter Max Zimmerman, Esquire
Mr. Melvin Colvin
Mr. David Dodge
James F. Rosner, Esquire
David K. Gildea, Esquire

59101

cc: Robert O. Schuetz, Chairman,
Baltimore County Court of Appeals (**Via Hand Delivery**)

60857

COPY

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D C 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

October 11, 1995

J. Carroll Holzer, Esquire
Holzer & Lee
Suite 502
305 Washington Avenue
Towson, MD 21204

Peter M. Zimmerman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Room 47
400 Washington Avenue
Towson, Maryland 21204

Re: Colvista Reclassification Case

Gentlemen:

As you may recall, prior to the Board granting your Motions to Dismiss, the parties had reached an agreement regarding the disposition of the "oversized" exhibits. Specifically, we had agreed to replace the boards and model with 8 ½ by 11 or similar size duplicates of the boards and an 8 ½ by 11 photograph of the model.

The Petitioner intends to file an appeal of the Board's Order granting the Motion to Dismiss. Therefore, the Board will need to be transmitting the record to the Baltimore County Circuit Court in short order. Therefore, I respectfully request your confirmation that the Petitioner may replace the "oversized" documents with suitable facsimiles as previously agreed.

In order to facilitate this process, please contact me within fifteen days of receipt of this letter to confirm your approval or express your disapproval. Since we had

reached an earlier agreement on the record regarding these matters prior to the Board's Order, if I do not hear from you within that timeframe, I will assume your consent.

Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB:sll
cc: Robert O. Schuetz, Chairman
Mr. Melvin Colvin
Mr. David Dodge

60534

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

October 5, 1995

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

Re: Case No. CR-93-307-SPHXA
Security Management Corporation
Amended Petition for Reclassification

Dear Mr. Barhight:

On September 29, 1995, the Board received your September 20th letter regarding public deliberation of the above-referenced case. This correspondence is to provide a response to issues which you raise to the extent that such a response is appropriate from the Board.

You are correct in your first paragraph where you write that the Board denied your request to be heard following the Board's public deliberation in the instant case. However, you incorrectly infer that the Board granted you the opportunity to send a letter to the Board which would be made a part of the instant case file. As advocate for your client, you are always free to work in the interests of your client; it is the Board's responsibility to determine material which can be made a part of any given case's record.

The larger issue which you raise in your correspondence is whether the Board should open up the deliberation process and leave it susceptible to banter from among the witnesses to the process. The Board, in the deliberation process, presents panel members' views on a given case. That panel is charged with the responsibility of making findings of fact to support its ultimate decision. Opening the deliberations to comment and criticism is contrary to the intent of the deliberation process and to the evidentiary portion of the proceedings, in that such exchange only serves to prevent an ultimate conclusion to the case. This Board utilizes the Board's administrative assistant to record deliberation proceedings through the taking of minutes, as the deliberation process is one which is ostensibly a conversation among the members; those minutes serve as notice that the Board in fact publicly deliberated and complied with the open meetings law. Therefore, in response to your request to supplement the minutes

Printed with Soybean Ink
on Recycled Paper

with your summary, the Board responds with a resounding no.

In light of the Board's position to disallow supplemental information to be included among the deliberation minutes, the Board will not admit or deny any of the information contained on pages one through seven of your letter. The Board is charged with the responsibility of presiding over the proceedings, taking evidence and testimony, and making findings of fact and conclusions of law. You, as advocate for any client, have adequate opportunity during the proceedings to present such evidence and testimony and to make argument to present your clients' case(s) in what you deem to be the most favorable light. The Board will not leave the record open in this matter, nor any other matter, once the evidentiary portion of the proceeding has closed. Acting to the contrary would serve no purpose in the public good and flies in the face of reasonable decorum in such quasi-judicial proceedings.

Finally, therefore, your request on page 8 of your letter to include your letter in the official record of the instant case is denied. The official record of this case was closed prior to the deliberation of this case; as such your original letter is returned herewith. This Board cannot grant you any specific right to supplement the official record as you indicate on page 8. As stated above, you, as advocate for your client, certainly are charged with the responsibility to pursue whatever you deem appropriate in your client's pursuits. The Board is charged with the responsibility of effecting the proceedings in an orderly fashion. For the Board to do as you suggest would be contrary to orderly pursuit of the matter at hand.

Very truly yours,

Robert O. Schuetz

Robert O. Schuetz, Chairman
County Board of Appeals

ROS:kcw

Enclosure

cc: J. Carroll Holzer, Esquire
Peter Max Zimmerman
People's Counsel for Baltimore County

Need four signs for Case Number: CR-93-307-SPHXA. They should each list the case name and read:

COLVISTA HEARING ON PETITIONS FOR RECLASSIFICATION, SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES:

DAY 1: WED AUG 16 1995 at 9:00 a.m.
DAY 2: THURS AUG 17 1995 at 9:00 a.m.
DAY 3: WED AUG 23 1995 at at 9:00 a.m.
DAY 4: THURS AUG 24 1995 at 9:00 a.m.
DAY 5: WED SEPT 13 1995 at 9:00 a.m.
DAY 6: THURS SEPT 14 1995 at 9:00 a.m.

BEFORE THE COUNTY BOARD OF APPEALS, ROOM 48 OLD COURTHOUSE, 400 WASHINGTON AVENUE, TOWSON MD.

9-29-95

IN THE MATTER OF THE APPLICATION OF SECURITY MANAGEMENT CORPORATION FOR A ZONING RECLASSIFICATION FROM R.C. 4 TO D.R. 10.5 AND B.L. ON PROPERTY LOCATED ON THE SOUTH-EAST SIDE YORK AND PHOENIX ROADS (COLVISTA) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. CR-95-307-SPHXA

* * * * * * * * * *

RULING ON MOTION FOR DISMISSAL

The instant case is brought by Security Management Corporation, Petitioner, as a Petition for Reclassification from zoning designation R.C. 4 to D.R. 10.5 and B.L. Prior to the commencement of the hearing, a Motion for Dismissal was brought by People's Counsel and joined by the Protestants. People's Counsel alleges that, pursuant to Baltimore County Zoning Regulations (hereinafter BCZR) Section 1A00.3A.1.a and BCZR Section 1A03.2, the subject Petition should never have been accepted for filing, and that the Board may not grant the Petition for Reclassification. The Board, on the first day of public hearing, reserved on the Motion, indicating that a finding of fact pursuant to the aforementioned sections would have to be made in order to apply those sections, and that, absent any evidence and testimony in the matter, the Board would be ruling prematurely.

Appearing during the 6 days of testimony and evidence of the Petitioner's case in chief were G. Scott Barhight, Esquir , and James F. Rosner, Esquire, on behalf of Petitioner; J. Carroll Holzer, Esquire, on behalf of the Sparks-Glencoe Community Council; and, James F. Biddison, Esquire, representing the Broadmead Residents Association. People's Counsel for Baltimore County also participated in the proceedings.

During the 6 days of hearing in this matter, numerous witnesses and a veritable mountain of evidence was provided by Petitioner and People's Counsel. The matter under consideration herein is only the Motion for Dismissal brought by People's Counsel and joined by Protestants. Therefore, discussion herein shall be limited to those areas where facts have been determined relative to the Motion.

The first of the two issues raised by People's Counsel, BCZR Section 1A00.3A.1a, reads:

> "1. No petition to reclassify an R.C. zone or portion thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner unless --
>
> > "a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Subtitle 5 of Title 9 in the Environment Article of the Annotated Code of Maryland 1987, as amended, show that the property under petition is to be serviced by public sewerage and watersupply systems within TWO years after the date the petition is submitted...."

Several witnesses and evidence brought by the Petitioner (specifically Petitioner's Exhibits 64 and 65), coupled with the testimony of Mr. Frederick Chadsey, IV, of G. W. Stephens and Associates, indicate that, although the instant site is in a "no planned service" area for water and sewer service, the instant site is indeed bounded on the north, south and west by existing water and sewer service which is readily accessible to the site. The instant property is literally surrounded by existing development with public utility service, despite the "no planned service" designation.

The area of concern to the Board in this particular Motion is

that which appears in BCZR regulation 1A03.2, which reads:

> "No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies:
>
> 1. that the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir;
>
> 2. that the parcel lies at least 300 feet from any 1st or 2nd order or greater stream that flows directly into a public water reservoir;
>
> 3. that the parcel lies at least 300 feet from any 3rd order or greater stream that flows directly or indirectly into a public water reservoir;
>
> 4. that no more than 30% of the parcel has a slope of more than 20%;
>
> 5. that the parcel does not lie within a 100-y ar floodplain; and
>
> 6. that, as shown by an environmental impact statement, the manner in which proposed reclassification will affect water quality in the watershed or any public water reservoir.
>
> For the purpose of this subsection, streams are classified by order as shown on the map of stream orders adopted by the Planning Board on March 25, 1976."

This particular section of the regulations impacts the Petitioner's ability to reclassify R.C. 4 property which lies adjacent to or near the public water reservoir. From Petitioner's Exhibit 1 and several other exhibits, coupled with testimony of several of the witnesses, the Board finds as a fact that the entire lot of record for which a portion is the subject of the reclassification petition directly abuts the Loch Raven Reservoir property. Therefore, Item 1 of BCZR 1A03.2 dictates that the Board consider definitions for the word "parcel" as they may apply in this case, in light of the Petition to reclassify only land more than 200 feet from the

reservoir property line. The word "parcel" does not appear in BCZR Section 101. However, in the absence of a written definition in Section 101, the Board is required to go to the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. In Webster's, numerous definitions for the word "parcel" exist; however, definitions 2a. and b. deal with possible definitions related to real property:

> "2a: a continuous tract or plot of land in one possession no part of which is separated from the rest by intervening land in other possession b: a tract or plot of land whose boundaries are readily ascertainable by natural or artificial monuments or markers...."

According to Black's Law Dictionary, 6th Edition, 1990, Words and Phrases, as well as Words and Phrases Supplements, "parcel" is further defined as:

> - Contiguous quantity of land in possession of, owned by, or recorded as property of the same claimant, person or company.
>
> - A "parcel of land" or "parcel of real property" means a contiguous quantity of land in possession of, or owned by, or recorded as the property of, the same claimant, person or company.
>
> - A contiguous quantity of land in possession of, owned by or recorded as property of the same claimant, person or company. "Parcel of land" is synonymous with tract of land and does not have reference to size but to contiguous quantity of land.

Black's further indicates that "parcel" may be synonymous with the term "lot." The closest definition to the word "lot" in the BCZR is the term-phrase "lot of record" which reads:

> "A parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof."

It is this very issue which gives the Board pause. The Board finds

as a fact that the parcel under consideration includes the entire area of the site, as defined by its metes and bounds as the lot of record which existed on the date of the zoning regulation which governs its use, which, in this case, is the date of the last Comprehensive Zoning Map adoption date by the County Council, October 15, 1992. In finding this fact, the Board therefore finds that the zoning line proposed by the Petitioner to separate the proposed developable area as D.R. 10.5 and B.L. from existing and to-remain R.C. 4 property on the instant site is an artificial line not recognized by the BCZR as definable in the context of the word "parcel" and/or "lot of record." For the above reasons and facts, the Board shall grant the Motion for Dismissal of the instant case.

From Petitioner's Exhibit 1, the Documented Site Plan, in light of the Board's finding and definition of the word "parcel" in this case, the Board also finds as a fact, pursuant to BCZR Section 1A03.2, paragraphs 3 and 5, that the parcel lies within 300 feet of a third order or greater stream that flows directly or indirectly into Loch Raven Reservoir, and that the parcel does lie within, and contains an area which is, a 100-year floodplain.

The Baltimore County Zoning Regulations provide a vehicle for a Petitioner to seek reclassification of a property through proof of error or mistake by the County Council, or change in the character of the neighborhood from the date of the last zoning classification designation by the County Council. During the Comprehensive Zoning Map Process, the County Council has full authority to decide the location of a zoning line based on a multitude of possibilities: roads, hills, valleys, streams,

monuments, or many other man-made or natural situations which may or may not coincide with the boundaries described in a given lot of record. However, clearly the zoning regulations do not afford that degree of latitude to the Petitioner in this case, who seeks to choose an alternate location for a zoning line so as to enable himself to attempt to prove error on a remainder portion of his property.

THEREFORE, FOR THE REASONS SO STATED, it is therefore this 29th day of September, 1995 by the County Board of Baltimore County

ORDERED that the Motion for Dismissal brought by People's Counsel for Baltimore County, and joined by the Protestants, be and the same is hereby **GRANTED.**

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

Robert O. Schuetz, Chairman

S. Diane Levero

Harry E. Buchheister, Jr.

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

September 29, 1995

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

RE: Case No. CR-93-307-SPHXA
Security Management Corp.

Dear Mr. Barhight:

Enclosed is a copy of the Ruling on Motion for Dismissal issued this date by the County Board of Appeals in the subject matter.

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 and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E Radcliffe for
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
John Bernstein /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.
Lyle A. Brecht
Beverly C. Crook
James Earl Kraft
Barbara A. Huntley
People's Counsel/Balto Co.
Jack Anderson
Pat Keller /Jeffrey Long
Bonnie Messina
Lawrence E. Schmidt
Joyce Stump
Timothy M. Kotroco
Donna Hungerford
W. Carl Richards, Jr.
Mary S. Ferguson
Docket Clerk /ZADM
Stephen M. Bengston
Arnold Jablon, Dir. /ZADM
Margaret H. Fulford

Printed with Soybean Ink on Recycled Paper

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

September 25, 1995

VIA FAX AND MAIL

J. Carroll Holzer, Esquire
Holzer & Lee
305 W. Chesapeake Avenue
Suite 502
Towson, MD 21204

Re: Materials Used for Colvista Model

Dear Mr. Holzer:

By cover letter dated September 12, 1995, certain maps and drawings which Paragon Models, Inc., used in creating a Colvista model were hand delivered to your office. Since the Board of Appeals case has been dismissed, please immediately return these documents to my office. If you would like, please call my office and we will send some one from this office to pick up the documents.

Should you have any questions or comments, please feel free to contact me. Thank you for your cooperation.

Sincerely yours,

G. Scott Barhight

GSB/bmk
Enclosures
cc: Board of Appeals, Baltimore County
Peter Max Zimmerman, Esquire
James F. Rosner, Esquire
David G. Gildea, Esquire

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Security Management Corporation
Case No. R-03-307-SPHXA (Colvista)

DATE : September 14, 1995 /on Motion to Dismiss

BOARD /PANEL : Robert O. Schuetz, Chairman (ROS)
Harry E. Buchheister, Jr. (HEB)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included G. Scott Barhight, Esquire, on behalf of Petitioner; J. Carroll Holzer, Esquire, on behalf of Protestants; Peter Max Zimmerman, People's Counsel for Baltimore County; and Carole S. Demilio, Deputy People's County.

PURPOSE --to deliberate Motion to Dismiss filed August 1, 1995 by People's Counsel for Baltimore County, joined by J. Carroll Holzer, Esquire.

Opening statement by Chairman Schuetz: We have a motion for dismissal that was brought by People's Counsel and joined by protestants prior to the beginning of the hearing; motion was brought dated August 1st, followed up in writing August 7th by Mr. Holzer, as well as a follow up with additional information August 7th by People's Counsel regarding the Board's authority to hear the case. For those that were in attendance at beginning of proceedings, we reserved on the motion because the Board determined at that time it required a legal conclusion which depended on some evidence in order to make that type of call, and the Board opted to reserve on motion until some time in the future. We've had the conclusion of Petitioner's case in chief, and Petitioner's cas is where we would have found the information necessary for us to make a determination on the motion, whether to grant or deny.

ROS: The first issue brought by People's Counsel has to do with the capital program. I'm going to move right around that and go to the second item, which has been the subject of a lot of discussion, where discussion was getting a little pointed during the proceedings, with witnesses and evidence provided which deals with the BCZR 1A03.2 and specifically item #1. I will read right from the regulations for benefit of the audience.

> "No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engine r, architect, landscape architect, or land surveyor first certifies:

> "1. that the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir;...."

There are other conditions which are discussed, but it is this very point that I'm having difficulty with. The regulation reads that a registered professional engineer first certifies. We have an engineer who has certified that, so on the face one could say that the regulation has been met. However, it's my position that the Board has the authority to make a findings of fact on whether or not the engineer was correct in his finding, because in order for him to do so, he would have had to make determinations on the definition of the word "parcel." In the Baltimore County Zoning Regulations, in definitions, "parcel" is conspicuously absent. Again, going back to the definitions of the BCZR, the preamble provides that:

> "Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged."

Having read that, I went to Webster's, which, of course, in the unabridged version has many definitions for the word "parcel" but under definition 2a, which I read and would opine applies to r al property, it reads:

> "2a: a continuous tract or plot of land in one possession no part of which is separated from the rest by intervening land in other possession" and
>
> "b: a tract or plot of land whose boundaries are readily ascertainable by natural or artificial monuments or markers...."

Based on that definition, I was looking for a little bit more thorough understanding and support because (1) I believe you may be able to argue both sides of this particular matter to a limited extent because what has been proposed in a zoning line by the Petitioner one could possibly argue is an artificial monument or marker. Getting into the other areas, I looked to other references, in Black's, Words and Phrases, as well as supplements, and read:

> ~ Contiguous quantity of land in possession of, owned by, or recorded as property of the same claimant, person or company.
>
> ~ A "parcel of land" or "parcel of real property" means a contiguous quantity of land in possession of, or owned by, or recorded as the property of, the same claimant, person or company.

˜ A contiguous quantity of land in possession of, owned by or recorded as property of the same claimant, person or company. "Parcel of land" is synonymous with tract of land and does not have reference to size but to contiguous quantity of land.

˜ And finally, with land comprised within a plot, divided into separate tracts by lines and figures, each may properly be termed a "parcel" or "tract" in calculating fee for recording thereof.

That last one has to do with taxes and assessments, and so forth.

The bottom line is that, at this point, we do not have a recorded line. There are other issues in these definitions which also point to one's ability to equate the word "parcel" with the word "lot." The closest thing in zoning regulations for lot is "lot of record", and here it hits you in the nose -- a parcel as recorded in the land records of Baltimore County. I think that that basically puts it in a nutshell. But I want to say one thing (my heart is in my throat right now) because I want to go back and read to you a portion of the zoning regulation that I hope will have an impact on you when you leave here today -- "A parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof."

Given that we have the authority bestowed upon the County Council to determine classifications, the Council has authority to place line where it deems appropriate. The zoning regulations are there to foster development in Baltimore County in a responsible manner. That's why we have zoning. It's my opinion that the intent of the regulations where they are allowing for petition for reclassification outside of the comprehensive zoning map process; intent would be to allow a petitioner to similarly reclassify a portion of a property. However, the plain language of the law is the plain language of the law, and I'm not here to change the law, only to apply it. That's the hard part. Because what we have here is a petition which may or may not have merit -- I cannot discuss it at this point. In a sense, we are not finished with this case, but we have situation in the law where I believe that the equities otherwise afforded a property owner, whether it's Security Management or another is immaterial, does not afford property owner the opportunity to petition for reclassification in other circumstances.

For the above reasons, at this point, I would grant the dismissal of the case. I have no idea what my colleagues are going to do. Whatever happens as a result of the deliberation, we will go back on the record and either proceed or dismiss.

SDL: People's Counsel in his motion to dismiss argued that 215

acres of Colvista have interior perimeter line within the boundaries of the parcel owned by Petitioner. This is an artificial demarcation. Petitioner in reply does not address this argument. Looking at the documented site plan, it is clear that the Petitioner has drawn the perimeter of the project closest to Loch Raven Reservoir property line approximately 200 feet from that property line in order to comply with 1A03.2.1. The question is: is this piece of land under petition for reclassification legally a parcel of land. Mr. Schuetz went through a number of definitions. I will not repeat the ones he referred to. Volume 31, Words and Phrases, definition on page 81 --

> Phrase "parcel of land" means continuous tract or plot of land in one possession and not separate from rest by intervening land in another's possession.

and again --

> Phrase "parcel of land" or "parcel of real property" means a contiguous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, or company.

I find it clear that the parcel of land owned by the Petitioner abuts the property line of the Loch Raven Reservoir, and that in his request for reclassification, the Petitioner has drawn an artificial boundary line specifically for the purpose of 1A03.2.1. This piece of land does not meet the legal definition of parcel of land. This parcel of land zoned R.C. 4 cannot comply with 1A03.2. I would grant the motion to dismiss.

HEB: After all the expert testimony that I've heard, which to me indicates that a planned community such as Colvista appears to be a most worthwhile endeavor capable of satisfying various objectives of the County, and my positive impression of the plan, it's almost inconceivable that we have reached this moment in the hearing for reclassification of the property as proposed in the documented site plan to determine that this parcel fails to satisfy 1A03.2. As has been stated by my colleagues, section is obvious that no petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies that the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir.

I have to be honest that until this issue was raised -- the 215 acre site did not meet my perception of how a land parcel might be defined. As I have learned from several legal references in the last couple of hours, a parcel of land is a

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050.

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

September 12, 1995

DELIVERY BY HAND

J. Carroll Holzer, Esquire
Holzer & Lee
305 W. Chesapeake Avenue, Suite 502
Towson, MD 21204

Re: Materials Used for Colvista Model

Dear Mr. Holzer:

Attached herewith are the maps and drawings (12 sheets) which Paragon Models, Inc. used in creating the Colvista model. Paragon was instructed to show all of Hunters Run as being built out and to show a proposed alignment of York Road.

The legend will be provided when the model is replaced with the photographs at the end of the hearing. Should you have any questions or comments, please feel free to contact me.

Very truly yours,

G. Scott Barhight

GSB/sll
Enclosures
cc: Board of Appeals, Baltimore County
Peter Max Zimmerman, Esquire
James F. Rosner, Esquire

57901

WHEREFORE, these witnesses move that the subpoenas issued to them be quashed until such time as they are subpoenaed to appear at a date and time certain.

Virginia W. Barnhart
County Attorney
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

John E. Beverungen
Assistant County Attorney
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of August, 1995, a copy of the foregoing Motion to Quash Subpoenas was hand-delivered to:

J. Carroll Holzer, Jr., Esquire
Holzer & Lee
305 Washington Avenue
Towson, Maryland 21204

Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Virginia W. Barnhart

Baltimore County
Office of Law

400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420
Fax: (410) 296-0931

August 16, 1995

HAND DELIVERED

Baltimore County Board of Appeals
Courthouse
400 Washington Avenue
Towson, Maryland 21204
Attn: Kathleen Weidenhammer

Re: In The Matter of Security Management Corp.
Case No. CR-93-307-SPHXA

Dear Ms. Weidenhammer:

As discussed, I am enclosing herewith a Motion to Quash the subpoenas issued to James Gibson, Fred Homan, David Fields, James Dieter, Wallace Lippincott and Jack Dillon in the above-referenced matter. As reflected therein, these witnesses are willing to appear at a date and time certain before the Board to provide testimony in this matter.

Very truly yours,

Virginia W. Barnhart

Virginia W. Barnhart
County Attorney

VWB/ksg

cc. J. Carroll Holzer, Esquire
Scott Barhight, Esquire
James Gibson
Fred Homan
David Fields
James Dieter
Wallace Lippincott
Jack Dillon

Printed with Soybean Ink
on Recycled Paper

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0574

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

August 21, 1995

DELIVERY BY HAND

Robert O. Schuetz, Chairman
County Board of Appeals
Room 49, 400 Washington Avenue
Towson, Maryland 21204

Re: Petitioner: Security Management Corp.
Case No. CR-93-307-SPHXA

Dear Mr. Schuetz:

Please accept this letter as the Petitioner's request for four additional hearing dates. It is clear from the progress of the proceedings that we will never be able to complete the entire case in the four remaining days alloted.

The Petitioner planned to present four witnesses during the first two days of the hearing (not including the modelbuilder) and six witnesses during the second two days, thereby completing our case in chief. That would have provided the opposition with two full days for their case. At the current pace, we may need eight to ten days just for the Petitioner's case to be completed. Therefore, we respectfully renew our earlier request that the Board schedule ten full hearing days.

Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB:sll
cc: Peter Max Zimmerman, Esquire
J. Carroll Holzer, Esquire
James A. Biddison, Esquire
Mr. Melvin Colvin
Mr. David Dodge

56203

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: SECURITY MANAGEMENT CORPORATION
Case No. CR-93-307-SPHXA (Colvista)

DATE : August 16, 1995 /Motion to Dismiss

BOARD /PANEL : Robert O. Schuetz, Chairman (ROS)
Harry E. Buchheister, Jr. (HEB)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included G. Scott Barhight, Esquire, and James F. Rosner, Esquire, on behalf of Petitioner; J. Carroll Holzer, Esquire, on behalf of Protestants; James A. Biddison on behalf of Broadmead; and Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

PURPOSE --to deliberate and rule on Motion to Dismiss filed by the Office of People's Counsel and J. Carroll Holzer, Esquire.

Opening statement by Chairman Schuetz: Thank you all for your patience. As required by law, Board will deliberate Motion for Dismissal. The Board has had an opportunity to read material provided by Counsel, as well as review the law, zoning regulations, and other information. I'm going to go ahead and go first.

ROS: For me, while this case has a Board which is a fairly experienced Board on matters of reclassification, it's fairly infrequent that we get a case where the reclassification petition is to change from an R.C. classification to something other than R.C. It does raise issues which are unique. However, as with all other reclassification petitions, the Petitioner does not really know who is in opposition until the day of the hearing, nor does the Board. We have here a situation where we do have both sides being aware and taking positions. The argument by People's Counsel in its Motion to Dismiss the case because of whatever may or may not occur in the Capital Program and with the extension of services, that asks the Board to reach a conclusion on which it does not have evidence at this point in these proceedings. Therefore, on that issue alone, I would reserve on the Motion until such time as the Board believes it has sufficient evidence, pro or con, to be able to rule intelligently. Ruling on the Motion at this time would be pr mature.

On Mr. Holzer's argument that this prejudices his client, I could not disagree more. As a Board, we do not know who the protestants are frequently in a reclassification case, as Board does have original jurisdiction per the Charter. So often, gloves come off the moment the combatants come into the room for first time. That's part of the deal. If you want to fight something, you've got to pony up. No one has to hire an attorney. We often have civic associations, individuals represented with or without counsel, those who appeared pro se. There's no requirement whatsoever that their case be put on in a particular manner. This does not wash with this Board member. How you choose to put on a case is up to you and your client.

As for Mr. Barhight's argument that the Charter controls, he's absolutely correct that the Charter controls the Board's jurisdiction to hear this case. I've expressed the need for evidence to rule; I believe rest of argument need not be addressed at this time.

SDL: I've read People's Counsel's Motion to Dismiss and Petitioner's reply, and I'm persuaded by the argument that the Board previously rejected this argument on two separate cases; Hope and Prosser. The Board held that when a section conflicts with the Charter, that section is a nullity. The County Council does not have the power to limit the Board in reclassification cases. I would concur with the Chairman to reserve on People's Counsel's Motion to Dismiss.

HEB: I concur with two previous comments of Board members.

ROS: Thank you very much. We will not get the Court Reporter and go back on the record.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 15, 1995

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Amended Petition for Reclassification
SECURITY MANAGEMENT CORP. (COLVISTA)
Case No. CR-93-307-SPHXA

Dear Chairman Schuetz:

Thank you for your letter dated August 11, 1995. Enclosed please find source materials which we intend to discuss at the August 16, 1995, 9:00 a.m. argument on legal issues.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: G. Scott Barhight, Esquire (Hand-delivered)

J. Carroll Holzer, Esquire (Hand-delivered)

COLVISTA - LEGAL INSUFFICIENCY

SOURCE MATERIALS

1. Baltimore County Charter Sec. 602
2. Baltimore County Code Sec. 2-356(j)-(l)
3. Baltimore County Zoning Regulations (BCZR) § 1A00.3
4. Baltimore County Zoning Regulations (BCZR) § 1A03.2
5. Baltimore County Zoning Regulations (BCZR) § 600
6. UPS V. People's Counsel, 336 Md. 569 (1994) (Excerpt)
7. Halle Companies v. Crofton Civic Ass'n, No. 129, September Term, 1994 (July 17, 1995), pages 7-13
8. Vest v. Giant Food Stores, 320 Md. 461 (1993) (Excerpt)
9. Bouse v. Hutzler, 26 A.2d 767 (1942)
10. Ruggles v. State of Illinois, 108 U.S. 526 (1883)

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

August 11, 1995

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

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

J. Carroll Holzer, P.A.
HOLZER and LEE
305 Washington Avenue, Suite 502
Towson, MD 21204

Re: Case No. CR-93-307-SPHXA
Security Management Corporation
Amended Petition for Reclassification

Dear Counsel:

The Board is in receipt of Mr. Zimmerman's correspondence of August 1, 1995 and August 7, 1995, as well as correspondence from Mr. Holzer dated August 7th. This office is also in receipt of Mr. Barhight's responding letter dated August 10, 1995.

In consideration of the date of receipt of the above correspondence, and inasmuch as the first hearing day for this matter is scheduled for Wednesday, August 16, 1995, the Board will receive any argument on legal issues raised by Mr. Zimmerman on August 16, 1995, at 9:00 a.m.

Should you have any questions in this regard, please call me at 887-3180.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

cc: Carole Demilio, Deputy People's Counsel
James F. Rosner, Esquire
David K. Gildea, Esquire

Printed with Soybean Ink
on Recycled Paper

HOLZER & LEE

LAW ES

J. CARROLL HOLZER, PA
THOMAS J. LEE

J. HOWARD HOLZER
1907-1989

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDERSBURG, MD 21784
(410) 795-8556
FAX: (410) 795-5535

August 7, 1995
6755

Mr. Robert Schuetz, Chairman
Baltimore County Board of Appeals
400 Washington Avenue
Room 49
Old Courthouse
Towson, Maryland 21204

Re.: Reclassification for Colvista

Dear Chairman Schuetz:

I hereby adopt the Motion and Memorandum of the People's Counsel for Baltimore County dated 8/1/95 and request for Hearing on the legal issues raised therein. I would also encourage a hearing prior to the scheduled hearing dates in this case in order that the Board may, if it desires to grant the Motions filed by People's Counsel, prevent a four (4) or five (5) day extended hearing. On behalf of my clients, The Greater Sparks-Glencoe Community Association and the other protestants which I represent would save and avoid large and unnecessary expenses by having this matter resolved in advance of the scheduled hearing dates. And it is self evident that all parties would benefit financially by having this issue resolved prior to the scheduled hearing dates.

Very truly yours,

J. Carroll Holzer

JCH/cmj

cc: People's Counsel of Baltimore County
Scott G. Barhight, Esquire

letters4\Colvista

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 7, 1995

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Amended Petition for Reclassification
SECURITY MANAGEMENT CORP. (COLVISTA)
Case No. CR-93-307-SPHXA

Dear Chairman Schuetz:

Following up on our letter dated August 1, 1995, I call your attention to the enclosed slip opinion of the Court of Appeals in Halle Companies v. Crofton Civic Ass'n, No. 129, dated July 17, 1995.

Please note the following language:

> "The Board is purely a statutory creature and may exercise only those powers expressly granted to it by law or those which can be fairly implied." (Page 8.)
>
> * * *
>
> "In UPS, we interpreted the power granted by the Express Powers Act as providing charter counties the option to vest the board of appeals with either original jurisdiction or appellate jurisdiction over any subject matter set forth therein. UPS, ## Md. at 588, 650 A.2d at 236. We concluded that it was the intent of the General Assembly that '[u]nder the Express Powers Act, a board of appeals is primarily an appellate tribunal, having only such original jurisdiction as a county's charter and ordinances expressly grant[.]'" (Page 11.)

This reinforces the conclusion that the Board lacks authority to grant the Colvista rezoning because of the specific provision of BCZR 1A00.3A1, and separately, because of the specific provision of BCZR 1A03.2.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: G. Scott Barhight, Esquire, Attorney for Petitioners

J. Carroll Holzer, Esquire, Attorney for Protestants

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 1, 1995

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Amended Petition for Reclassification
SECURITY MANAGEMENT CORP. (COLVISTA)
Case No. CR-93-307-SPHXA

Dear Chairman Schuetz:

Upon review of the record, it appears that the Board must address the important threshold issue of authority, vel non, to hear the case or approve the petition presented.

First of all, the Amended Petition requests rezoning from the R.C.-4 (Watershed Protection) zone to the D.R.-10.5 (Density Residential) zone. This brings BCZR Section 1A00.3A1a into play:

"A. Filing of rezoning petitions. [Bill No. 98-1975.]

1. No petition to reclassify an R.C. zone or portion thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner unless - [Bills No. 98, 1975; No. 32, 1988.]

a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Subtitle 5 of Title 9 in the Environment Article of the Annotated Code of Maryland 1987, as amended, show that the property under petition is to be serviced by public sewerage and watersupply systems within TWO years after the date the petition is submitted; and [Bills No. 98, 1975; No. 32, 1988.]" ...

At present, the Baltimore County Master Plan (relevant excerpt attached) fails to show any provision for public water supply or sewerage for the subject property. Accordingly, the Colvista petition is not acceptable.

The Court of Appeals decision in UPS v. People's Counsel for Baltimore County, 336 Md. 569, 581-91 (1993) determined that the hearing authority of

the County Board of Appeals is governed by the relevant charter and statutory provisions. The County has determined legislatively to exclude from the reclassification process the types of petitions identified in BCZR 1A00.3 pertinent to Resource Conservation zones. The CBA, therefore, is fundamentally without authority to approve the Colvista petition.

Secondly, BCZR 1A03.2 provides this for parcels of property zoned R.C.-4:

> "No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies: [Bill No. 98, 1975; No. 178, 1979.]
>
> 1. that the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir; [Bill No. 178, 1979.]
>
> 2. that the parcel lies at least 300 feet from any 1st or 2nd order or greater stream that flows directly into a public water reservoir; [Bill No. 178, 1979.]
>
> 3. that the parcel lies at least 300 feet from any 3rd order or greater stream that flows directly or indirectly into a public water reservoir; [Bill No. 178, 1979.]
>
> 4. that no more than 30% of the parcel has a slope of more than 20%; [Bill No. 178, 1979.]
>
> 5. that the parcel does not lie within a 100-year floodplain; and [Bill No. 178, 1979.]
>
> 6. that, as shown by an environmental impact statement, the manner in which proposed reclassification will affect water quality in the watershed or any public water reservoir. [Bill No. 178, 1979.]
>
> For the purpose of this subsection, streams are classified by order as shown on the map of stream orders adopted by the Planning Board on March 25, 1976. [Bill No. 178, 1979.]"

Given the findings and legislative policy of the R.C.-4 zone (BCZR 1A03.1), and given the structure and time frame of comprehensive zoning, we understand the meaning of "parcel" to be the parcel within the boundary of the district zoned R.C.-4 by the County Council.

The Colvista parcel boundary of 215 acres zoned R.C.-4 does not meet the various setback requirements of the law. Colvista purports to satisfy the required reservoir property line and stream setbacks by drawing its own requested line of rezoning demarcation as an interior perimeter line within the parcel boundaries. But this artificial demarcation fails to satisfy the legislative establishment of setback requirements for parcels as zoned by the County Council, not as "parcels" drawn to suit the convenience of the Petitioner.

In view of the public importance of these issues, we ask the Board, if feasible, to set a convenient time prior to the scheduled August 16 hearing for review of its threshold authority.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

CSD/caf

cc: G. Scott Barhight, Esquire, Attorney for Petitioners

J. Carroll Holzer, Esquire, Attorney for Protestants

Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

May 19, 1995

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

FROM: Pat Keller, Secretary
County Planning Board

SUBJECT: Amendment to Documented Site Plan -
Security Management Corp. (a.k.a. "Colvista")
(Case No. CR-93-307-SPHXA)

Enclosed, pursuant to County Code Section 2-356(m)(2), is the staff report which was adopted by Resolution of the Baltimore County Planning Board in the regular monthly meeting on May 18, 1995 to constitute the Board's report recommending denial of the Petition and the amended documented site plan in Case No. CR-93-307-SPHXA (Security Management Corporation).

Pat Keller

PK/TD/mjm
COLVISTA/PZONE/TXTMJM

Enclosure

cc: G. Scott Barhight
Arnold Jablon
Peter Max Zimmerman

Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board

DATE: May 2, 1995

FROM: Pat Keller, Director
Office of Planning & Zoning

SUBJECT: Amended Documented Site Plan/Case No. CR-93-307
Security Management Corporation

The subject Petition for Reclassification was initially filed as part of Cycle I. Subsequent to the original submission, an amended documented site plan was filed with the Baltimore County Board of Appeals on April 11, 1995 pursuant to Section 2-356.(m) of the Baltimore County Code.

Based upon an analysis of the plan, staff offers the attached recommendation.

Pat Keller

Pat Keller

PK:JL
COLV2/PZONE/TXTJWL

Attachment

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 2, 1995

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 #CR-93-307-SPHXA
Item #5, Cycle I
1993

SECURITY MANAGEMENT CORPORATION
SE intersection York and Phoenix Roads (Colvista)
8th Election District
3rd Councilmanic District

Reclassification: From R.C. 4 to D.R. 16 and B.L.
2/26/93 -Petition for Reclassification filed.

ASSIGNED FOR: **WEDNESDAY, AUGUST 16, 1995 (Day 1); THURSDAY, AUGUST 17, 1995 (Day 2); WEDNESDAY, AUGUST 23, 1995 (Day 3); THURSDAY, AUGUST 24, 1995 (Day 4); WEDNESDAY, SEPTEMBER 13, 1995 (Day 5); AND THURSDAY, SEPTEMBER 14, 1995 (Day 6) /starting at 9:00 a.m. all dates /AGREEMENT OF COUNSEL.**

cc: G. Scott Barhight, Esquire — Counsel for Petitioner
Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
John Bernstein /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.

Lyle A. Brecht	Beverly C. Crook
James Earl Kraft	Barbara A. Huntley
People's Counsel/Balto Co.	Jack Anderson
Pat Keller /Jeffrey Long	Bonnie Messina
Lawrence E. Schmidt	Joyce Stump
Timothy M. Kotroco	Donna Hungerford
W. Carl Richards, Jr.	Mary S. Ferguson
Docket Clerk /ZADM	Stephen M. Bengston
Arnold Jablon, Dir. /ZADM	Margaret H. Fulford

Kathleen C. Weidenhamm r
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

95 APR 28 PM 2:44

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 27, 1995

G. Scott Barhight, Esquire
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Preliminary Revision Review
Case #CR-93-307-SPHXA
Legal Owner: Security Management Corp.
SE intersection York and Phoenix Roads
(Colvista)
8th Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

The staff cannot accurately determine or comment upon what changes have occurred on this 9 sheet set of plans now titled "Amended" without a detailed list of the nature, location, and type of said amendments and a red-lined plan showing all such changes for a zoning review. Please provide this information with a copy of these comments to ZADM, attention to John Lewis (telephone number - 887-3391).

Printed with Soybean Ink
on Recycled Paper

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

c: Board of Appeals

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Planning Director DATE: April 11, 1995
Attention: Jeffrey Long

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

SUBJECT: Submittal of Amended Documented Site Plan and Petition -- Case No. CR-93-307-SPHXA /Security Management Corporation

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on April 11, 1995, we are transmitting to you a copy of the Amended Documented Site Plan and Petition for Reclassification submitted to the County Board of Appeals. This amended site plan and accompanying documentation is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding ten copies of this Amended Documented Site Plan and a copy of the accompanying documentation to the Office of Zoning Administration & Development Management.

William T. Hackett

William T. Hackett, Chairman

Attachment (1 copy of Amended Documented Site Plan and accompanying documentation)

cc: W. Carl Richards, Jr. w/10 copies of Amended Documented Site Plan and 1 copy of accompanying documentation

File copy

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

April 1, 1995

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

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

J. Carroll Holzer, P.A.
HOLZER and LEE
305 Washington Avenue, Suite 502
Towson, MD 21204

Re: Case No. CR-93-307-SPHXA
Security Management Corporation
Scheduling Conference

Dear Counsel:

This letter will confirm the scheduling conference requested by counsel in the subject matter which has been arranged for Thursday, April 27, 1995 at 2:00 p.m. in the Board's office.

Your cooperation in arranging your schedules in order to be able to attend this meeting is greatly appreciated.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

CBA-file copy

Printed with Soybean Ink
on Recycled Paper

FILE

REPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

NO. 929

September Term, 1994

SECURITY MANAGEMENT CORP.

v.

BALTIMORE COUNTY, MARYLAND, ET AL.

Wilner, C.J.
Davis,
Harrell

JJ.

Opinion by Wilner, C.J.

Filed: March 31, 1995

TRIAL COURT'S
JUDGMENT AFFIRMED

#93CV3916

Appellant is upset that its property, located in the Loch Raven watershed in Baltimore County, is included in the county's RC-4 resource conservation zone and therefore is limited in its development potential. It claims that inclusion of its property in that zone is unconstitutional for a variety of reasons. We find no merit to its assertions and shall therefore affirm the judgment of the Circuit Court for Baltimore County dismissing its complaint.

THE COUNTY ZONING LAW

Pursuant to the Constitutional and statutory authority vested in it as a chartered county, Baltimore County has enacted laws governing planning and zoning in the county. The county law provides two methods of rezoning: quadrennial comprehensive rezoning and individual reclassification.

Every four years, the existing zoning on all land in the county is reviewed. The process begins with a review of the zoning regulations and maps by the county Planning Board, which makes a preliminary report to the County Council. Any recommended changes in the zoning regulations or maps are included in that report. Through public hearings, interested citizens are then afforded an opportunity to comment on and object to the preliminary recommendations. Following those public hearings, the Planning Board submits to the Council a final report, including proposed zoning regulations and maps. The public then has three months in which to raise issues before the Council; the Planning Board has another month thereafter to make its comments. Finally, after one or more public hearings, the County Council, by ordinance, adopts regulations and maps. *See*, in general, Baltimore County Code, §§

26-123 — 26-125.

In addition to this quadrennial comprehensive rezoning, the County Code allows individual landowners to petition the County Board of Appeals for a reclassification of their properties. Baltimore County Code, § 2-356. A reclassification, being in derogation of the legislative determination made in the most recent comprehensive rezoning, is normally dependent upon a showing eith r that the existing classification was a "mistake" or that there has been a sufficient change in circumstances since the last comprehensive rezoning to warrant the requested reclassification.

In 1976, as part of the comprehensive zoning process, the County Council created four resource conservation zones. In creating those zones, the County Council found, generally, that development in the rural areas of the county had been taking place at an increasing rate and without the framework of a land use plan or other planning components; that, as a result, the development "has formed very undesirable land use patterns," that a significant amount of "urban sprawl" was occurring along highways in the rural areas as tracts immediately fronting along the highways were "lotted off;" and that such development was detrimental in a number of respects, including the loss of "critical watershed areas."

Among the stated purposes of these zones were discouragement of the then-existing land use patterns, creation of a framework for orderly development, provision of "suitable" areas for rural-suburban development, protection of natural and man-made resources from the compromising effects of development, protection of areas

desirable for more intensive future development by regulating undesirable forms of interim development, and conservation of land and water resources.

The four resource conservation zone created as part of the county zoning — agricultural (RC-2), deferral of planning and development (RC-3), watershed protection (RC-4), and rural-residential (RC-5) - still exist. The land at issue here is, and since 1976 has been, in the RC-4 zone. The specific purpose of that zone, as set forth in the Baltimore County Zoning Regulations (BCZR § 1A03.1), is to provide for the protection of water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds.

Although there have been amendments to the BCZR governing the RC-4 zone since 1976, the maximum gross density allowed for that zone has remained fixed — 0.2 dwelling units per acre, i.e., one house for every five acres. BCZR § 1A03.4B. As an alternative to that number of dwelling units, however, the zoning regulations provide for certain other uses permitted either by right or by special exception. Included among the uses permitted by right are farms, public schools, and transit facilities; included among the uses permitted by special exception are antique shops, camps, community buildings, churches, restaurants, and offices.

THE ISSUES

In 1974, appellant, a Maryland corporation in the business of developing and managing real estate, acquired through stock

acquisition and merger a 391-acre tract, of which the 215-acre parcel at issue here was a part. At some point, the other 176 acres were rezoned to DR-3.5 (Density Residential — 3.5 dwelling units per acre) and developed into a residential community known as Hunters Run.

In 1992, during the comprehensive zoning process, appellant submitted to the County Council a petition requesting that the Council rezone the remaining 215 acres from RC-4 to DR-16 (Density Residential — 16 dwelling units per acre) and BL (Business-Local). Under the plan submitted with the petition, appellant proposed to build approximately 3,000 units, including townhouses, multi-family homes, and elderly housing. Under the current RC-4 zoning, apart from the other uses permitted of right or by special exception, appellant would be able to build only 43 dwelling units, which could be clustered.

In its petition, appellant asserted that the community would be phased in over a 15-year period, at the rate of 200 units per year, that it would be an "environmentally sensitive" community meeting all applicable environmental requirements, that it was in accord with the county master plan, that the public school system was adequate to accommodate children from the proposed community, and that it would actually improve water quality in the area. Notwithstanding these assertions, some of which are conclusory in nature, the Council denied appellant's petition and left the property in the RC-4 zone.

In April, 1993, appellant filed the complaint leading to this

appeal, alleging that the Council's refusal to rezone the property in the manner it had requested violated appellant's Federal and State Constitutional rights. Specifically, it urged that it was being denied equal protection and substantive due process in contravention of the Fourteenth Amendment, 42 U.S.C. § 1983, and Md. Decl. of Rts., art. 24, and that retention of the property in the RC-4 zone constituted a "taking" within the meaning, and in violation, of the Fifth and Fourteenth Amendments, 42 U.S.C. § 1983, and art. III, §§ 40 and 40A of the Maryland Constitution. Upon motion by the County and by People's Counsel, who had intervened in the case, the court dismissed the complaint for failure to state a claim on which relief could be granted.

In October, 1993 — prior to entry of the order dismissing the complaint — appellant filed a petition with the Board of Appeals for a reclassification of the property. It then sought, and obtained, a postponement for the asserted purpose of submitting a revised plan. As of the date of oral argument before this Court, in February, 1995, appellant had neither submitted a revised plan nor requested further consideration by the Board of its initial petition, which is still pending.

DISCUSSION

Introduction

As noted, appellant has raised a number of discrete Constitutional issues, which we shall discuss. At oral argument, those arguments essentially coalesced into the assertion that, if a person buys property that he believes will eventually be in the

path of development and it later turns out that the property is in the path of development, he has a Constitutional right to have the property rezoned in order that he may develop it as he wishes. That is not the law.

Before addressing the particular Constitutional challenges raised by appellant, we shall consider briefly appellees' argument that they are all premature because appellant has failed to exhaust an available administrative remedy, i.e., consideration of its petition for reclassification, which it deliberately had postponed. Appellant, of course, contends that, under *Patsy v. Board of Regents*, 457 U.S. 496 (1982) and its progeny, it is not required to exhaust administrative remedies when pursuing a claim under 42 U.S.C. § 1983. Appellees rejoin that (1) that doctrine applies to all ged violation of individual, personal rights and not to zoning cases, and (2) in any event, the case is premature under the "ripeness" doctrine.

These are interesting questions, but, as they are not really jurisdictional in nature, we shall pass over them. We believe that there is utterly no merit to the substance of appellant's arguments, and we shall affirm on that basis. For purposes of this appeal, therefore, we shall assume, although we do not hold, that appellant was not required to pursue its petition for reclassification to conclusion before filing this lawsuit.

Taking Claims

Appellant makes both a procedural and a substantive complaint with respect to its "taking" claim. First, it avers that, "[except

in unusual cases," a court should not dismiss a constitutional claim for a taking of property where the complaint raises "complicated factual issues concerning the Appellant's actions and justifications for denying a zoning reclassification." Naturally, it contends that its complaint in fact raises such complicated issues. Substantively, it argues that the proper test for determining whether State regulation constitutes a "taking" is whether the regulation reasonably advances legitimate State interests or denies an owner "economically viable use of his land." *See Nollan v. California Coastal Comm'n*, 483 U.S. 825, 834 (1987).

Keeping in mind that this appeal arises from the granting of a motion to dismiss, rather than a summary judgment or judgment entered after trial, we need to look at, and confine ourselves to, the allegations in the complaint. They are sparse, indeed.

After alleging how and when appellant acquired the property, the fact that it filed a petition for rezoning, and that it "documented" all the nice things it says about the planned community, appellant avers that, "[n]otwithstanding its earlier rezoning and/or permitting of development of rural and/or resource conservation properties adjacent to or in close proximity to The Property and notwithstanding the appropriate and beneficial use to which [appellant] planned to put The Property, The Council . . . denied [appellant's] request to change the zoning . . . from RC-4 to DR-16 and BL." In Counts V and VI, based respectively on the Fifth Amendment and the Maryland Constitution, appellant contends that a taking has resulted "due to the fact that, without proper

rezoning, [appellant] has been denied the economically viable use of the Property and has suffered substantial diminution in its investment-backed expectations as owner of such property." The only addition to this explanation is in Count VII, based on the Fourteenth Amendment, where it claims that the County's action was arbitrary and capricious.

Taking these allegations as they are, it is clear that no Constitutional taking has been adequately alleged. Nor have any "complicated factual issues" been alleged sufficient to make a motion to dismiss inappropriate.

We reject as absurd the contention that the creation of an RC-4 zone, as defined in the BCZR, and the inclusion within it of property in an important metropolitan watershed do not substantially advance a legitimate State interest. The purpose of the zone is set forth in the ordinance creating it; we are aware of no case — and none has been cited to us — holding that the conservation of watersheds and the limitation of development in those watersheds is not a legitimate State interest. Whether, to achieve that purpose and protect that interest, particular land in a watershed should remain free from intensive development is quintessentially a legislative judgment call.

The issue, really, is whether continued inclusion of the property in the low-density zone deprives appellant of a Constitutionally-protected right. In *Baltimore City v. Borinsky*, 239 Md. 611 (1965), the Court adopted a strict and exacting standard in this regard, holding, at 622:

> "If the owner affirmatively demonstrates that the legislative or administrative determination deprives him of all beneficial use of the property, the action will be held unconstitutional. *But the restrictions imposed must be such that the property cannot be used for any reasonable purpose.* It is not enough for the property owners to show that the zoning action results in substantial loss or hardship."

(Emphasis added).

Appellant urges that, under more recent Supreme Court pronouncements, that is no longer the test. It seizes upon the articulation in *Nollan v. California Coastal Comm'n, supra*, 483 U.S. 825; *Keystone Bituminous Coal Ass'n v. De Benedictis I*, 480 U.S. 470 (1987); *Lucas v. South Carolina Coastal Council*, ___ U.S. ___, 112 S.Ct. 2886 (1992); and *Dolan v. City of Tigard*, ___ U.S. ___, 114 S.Ct. 2309 (1994), that a regulation may constitute a taking if it denies the owner of "economically viable use of his land." At least implicit in its argument is that it is possible for an owner to be denied the economically viable use of his land even though he is not denied "all beneficial use."

The simple and most direct answer to this assertion is that appellants have overlooked the important modifier "all." In *Lucas*, the Supreme Court made clear that the standard was whether the regulation "denies *all* economically beneficial or productive use of land." (Emphasis added). 112 S.Ct. at 2893. The Court later supplied its own emphasis to the word "all" when it stated, at 2895, that an owner suffers a taking when he has been called upon "to sacrifice *all* economically beneficial uses in the name of the common good, that is to leave his property economically idle." In

Wat rs v. Montgomery County, 337 Md. 15 (1994), the Court noted that, under *Lucas*, a regulation does not go "too far" unless it "denies *all* economically beneficial or productive use of land." (Emphasis added). *Waters, supra*, at 40, quoting from *Lucas*, 112 S.Ct. at 2893. It then reiterated the *Borinsky* test, confirmed in *Pitsenberger v. Pitsenberger*, 287 Md. 20 (1980) that "[t]o constitute a taking in the constitutional sense . . . the state action must deprive the owner of all beneficial use of the property."

The *Borinsky* articulation is entirely consistent with the Federal standard explained in *Lucas*, and it is clear from the pleading, read in light of the county zoning law, that appellant has not been deprived of all economically beneficial or productive use of its land; inclusion of the property in the RC-4 zone has not left it economically idle. Appellant has therefore not pled a Constitutional taking under either the Maryland or the Federal Constitution.

Equal Protection

The sole basis for appellant's equal protection complaint is that the County treated its rezoning request differently from the way it treated similar requests by others. It contends that tracts located in close proximity to its property, which were previously zoned rural or resource conservation, were "rezoned or otherwise permitted to develop."

Because appellant's claim is not based on an "infringement of a fundamental right or discrimination against a suspect class," we

review the Council's actions under the rational basis test. *Silver v. Franklin Township Board of Zoning Appeals*, 966 F.2d 1031, 1036 (6th Cir. 1992). The rational basis test requires appellant to prove that (1) the County treated it differently than it treated others similarly situated, and (2) the disparate treatment did not bear a rational relationship to a legitimate interest.

Appellant alleges in paragraph 11 of its complaint, entitled "Facts Common to All," that

> "[t]he tracts of previously rural and/or resource conservation property surrounding The Property or in close proximity to The Property which were rezoned or were otherwise permitted to develop became the tracts upon which Loveton Farms residential development, Loveton Center business development, Broadmead residential development, Hunters Run residential development, North Park business development, Hunt Valley Mall, Hunt Valley Business Center, Shawan business development, Masonic Home of Maryland and Highlands Corporate Office Park were developed and built."

In the substantive portion of its complaint, appellant alleges that the County

> "has treated [appellant's] request to rezone the Property from RC-4 to DR-16 and BL, differently than it treated similar requests by others, and, specifically has permitted those properties identified in paragraph 11, and others, to be developed and/or rezoned from rural and/or resource conservation classifications so as to permit development, but has not permitted similar rezoning or development of The Property."

Nowhere in the complaint does appellant allege with any specificity that the Council treated it differently than others similarly situated. Although appellant asserts that the Council

granted other landowner's request to rezone, it has given no facts tending to show "that these other developments were similarly situated to his development." *Silver*, 966 F.2d at 1036-37. Accordingly, appellant fails to allege an equal protection claim.

Even if we assume that the first prong of the rational basis test has been satisfied, appellant has failed to show that any disparate treatment did not bear a rational relationship to a legitimate interest.

Appellant has not shown, even in its pleading, that the RC-4 zoning lacks a legitimate public purpose or that the means under the RC-4 zoning regulations are unsuitable to that purpos . Appellant merely argues that the Council has rezoned nearby land and that the Council's failure to rezone its property is a violation of its rights to equal protection.[1] That argument is completely without merit.

The very nature of the zoning process requires that parcels of land - even neighboring land - be considered individually. Although neighboring parcels may share some characteristics, each parcel is unique and may not share all of the relevant characteristics possessed by adjacent or nearby parcels. If we were to adopt appellant's argument that its rights to equal protection have been violated simply because neighboring land has been zoned differently from its land, we would be doing away with the zoning

---

[1] Although appellant mentions in its complaint that one of the neighboring properties that was rezoned includes Hunters Run, it fails to mention that that is the other portion of the 391 acre tract known as Towson Nurseries.

process altogether.

During the quadrennial comprehensive zoning process, the County reviews the current zoning structure, evaluates the changes in the community and environment, and makes any necessary amendments it deems appropriate. "Lines . . . must be drawn somewhere." *N.W. Merchants Term v. O'Rourke*, 191 Md. 171, 187 (1947). Without any allegations that the zoning lacks a legitimate purpose, appellant's claim fails.

Substantive Due Process

Appellant argues that the refusal to rezone its property was arbitrary and capricious and that is was therefore denied its right to substantive due process.

Appellees argue that appellant failed to state a claim for substantive due process because it failed to show a property interest that is cognizable under the 14th Amendment's Due Process Clause. We agree.

In *Gardner v. Baltimore Mayor & City Council*, 969 F.2d 63 (4th Cir. 1992), the City Planning Commission and City Department of Public Works delayed approval of a public works agreement which would have allowed Gardner to construct a residential subdivision on its property. As a result of the delays, Gardner lost title to the property in a foreclosure sale and thereafter filed a complaint alleging denial of substantive due process. The Court held that

> "[t]he first step in analyzing whether the city deprived appellants of substantive due process is a determination of whether they possessed a property interest in the public works agreement that is cognizable under the Fourteenth Amendment's Due Process Clause. . .

> . If there is no cognizable property interest, there is no need to reach the question of whether a purported deprivation was arbitrary or capricious."

Id. at 68.

In *Board of Regents v. Roth*, 408 U.S. 564, 577 (1972), the Supreme Court held that "[t]o have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it." In applying the "claim of entitlement" standard to substantive due process claims, the *Gardner* Court held:

> "whether a property-holder possesses a legitimate claim of entitlement to a permit or approval turns on whether, under state and municipal law, the local agency lacks *all* discretion to deny issuance of the permit or to withhold its approval. Any significant discretion conferred upon the local agency defeats the claim of a property interest."

Gardner, 969 F.2d at 68.

The Court further instructed that "[u]nder this standard, a cognizable property interest exists 'only when the discretion of the issuing agency is so narrowly circumscribed that approval of a proper application is virtually assured.'" *Id.* (quoting *RRI Realty Corp. v. Incorporated Village of Southampton*, 870 F.2d 911, 918 (2d Cir. 1989).

Applying the standard, *Gardner* held that, based on the authority granted to the Commission by the city's *Subdivision Regulations*, the "Commission [had] significant discretion to reject even properly submitted applications." *Gardner*, 969 F.2d at 69.

The Court concluded, holding that

> "Baltimore's subdivision regulations vest broad discretion with the Planning Commission at virtually every stage of the process. This fact by itself deprives appellants of any legitimate claim of entitlement to the regulatory approvals sought. Because they did not possess any property interest cognizable by the Fourteenth Amendment's Due Process Clause, their § 1983 action was properly dismissed."

Id. at 72.

In another recently decided Fourth Circuit case, *Biser v. Town of Bel Air*, 991 F.2d 100 (4th Cir.), *cert. denied*, ____ U.S. ____, 114 S. Ct. 182 (1993), the appellant claimed that the Town of Bel Air deprived him of substantive due process by refusing to grant him a 'special exception' that would have permitted him to build commercial buildings on property zoned for residential use only. The Court held that

> "In order for Biser to state a substantive due process claim, he must first demonstrate that he possesses a 'cognizable property interest, rooted in state law,' . . . . We do not believe that Biser held a property interest in the special exception before it was granted by the Board. A property interest requires more than a 'unilateral expectation' that a permit or license will be issued; instead, there must be a 'legitimate claim of entitlement.'. . .In applying this standard of entitlement, we have held that if a local agency has 'any significant discretion' in determining whether a permit should issue, then a claimant has no legitimate entitlement and, hence no cognizable property interest."

Id. at 103-4 (citations omitted). Applying that standard, the Court held that the Board had "significant discretion in deciding whether to grant . . . a special exception. In making its

decision, the Board [uses its discretion to] determine whether granting the exception 'would adversely affect the public health, safety, security, morals or general welfare.'" *Id.* at 104 (citation omitted).

Appellant does not deny that, in order to allege a violation of substantive due process, it first must allege a property interest that is cognizable under the 14th Amendment. It contends that it has met that burden. Appellant argues that "the discretion of the local agency in this case, i.e., the County Council, is circumscribed by the requirement that it support its decisions with probative evidence, as well as the requirement to consider the County as a whole, and not act in favor of a plebiscite of citizens who are acting in their own benefit." Appellant's attempt to strip the Council of its discretion is unconvincing.

Appellant has no Constitutionally cognizable interest in obtaining DR-16 and BL zoning. At best, it has merely a unilateral expectation or desire to obtain the requested zoning. Whether that zoning is to be granted is strictly within the discretion of the County Council.

In making its determination the Council must decide whether granting the petition would promote the general purpose and intent behind the establishment of the zoning regulations. *Baltimore County Code*, § 26-116. To that end, the Council must determine whether granting the petition would "reduce congestion in the roads, streets, and alleys. . . . promote adequate light and air. . . . promote health and the general welfare. . . . [and]

facilitate adequate provision[s] for schools, parks, water, sewerage, transportation, and other public requirements, conveniences, and improvements." *Id.* As the Court held in *Biser*, "It is difficult to image a more flexible standard." *Biser*, 991 F.2d 100, 104. "Moreover, the standard focuses on the amount of discretion accorded the issuing agency by law, not on whether or to what degree that discretion is actually exercised." *Gardner*, 969 F.2d at 68. Thus, appellant's contention that it submitted an "award winning" proposal that met the conditions of the master plan is irrelevant to the substantive due process analysis.

Even if we assume that appellant has established a property interest that is cognizable under the 14th Amendment's Due Process Clause, the result is unchanged.

> "Zoning is a legislative function, and when reviewing the acts of zoning authorities, the duty of the courts is to decide whether such action was arbitrary, discriminatory or illegal [citations omitted]. . . . When a comprehensive map designed to cover a substantial area is adopted, it is entitled to the same presumption of correctness as an original zoning."

JMC Constr. v. Montgomery County, 54 Md. App. 1, 16 (1983); *see also Ark Readi-Mix Concrete Corp. v. Smith*, 251 Md. 1 (1968); *County Council v. Offen*, 334 Md. 499, 507 (1994). Additionally, in *Stump v. Grand Lodge*, 45 Md. App. 263, 269 (1980), we noted:

> "Comprehensive rezoning is a vital legislative function, and in making zoning decisions during the comprehensive rezoning process, a County Council is exercising what has been described as its 'plenary' legislative power. The power is broad and is limited only by the constitutional restriction that the Council's actions 'bears a substantial relationship to

> the public health, comfort, order, safety, convenience, morals and general welfare. . . . '[citations omitted]"

Clearly, prohibiting dense residential development near the Loch Raven Reservoir is substantially related to the protection of the watershed. Additionally, restricting the growth of the community and the manner in which it develops is causally connected to the health, safety, crime prevention, congestion avoidance and general welfare of the community. Accordingly, we affirm the trial court's decision in its entirety.

JUDGMENT AFFIRMED;
COSTS TO BE PAID BY APPELLANT.

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

March 24, 1995

NOTICE OF ASSIGNMENT /FOR AMENDMENTS ONLY

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 #CR-93-307-SPHXA	SECURITY MANAGEMENT CORPORATION SE intersection York and Phoenix Roads (Colvista)
Item #5, Cycle I 1993	8th Election District 3rd Councilmanic District
	Reclassification: From R.C. 4 to D.R. 16 and B.L. 2/26/93 -Petition for Reclassification filed.

has been assigned for a public hearing before the Board for the sole purpose of filing amendments to Petition and Documented Site Plan; no testimony or evidence on merits of the reclassification petition will be received at this public hearing; and has been

ASSIGNED FOR: **TUESDAY, APRIL 11, 1995 at 9:30 a.m.**

cc: G. Scott Barhight, Esquire — Counsel for Petitioner
Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
Margaret Worrall /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.

Lyle A. Brecht	Beverly C. Crook
James Earl Kraft	Barbara A. Huntley
People's Counsel/Balto Co.	Jack Anderson
Pat Keller /Jeffrey Long	Bonnie Messina
Lawrence E. Schmidt	Joyce Stump
Timothy M. Kotroco	Donna Hungerford
W. Carl Richards, Jr.	Mary S. Ferguson
Docket Clerk /ZADM	Stephen M. Bengston
Arnold Jablon, Dir. /ZADM	Margaret H. Fulford

Kathle n C. Weid nhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
THOMAS J. LEE

J. HOWARD HOLZER
1907-1989

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDERSBURG, MD 21784
(410) 795-8556
FAX: (410) 795-5535

March 21, 1995

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

Re.: Case No. CR93-307-SPHXA
Security Management Corporation

Dear Mr. Hackett:

I have received the letter from Scott Barhight in the above captioned matter. Please be advised that I represent the Greater Sparks-Glencoe Community Council, and my appearance has previously been entered in this case. I note that Mr. Barhight is requesting a scheduling of ten hearing days during June and July. I would indicate to you that I will be on vacation from Sunday, June 18 through Wednesday, July 5, 1995. I would therefore request that you not set this case in for hearing during that time period. Thank you very much for your cooperation.

In view of the length of time that the Petitioner in this case has taken to amend their plan, I would suggest that we have a scheduling conference to determine the schedule for the requested ten days. I do not believe it would be appropriate to schedule all of those days consecutively in view of other commitments that all parties have. It would perhaps be appropriate to have a scheduling conference, such as the one held during Phase One of this request.

Very truly yours,

J. Carroll Holzer

cc: Peter Max Zimmerman, Esquire
G. Scott Barhight, Esquire
Mr. Lee Riley, President
Greater Sparks-Glencoe Community Council

letters4\Hackett5.ltr

MAR 22 1995

95 MAR 17 AM 11:45

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

888 17TH STREET, NW
WASHINGTON, D.C. 20006-3939
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

March 17, 1995

Via Hand Delivery

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

Re: Case No. CR-93-307-SPHXA
Security Management Corp/Petitioner

Dear Mr. Hackett:

On behalf of the Petitioner, Security Management Corp., please schedule a public hearing for the sole purpose of filing amendments to the Petition and Documented Site Plan. The Petitioner intends only to file the amendment documents and will not be presenting any testimony or evidence with regard to the merits of the case. Based upon your docket, it is my understanding that such a hearing is likely to be scheduled in the early part of April, 1995.

As has been discussed previously with the Board, it is anticipated that the hearing on the merits will be extremely complicated and protracted. Numereous expert witnesses, as well as lay witnesses, will be called by the Petitioner and the Protestants. Therefore, please schedule 10 hearing dates for this matter. It is my further understanding of your docket that these dates would likely be scheduled during June and July of this year.

Should you have any questions or comments, please feel free to contact me. Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB/slr

cc: Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
Mr. K. Lee Riley, Jr.
Mr. James V. McCoy
Ms. Margaret Worrall
Mr. James A. Biddison
Mr. William Cullom
Lyle A. Brecht
James Earl Kraft
Peter M. Zimmerman, Esquire, People's Counsel/Balto. Co.
Arnold F. Keller, III, Director
Jeffrey R. Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk/ZADM
Arnold Jablon, Dir./ZADM
Beverly C. Crook
Barbara A. Huntley
Jack Anderson
Bonnie Messina
Joyce Stump
Donna Hungerford
Mary S. Ferguson
Stephen M. Bengston
Margaret H. Fulford

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

August 10, 1995

Via Hand Delivery
Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Amended Petition for Reclassification
Security Management Corporation (Colvista)
Case No. CR-93-307-SPHXA

Dear Chairman Schuetz:

This is a response to People's Counsel's letters dated August 1, 1995, and August 7, 1995, to you regarding the jurisdiction of the Board of Appeals to hear the reclassification Petition for Colvista.

The issue raised by People's Counsel has been raised at least two other times in the past and in each time the Board of Appeals found it to be a meritless argument. The first time the issue was raised was by Mr. Zimmerman in *Nelson L. Bond, Jr., et al., Case No. R-86-109.*[1]

In *Bond*, Mr. Zimmerman argued that BCZR § 1A00.3.A.1 foreclosed the Board from considering a reclassification Petition because there was no proposed water or sewer plan for the property. The Board wholly rejected this argument. Two of the Board members, William T. Hackett and LeRoy B. Spurrier held that § 602 of the Baltimore County Charter and Baltimore County Code § 2-58.1 grants the Board jurisdiction over all Petitions for Reclassification.

---

[1] A copy of the Board of Appeals' Opinion case has been attached for your convenience.

In *Bond*, there was a concurring opinion written by then Board of Appeals member Lawrence E. Schmidt and the present Zoning Commissioner, who addressed the conflict between Baltimore County Zoning Regulations 1A00.3.A.1 and § 602 of the Baltimore County Charter. Mr. Schmidt relied on *Hope v. Baltimore County, 288 Md. 656, 41 A.2d 576 (1980)* which held that when a section of the Code is contrary to the provisions of the County Charter, that section is a nullity. Mr. Schmidt then held that based on the holding in *Hope*, 1A00.3.A.1 is unconstitutional since the prohibition would conflict with the Board's authority under § 602 of the Baltimore County Charter which holds that the Board has "original and exclusive jurisdiction over all Petitions for Reclassifications". *Baltimore County Charter, § 602(e).*

More recently, the same issue came before the Board in *The Prosser Company, Inc., Case No. CR-94-143*, where the Board again held that the Baltimore County Charter gave the Board of Appeals jurisdiction to hear reclassification cases and that the County Council did not have the power to limit the valid exercise of the Board as granted by the people of Baltimore County through the Baltimore County Charter.

It is interesting to note that Mr. Zimmerman, on behalf of the People's Counsel, when asked of his opinion of the issue in the *Prosser Company* case, stated, "Yes. This type of issue has come up over the years from time to time, so I think I have to candidly state what our view has been and our understanding of how it has been handled. I think the question is not entirely free from doubt, but we have ***taken the position*** in the past that the better view is the Board of Appeals does have jurisdiction over zoning reclassifications, so we have not insisted that Petitions be dismissed by the Board on that ground alone." [Tr., April 6, 1994, p. 11.] (Emphasis added.)

Later in the same hearing, Mr. Zimmerman further stated,

> "So our office's position is not misunderstood, I think I said at the beginning of the case that we felt that the issue was not free from doubt, but we have on balance, whether right or wrong, suggested that the Board ought to go ahead and hear these cases.
>
> The issue may not be so much jurisdiction. ***The County Board of Appeals clearly has jurisdiction in zoning reclassification cases.***"

[Tr., July 19, 1994, pp. 127-128.] (Emphasis added.)

Although Mr. Zimmerman later states that the issue is not totally clear as to the interpretation, nonetheless, he stated previously that it was the position of the People's

Counsel of Baltimore County that the Board of Appeals does have jurisdiction over reclassification cases. It is curious that Mr. Zimmerman and the Office of People's Counsel has now seemingly changed its position on this issue. There seems to be no recent case law that would mandate the Office of People's Counsel to change their position. The one case cited in the August 1, 1995 letter was a 1993 Court of Appeals case which predates the *Prosser Company* case, and is nonetheless inapposite.

In response to People's Counsel's letter dated August 7, 1995, to the Board of Appeals following-up on their letter dated August 1, 1995, we would briefly like to respond. The language quoted in *Halle Companies v. Crofton Civil Ass'n., No. 129, July 17, 1995* discusses the power granted to the Board of Appeals by the Express Powers Act. The Express Powers Act granted the Board of Appeals appellate jurisdictions over certain subject matters. The Board of Appeals in reclassification cases, however, derives its powers from the Baltimore County Charter which expressly granted that the Board shall have "original exclusive jurisdiction over all Petitions for Reclassifications". Baltimore County Charter, § 602(e); *see also Nelson L. Bond, Jr., et al., Case No. R-86-109, concurring opinion of Lawrence Schmidt.*

For the record, we also would like to note that this is a motion raised in the final hour in a case which has been pending for a considerable time and is based on an issue raised several times in the past and always deemed a loser argument. Further, the position taken by People's Counsel is one which is contrary to its previously expressed position. We also would like to note for the record that this attempt at delaying the process to hear the reclassification Petition is not appropriate.

We would respectfully request this Board deny People's Council's Motion to Dismiss without a hearing or, in the alternative, hear the People's Counsel's Motion to Dismiss on the first day of the hearing, which is August 16, 1995.

Sincerely,

G. Scott Barhight

GSB:dmk

cc: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Carole Demilio, Esquire, People's Counsel for Baltimore County
J. Carroll Holzer, Esquire, Attorney for Protestants
James F. Rosner, Esquire
David K. Gildea, Esquire

55335

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

December 22, 1994

NOTICE OF POSTPONEMENT /FOR AMENDMENTS ONLY

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 #CR-93-307-SPHXA	SECURITY MANAGEMENT CORPORATION SE intersection York and Phoenix Roads (Colvista)
Item #5, Cycle I 1993	8th Election District 3rd Councilmanic District
	Reclassification: From R.C. 4 to D.R. 16 and B.L. 2/26/93 -Petition for Reclassification filed.

which was scheduled for a public hearing before the Board on January 12, 1995 for the sole purpose of receiving amendments to Petition and Documented Site Plan has been **POSTPONED** at the request of Counsel for Petitioner to allow for completion of amendments; matter to be rescheduled for public hearing for filing amendments at the request of Counsel for Petitioner.

---

cc: G. Scott Barhight, Esquire — Counsel for Petitioner
Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
Margaret Worrall /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.

Lyle A. Brecht	Beverly C. Crook
James Earl Kraft	Barbara A. Huntley
People's Counsel/Balto Co.	Jack Anderson
Pat Keller /Jeffrey Long	Bonnie Messina
Lawrence E. Schmidt	Joyce Stump
Timothy H. Kotroco	Donna Hungerford
W. Carl Richards, Jr.	Mary S. Ferguson
Docket Clerk /ZADM	Stephen M. Bengston
Arnold Jablon, Dir. /ZADM	Margaret H. Fulford

Kathleen C. W idenhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

888 17TH STREET, NW
WASHINGTON, D.C. 20006-3939
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

December 21, 1994

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

RECEIVED
DEC 21 12 03 PM
BOARD OF APPEALS

Re: Case No. CR-93-307-SPHXA
Security Management Corp./Petitioner

Dear Mr. Hackett:

This office recently received the Notice of Assignment to file Amendments to the Petition for Reclassification in the above-referenced matter. As soon as I received the Notice, I communicated with the client and the design team to ensure that all of the documentation would be completed by the January 12 filing date. Unfortunately, I have been informed that we will need several additional weeks to make sure that all of the requested amendments are complete. Therefore, on behalf of the Petitioner, Security Management Corp., I respectfully request that the hearing before the Board for the sole purpose of filing amendments to the Petition and Document and Site Plan be rescheduled for a date no earlier than the second week of February, 1995.

This request is being copied to everyone who was notified by the Board of the original January 12 date with the hope of precluding any unnecessary problems for the interested parties. Should you have any questions or comments, please feel free to contact me. Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB:acs

cc: Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
Mr. K. Lee Riley, Jr.
Mr. James V. McCoy
Ms. Margaret Worrall
Mr. James A. Biddison
Mr. William Cullom
Lyle A. Brecht
James Earl Kraft
People's Counsel/Balto. Co.
Pat Keller/Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk/ZADM
Arnold Jablon, Dir./ZADM
Beverly C. Crook
Barbara A. Huntley
Jack Anderson
Bonnie Messina
Joyce Stump
Donna Hungerford
Mary S. Ferguson
Stephen M. Bengston
Margaret H. Fulford

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

December 13, 1994

NOTICE OF ASSIGNMENT /TO FILE AMENDMENTS ONLY

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 #CR-93-307-SPHXA — SECURITY MANAGEMENT CORPORATION
SE intersection York and Phoenix Roads (Colvista)
Item #5, Cycle I, 1993 — 8th Election District
3rd Councilmanic District

Reclassification: From R.C. 4 to D.R. 16 and B.L.
2/26/93 -Petition for Reclassification filed.

12/22/94 PP'd, no date set Barhight to request date when amendments ready.

has been assigned for a public hearing before the Board for the sole purpose of filing amendments to Petition and Documented Site Plan; no testimony or evidence on merits of the reclassification petition will be received at this public hearing; and has been

ASSIGNED FOR: **THURSDAY, JANUARY 12, 1995 at 9:30 a.m.**

cc: G. Scott Barhight, Esquire — Counsel for Petitioner
Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
Margaret Worrall /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.
Lyle A. Brecht
James Earl Kraft
People's Counsel/Balto Co.
Pat Keller /Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Dir. /ZADM
Beverly C. Crook
Barbara A. Huntley
Jack Anderson
Bonnie Messina
Joyce Stump
Donna Hungerford
Mary S. Ferguson
Stephen M. Bengston
Margaret H. Fulford

Kathleen C. Weid nhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

888 17TH STREET, NW
WASHINGTON, D.C. 20006-3939
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

December 6, 1994

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

Re: Case No. CR-93-307-SPHXA
Security Management Corp./Petitioner

Dear Mr. Hackett:

On behalf of the Petitioner, Security Management Corp., please schedule a public hearing for the sole purpose of filing amendments to the Petition and Documented Site Plan. The Petitioner intends only to file the amendment documents and will not be presenting any testimony or evidence with regarding to the merits of the case. Based upon your docket, it is my understanding that such a hearing is likely to be scheduled in the early part of January, 1995.

Should you have any questions or comments, please feel free to contact me. Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB:slr

cc: Mr. Melvin Colvin
Mr. David Dodge
Arnold F. Keller, III, Director
Arnold Jablon, Director
Peter M. Zimmerman, Esquire
J. Carroll Holzer, Esquire
Mr. Lee Riley, Jr.
Mr. James V. McCoy
Ms. Margaret Worrall
Mr. James A. Biddison
Mr. William Cullom

CERTIFICATE OF POSTING

93-307

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District _____ Date of Posting 7/22/94

Posted for: Special Hearing, Exception & Variance

Petitioner: Colvista

Location of property: S/W side of Phoenix Rd & NE/S of York Rd

Location of Signs: 2 - Facing York Rd - 1 Facing Phoenix Rd - & 1 at intersection of York & Phoenix

Remarks: _____

Posted by M. Stahley Date of return: 7/29/94

Signature

Number of Signs: 4

10/2/93
3:30 p.m.

T/c w/ Stanley -
Carroll is amenable
that sentencing could
be on record 10/13/93. We
will be there on 10/13 first
with no sentencing.

K.

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO
THOMAS J. LEE

J. HOWARD HOLZER
1907-1989

LAW OFFICES
HOLZER, MAHER, DEMILIO & LEE
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(410) 825-6960
FAX (410) 825-6964

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

October 8, 1993
#6755

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

Re: Case No. CR-93-307-SPHXA
Security Management Corporation

Dear Mr. Hackett:

I have received Mr. Barhight's letter of October 1, 1993. It is my understanding that the County Code requires any proposed amendment to be submitted to the CBA before it is referred back to the Baltimore County Planning Board.

I would request that this issue be resolved promptly in that I have a number of experts and witnesses on call, including many members of the community who are prepared to proceed on October 13th. It is my strong feeling that we should at least convene on the 13th of October in order to alert the citizens and any one else who may desire to attend the hearing, as to what the process will be in this matter.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

JCH:swc
cc: Peter Max Zimmerman, Esquire, People's Counsel
for Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT 12 AM 9:01

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 5, 1993

NOTICE OF REQUESTED CONTINUANCE

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 #CR-93-307-SPHXA	SECURITY MANAGEMENT CORPORATION SE intersection York and Phoenix Roads (Colvista)
Item #5, Cycle I 1993	8th Election District 3rd Councilmanic District
	Reclassification: From R.C. 4 to D.R. 16 and B.L. 2/26/93 -Petition for Reclassification filed.

which was scheduled to be heard on October 13, 14, 19, 20 and 22, 1993 will be **CONTINUED on the record** on October 13th (said continuance to include all scheduled dates) at the request of Counsel for Petitioner "in anticipation of amendments to the Petition." No testimony or evidence will be taken at that time.

CONTINUANCE ON RECORD: WEDNESDAY, OCTOBER 13, 1993 at 10:00 a.m.

cc: G. Scott Barhight, Esquire Counsel for Petitioner
Peter F. Fagan, Exec. V.P.
Security Management Corp. Petitioner
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
Margaret Worrall /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.
Lyle A. Brecht
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

LAW OFFICES

WHITEFORD, TAYLOR & PRESTON

SUITE 1400
SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 410-347-8700
FAX 410-752-7092

500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410-832-2000
FAX: 410-832-2015

SUITE 400
888 17TH STREET, NW
WASHINGTON, D.C. 20006-3939
TELEPHONE 202-659-6800
FAX 202-331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703-836-5742
FAX 703-836-0265

G. SCOTT BARHIGHT

DIRECT NUMBER
410-832-2050

October 1, 1993

DELIVERY BY HAND

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

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT -1 PM 1:11

Re: Case No. CR-93-307-SPHXA
Security Management Corp.
Request for Postponement

Dear Mr. Hackett:

As a result of very recent decisions made by my client, Security Management Corp., on September 30, 1993, I was instructed to seek a postponement of the hearing dates currently scheduled in this matter (October 13, 14, 19, 20 and 22) in anticipation of amendments to the Petition which will require further review by the Baltimore County Planning Board and several Baltimore County agencies. Security Management Corp, the Petitioner, intends to amend the filing in a manner which would prohibit the Board from proceeding with the hearing. Therefore, I respectfully request that the County Board of Appeals of Baltimore County postpone the current hearing dates. The hearing can be rescheduled after the amendments have been reviewed by the Baltimore County Planning Board and the appropriate Baltimore County agencies and transmitted back to the Board of Appeals for hearing. The Petitioner acknowledges that they are responsible for the advertising costs associated with this postponement.

Should you have any questions or comments, please feel free to contact me. As a result of this decision by the Petitioner, I

am immediately notifying the proper parties so that any preparation plans can be appropriately adjusted. Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB/slr
cc: J. Carroll Holzer, Esquire
Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Carole S. Demilio, Esquire, Deputy People's Counsel for Baltimore County
K. Lee Riley, Jr., President, Sparks-Glencoe Community Council
Margaret Woorall, Exec. Director, Valleys Planning Council
James A. Biddison, President, Broadmead Neighborhood Committee
William Cullom, Chairman, Broadmead Neighborhood Committee

County Board of Appeals of Baltimore County

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

MEMO TO THE FILE

DATE: September 23, 1993

RE : Case No. CR-93-307-SPHXA
Security Management Corporation

To all parties and participants in this case:

Pursuant to Rule 4(b), the Chairman has directed parties and participants to make a good faith disclosure in advance of the hearing of all public documents and photographs to be offered into evidence, and to pre-number them and provide the office of the Board with a list of those pre-numbered and identified exhibits. The parties are encouraged to resolve among themselves any questions regarding authenticity and correctness of the document or photograph to be offered, and any objections to the basis of knowledge that the witness may have regarding the document or photograph to be introduced through that witness. The Board will rule upon any such objections remaining after Counsel for the parties make a good faith attempt to resolve any such questions among themselves. No party will be precluded from making such objections during the course of the hearing.

The Chairman also directed the parties that, with respect to each day's testimony, if an expert witness is to be called to testify on that day, Counsel for the parties meet no later than one-half hour prior to the commencement of that day's hearing to exchange or provide to the other parties a copy of the expert witness's resume and any written report.

No party will be prohibited from introducing additional documentary evidence not disclosed in advance.

All of these steps are directed toward the end that the hearing be conducted without unnecessary delay in the introduction of documentary evidence.

NOTE: An additional date has been set aside for this case (Friday, October 22, 1993) to be utilized if needed.

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

September 23, 1993

TO : AS LISTED

FROM: Kathleen C. Weidenhammer
County Board of Appeals

RE : Case No. CR-93-307-SPHXA
Security Management Corporation

Enclosed for your information is a copy of the Memo to the File which was prepared as a result of the meeting on September 23rd regarding the subject matter.

Enclosure

COPIES TO:
G. Scott Barhight, Esquire
J. Carroll Holzer, Esquire
K. Lee Riley, Jr., President
Sparks-Glencoe Community Council
Margaret Worrall, Exec. Director
Valleys Planning Council
James A. Biddison, President
Broadmead Residents Association
William Cullom, Chairman
Broadmead Neighborhood Committee
Peter Max Zimmerman, People's Counsel
for Baltimore County
Carole S. Demilio, Deputy People's Counsel
for Baltimore County

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

September 17, 1993

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

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

Re: Case No. CR-93-307-SPHXA
Security Management Corporation /Petitioner

Dear Counsel:

This letter will confirm the meeting scheduled for Thursday, September 23, 1993 at 9:00 a.m. by agreement of those present at the preliminary conference on September 15th in the Board of Appeals' office with Bill Hackett and Bud Clark regarding the above-entitled matter.

By copy of this letter, we are also notifying Mr. K. Lee Riley, Jr., President of the Sparks-Glencoe Community Council, and Ms. Margaret Worrall, Executive Director of the Valleys Planning Council, of this preliminary meeting. Once again, thank you for your time and cooperation.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

cc: C. William Clark, Esquire
K. Lee Riley, Jr., President
Sparks-Glencoe Community Council
Margaret Worrall, Executive Director
Valleys Planning Council

Printed with Soybean Ink
on Recycled Paper

RE: Security Management Corp. - #CR-93-307 9/17/93
Kathi:

Sparks-Glencoe Community Council: K. Lee Riley, Jr., President,
P. O. Box 396, Sparks, MD 21111.

Valleys Planning Council: Margaret Worrall, Executive Director,
212 Washington Ave., P. O. Box 5402,
Towson, MD 21285-5402
(410) 337-6877 (w) or 472-4453 (h).

Shirley M. Hess
Legal Assistant to
People's Counsel
for Baltimore
County

CERTIFICATE OF POSTING

CR-93-307-SPHXA

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 8th Date of Posting 9/24/93

Posted for: Reclassification - Special Exception - Special Hearing + Variance

Petitioner: Security Management Corp.

Location of property: SE intersection of York + Phoenix Rds

"Colvista"

Location of Signs: Facing roadway of York + Phoenix Rds

Remarks:

Posted by M. L. Lutz Date of return: 10/1/93

Signature

Number of Signs: 3

County Board of Appeals of Baltimore County

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

September 1, 1993

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

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

Re: Case No. CR-93-307-SPHXA
Security Management Corporation /Petitioner

Dear Counsel:

This letter will confirm the preliminary conference scheduled at the request of the Board for Wednesday, September 15, 1993 at 9:00 a.m. in the Board of Appeals' office with Bill Hackett and Bud Clark, in the above-entitled matter.

The Board anticipates that this meeting will conclude at approximately 9:30 a.m. Thank you for your time and cooperation.

Very truly yours,

Kathleen C. Weidenhammer

Kathleen C. Weidenhammer
Administrative Assistant

cc: C. William Clark, Esquire

Printed with Soybean Ink on Recycled Paper

4-28-93

RE: PETITION FOR RECLASSIFICATION FROM R.C. 4 TO D.R. 16 AND B.L. ZONES; PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES SE Intersection York and Phoenix Roads (Colvista) 8th Election District 3rd Councilmanic District	:	**BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**
	:	**Case No. CR-93-307-SPHXA (Item 5, Cycle I)**
SECURITY MANAGEMENT CORPORATION, Petitioner	:	

: : : : : : : : : : :

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
(410) 887-2188

I HEREBY CERTIFY that on this 28th day of April, 1993, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

SECURITY MANAGEMENT CORPORATION CR-93-307-SPHXA
SE/intersection York and Phoenix Roads (Colvista) Item #5, Cycle I, 1993

8th Election District
3rd Councilmanic District

From R.C. 4 to D.R. 16 & B.L. 198.326 acres
Special Exception; Special Hearing; and Variances

February 26, 1993 Petition for Reclassification filed by G. Scott Barhight, Esquire, on behalf of Security Management Corporation

---

G. Scott Barhight, Esquire — Counsel for Petitioner
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

Peter F. Fagan, Exec. Vice President
Security Management Corporation — Petitioner
9901 Langs Road
Baltimore, MD 21220

J. Carroll Holzer, Esquire
HOLZER AND LEE
305 Washington Avenue, Suite 502
Towson, MD 21204

K. Lee Riley, Jr., President
Sparks-Glencoe Community Council
P.O. Box 396 Sparks, MD 21152

John Bernstein, Exec. Dir.
Valleys Planning Council
212 Washington Avenue, P.O. Box 5402
Towson, MD 21285-5402

James A. Biddison, President
Broadmead Residents Association
13801 York Rd, Cockeysville, MD 21030

William Cullom, Chairman
Broadmead Neighborhood Committee
13801 York Rd, Cockeysville, MD 21030

James Earl Kraft
Baltimore County Board of Education
Mail Stop 1102-J

People's Counsel for
Baltimore County

Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Mr. Lyle A. Brecht
5 Starlight Farm
Phoenix, MD 21131

Ms. Joyce Stump
13306 Beaver Dam Road
Cockeysville, MD 21030
584-2587

Mrs. Donna Hungerford
1400 Phoenix Road
Phoenix, MD 21131-1024
561-0300 W
472-3022 H

Ms. Mary S. Ferguson
14217-301 Quail Creek Way
Sparks, MD 21152

James V. McCoy, Pres.
Greater Jacksonville Assn.
P.O. Box 126
Phoenix, MD 21131
Home: 3912 Sweet Air Rd

Mrs. Beverly C. Crook
2829 Merryman's Mill Road
Phoenix, MD 21131
(Interested Party)

Mrs. Barbara A. Huntley
2504 Carroll Mill Road
Phoenix, MD 21131-1102

Jack Anderson
Reservoir Watershed
Protection Program
601 N. Howard Street
Baltimore, MD 21201

Ms. Bonnie Messina
1116 Walnutwood Road
Cockeysville, MD 21030
(Interested party)

Mr. Stephen M. Bengston
1301 Piney Hill Road
Monkton, MD 21111
343-1866

Ms. Margaret H. Fulford
Broadmead H-3
13801 York Road
Cockeysville, MD 21030

AMENDED

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the Property at Southeastern Intersection of York and Phoenix Roads (Colvista)

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an RC-4 zone to an DR-10.5 and B.L. zone, for the reasons given in the attached and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

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

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

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

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

Contract Purchaser/Lessee:

N/A
(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner:

G. Scott Barhight
(Type or Print Name)

Signature

210 W. Pennsylvania Ave 832-2050
Address Phone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

Security Management Corp.
(Type or Print Name)

Signature

David B. Duke, Vice President
(Type or Print Name)

Signature

9901 Langs Road 682-4040
Address Phone No.

Baltimore, MD 21220
City State Zip Code

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

G. Scott Barhight
Name 210 W. Pennsylvania Ave, 4th Floor

Towson, MD 21204 832-2050
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next TWO Months

ALL OTHER

REVIEWED BY: DATE

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description for Petition for
Zoning Reclassification to BL
Land of Security Management Corp.

April 10, 1995

Beginning at a point, said point of beginning having Baltimore County, Metropolitan District coordinates of North 77692.78 and West 6679.86, said point of beginning also being located North 76 degrees 06 minutes 33 seconds West 615.80 feet from the centerline intersection of York Road, Proposed 100 foot wide and Relocated Phoenix Road 50 foot wide, running thence leaving said point of beginning, along the 14 following courses, viz.:

1) North 33 degrees 47 minutes 03 seconds East 81.27 feet,
2) South 76 degrees 00 minutes 46 seconds East 24.75 feet,
3) South 70 degrees 14 minutes 55 seconds East 50.40 feet,
4) North 66 degrees 33 minutes 04 seconds East 5.86 feet,
5) North 60 degrees 06 minutes 37 seconds East 38.02 feet,
6) South 86 degrees 27 minutes 32 seconds East 62.45 feet,
7) South 84 degrees 29 minutes 48 seconds East 19.34 feet,
8) North 86 degrees 14 minutes 28 seconds East 116.40 feet,
9) South 03 degrees 45 minutes 32 seconds East 82.42 feet,
10) South 15 degrees 19 minutes 27 seconds West 140.10 feet,
11) North 74 degrees 40 minutes 29 seconds West 63.52 feet,
12) North 68 degrees 53 minutes 03 seconds West 59.76 feet,
13) North 63 degrees 05 minutes 37 seconds West 117.25 feet,
14) North 59 degrees 39 minutes 17 seconds West 115.31 feet to the point of beginning.

Containing 1.164 Acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for conveyances or agreements.

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description for Petition for
Zoning Reclassification to DR-10.5
Land of Security Management Corp.

April 10, 1995

Beginning for the same point on the eastern right-of-way of York Road at the centerline of Old Phoenix Road, said point of beginning being at the beginning of the 16th or North 34 degrees 33 minutes and 07 seconds East 490.00 foot line of that first parcel of land described in Exhibit A, attached to a Deed of Liquidation, dated May 25, 1979 between Towson Nurseries, Inc. and Steven Posner et al, Trustees and Universal Housing and Development Company, said point of beginning having Baltimore County, Metropolitan District coordinates of North 77467.32 and West 7197.91, said point of beginning also being located South 12 degrees 03 minutes 32 seconds East 381.73 feet from the centerline intersection of York Road, Proposed 100 foot wide and Relocated Phoenix Road 50 foot wide, running thence leaving said point of beginning, binding in or near the center of said Old Phoenix Road and binding on all of the 16th and 17th lines of said first parcel, the two following courses, viz.:

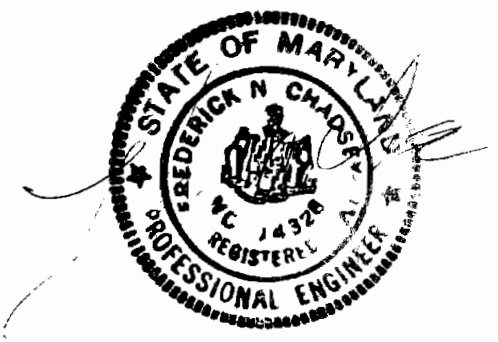
1) North 34 degrees 33 minutes 07 seconds East 490.00 feet,
2) North 21 degrees 37 minutes 11 seconds East 151.99 feet to a point near the intersection of Old Phoenix Road and Relocated Phoenix Road, thence running and binding in or near the center of Phoenix Road and binding on the 18th through 24th lines of the first parcel, the seven following courses, viz.:
3) North 08 degrees 12 minutes 48 seconds East 70.00 feet,
4) North 01 degrees 54 minutes 35 seconds West 105.00 feet,
5) North 06 degrees 50 minutes 52 seconds West 130.00 feet,
6) North 15 degrees 05 minutes 15 seconds East 72.00 feet,
7) North 22 degrees 37 minutes 12 seconds East 65.00 feet,
8) North 34 degrees 36 minutes 22 seconds East 130.00 feet,
9) North 45 degrees 47 minutes 01 seconds East 76.00 feet,
10) thence binding on a part of the 25th line, North 52 degrees 57 minutes 46 seconds East 580.00 feet, thence leaving said Phoenix Road, along the forty three following courses, viz.:
11) South 76 degrees 53 minutes 34 seconds East 408.70 feet,
12) South 31 degrees 55 minutes 22 seconds East 595.53 feet,
13) South 65 degrees 43 minutes 48 seconds West 388.19 feet,
14) South 52 degrees 18 minutes 39 seconds West 145.38 feet,
15) South 83 degrees 13 minutes 59 seconds West 648.68 feet,
16) North 87 degrees 22 minutes 43 seconds West 64.25 feet,
17) South 37 degrees 59 minutes seconds 08 West 96.72 feet,
18) South 52 degrees 56 minutes 31 seconds East 201.29 feet,
19) South 23 degrees 39 minutes 54 seconds West 83.41 feet,
20) South 33 degrees 47 minutes 03 seconds West 81.27 feet,
21) South 59 degrees 39 minutes 17 seconds East 115.31 feet,
22) South 63 degrees 05 minutes 37 seconds East 117.25 feet,
23) South 68 degrees 53 minutes 03 seconds East 59.76 feet,
24) South 74 degrees 40 minutes 29 seconds East 63.53 feet,
25) North 15 degrees 19 minutes 27 seconds East 140.10 feet,
26) North 03 degrees 45 minutes 32 seconds West 82.42 feet,

27) North 86 degrees 14 minutes 28 seconds East 42.00 feet,
28) South 89 degrees 55 minutes 34 seconds East 60.67 feet,
29) South 76 degrees 50 minutes 44 seconds East 61.14 feet,
30) North 80 degrees 08 minutes 51 seconds East 23.78 feet,
31) North 75 degrees 26 minutes 17 seconds East 178.37 feet,
32) North 27 degrees 34 minutes 24 seconds East 122.35 feet,
33) North 35 degrees 00 minutes 28 seconds East 21.53 feet,
34) North 52 degrees 47 minutes 38 seconds East 177.00 feet,
35) North 71 degrees 22 minutes 07 seconds East 212.76 feet,
36) South 63 degrees 37 minutes 43 seconds East 94.94 feet,
37) North 63 degrees 44 minutes 05 seconds East 139.21 feet,
38) South 70 degrees 52 minutes 35 seconds East 106.03 feet,
39) North 89 degrees 50 minutes 02 seconds East 49.24 feet,
40) North 55 degrees 37 minutes 09 seconds East 65.48 feet,
41) North 11 degrees 43 minutes 32 seconds East 209.92 feet,
42) North 29 degrees 55 minutes 56 seconds East 157.06 feet,
43) North 54 degrees 43 minutes 18 seconds East 171.03 feet,
44) South 81 degrees 44 minutes 31 seconds East 124.73 feet,
45) North 84 degrees 04 minutes 59 seconds East 162.94 feet,
46) North 58 degrees 28 minutes 37 seconds East 96.68 feet,
47) South 55 degrees 27 minutes 30 seconds East 143.75 feet,
48) South 72 degrees 44 minutes 04 seconds East 140.62 feet,
49) South 73 degrees 59 minutes 18 seconds East 574.06 feet,
50) North 74 degrees 25 minutes 02 seconds East 256.61 feet,
51) South 42 degrees 29 minutes 52 seconds West 2129.99 feet,
52) South 66 degrees 52 minutes 28 seconds West 1650.00 feet,
53) South 23 degrees 07 minutes 32 seconds East 483.03 feet to intersect the 61st line of said first parcel, running thence binding on the outline of the Plats entitled "Section Three Hunters Run", "Plat 1, Section VII, Hunters Run" and "Plat 2, Section VII, Hunters Run" recorded among the land records in Plat Book 58 folio 80, Plat Book 60 folios 53 and 54 respectively and along part of the 61st line of said first parcel and binding on all of the 62nd and 1st line of said first parcel, the following three courses, viz.:
54) South 66 degrees 52 minutes 28 seconds West 1439.31 feet,
55) North 17 degrees 34 minutes 09 seconds West 595.76 feet,
56) North 17 degrees 10 minutes 06 seconds West 503.55 feet to the center of York Road, running thence binding in the center of said York Road, binding on all of the 2nd through the 7th lines of the said first parcel, the following six courses,
57) northeasterly by a curve to the left having a radius of 558.00 feet for a distance of 294.27 feet, said curve being subtended by a chord bearing North 44 degrees 12 minutes 51 seconds East 290.87 feet,
58) North 29 degrees 06 minutes 23 seconds East 20.21 feet,
59) northeasterly by a curve to the right having a radius of 1800.00 feet for a distance of 357.61 feet, said curve being subtended by a chord bearing North 34 degrees 47 minutes 53 seconds East 357.02 feet,

60) North 40 degrees 29 minutes 23 seconds East 50.10 feet,
61) North 37 degrees 31 minutes 03 seconds East 147.53 feet,
62) North 35 degrees 26 minutes 43 seconds East 102.39 feet, running thence leaving said York Road, binding on all of the 8th through the 15th lines of said first parcel, the following eight courses, viz.:
63) South 11 degrees 13 minutes 48 seconds East 528.18 feet,
64) South 75 degrees 48 minutes 36 seconds West 19.06 feet,
65) South 15 degrees 16 minutes 49 seconds East 280.16 feet,
66) North 58 degrees 49 minutes 07 seconds East 289.67 feet,
67) North 15 degrees 41 minutes 56 seconds West 206.33 feet,
68) North 04 degrees 41 minutes 56 seconds West 420.67 feet,
69) South 71 degrees 48 minutes 04 seconds West 199.00 feet,
70) North 03 degrees 58 minutes 56 seconds West 578.75 feet to the point of beginning.

Containing 155.006 Acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for conveyances or agreements.



People's Counsel Ex. H

RESERVOIR WATERSHED PROTECTION SUBCOMMITTEE
c/o Baltimore Metropolitan Council
601 North Howard Street
Baltimore, Maryland 21201

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT 12 PM 1:39

October 12, 1993

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

RE: Comments on Rezoning Request Number 5 pursuant to the Reservoir Watershed Management Agreement of 1984

Dear Mr. Hackett:

I am pleased to forward to you for consideration by the Board of Appeals the Watershed Protection Subcommittee's comments on rezoning request Number 5 (Security Management Corp.). Our recommendations on rezoning requests are made pursuant to the Reservoir Watershed Management Agreement of 1984, executed by Baltimore City, and Baltimore and Carroll Counties, in partnership with the Maryland Departments of Agriculture and the Environment and the Baltimore County Soil Conservation District and the Carroll Soil Conservation District; and in accordance with the Action Strategy for the Reservoir Watersheds agreed to by Baltimore County and the other signatories.

We first considered this application in 1992 when it appeared before the Baltimore County Planning Board as Petition Number 3-131 to change 215 acres of RC-4 (Watershed Protection) to DR-3.5 or DR-5.5 or DR-10.5. At that time we recommended against that proposal as not consistent with the Reservoir Watershed Protection Strategy. We also noted that 1) the site is intersected by Western Run, a tributary of Loch Raven Reservoir, 2) the site contains very steep slopes, and 3) development of this site would require expansion of the County's sewer and water system.

We developed our recommendations with the assistance of the Reservoir Technical Group-- composed of water quality staff from Baltimore City, and Baltimore, Carroll and Howard Counties; Baltimore Soil Conservation District, Carroll Soil Conservation District, Maryland Department of Agriculture, Maryland Department of the Environment, and environmental staff from the Baltimore Regional Council of Governments.

At its meeting on August 12, 1993, the Reservoir Watershed Protection Subcommittee considered the current petition before the Board of Appeals, Item No. 5 -- Security Management, which again

I hope this update is helpful and enhances your understanding of the current project initiatives. If you have any questions or need additional information, please feel free to contact the project manager, Mr. Alan Straus. Alan can be reached at (410) 333-1190 or toll free within Maryland at 1-800-548-5026.

Very truly yours,

Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

LHE:AHS:as

People's Counsel Ex. 25

INTRA-OFFICE CORRESPONDENCE

To: Captain John Krach
From: Philip Canter
Date: March 3, 1992
Subject: Review Impact of the Towson Nursery on Police Resources in Cockeysville

Operations Analysis has reviewed the proposal by Security Management Corporation for a zoning reclassification from rural conservation to density residential. It is expected that a change to residential zoning will result in an additional 3,000 housing units. The project is located on a 215 acre parcel and is commonly identified as Towson Nurseries, at the intersection of York Road and Phoenix Road. Our review concerned the impact of additional housing units and concomitant increases in population on police resources in the Cockeysville Precinct.

As planned, an additional 3,000 housing units will have a significant impact on police resources. This assumes that the number of officers and cars currently operating within the Cockeysville precinct remains unchanged. We offer the following comments and observations which support this position:

1. The Cockeysville precinct has experienced a significant amount of growth since 1970, with population increasing from 49,617 in 1970 to 82,285 in 1990. The County has attempted to keep pace with development in Cockeysville by increasing authorized strength. In 1980, Cockeysville was assigned 54 patrol officers or one officer per 1,348 people; in 1990, Cockeysville had 64 officers, or one officer per 1,286 inhabitants. The number of officers relative to population is significantly higher in Cockeysville compared to Baltimore County, however. Baltimore County averaged one officer per 1,086 people in 1980 and one officer per 978 people in 1990. Over the last five years, Cockeysville has received only one additional patrol car and four officers.

2. The number of people served countywide by Patrol varies over a 24 hour day, ranging from 8,240 people per patrol car on shift I to 6,469 people per patrol car on shift III. In Cockeysville, the number of people served by patrol ranges from 9,143 per car on shift I to 8,229 per car on shift III; up 19% over the countywide average. This shows that officers in Cockeysville are responsible for more people compared to officers countywide.

3. The project site is located in an area (car 241/242) which is currently very busy, particularly during the evening hours (shift III). These posts are responsible for between 9,263 people on shift I to 10,534 people on shift III. Workload, an index used to measure the amount of work handled by patrol officers, is significantly higher during shift III for the post car containing the proposed development (workload is at precinct average levels for shifts I and II). Any additional development would increase workload over

People's Counsel Ex. 26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

March 11, 1992

TO: Mr. Merreen E. Kelly
Administrative Officer

FROM: J. James Dieter

SUBJECT: Towson Nurseries Site

Staff of the Department of Environmental Protection and Resource Management have reviewed the available information on the Security Management Corp. proposal for developing the Towson Nurseries site. We also met with Mr. Scott Barhight, attorney, and Mr. Joe Berg of EA Engineering, Science and Technology, the environmental consultants for the job.

The proposal raises a number of environmental issues. These can be categorized as:

1. Reservoir impacts - Creating additional urban density conflicts with the Reservoir Watershed Management Agreement.

2. Extensive steep/erodible slopes, floodplains, wetlands and streams (Quail Creek and a tributary) exist on site.

3. Groundwater impacts on quality and quantity in relationship to recharge and stream depletion should be investigated.

4. Forest Conservation Act and habitat issues will result from loss of forest cover. The tract is approximately 80% forested.

5. A change to the Master Water and Sewerage Plan would be required. The area is currently designated "No Planned Service."

6. Potential impacts of construction involving steep slopes/erodible soils would require exceptional sediment control measures.

While it may be possible to address each of the technical issues individually, the cumulative effect of increased urban development in the Loch Raven Watershed still remains. The Best Management Practices (BMP's)

People's Counsel Ex. 28

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: March 10, 1992

TO: Gene L. Neff, Director
Department of Public Works

FROM: Oscar M. Keys, Jr., P.E. OMK

SUBJECT: 1992 Zoning Map Issue #3-131, Towson Nurseries Site
215 Acres at York Road & Phoenix Road
RE: Memo from Andrea Van Arsdale, February 19, 1992.

Attached is the Baltimore County Pumping Station Schematic Systems Diagram, page IV-8.08, from the BALTIMORE COUNTY WATER SUPPLY AND SEWERAGE PLAN. Flow from the subject property, if it had been planned for, would be routed through the Cockeysville Pumping Station to and through five (5) additional stations in series to and through the Back River Treatment Plant. Flow from the subject site would require an additional pumping station, public or private. None of the six (6) existing stations, nor the Treatment Plant, have been planned or programmed through future improvements to serve any flows from the subject resource conservation site. Costs for improvements at the six (6) pumping stations and the Treatment Plant, or for force main or interceptor improvements between them for flows from this site have not been programmed in the Capitol Improvement Program.

Existing planned improvements in the CIP necessary to serve presently anticipated growth may now be shifted to the future by present cash flow problems.

The addition of further anticipated growth for either the near term (1 to 6 years) S-3, or long term (10 to 20 years) S-5 would seem inappropriate at this juncture.

GLN:OMK:emc

Attachemnt

ISS3131/DASGEN

People's Counsel Ex. 29

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Date: March 11, 1992

TO: Andrea J. Van Arsdale
Office of Planning and Zoning

FROM: Gene L. Neff, Director
Department of Public Works

SUBJECT: 1992 Zoning Map Issue 3-131
214 Acres at York Road and Phoenix Road
Towson Nurseries Site

The Department of Public Works has reviewed the Towson Nurseries rezoning request as defined above.

It is our opinion that the rezoning should not take place at this time. Two basic infrastructure issues are of major concern, namely sewer allocation and transportation.

In regards to the sewer allocation, it is our determination that the Back River Waste Water Treatment Plant is most likely near capacity at this time. Although we are comfortable that all development can be handled that has been already planned for the County, we cannot recommend that additional land use changes be made that could affect plant capacity. In addition to the treatment plant, additional sewage through our six pumping stations in the conveyance system, which would be needed for the proposed zoning change, is a major concern. Three of these pumping stations are located in the Loch Raven Watershed, and additional flow stresses the system and creates increased problems at the pumping stations as well as the force and gravity sewer lines. Any reserve capacity which is in the conveyance system should continue to be dedicated for those areas already zoned for development.

The present off-site road system for the propcsed project is presently inadequate. In order for this project to receive favorable recommendation from my Department, we would have to have the State Highway Administration commit construction funds for the new interchange at I-83 and Thornton Mill Road and widening of York Road to Shawan Road. From our understanding of where the State is with these projects, it is doubtful anything will occur in the next 10 years.

Therefore, the Department of Public Works strongly advises against the rezoning. The attached are memos from various bureaus within the Department regarding the subject property.

GLN:dc
Attachment

429/DSGLN

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(		05/02/96	08/30/96	CLOSED
Discovery must by completed by		06/06/96	08/30/96	CLOSED
All Motions (excluding Motions in Limine		06/16/96	08/30/96	CLOSED
Settlement Conference is		07/01/96	08/30/96	CLOSED
TRIAL DATE is	08/06/96	07/16/96	08/30/96	CLOSED

People's Counsel Ex. 31

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Arnold E. Jablon, Director DATE: August 15, 1995
Permits & Development Management

FROM: George G. Perdikakis, Director
Environmental Protection & Resource Management

SUBJECT: Amended Petition for Reclassification
Security Management Corporation (COLVISTA)
Case #CR-93-307-SPHXA (Rev. 4/11/95)

Accompanying its rezoning request for the Colvista Community, Security Management Corporation had an Environmental Impact Statement prepared by EA Engineering, Science and Technology, Inc. This Department offers the following comments based on a review of the Environmental Impact Statement.

I. Reservoir Watershed Management Agreement

The 1984 Action Strategy for the Reservoir Watershed Protection Program lists several policies agreed to by the signatories which address zoning:

> "Conservation and agricultural zoning of the reservoir watershed areas should be maintained at its present extent and not reduced."
>
> "Baltimore and Carroll Counties will protect the reservoir watersheds by limiting in so far as possible additional urban development zoning within the reservoir watersheds."

The 1990 Action Strategy further recommended a new initiative to protect water quality.

> "Increased emphasis will be given to protection of forest land and tree stands to protect reservoirs, streams and the Chesapeake Bay."

For reasons elaborated in the sections below, the proposed rezoning of the Colvista site, does not conform to the policies adopted in the 1984 Agreement. Specifically, the proposed rezoning does not maintain the conservation zoning at its present extent and does not limit additional urban development zoning within the Loch Raven watershed. The rezoning will also result in additional impacts to the forest resources in close proximity to the Loch Raven Reservoir.

RESERVOIR WATERSHED PROTECTION PROGRAM
c/o Baltimore Metropolitan Council
601 North Howard Street
Baltimore, Maryland 21201

August 15, 1995

Robert Schuetz
Chairman
Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RE: Comments on Rezoning Request Case Number CR-93-307-SPHXA, Security Management Corporation, pursuant to the Reservoir Watershed Management Agreement of 1984

Dear Mr. Schuetz:

I am pleased to forward to you for consideration by the Board of Appeals the Watershed Protection Program's comments on the rezoning petition referenced above. Our recommendations on rezoning requests are made pursuant to the Reservoir Watershed Management Agreement of 1984, executed by Baltimore City, and Baltimore and Carroll Counties, in partnership with the Baltimore County Soil Conservation District and the Carroll Soil Conservation District; and in accordance with the Action Strategy for the Reservoir Watersheds agreed to by Baltimore County and the other signatories.

We developed our recommendations with the assistance of the Reservoir Technical Group-- composed of water quality staff from Baltimore City, and Baltimore, Carroll and Howard Counties; Baltimore Soil Conservation District, Carroll Soil Conservation District, Maryland Department of Agriculture, Maryland Department of the Environment, and environmental staff from the Baltimore Regional Council of Governments.

We first considered this application in 1992 when it appeared before the Baltimore County Planning Board as Petition Number 3-131 to change 215 acres of RC-4 (Watershed Protection) to DR-3.5 or DR 5.5 or DR-10.5. At that time we recommended against that proposal as not consistent with the Reservoir Watershed Protection Strategy. We also noted that 1) the site is intersected by Western Run, a tributary of Loch Raven Reservoir, 2) the site contains very steep slopes, and 3) development of this site would require expansion of the County's sewer and water system.

We again considered the case in 1993, when the Reservoir Watershed Protection Subcommittee reviewed the petition presented to the Board of Appeals as Item No. 5, Cycle I, 1993 by Security Management, which again requested substantial intensive development

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 23, 1995

Mr. David C. Weiner
1915 Eastridge Road
Timonium, Maryland 21093-4316

RE: Zoning appeal hearings, Colvista development

Dear Mr. Weiner:

This is to acknowledge receipt of your letter of August 17, 1995.

The Colvista development hearing is presently pending before the County Board of Appeals. This is a County agency quite separate and distinct from the Office of the Zoning Commissioner. Under law, I cannot interfere with the quasi-judicial proceedings which take place before the Board of Appeals. The Board's decision regarding the Colvista development will be based upon the testimony and evidence offered at public hearing. I urge you to attend and participate in this hearing process.

I have forwarded your letter to the County Board of Appeals for inclusion in the case file.

Please do not hesitate to contact me should you have any questions.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
cc: County Board of Appeals

Printed with Soybean Ink
on Recycled Paper

WATERSHED PROTECTION COALITION, INC.
P.O. BOX 212, TIMONIUM, MD. 21094-0212
252-5515

August 22, 1995

Mr. Robert Schuetz, Chairman
Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Md. 21204

RE: Case Number CR-93-307-SPHXA

Dear Mr. Schuetz:

Our Watershed Protection Coalition, Inc., an interjurisdictional group of Baltimore City and Baltimore County residents, Community Associations, and Environmental Groups, was formed and operates in response to citizen concern for safe and quality drinking water, which the three City-owned reservoir-watersheds, located in Baltimore County, provide.

Protection of the Loch Raven reservoir, and its drinking water supply, is a major concern, since it it is the most degraded of the three reservoirs due to loss of forest, sediment run-off and pollutants from development adjacent to the reservoir in Baltimore County, The prime factor in this degradation is development in the surrounding larger watershed in Baltimore County.

Baltimore County, obligated by Maryland's Planning Act of 1992, adopted the responsibility of directing growth to suitable areas in order to protect resource areas.

A premise of the Act is that the comprehensive plans prepared by counties and towns are the best place for local governments to establish priorities for growth and resource conservation, and that once those priorities are established, it is the State's responsibility to back them up.

For Baltimore County to maintain its commitment to this State Planning Act, and also to its cooperative agreement to the Reservoir Watershed Management Agreement of 1984, the intensive development posed by the Security Management Corporation in the subject Rezoning Request, must be rejected.

A decision to the contrary would set an inordinate precedent, setting the stage for further reservoir-watershed degradation and eventual loss of this vital resource.

Our coalition urges that this request be denied again, and that the designated zoning remain.

Sincerely,

for the Board of the Watershed Coalition, Inc.

Copy to: Hon. Mayor Kurt Schmoke
Hon. Dutch Ruppersberger
Hon. T. Bryan McIntire
Mr. Jack Anderson, BMC
DEPRM Dir. George Perdikakis

CITY OF BALTIMORE

KURT L. SCHMOKE, Mayor

DEPARTMENT OF PUBLIC WORKS

GEORGE G. BALOG, Director
600 Abel Wolman Municipal Building
Baltimore, Maryland 21202

September 14, 1995

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

Dear Mr. Schuetz:

This is regarding the rezoning request for the proposed development Colvista (Case Number CR-93-307-SPHXA). I am providing you with comments concerning the rezoning petition at the request of the Baltimore County People's Council. We have expressed these comments to the Baltimore Metropolitan Council through the Reservoir Watershed Protection Subcommittee. They have submitted a letter to you dated August 15, 1995 recommending that this petition be denied.

We recognize that this tract of land is small by comparison to the entire Loch Raven drainage area. However, allowing this rezoning would set a dangerous precedent that could allow for potentially thousands of acres of resource conservation lands to be similarly rezoned. This would result in impacts to the water quality of Loch Raven Reservoir. Loch Raven Reservoir is eutrophic or over enriched with nitrogen and phosphorus loadings from urban and agricultural non-point sources. This over enrichment exacerbates the water treatment process and makes it more costly to provide the high quality potable of water for which the Baltimore Region is known.

The scientific literature has shown that higher density development contributes greater pollutant loadings per acre than lower density development. Furthermore, the closer development is to the water body, the greater the water quality impact. This is a major reason that Baltimore and Carroll Counties adopted resource conservation zoning in the lands surrounding the reservoirs. The development that would result from the rezoning would allow a greater density of zoning in an area critically close to Loch Raven.

The literature also shows that the effectiveness of mitigation measures such as those suggested by the petitioner (e.g., best management practices {BMPs}) is highly variable and the long-term performance unproven. Another problem is the proper design and

Printed on recycled paper with environmentally friendly soy based ink.

95 SEP - [illegible]

50 Far Corners Loop
Sparks, MD 21152
September 4, 1995

Mr. Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Avenue
Room 49
Towson, MD 21204

Re: Colvista Project--CR93-307--SPHXA

Dear Mr. Schuetz:

A posted sign at the intersection of York and Phoenix Roads discloses that the current zoning for the Colvista project is scheduled for hearings, some of which already have been conducted.

The purpose of this correspondence is to express my objection to any change in the zoning. I understand that if the changes are approved, the density levels of forty (40) houses per acre under RC-4 would change to a density of sixteen (16) houses per acre under level DR-16. Such a change would be detrimental to the area and would pose extreme burdens on the infrastructure and the surrounding area.

Greater development than that currently allowed would result in greater fertilizer and pesticide pollution discharge into the watershed feeding Loch Raven Reservoir. The developer has been heard to say that the development would lessen pollution run-off into the watershed and reservoir. If that were true, then we should immediately encourage all developers to pave over all open land and build high density housing and industry throughout the region, the whole country. In that way we could save our streams and improve our drinking water. The absurdity of that position is manifest.

Additionally, heavier development would pose a burden on the already overcrowded school system, recently worsened by the unfortunate destruction of Sparks Elementary School. The "contributions" from the developer would not offset the added burden. So-called "contributions" do not pay for the additional necessity of more teachers, more police and fire protection, more utility maintenance and repair, or for the long-term maintenance required by the increase in population.

Moreover, the roads in that area are not sufficient to accept the additional burden of so many more people and vehicles. The intersection of Loveton Farms and York Roads, slightly north of Phoenix Road, is the scene of many accidents. More can be expected at the intersection of Phoenix and York Roads if the current density is increased further. More traffic lights would be

Baltimore County
Office of Planning

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211
Fax: (410) 887-5862

September 1, 1995

Mr. David C. Weiner
1915 Eastridge Road
Timonium, Maryland 21093

Dear Mr. Weiner:

Thank you for your letter dated August 17, 1995, regarding the proposed development of the Colvista property. As you are aware, the property owner has petitioned for rezoning to allow more residential homes along with a small commercial component.

The County has not supported the petition for the proposed rezoning of the property. The Baltimore County Planning Board has recommended against the rezoning petition which was scheduled to be heard by the Board of Appeals on August 16, 17, 23, and 24, 1995. Additional hearing dates have been set for September 13 and 14, 1995.

As the Board of Appeals will not make its decision in this matter until after the last day of hearings, a copy of your letter has been forwarded to the Board to insure that your concerns are noted in the file regarding this matter.

Thank you for taking the time to inform me of your concerns.

Sincerely,

Pat Keller

Arnold F. "Pat" Keller, III
Director

COLVI1/PZONE/TXTJWL

Printed with Soybean Ink
on Recycled Paper

shall not in itself be sufficient grounds to reclassify property. [Bill No. 98, 1975]

1A00.4--Plans and Plats. [Bill No. 98-75]

Development Plans and Final Subdivision Plats shall be required in the manner prescribed under subsection 1B01.3 and for the purpose of this subsection all references to D.R. zones shall include the R.C. zones. [Bill No. 98, 1975]

1A00.5-Application to tract divided by zone boundary. [Bill No. 98-75]

Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R.C. zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and for the purpose of these regulations shall be considered as separate parcels. [Bill No. 98. 1975]

Section 1A01--R.C. 2 (AGRICULTURAL) ZONES [Bill No. 98-75]

1A01.1--General provisons. [Bill No. 98-75]

A. Legislative Statement of Findings.

1. Declaration of findings. It is found:

a. that Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development; [Bill No. 98, 1975.]

b. that the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry; [Bill No. 98, 1975]

c. that scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land; [Bill No. 98-75]

d. that continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs

APPROVED JUL 0 1 1989

IN THE MATTER OF	*	BEFORE
SECURITY MANAGEMENT CORPORATION	*	COUNTY BOARD OF APPEALS
S.E. intersection of York and Phoenix Rds.	*	OF
(Colvista)	*	CASE NO.: CR-93-307-SPHXA
8th Election District	*	Item #5, Cycle I, 1993
3rd Councilmanic District	*	

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

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Custodian of Records
Baltimore Metropolitan Council
601 N. Howard St., Baltimore, Maryland 21201

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; (X) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on the 13th day of September, 1995, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all documents relating to the Housing Plan for the Baltimore Region and for Baltimore County, including, but not limited to, any document used as the basis for the Plan, and supporting documents and any amendments, updates or revisions of the documents.

Subpoena requested by:

G. Scott Barhight, Esq., Whiteford, Taylor & Preston
(Name of Party or Attorney, Address and Phone Number)

210 W. Pennsylvania Avenue, Towson, MD 21204 (410) 832-2000

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.

County Board of Appeals of
Baltimore County

57641

IN THE MATTER OF	*	BEFORE
SECURITY MANAGEMENT CORPORATION	*	COUNTY BOARD OF APPEALS
S.E. intersection of York and Phoenix Rds.	*	OF
(Colvista)	*	CASE NO.: CR-93-307-SPHXA
8th Election District	*	Item #5, Cycle I, 1993
3rd Councilmanic District	*	

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

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Custodian of Records
Baltimore County Library, Towson Branch
320 York Road, Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; (X) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on the 13th day of September, 1995, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all documents relating to the Housing Plan for the Baltimore Region and for Baltimore County, including, but not limited to, any document used as the basis for the Plan, and supporting documents and any amendments, updates or revisions of the documents.

Subpoena requested by:

G. Scott Barhight, Esq., Whiteford, Taylor & Preston
(Name of Party or Attorney, Address and Phone Number)

210 W. Pennsylvania Avenue, Towson, MD 21204 (410) 832-2000

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

57641

IN THE MATTER OF	*	BEFORE
SECURITY MANAGEMENT CORPORATION	*	COUNTY BOARD OF APPEALS
S.E. intersection of York and Phoenix Rds.	*	OF
(Colvista)	*	CASE NO.: CR-93-307-SPHXA
8th Election District	*	Item #5, Cycle I, 1993
3rd Councilmanic District	*	

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

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: **(Name, Address, County)** Custodian of Records
Department of Community Conservation
1 Investment Place, Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; (X) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on the 13th day of September, 1995, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all documents relating to the Housing Plan for the Baltimore Region and for Baltimore County, including, but not limited to, any document used as the basis for the Plan, and supporting documents and any amendments, updates or revisions of the documents.

Subpoena requested by:

G. Scott Barhight, Esq., Whiteford, Taylor & Preston
(Name of Party or Attorney, Address and Phone Number)

210 W. Pennsylvania Avenue, Towson, MD 21204 (410) 832-2000

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.

County Board of Appeals of
Baltimore County

57641

IN THE MATTER OF	*	BEFORE THE
SECURITY MANAGEMENT CORP. SE INTERSECTION YORK & PHOENIX RDS. (Colvista)	*	COUNTY BOARD OF APPEALS
	*	BALTIMORE COUNTY
	*	Case No. CR-93-307-SPHXA

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

MOTION TO QUASH SUBPOENAS
FOR JAMES GIBSON, FRED HOMAN, DAVID FIELDS,
JAMES DIETER, WALLACE LIPPINCOTT AND JACK DILLON

Witnesses, James Gibson, Director of Baltimore County's Office of Finance, Fred Homan, Director of Baltimore County's Office of Budget, David Fields, Director of Baltimore County's Community Conservation Program, James Dieter, Deputy Director of Baltimore County's Office of Planning, and Baltimore County employees, Wallace Lippincott and Jack Dillon, by their undersigned counsel, move to quash the subpoenas served upon them in the above-referenced matter which attempt to compel their appearance on six separate dates before this Board in the above-referenced matter. These subpoenas have been issued at the request of the firm of Holzer & Lee to provide testimony in support of the Respondents in this matter. As these individuals are public officials and employees who are responsible on a daily basis for the fulfillment of public duties, these witnesses respectfully contend that it is unduly burdensome to them and disruptive to the County Governmentto require their appearance on each of the dates subpoenaed.

While each of these witnesses are willing to honor a subpoena for a specific date and time, they object to the misuse of the subpoena power by the Respondents' counsel in a manner which imposes such an undue burden upon them, particularly when it can be assumed that the Respondents will not even commence their case in chief until the third or fourth day of this proceeding.

B

IN THE MATTER OF * BEFORE THE

Security Management Corp. * COUNTY BOARD OF APPEALS

SE INTERS. YORK & Phoenix Rds * BALTIMORE COUNTY

(Colvista) * CASE NO. CR-93-309-SPHXA

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

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 8/16-17-23-24, 1995 AND 9/13-14/1995 at 9:00 a.m. at Room 48, located at Old Court House, 400 WASHINGTON AVE. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Fred Homan
Address: DIR. of BUDGET

Name: J. CARROLL HOLZER
Firm: HOLZER & LEE
Address: 305 WASHINGTON AVE.
ATTY FOR PROTESTANTS

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. Bianchammer
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

95 AUG 11 AM 11:04

IN THE MATTER OF	*	BEFORE THE
Security Management Corp.	*	COUNTY BOARD OF APPEALS
SE INTERS. YORK + Phoenix Rds	*	BALTIMORE COUNTY
(Colvista)	*	CASE NO. CR-93-309-SPHXA

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

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 8/16-17-23-24, 1995 AND 9/13-14/1995 at 9:00 a.m. at Room 48, located at Old Court House, 400 WASHINGTON AVE. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: James Gibson
Address: Dir. of Finance

Name: J. CARROLL HOLZER
Firm: HOLZER + LEE
Address: 305 WASHINGTON AVE.
ATTY FOR PROTESTANTS

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.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

IN THE MATTER OF	*	BEFORE THE
Security Management Corp.	*	COUNTY BOARD OF APPEALS
SE INTERS. YORK & PHOENIX Rds	*	BALTIMORE COUNTY
(Colvista)	*	CASE NO. CR-93-309-SPHXA

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

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 8/16-17-23-24, 1995 AND 9/13-14/1995 at 9:00 a.m. at Room 48, located at Old Court House, 400 WASHINGTON AVE. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: James Dieter
Address: Office of Planning & Community Conservation

Name: J. CARROLL HOLZER
Firm: HOLZER & LEE
Address: 305 WASHINGTON AVE.
ATTY FOR PROTESTANTS

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. Bachmanner
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

FILED AUG 11 PM 3:45

IN THE MATTER OF	*	BEFORE THE
Security Management Corp.	*	COUNTY BOARD OF APPEALS
SE INTERS, YORK & PHOENIX Rds	*	BALTIMORE COUNTY
(Colvista)	*	CASE NO. CR-93-309-SPHXA

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

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 8/16-17-23-24, 1995 AND 9/13-14/1995 at 9:00 a.m. at Room 48, located at Old Court House, 400 WASHINGTON AVE. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: DAVID FIELDS
Address: Office of PLANNING & Community Conservation

Name: J. CARROLL HOLZER
Firm: HOLZER & LEE
Address: 305 WASHINGTON AVE.
ATTY FOR PROTESTANTS

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. Bieniewski
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

RECEIVED
SEP 11 1995
BALTIMORE COUNTY

IN THE MATTER OF * BEFORE THE

Security Management Corp. * COUNTY BOARD OF APPEALS

SE INTERS. YORK & PHOENIX RDS * BALTIMORE COUNTY

(Colvista) * CASE NO. CR-93-307-SPHXA

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

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 8/16-17-23-24, 1995 AND 9/13-14/1995 at 9:00 a.m. at Room 48, located at Old Court House, 400 WASHINGTON AVE. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Wally Lippincott
Address: DEPRM

Name: J. CARROLL HOLZER
Firm: HOLZER & LEE
Address: 305 WASHINGTON AVE.
ATTY FOR PROTESTANTS

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.

County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

95 AUG 11 AM 10:41

IN THE MATTER OF * BEFORE THE

Security Management Corp. * COUNTY BOARD OF APPEALS

SE INTERS. YORK & Phoenix Rds * BALTIMORE COUNTY

(Coluista) * CASE NO. CR-93-309-SPHXA

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

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 8/16-17-23-24, 1995 AND 9/13-14/1995 at 9:00 a.m. at Room 48, located at Old Court House, 400 WASHINGTON AVE. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: JACK DILLON
Address: Dept of PLANNING & Community Conservation

Name: J. CARROLL HOLZER
Firm: HOLZER & LEE
Address: 305 WASHINGTON AVE.
ATTY FOR PROTESTANTS

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. Bieniemmie
County Board of Appeals of
Baltimore County

Cost: $_____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

95 AUG 11 AM 9:55

Baltimore County Government
Administrative Office

People's Counsel Ex. 13

400 Washington Avenue
Towson, MD 21204

887-2460
Fax 887-5781

March 17, 1992

Mr. G. Scott Barhight
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue - Ste 500
Towson, Maryland 21204

Dear Scott,

At the end of your presentation on "Colvista" (Towson Nurseries) in the Executive Conference Room on February 7, 1992, I promised a quick review and response to your rezoning request from the County agencies represented at the meeting.

The agencies have now completed their review and in those cases where recommendations were made, they are unanimous in their opposition to the requested change of zoning on the subject property, at least for the foreseeable future.

As you can see from the attached correspondence, the Department of Public Works has identified severe sewer capacity and treatment plant constraints. Furthermore, they would not support any increase in development density prior to State funding being committed for improvements to York Road and the construction of the Thornton Mill interchange with I-83. The Department of Environmental Protection and Resource Management is also opposed to changing the RC 4 designation of this site at any time, citing both the Reservoir Watershed Management Agreement with adjacent jurisdictions and the need to retain those remaining forested tracts in the Hunt Valley Area.

A number of agencies point to the problems associated with the funding of adequate facilities and services. The Board of Education identified the potential increase in student population at all levels generated by the project, and the Department of Recreation & Parks, highlight recreation and open space deficits in the corridor. In addition, the Departments of Community Development, and Economic Development are looking for housing that is affordable, to assist potential employees of the Hunt Valley employment corridor.

People's Counsel Ex. 14

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Gene L. Neff, Director
Department of Public Works

March 11, 1992

FROM: Paul L. Hudson, Chief
Bureau of Engineering

SUBJECT: 1992 Zoning Map Issue #3-131, Towson Nurseries Site
215 Acres at York Road & Phoenix Road
RE: Memo from andrea Van Arsdale, February 19, 1992

The Department of Public Works should oppose the rezoning of the Towson Nurseries Site at this time based on two issues. The first issue involves the limited capacity of the Back River Waste Water Treatment Plant. What limited capacity there is should be reserved for those areas within the Back River Sewer Shed which have already been zoned for dense development, but have not, as yet, been developed.

The second issue involves the six pumping stations and the conveyance system through which flow from the Towson Nurseries Site would be routed to the Back River Waste Water Treatment Plant. This conveyance system shows signs of stress at this time and, again, any reserve capacity needs to be held for those areas already zoned for dense development.

PLH:tlg

People's Counsel Ex. 15 - 3/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: February 28, 1992

TO: Mr. Gene L. Neff, Director
Department of Public Works

FROM: C. Richard Moore, Bureau Chief
Bureau of Traffic Engineering

SUBJECT: 1992 Zoning Map Issue 3-131
215 Acres at York Road and Phoenix Road
Towson Nurseries Site

Our review of the proposed Towson Nurseries site is as follows. The 3,000 dwelling units is expected to generate approximately 21,000 trips per day of which we do expect 85% to go south on York Road. The 17,800 trips per day added to the existing 15,000 trips would require York Road to be improved to four lanes without any other development which is proposed in this corridor.

The County's recommendations to the State on future transportation improvements is to:

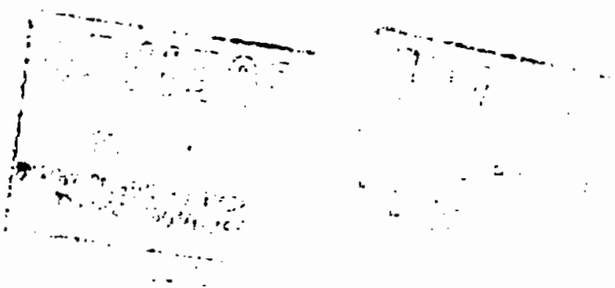
1) First build the extension of Shawan Road to Paper Mill Road.

2) To build the interchange of I-83 at Thornton Mill Road.

3) To improve York Road to four lanes if necessary.

Under that scenario, improvements to York Road would be many years away. Also, there is much community opposition to the widening of York Road.

CRM:lvd



INTER-OFFICE CORRESPONDENCE

People's Counsel Ex. 16

TO: P. David Fields, Director
Office of Planning & Zoning

Date: March 13, 1992

FROM: Fred Homan, Director of the Budget
Jim Gibson, Director of Finance

SUBJECT: Colvista Residential Development

We have recently reviewed the "Analysis of Fiscal Impact for Baltimore County, Maryland" related to the Colvista Residential Development which was prepared by Legg Mason Realty Group, Inc. In accordance with your request, we submit the following comments and recommendation.

The mathematical calculations, in and of themselves, appear to be sound. However, some of the assumptions that these calculations are based upon are, in our opinion, too optimistic. For example, the second paragraph on page 27 of the report states that:

> LMRG treats all Colvista households as net additional County taxpayers because, even if a portion of these households already live in Baltimore County, we assume that their previous residence is being occupied by a new County resident with similar income characteristics so there is actually a net addition in the number of taxpayers.

None of the demographic or economic information available to our offices supports such an assumption. It is important to note here that the report assumes average household income for Colvista in the $75,000-80,000 range.

The documentation provided in support of Colvista also cites the fact that the positive revenue stream, such as that provided with income tax under the assumption discussed above, can be used by the County to pay for necessary capital improvements. Quite aside from the issue of accepting all of the assumptions that are necessary to generate the positive revenue stream, the documentation seems to support the concept that the County's debt capacity is infinite and can be viewed as project specific. As you know from the Planning Board's review of the Capital Program under the guidelines set by the County Executive, the County cannot afford to issue all the debt required for new infrastructure related to potential developments that already have the required zoning in place. This is not a short-term problem and it demands that the County take the long view regarding growth and revitalization.

It is our recommendation that the existing zoning remain in effect.

FH:mep

08

People's Counsel Ex. 17

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland – 21204

March 11, 1992

TO: Adrea Van Arsdale
Master Plan Coordinator, OPZ
Mail Stop 3402

FROM: James E. Kraft, Manager
Department of Planning
Baltimore County Public Schools

RE: Towson Nurseries Site

Thank you for your recent memo concerning the planned development of the Towson Nurseries Property. This site, consisting of approximately 215 acres falls within the Sparks Elementary, Hereford Middle, and Hereford High School Districts.

While we have not received any written documentation delineating proposed housing types, Ms. Fritzi Hallock has stated that 42.50% of these units would be two-story condominiums, and 57.50% would be condominiums known as "flats."

Since we do not have a significant number of these proposed housing types in Baltimore County to determine pupil yields; we have chosen to use formulas based upon townhouses for sale and two-bedroom apartments from the Eighth Election District. These pupil yield formulas are as follows:

Townhouse (Sale)		Apartment (2 Bedroom)	
Elementary	= .311	Elementary	= .052
Middle	= .147	Middle	= .033
High	= .231	High	= .060

Using these yields, the Towson Nurseries Project could generate 487 elementary school pupils, 245 middle school pupils, and 399 high school pupils.

We think it is important to note that the 1182 unit development known as Loveton Farms as of September, 1991, contained only 44 elementary school pupils, 20 middle school pupils, and 19 high school pupils.

Attached, please find a data sheet indicating past enrollments and projections for Sparks Elementary, Hereford Middle, and Hereford High Schools. The Proposed Fiscal Year 1993 School Capital Budget and Five-Year Program was reviewed by the Planning Board and recommendations were sent to the County Executive on March 5, 1992. As of this date, future projects, such as the new North County Elementary School, have been removed.

JEK:n
Attachment

People's Counsel Ex. 18

BALTIMORE MARYLAND, COUNTY
Inter-office Correspondence

TO: P. David Fields, Director
Office of Planning & Zoning

DATE: March 11, 1992

FROM: Frank W. Welsh, Director
Dept. of Community Development

RE: Zoning Issue/Towson Nurseries Site

Thank you for the opportunity to comment on the above referenced zoning issue.

This department would support the concept of the rezoning request if the proposed development included affordable housing development. As proposed, the development would not include housing affordable to households at or below the median income.

The development of housing in Hunt Valley which is affordable to a range of household income levels would address the County's goal of linking jobs and housing in that area. Such an objective could be achieved through a number of activities. A combination of price limits on housing units, marketing to specific income groups and establishing financial assistance are all tools which will be used in the Owings Mills New Town development to meet this need. This department would require the inclusion of commitments to utilize these tools or similar mechanisms subsequent to rezoning of the Towson Nurseries property and a specific commitment as to the number of affordably priced units.

FWW:prb

RECEIVED
MAR 16 1992
OFFICE OF
PLANNING & ZONING

Security Management Corporation
SE/Intersection York and Phoenix
COLVISTA

CR-93-307-SPHXA
Item #5 Cycle 1 - 1993

February 26, 1993	Petition for Reclassification filed by G. Scott Barhight, Esquire, on behalf of Security Management Corporation. Petitioner for reclassification; Petition for SE for community building & swimming pool and assisted living facility; Petition for APO SE: applicability of BCZR sections; Petition for Variances for setbacks and parking spaces, etc., pursuant to Documented Site Plan.
April 16	Amended Site Plan filed by Barhight for Security Management Corporation.
October 13	Hearing scheduled before the Board: matter opened and continued on the record at the request of Petitioner through Barhight, for purpose of amending Petition and Site Plan. (No testimony/evidence at this time.
April 11, 1995	Public hearing at which Amended Petition and plan submitted to the Board by Petitioner through Counsel, pursuant to amended documented site plan.
May 19	Planning Board Report recommending denial of the Petition and amended doc. site plan.
August 1	Letter from People's Counsel re: threshold issues
August 7	Follow up letter to August 1, 1995 letter received from People's Counsel.
August 7	Letter from J. Carroll Holzer Esquire adopting Mr. Zimmerman's above Motion and Memorandum requested hearing on Legal issues
August 10	Response to People's Counsel's letters from Barhight requested denial of motion to dismiss without hearing, or in alternative to hearing motion to dismiss by PC on first day of hearing, 8/16/95.
August 11	Letter from Board to counsel - argument on P.C.'s issues to be raised at 8/16/95 hearing.
August 16	Rule 8 papers filed by CBSCC.
August 16	Hearing before the Board of Appeals Day #1 - People's Counsel moved for dismissal. Board deliberated Motion for Dismissal and reserved ruling on said motion as it was premature at this time.
August 17	Hearing before the Board of Appeals Day #2
August 23	Hearing before the Board of Appeals Day #3
August 24	Hearing before the Board of Appeals Day #4
September 13	Hearing before the Board of Appeals Day #5
September 14	Petitioner's case in chief concluded: the Board deliberated - Motions to Dismiss; Board granted said Motions.
September 29	Ruling on Motion for Dismissal issued by the Board wherein the Motion for Dismissal was GRANTED.
October 18	Petition for Judicial Review filed in the CCt for Baltimore Co. by Barhight on behalf of Security Management Corp. (copy rec'd by CBA 10.20.95
November 15	Response of the Broadmead Residents Association to Petition for Judicial Review filed by James A. Biddison, Jr., Esquire.
October 20	Certificate of Notice sent to interested parties.
December 21	Motion for Extension of Time for Transmittal of Papers filed by Barhight on 12/15/95 (Granted by Thomas Bollinger, J. on 12.18.95 - Papers due by 1.15.96).
January 17, 1996	Transcript of testimony and Record of Proceedings filed in the Cct for Baltimore County.
August 26 ✓	Opinion issued by the CCt; decision of CBA AFFIRMED Lane W. Lewis, J.)
September, 1996 ✓E	Appeal filed in the Court of Special Appeals by G. Scott Barhight, Esq.
August 20, 1997 ✓E	Opinion issued by the Court of Special Appeals: decision of the Circuit Court is AFFIRMED (Murphy, Davis, Bloom, Js)
December 15, 1997 ✓C	Order issued by the Court of Appeals: Writ of Certiorari is DENIED Robert M. Bell, Chief Judge)

CR-307-SPHXA /Colvista
Court of Appeals Denied Writ of Cert.
12/10/97 (Robert Bell, Chief Judge)

SECURITY MANAGEMENT CORP.	*	**In the**
	*	**Court of Appeals**
v.	*	**of Maryland**
	*	**Petition Docket No. 397**
BALTIMORE COUNTY, MARYLAND et al.	*	**September Term, 1997 (No. 1787, September Term 1996, Court of Special Appeals)**

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals, and the answers filed thereto in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Robert M. Bell
Chief Judge

DATE: DEC 10 1997

97DEC 15 PM 2:19
COURT OF SPECIAL APPEALS
RECEIVED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Kathleen Bianco

DATE: September 4, 1996

FROM: Douglas N. Silber
Office of Law

SUBJECT: Security Management Corp. v.
Baltimore County Board of Appeals

Attached please find a copy of the Court's Opinion in the above-captioned matter which affirms the Board's decision.

DNS/jd

Attachment

CR-93-307-SPHXA /Colvista
CBA AFFIRMS CCt which AFFIRMED CBA
8/20/97 (Murphy, Davis, and Bloom, Js)

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1787

September Term, 1996

SECURITY MANAGEMENT CORP.

v.

BALTIMORE COUNTY, MARYLAND ET AL.

Murphy, C.J.
Davis,
Bloom, Theodore G.
(Retired, specially assigned.)
JJ.

PER CURIAM

Filed: August 20, 1997

#95CV9688

In this appeal from the Circuit Court for Baltimore County, Security Management Corp. (SMC), appellant, presents the following questions for our review:

> I. Must §§ 1A00.3.A.1.a and 1A03.2.1 of the BCZR yield to the exclusive jurisdiction provision in § 602 e of the Baltimore County Charter?
>
> II. Did the Board of Appeals and the Circuit Court erroneously interpret the term "parcel of land under petition" as used in BCZR § 1A03.2.1?

We answer "no" to the first question. Based on our resolution of that issue, we affirm the judgment of the circuit court.

FACTUAL BACKGROUND

Appellant claims that it is entitled to piecemeal rezoning of 156.16 acres of a 215 acre tract of land adjacent to the Loch Raven Reservoir from RC-4 (Rural Conservation -watershed protection) to DR-10.5 (Density Residential 10.5) and BL (Business Local). When appellant petitioned the County Board of Appeals of Baltimore County (the Board) for the entry of an order granting such relief, appellees[1] requested that the Board dismiss the petition based upon Sections 1A00.3.A.1.a and 1A03.2.1 of the Baltimore County Zoning Regulations (BCZR). Section 1A00.3.A.1.a prohibits reclassification of RC property that is located in a "no planned service" area for sewer and water, and Section 1A03.2.1 prohibits reclassification of RC property that is less than 200 feet from the property line of any public water

[1]The appellees are the People's Counsel for Baltimore County, the Sparks-Glencoe Community Council, and the Broadmead Residents Association. Baltimore County itself is not a party to the instant appeal.

reservoir. The Board granted appellees' motion on the following grounds:

> The area of concern to the Board in this particular Motion is that which appears in BCZR regulation 1A03.2, which reads:
>
> "No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies:
>
> 1. that the parcel of land under petition lies at least 200 feet from the property line of any public reservoir;
>
> * * *
>
> This particular section of the regulations impacts the Petitioner's ability to reclassify R.C. 4 property which lies adjacent to or near the public water reservoir. From Petitioner's Exhibit 1 and several other exhibits, coupled with the testimony of several of the witnesses, the Board finds as a fact that the entire lot of record for which a portion is the subject of the reclassification petition directly abuts the Loch Raven Reservoir property. Therefore, Item 1 of BCZR 1A03.2 dictates that the Board consider definitions for the word "parcel" as they may apply in this case, in light of the petition to reclassify only land more than 200 feet from the reservoir property line. The word "parcel" does not appear in BCZR Section 101. However, in the absence of a written definition in Section 101, the Board is required to go to the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. In Webster's, numerous definitions for the word "parcel" exist; however, definitions 2a. and b. deal with possible definitions related to real property.
>
> "2a: a continuous tract or plot of land in one possession no part of which is separated from the rest by intervening land in other possession b: a tract or plat of land whose boundaries are readily ascertainable by natural or artificial monuments or markers...."
>
> * * *

Black's [Law Dictionary, 6th Edition, 1990] further indicates that "parcel" may be synonymous with the term "lot." The closest definition to the word "lot" in the BCZR is the term-phrase "lot of record" which reads:

> "A parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof."

It is this very issue which gives the Board pause. The Board finds as a fact that the parcel under consideration includes the entire area of the site, as defined by its metes and bounds as the lot of record which existed on the date of the zoning regulation which governs its use, which, in this case, is the date of the last Comprehensive Zoning Map adoption date by the County Council, October 15, 1992. In finding this fact, the Board therefore finds that the zoning line proposed by the Petitioner to separate the proposed developable area as D.R. 10.5 and B.L. from existing and to-remain R.C.-4 property on the instant site is an artificial line not recognized by the BCZR as definable in the context of the word "parcel" and/or "lot of record." For the above reasons and facts, the Board shall grant the Motion for Dismissal of the instant case.

Appellants sought reversal of that decision in the Circuit Court for Baltimore County, but the court affirmed the Board. According to the circuit court:

> even if the Board has jurisdiction over a zoning case, it may be without the authority to grant approval of a reclassification petition because the Petitioners have not met the statutory requirements necessary for a zoning reclassification. In other words, the Code sections setting forth the standards or guidelines by which the Board decides cases do not conflict with its exclusive jurisdiction to hear such cases. Therefore, in order to grant the reclassification petition the Appellant would have to satisfy the statutory provisions. It is clear to this Court that they have not done so. The uncontradicted testimony was that there is no planned public sewer or water service on the property. Accordingly, the provisions of 1A00.3A.a [sic] have not been met.
>
> * * *

> Appellees as well as the Court agree with the Board's definition of "parcel." The site in question is a contiguous tract of property, all owned by the Appellant, therefore it is one parcel. This one parcel is undisputedly within two hundred feet of the reservoir property line. Accordingly, the provisions of 1A03.2 forbid the reclassification.

This appeal followed.

I

According to appellant, the restrictions on reclassification contained in Sections 1A00.3.A.1.a and 1A03.2.1 of the BCZR impermissibly encroach upon the power granted to the Board of Appeals by the Baltimore County Charter. Appellant argues that Sections 1A00.3.A.1.a and 1A03.2.1 must yield to the exclusive jurisdiction provision in Section 602(e) of the County Charter which provides that "[t]he county board of appeals shall have original and exclusive jurisdiction over all petitions for reclassification." We disagree.

Appellant contends that in Hope v. Baltimore County, 288 Md. 656 (1980), the Court of Appeals held that where the County Charter and a provision of the Baltimore County Code conflict, the provision of the County Charter controls and the offending code section is a nullity. That case involved the question of whether a decision of the Baltimore County zoning board could be appealed directly to the circuit court. The appellant relied on a provision in the County Code that had been enacted prior to the adoption of the County Charter by the people,of Baltimore County. Under the provision at issue, "any person .i. aggrieved by the

County Board of Appeals of Baltimore County

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

October 5, 1995

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

Re: Case No. CR-93-307-SPHXA
Security Management Corporation
Amended Petition for Reclassification

Dear Mr. Barhight:

On September 29, 1995, the Board received your September 20th letter regarding public deliberation of the above-referenced case. This correspondence is to provide a response to issues which you raise to the extent that such a response is appropriate from the Board.

You are correct in your first paragraph where you write that the Board denied your request to be heard following the Board's public deliberation in the instant case. However, you incorrectly infer that the Board granted you the opportunity to send a letter to the Board which would be made a part of the instant case file. As advocate for your client, you are always free to work in the interests of your client; it is the Board's responsibility to determine material which can be made a part of any given case's record.

The larger issue which you raise in your correspondence is whether the Board should open up the deliberation process and leave it susceptible to banter from among the witnesses to the process. The Board, in the deliberation process, presents panel members' views on a given case. That panel is charged with the responsibility of making findings of fact to support its ultimate decision. Opening the deliberations to comment and criticism is contrary to the intent of the deliberation process and to the evidentiary portion of the proceedings, in that such exchange only serves to prevent an ultimate conclusion to the case. This Board utilizes the Board's administrative assistant to record deliberation proceedings through the taking of minutes, as the deliberation process is one which is ostensibly a conversation among the members; those minutes serve as notice that the Board in fact publicly deliberated and complied with the open meetings law. Therefore, in response to your request to supplement the minutes

Printed with Soybean Ink on Recycled Paper

G. Scott Barhight
October 5, 1995
RE: Case No. CR-93-307-SPHXA

with your summary, the Board responds with a resounding no.

In light of the Board's position to disallow supplemental information to be included among the deliberation minutes, the Board will not admit or deny any of the information contained on pages one through seven of your letter. The Board is charged with the responsibility of presiding over the proceedings, taking evidence and testimony, and making findings of fact and conclusions of law. You, as advocate for any client, have adequate opportunity during the proceedings to present such evidence and testimony and to make argument to present your clients' case(s) in what you deem to be the most favorable light. The Board will not leave the record open in this matter, nor any other matter, once the evidentiary portion of the proceeding has closed. Acting to the contrary would serve no purpose in the public good and flies in the face of reasonable decorum in such quasi-judicial proceedings.

Finally, therefore, your request on page 8 of your letter to include your letter in the official record of the instant case is denied. The official record of this case was closed prior to the deliberation of this case; as such your original letter is returned herewith. This Board cannot grant you any specific right to supplement the official record as you indicate on page 8. As stated above, you, as advocate for your client, certainly are charged with the responsibility to pursue whatever you deem appropriate in your client's pursuits. The Board is charged with the responsibility of effecting the proceedings in an orderly fashion. For the Board to do as you suggest would be contrary to orderly pursuit of the matter at hand.

Very truly yours,

Robert O. Schuetz, Chairman
County Board of Appeals

ROS:kcw

Enclosure

cc: J. Carroll Holzer, Esquire
Peter Max Zimmerman
People's Counsel for Baltimore County

5/02/95 -Notice of Assignment (6 hearing days) sent to parties; dates as agreed to by Counsel: 8/16/95; 8/17/95; 8/23/95; 8/24/95; 9/13/95; and 9/14/95, all beginning at 9:00 a.m.

5/01/95 -Letter from P. Zimmerman regarding threshold issues, including authority of Board to hear this matter; requesting hearing on legal issues prior to hearing on merits.

5/07/95 -Letter from C. Holzer /adopting Mr. Zimmerman's above Motion and Memorandum requesting hearing on legal issues.

5/07/95 -Follow up letter from P. Zimmerman to above correspondence.

5/10/95 -Response to People's Counsel's letters from S. Barhight, requesting denial of motion to dismiss without hearing, or in alternative, to hear motion to dismiss by PC on first day of hearing, 8/16/95.

5/10/95 -Letter to counsel; Board will to hear argument on legal issues as raised on 8/16/95 at start of hearing.

5/15/95 -Letter from P. Zimmerman forwarding "source material" to be discussed at 8/16/95 argument on legal issues. (PC letter indicates that copies were hand-delivered to S. Barhight and C. Holzer.)

5/14/95 -Petitioner's case in chief concluded after 6 days of evidence and testimony. Board then publicly deliberated People's Counsel Motion to Dismiss (joined by Holzer); upon deliberation, Board GRANTED Motion to Dismiss; written Ruling to be issued, from which appellate period will run.

5/29/95 -Letter received from Board from S. Barhight with request to supplement Deliberation Minutes and the record in this matter.

5/29/95 -Ruling on Motions to Dismiss issued by Board; Motion to Dismiss GRANTED. (R.M.B.)

10/05/95 -Response to Mr. Barhight from Chairman Schuetz; request to supplement minutes denied; request to include additional correspondence in official record denied; Mr. Barhight's letter received 9/29/95 returned; not to be included in case file.

10/16/95 -Letter from G. Scott Barhight; per agreement of parties, as consented to by Board, large exhibits to be replaced with 8-1/2" by 11" photographs or copies.

WHITEFORD, TAYLOR & PRESTON IN PROCESS OF REPLACING THE OVERSIZED EXHIBITS ENTERED IN THIS MATTER WITH AFOREMENTIONED SMALLER COPIES/PHOTOGRAPHS.

10/20/93 -Rule 8 papers filed by James A. Biddison, Jr. on behalf of Broadmead Residents Association.

12/08/94 -Letter from Scott Barhight on behalf of Petitioner -- requesting public hearing for sole purpose of submitting amendments to Petition and Documented Site Plan; understands this could occur in early part of January 1995.

12/13/94 -Notice of Assignment sent to parties; matter set in for public hearing on Thursday, January 12, 1995 at 9:30 a.m. for the purpose of submitting amendments to Petition and Documented Site Plan; no testimony or evidence to be received at this public hearing.

12/21/94 -Letter from S. Barhight, Esquire; requesting postponement of above date; amendments will not be available by 1/12/95; requests no earlier than second week of February 1995.

12/22/94 - Matter POSTPONED at request of Counsel for Petitioner to allow time for completion of amendments; will reschedule public hearing for purpose of receiving amendments at request of Petitioner or his Counsel.

3/17/95 -Letter from S. Barhight; requesting public hearing for purpose of submitting amendments to Plan and Petition. Also requesting 10 hearing days for this matter on Board's schedule.

3/24/95 -Letter dated 3/21/95 from J. C. Holzer; requesting scheduling conference in light of number of days being requested by Petitioner's counsel; also advising of dates during which time he will be unavailable.

3/24/95 -Notice of Assignment sent to parties; scheduled for Tuesday, April ', 1995 at 9:30 a.m. for sole purpose of submitting amendments to Plan and Petition to the Board, for forwarding to Planning.

- Matter open at this time regarding scheduling conference, etc.

4/01/95 -Letter to Barhight, Holzer and Zimmerman -scheduling conference set for Thursday, April 27, 1995 at 2:00 p.m.

------ CONTINUED ON PAGE 3 /COMPUTER PRINTED COPY ------

9/01/93 -Letter to Counsel (Barhight and Zimmerman) advising of preliminary conference scheduled in Board's office on 9/15/93. (Case scheduled for 4 days: 10/13; 10/14; 10/19; and 10/20/93.)

9/17/93 -Letter to Counsel and Sparks-Glencoe and Valleys Planning Council advising of meeting scheduled in Board's office on 9/23/93. (Additional date of 10/22/93 to be held; Holzer entering appearance on behalf of protestants in case; possible conflict w/schedule on 10/19 and 10/20.)

9/23/93 -Memo to File /copies to all attendees at 9/23/93 meeting /summarizing contents of said meeting.

10/01/93 -Letter received from Scott Barhight, Counsel for Petitioner, requesting continuance for purpose of amendments to Petition.

10/04/93 -Letter from James V. McCoy, President, Greater Jacksonville Association, Inc. -to be included in case file; joining with Sparks-Glencoe in opposition to reclassification petition.

10/05/93 -Notice of Requested Continuance sent to all parties as indicated below. Continuance request to be put on the record on Wednesday, October 13, 1993 at 10:00 a.m.; said continuance to be granted to permit amendments to Petition and to include all scheduled dates as indicated.

G. Scott Barhight, Esquire
Peter F. Fagan, Exec. V.P.
Security Management Corp.
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
Margaret Worrall /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.
Lyle A. Brecht
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

10/12/93 -Ltr from J. Carroll Holzer in response to Mr. Barhight's ltr of 10/01/93 -- stating understanding that proposed amendment, per Code, must come to the Board before the Planning Board; and also that action should be taken on the record. T/C to S. Leese this date --continuance to be requested on record pursuant to above Notice dtd 10/05/93; Carroll Holzer has received his copy; correspondence crossed in mail.

10/13/93 -CONTINUED on the record; amended petition/plan to be submitted at public hearing to be scheduled upon request of Petitioner.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 21, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: CR-93-307-SPHXA
SECURITY MANAGEMENT CORPORATION /COLVISTA
8th E; 3rd C

Since no further appeals have been taken from the Court of Special Appeals' August 20, 1997 opinion, we are closing and returning the Board's case file to you. The original file and exhibits will be returned to your office by John Almond, Records Manager /CCt.

Attachment (Case File No. CR-93-307-SPHXA)

CR-93-307-SPHXA

LAW OFFICES
WHITEFORD, TAYLOR & PRESTON

SUITE 1400
SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 410-347-8700
FAX 410-752-7092

500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410-832-2000
FAX: 410-832-2015

SUITE 400
1025 17TH STREET, NW
WASHINGTON, D.C. 20006-3939
TELEPHONE 202-659-6800
FAX 202-331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703-836-5742
FAX 703-836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410-832-2050

March 12, 1992

DELIVERY BY HAND

Arnold Jablon, Director
Zoning Administration and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Reclassification, Special Hearing,
Special Exceptions and Variances
Petitioner: Security Management Corp.

Dear Mr. Jablon:

This office represents Security Management Corp. regarding the above-referenced Petitions filed on February 26, 1993. Please accept for filing the enclosed revised plans (12 copies of a 7 sheet set) and a revised page 2 of the Petition for Special Hearing (3 copies). These changes primarily relate to typographical errors overlooked at the initial filing. Please distribute these revisions as appropriate.

Should you have any questions or comments, please feel free to contact me. Thank you for your kind attention and cooperation.

Sincerely,

G. Scott Barhight

GSB/slr
Enclosures
cc: Mr. Peter F. Fagan
Charles E. Fick, P.E.

REVISED
RECEIVED
MAR 15 1993
By sc

CR-93-307-SPHXA

9388-93

AJ - GS

LAW OFFICES
WHITEFORD, TAYLOR & PRESTON

SUITE 1400
SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 410-347-8700
FAX 410-752-7092

500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410-832-2000
FAX 410-832-2015

SUITE 400
1025 17TH STREET, NW
WASHINGTON, D.C. 20006-3939
TELEPHONE 202-659-6800
FAX 202-331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703-836-5742
FAX 703-836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410-832-2050

April 1, 1993

DELIVERY BY HAND

Arnold Jablon, Director
Zoning Administration and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Colvista
Petition for Reclassification

Dear Mr. Jablon:

Please accept the enclosed check made payable to Baltimore County, Maryland in the amount of $100.00 as the filing fee for the previously filed revised Plan.

Should you have any questions or comments, please feel free to contact me. Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB/slr
Enclosure
cc: Mr. Peter F. Fagan

RECEIVED
APR 2 1993
ZADM

CR-93-307-SPHXA

4/21/93

393093

LAW OFFICES

WHITEFORD, TAYLOR & PRESTON

SUITE 1400
SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 410-347-8700
FAX 410-752-7092

500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410-832-2000
FAX 410-832-2015

SUITE 450
888 17TH STREET, NW
WASHINGTON, D.C. 20006-3939
TELEPHONE 202-659-6800
FAX 202-331-0573

G. SCOTT BARHIGHT

DIRECT NUMBER
410-832-2090

April 21, 1993

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2935
TELEPHONE 703-836-5742
FAX 703-836-0163

DELIVERY BY HAND

Mr. Carl W. Richards, Jr.
Office of Planning and Zoning
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Petitioner: Security Management Corp.
Colvista Community
Petitions for Reclassification, Special Exception, Special Hearing and Variances

Dear Mr. Richards:

Enclosed in a check made payable to Baltimore County, Maryland in the amount of $100.00 as the revised filing fee for the second revision of plans filed in the above-referenced matter.

Should you have any questions or comments, or should you need any additional information, please feel free to contact me. Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB/slr
Enclosure
cc: Mr. Peter F. Fagan
Mr. David Dodge
Mr. Bernt Peterson

RECEIVED
APR 21 1993
ZADM

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO
THOMAS J. LEE

J. HOWARD HOLZER
1907-1989

LAW OFFICES
HOLZER, MAHER, DEMILIO & LEE
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(410) 825-6960
FAX (410) 825-4923

CARROLL COUNTY OFFICE
1555 LIBERTY ROAD
ELDERSBURG, MARYLAND 21784
(410) 795-0291
FAX (410) 795-2235

SUITE 710
1050 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036

October 8, 1993
#6755

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

Re: Case No. CR-93-307-SPHXA
Security Management Corporation

Dear Mr. Hackett:

I have received Mr. Barhight's letter of October 1, 1993. It is my understanding that the County Code requires any proposed amendment to be submitted to the CBA before it is referred back to the Baltimore County Planning Board.

I would request that this issue be resolved promptly in that I have a number of experts and witnesses on call, including many members of the community who are prepared to proceed on October 13th. It is my strong feeling that we should at least convene on the 13th of October in order to alert the citizens and any one else who may desire to attend the hearing, as to what the process will be in this matter.

Very truly yours,

J. Carroll Holzer

JCH:suc
cc: Peter Max Zimmerman, Esquire, People's Counsel
for Baltimore County

93 OCT 12 AM 9:01
COUNTY BOARD OF APPEALS

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410-347-8700
FAX 410-752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410-832-2000
FAX 410-832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202-659-6800
FAX 202-331-0573

G. SCOTT BARHIGHT

DIRECT NUMBER
410-832-2090

1247 GOOD HOPE ROAD
KINGSTON, VIRGINIA 22485-7276
TELEPHONE 703-435-6771
FAX 703-435-5800

December 6, 1994

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

Re: Case No. CR-93-307-SPHXA
Security Management Corp./Petitioner

Dear Mr. Hackett:

On behalf of the Petitioner, Security Management Corp., please schedule a public hearing for the sole purpose of filing amendments to the Petition and Documented Site Plan. The Petitioner intends only to file the amendment documents and will not be presenting any testimony or evidence with regarding to the merits of the case. Based upon your docket, it is my understanding that such a hearing is likely to be scheduled in the early part of January, 1995.

Should you have any questions or comments, please feel free to contact me. Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB:slr

94 DEC -8 PM 12:20

OK To 1/12/95 @ 9 am SC

CR-93-307-SPHXA
RCV 4-11-95

The Case for Rezoning Colvista

The proposed rezoning of Colvista is desirable and appropriate for reasons which include the following:

1. ***Consistency with the Master Plan, Jobs/Housing Balance and Housing Needs***

The Colvista site is located between intensely developed parcels that are within the Urban-Rural Demarcation Line (URDL). Given its setting, this site's exclusion from the URDL is patently anomalous and inappropriate. Moreover, Colvista is consistent with fundamental principles and goals of the County's Master Plan in balancing the job/housing needs of this Urban Center and reinforcing development along radial highways where infrastructure investments have already been made, including the light rail extension. These objectives are supported by the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) legislation as well as the State of Maryland's 1992 Planning Act.

Colvista fills a documented and substantial need for housing in the Hunt Valley/Timonium area, particularly for a wider range of housing types and prices than is now available; its elderly housing and affordable housing components fill specific needs identified by the County; the provision of this housing close to jobs will enhance the economic development of Hunt Valley and reduce in-commuting which clogs area roads and increases air pollution. These objectives are also consistent with the mandates of the Federal Clean Air Act.

2. ***Positive Fiscal Impacts***

Colvista will have a strong positive fiscal impact on the County, both during construction and beyond.

3. ***Infrastructure and Services***

If by widening York Road from Shawan to Phoenix to four lanes and improving the Shawan Road intersection, improvements which will be needed even without this development will accommodate Colvista's traffic. Security Management Corp. is willing to participate in the funding of these improvements.

Colvista is in the Metropolitan District and sewer and water are at hand to serve the site; sewer planning in the late 1960's when this was acquired by

Security Management Corp. envisaged higher densities for this area than the current zoning; water availability and pressure are excellent.

Through binding agreements profferred by the developer, Colvista will not procede without properly addressing the adequacy of school capacity.

4. ***Environmental Impacts, Open Space and Site Design Quality***

Colvista's development design and the use of innovative Best Managment Practices (BMP's) will reduce pollutant loadings to the Loch Raven Reservoir, an outcome directly in line with the Regional Watershed Management Agreement. This result occurs because BMP's applied both to on-site and off-site development will reduce overall phosphorous and sediment loadings compared to today's conditions. Similarly, careful environmental planning has resulted in the streams, wetlands or forested buffer areas.

Colvista's provisions for recreation and open space exceed the County's current standards; the plan calls for over half of the site either as undisturbed woodlands or as green courtyards, play areas or walkways.

Colvista's site design is a unique response to its topography and environmental character; both the site plan and the units have been carefully developed to promote visual interest, interior courtyards, formal plantings and open spaces, pedestrian walkways and covered parking.

CR-93-307-SPHXA

The Case for Rezoning Colvista

A. Summary Argument

The proposed rezoning of Colvista is desirable and appropriate for the following reasons:

1. ***Consistency with the Master Plan, Jobs/Housing Balance and Housing Needs***

The Colvista site is located between intensely developed parcels that are within the Urban-Rural Demarcation Line (URDL). Given its setting, this site's exclusion from the URDL is patently anomalous and inappropriate. Moreover, Colvista is consistent with fundamental principles and goals of the County's Master Plan in balancing the job/housing needs of this Urban Center and reinforcing development along radial highways where infrastructure investments have already been made, including the light rail extension. These objectives are supported by the recently adopted Federal Intermodal Surface Transportation Efficiency Act (ISTEA) legislation as well as the State of Maryland's 1992 Planning Act.

Colvista fills a documented and substantial need for housing in the Hunt Valley/Timonium area, particularly for a wider range of housing types and prices than is now available; its elderly housing and affordable housing components fill specific needs identified by the County; the provision of this housing close to jobs will enhance the economic development of Hunt Valley and reduce in-commuting which clogs area roads and increases air pollution. These objectives are also consistent with the new mandates of the Federal Clean Air Act.

2. ***Positive Fiscal Impacts***

Colvista will have a strong positive fiscal impact on the County, both during construction and beyond; using very conservative assumptions, it will produce total net revenues of between $36 million and $65 million over fifteen years in 1992 dollars.

3. ***Infrastructure and Services***

Colvista's traffic would be accommodated by widening York Road from Shawan to Phoenix to four lanes and improving the Shawan Road intersection; these improvements will be needed even without this development. Security Management is willing to participate in the funding of these improvements.

Colvista is in the Metropolitan District and sewer and water are at hand to serve the site; sewer planning in the late 1960's envisaged higher densities for this area than the current zoning; water availability and pressure are excellent.

Colvista's school children will be accommodated by the local school system with the new schools programmed by Baltimore County between now and 1998. There will be more than enough capacity for Colvista's school children when the first family moves in.

4. ***Environmental Impacts, Open Space and Site Design Quality***

Colvista's development will actually improve water quality in the area and will reduce pollutant loadings to the Loch Raven Reservoir, an outcome directly in line with the Regional Watershed Management Agreement. This result occurs because Best Management Practices applied both to on-site and off-site development will reduce overall phosphorous and sediment loadings compared to today's conditions; no encroachment is proposed on the streams, wetlands or buffer areas.

Colvista's provisions for recreation and open space exceed the County's current standards; the plan calls for about three quarters of the site either as undisturbed woodlands or as green courtyards, play areas or walkways.

Colvista's site design is a unique response to its topography and environmental character; both the site plan and the units have been carefully developed to promote visual interest, interior courtyards, formal plantings and open spaces, pedestrian walkways and covered parking.

The following sections detail the above points in sequence.

B. Consistency with the Master Plan, Jobs/Housing Balance and Housing Needs

The Colvista community would start construction in the late Nineties and would be completed after 2010. As such, it looks beyond the relatively short- term time horizon of the 1990 Master Plan, but builds on its concerns and policies. Fundamental objectives and specific references in the Master Plan support this rezoning request. The Master Plan recognizes Hunt Valley/Timonium as an Urban Center or de facto Growth Area, with potential for future employment and residential development.

The Colvista site, located between two heavily developed areas, should be viewed as an infill parcel to correct an anomaly in the Urban-Rural Demarcation Line (URDL) and augment and reinforce a Mixed-Use Center. As Figure 1 indicates, the only place in Baltimore County where the URDL floats free from the continuous boundary of suburban development is in the Loveton area surrounding the subject property. Everywhere else in the County, the perimeter of the URDL includes suburban development.

The development infill represented by this rezoning should be part of a logical reattachment of this portion of the URDL to the northern Hunt Valley area of this County Growth Center. It is appropriate to view this proposed infill development in the context of the Loveton Business Center and the Hunt Valley Mall area as one large mixed-use area, in support of the Master Plan's goals.

The Master Plan identifies a significant imbalance between jobs and housing within Hunt Valley and resulting problems:

> "Yet another problem in our existing form is the imbalance between the location of employment opportunities and the location of adequate and appropriate housing stock. This imbalance stresses our transportation systems and creates distortions in land use demands.
>
> The potential traffic congestion implications of these kinds of disparities in job opportunities is suggested by also examining the balance in the Central Sector. With less than a fifth of the County's total labor force, and comprising less than a tenth of its land area, this Sector provides more than a third of all the employment in Baltimore County."

As with the 1990 Master Plan, the 1992 draft Hunt Valley/Timonium Redevelopment Study also emphasizes the need for locating new residential development in proximity to employment in this area:

> "It is also an issue pertinent to the County's future economic development as businesses are looking to expand or relocate to communities where residents represent an adequate labor force. Affordable housing is also an issue related to transportation, as an imbalance between jobs and housing in particular areas force heavy commuting. ...Hunt Valley/Timonium is an area where the provision of affordable housing is needed. It is an area within the County with one of the most acute imbalances

action of the planning board on final plats of subdivisions ...' was entitled to file an appeal in the circuit court 'within thirty days after the date of action by the planning board.'"

Id. at 658. The circuit court dismissed Hope's appeal and ruled, in pertinent part:

> I have no alternative except to rule that as a matter of law Section 22-38 of the Baltimore County Code is a nullity. It is void because it is in direct conflict with the Baltimore County Charter. It cannot be used as a vehicle to obtain judicial review of Planning Board action, and, therefore, the appeal of the persons who are aggrieved by their decision must be dismissed.
>
> * * *
>
> The Charter provision providing that exclusive right [for appeal from any planning or zoning administrative or ajudicatory order] conflicts with Section 22-38 of the Baltimore County Code, and the latter must yield to the Charter provisions, the Charter being our organic law.

Id., at 658-59.

The Court of Appeals affirmed the circuit court's dismissal, stating:

> Here Baltimore County in its creation of the Board of Appeals has indicated an intent that the Board's powers are to be those set forth in Art. 25A § 5 (U).... The concluding sentence of the section is "The review proceedings provided by this subsection shall be exclusive." ... Accordingly, under Constitution Art. XI-A, § 1 providing that enactment of a charter would constitute repeal of all public local laws inconsistent with the charter provisions, the right of appeal provided in the preexisting county code was repealed. Thereafter, if Baltimore County had attempted to enact a statute concerning appeals inconsistent with the exclusive right of appeal provided in Art. 25A, § 5 (U) it would have been acting in a manner not permitted by its own charter.

Id., at 664.

Appellant argues that there is a conflict between the "original and exclusive" jurisdiction of the Board of Appeals over reclassification and the BCZR provisions prohibiting reclassification if (1) the subject property is located in a "no planned service" area for sewer and water or (2) the property is lies within 200 feet from the property line of any public water reservoir. According to appellant, Hope requires that the BCZR sections must be declared invalid. We are persuaded, however, that neither Hope nor any other case supports such an argument.

Halle Companies v. Crofton Civic Association, 339 Md. 131 (1995), presented the issue of whether the Anne Arundel County Board of Appeals had the authority to impose a condition on the grant of a special exception when that condition was not sought during earlier proceedings before the county administrative officer. The Court stated:

> Under the Express Powers Act, Md. Code (1957, 1994 Repl. Vol.), Art. 25A, § 5(U), each county is authorized to create a board of appeals. Anne Arundel County, by its charter, created the Board of Appeals as an independent unit of county government and vested the Board with power to hear all *de novo* appeals authorized by the Express Powers Act.... *The Board is purely a statutory creature and may exercise only those powers expressly granted to it by law or those which can be fairly implied.* Bayliss v. Mayor & City Council of Baltimore, 219 Md. 164, 168, 148 A.2d 429, 432 (1959).

(Emphasis supplied, footnote omitted).[2]

[2]Md. Ann Code art 25A, § 5 (1996 Repl.Vol.) provides, in pertinent part:

> (U) *County Board of Appeals*
>
> To enact local laws providing (1) for the establishment of a county board of appeals whose

Halle makes clear that, despite the broad language of the Baltimore County charter granting the Board "original and exclusive jurisdiction over all petitions for reclassification," the authority of the Board to decide a petition for reclassification is limited by the substantive law that the Board must apply. Stated another way, the authority to hear all petitions for reclassification does not carry with it the right to ignore valid restrictions in the law that is applicable to a particular petition. Sections 1A00.3.A.1.a and 1A03.2.1 of the BCZR are two such valid restrictions that the Board has no power to ignore.

In Miller v. Pinto, 305 Md. 396 (1986), the Kent County Board of Appeals determined that use of the subject property as a trucking business was not permitted under its C-1 General Commercial zoning status. Rather, the Board found that the trucking operation was essentially a "truck and transfer

> members shall be appointed by the county council; (2) for the number, qualifications, terms, and compensation of the members; (3) for the adoption by the board of rules of practice governing its proceedings; and (4) for the decision by the board on petition by any interested person and after notice and opportunity for hearing and on the basis of the record before the board, of such of the following matters arising (either originally or on review of the action of an administrative office or agency) under any law, ordinance, or regulation of, or subject to amendment or repeal by, the county council, as shall be specified from time to time by such local laws enacted under this subsection: An application for a zoning variation or exception or amendment of a zoning ordinance map . . . Provided, that upon any decision by a county board of appeals it shall file an opinion which shall include a statement of the facts found and the grounds for its decision. . . .

terminal," a use permitted only in an LI-2 Light Industrial District. The Court of Appeals affirmed the Board, explaining that the Board was required to apply the zoning law:

> The Board based its determination regarding the legality of TRP's use of the property upon its finding that TRP's use was more analogous to a "truck and transfer terminal," as use specifically permitted in an LI-2 Light Industrial district, than to any of the use specifically permitted in a C-1 district. The substance of the Board's decision was that TRP's use should be classified as permitted only in an LI-2 district. We conclude, therefore, that the Board's issuance of its determination was authorized by paragraph 5 [Article 13, § 3 of the Kent County Zoning Ordinance], which permits the Board '[t]o make a determination, in cases of uncertainty, of the district classification of any use not specifically named' in the Zoning Ordinance.

Id. at 405-06.

There is no merit in the argument that a County Board of Appeals has the authority to ignore the standards set forth in the zoning ordinance. For example, in Umerly v. People's Counsel for Baltimore County, 108 Md. App 497 (1996), the Baltimore County Council passed regulations to minimize the impact of trucking facilities on environmentally sensitive and residential areas, and the owner of a trucking facility in such an area petitioned the Baltimore County Zoning Commissioner for a special exception and certain variances which would allow him to operate his business. The zoning commissioner denied the petition, but the County Board of appeals reversed after a *de novo* hearing. The circuit court, however, reversed the decision of the Board and we affirmed the circuit court. Because the proposed use of the property violated certain provisions of the BCZR, and the

property owner had failed to present substantial evidence to support the granting of his petition, the Board's decision was erroneous. Id., at 509-10. See also Cromwell v. Ward, 102 Md. App. 691 (1995) (landowner's self-created hardship arising from construction of accessory building violating fifteen foot height requirement before variance was sought was not grounds for the Board's grant of his subsequent petition for variance .

In United Parcel Service, Inc. v. People's Counsel for Baltimore County, 336 Md. 569 (1994), the Baltimore County Zoning Board entertained an appeal from a letter written by the zoning commissioner to a local citizen who opposed the issuance of a building permit to UPS. Despite the protesting citizens' reliance on Hope, the Court of Appeals held that the Board had no original jurisdiction to hear the case and explained:

> The protestants argue that, if a charter county establishes a board of appeals, § 5(U) [of the Express Powers Act] and Hope v. Baltimore County, supra, require that such board of appeals have original jurisdiction over all of the matters delineated in § 5(U), including all zoning matters, all licensing, etc. The protestants maintain that to the extent that a county's charter or ordinances limit the board of appeals to appellate jurisdiction over any matters set forth in § 5(U), such charter provisions or ordinances are invalid.
>
> * * *
>
> This Court's opinion in Hope v. Baltimore County, supra, furnishes no support for the protestants' original jurisdiction argument. The Hope opinion was concerned with and discussed only the appellate jurisdiction of the Baltimore County Board of Appeals. Id., at 589. As appellant's argument does not concern the appeal process from the Planning Board, Hope is simply inapplicable.

United Parcel Service, Inc., at 588-89.

In the case at hand, it is undisputed that the subject property is located in a "no planned service" area for sewer and water.[3] Section 1A00.3.A.1.a prohibits reclassification of the property. Contrary to appellant's argument, and based upon the foregoing cases, we hold that the regulations at issue do not violate the Baltimore County Charter.

II

Because the Board was required to deny appellant's petition solely on the grounds that piecemeal rezoning of the property would violate Section 1A00.3.A.1.a. it is unnecessary to answer appellant's second question.

JUDGMENT AFFIRMED; COSTS TO BE PAID BY APPELLANT.

[3]In Security Management Corp., v. Baltimore County, 104 Md. App. 234 (1995), this Court affirmed dismissal of SMC's constitutional challenges to the Baltimore County Council's 1992 comprehensive zoning ordinance which retained watershed protection for the subject property.

CK-93-307-SPHXA /COLVISTA
CCT AFFIRMS CBA
(8/26/96 -Dana M. Levitz, J.)

SECURITY MANAGEMENT CORPORATION	*	IN THE
	*	CIRCUIT COURT
V.	*	FOR
BALTIMORE COUNTY BOARD OF APPEALS	*	BALTIMORE COUNTY
	*	C- 95-9688

OPINION

This matter came before the Court on August 6, 1996, as an appeal by Security Management Corporation (Appellant) from an order dated September 29, 1995, by the Baltimore County Board of Appeals which denied Appellant's zoning reclassification petition.

This case has a long and sorted past. In 1992, during the quadrennial comprehensive zoning process, Appellant submitted a petition to the County Council requesting the reclassification of 215 acres located at York and Phoenix Roads from RC4 (Resource Conservation, watershed protection) to DR-10.5 (Density Residential- 10.5 units per acre) and BL (Business- Local). The proposed plan submitted by Appellant included townhomes, multi-family homes, and elderly housing. The County Council denied Appellant's petition.

Appellant then brought an original action to the Circuit Court for Baltimore County alleging Civil Rights Act and constitutional violations, under the Due Process, Equal Protection, and Takings clauses. Prior to the Circuit Court's decision, Appellant filed a reclassification petition to the County Board of Appeals (Board). In 1993, the Circuit Court for

Case is now for Board of Special Appeals filed by attorney Sept. of 1996

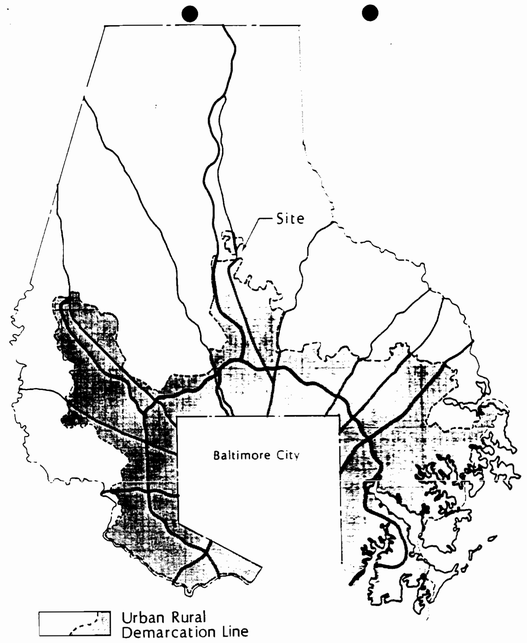
Mailed

Baltimore County dismissed the complaint for failure to state a claim. Subsequent to the Circuit Court's dismissal of the complaint, Appellant appealed to the Court of Special Appeals. As of the date of oral arguments at the Court of Special Appeals, the Board still had not considered the reclassification petition. The Court of Special Appeals affirmed the Circuit Court's decision.

In August, 1995, the hearing before the Board finally began. On the first day of the proceeding, People's Council, joined by the Broadmead Community and the Sparks-Glencoe Community Council, moved for dismissal of the petition for reclassification. The Board reserved ruling on the motion. At the end of Appellant's six days of testimony and evidence, People's Council renewed the motion to dismiss. Following a short recess, the Board granted the motion and dismissed the petition. (In actuality, the proper terminology would have been a granting of a motion for judgment against the Appellant.)

Sections 1A00.3A.1a and 1A03.2 of the Baltimore County Zoning Regulations are the controlling provisions for the Board's decision. Section 1A00.3A.1a reads, in pertinent part:

> "1. No petition to reclassify an R.C. zone or portion thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner unless --
>
> a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Subtitle 5 of Title 9 in the Environment Article of the Annotated Code of Maryland 1987, as amended, show that the property under petition is to be serviced by public sewerage and water supply systems within two years after the date the petition is submitted . . . ."



Source: Compiled by LDR International from The Baltimore County Master Plan 1989-2000

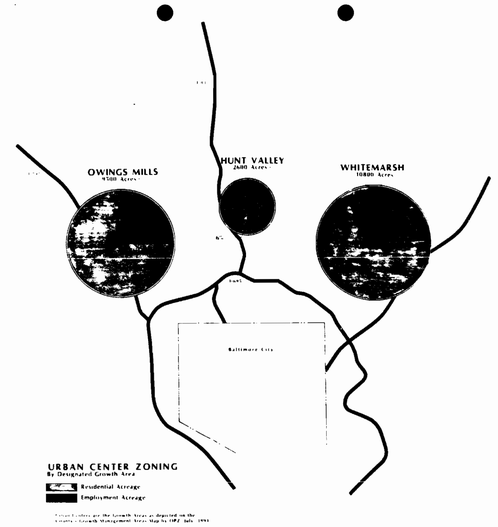
Figure 1

between jobs and housing. Projections for growth in jobs and housing show a continued and widening disparity".

This disparity will be exacerbated since the above study envisages that "as it continues to mature, the Hunt Valley Business Community will change from a predominately industrial park to a predominately office park; office parks generate 3 times as many trips as industrial parks per 1,000 square feet of floor space". In other words, more workers will be needed even without new construction. The commuting impacts of such intensification will worsen future traffic conditions. Conversely, the opportunity for workers to live in close proximity to this employment concentration in a community like Colvista will enhance the economic development of this vital employment corridor as well as reduce future congestion.

The current imbalance is starkly reflected in the acreages zoned for employment versus residential uses. As Figure 2 shows, while both the Owings Mills and White Marsh Urban Centers have approximately 75% of their land zoned for residential uses, the Hunt Valley/Timonium Urban Center has only 6% of its land so zoned, the remainder being for employment uses. This imbalance in land supply is mirrored in the statistics for jobs and housing in the area. The greater Hunt Valley area is a major employment center which accounts for approximately 16.5 percent of the County's total work force (70,160 of 425,700 jobs). The growth in employment in the Hunt Valley area over the past five years has generated a tremendous demand for residential development. However, residential development in the greater Hunt Valley area has occurred more slowly than in the County as a whole, falling from twenty percent of the County's residential building permits in 1986 and 1987 to only ten percent of the County's total in 1989, 1990 and 1991. While employment increases within the Market Area accounted for 29.6 percent of the County's total during the 1980's, the Market Area's housing unit additions during that same period accounted for only 16.5 percent of the County total.

To bring housing into some semblance of balance with jobs in the area, an additional 5-6,000 units are needed, even accounting for area developments currently in the pipeline, such as at Mays Chapel North. Colvista's contribution towards achieving an appropriate jobs/housing balance is, however, more than purely numerical. Expensive single family development is still predominant in the area. Colvista will provide housing that is more affordable and is targeted at workers in the area. In addition, Colvista will provide 10% of its housing as affordable units for moderate-income residents in response to County goals.



Colvista

Source: Acreage Calculated by LDR International, Inc.

Figure 2

Households, specifically those younger households who will soon be entering their peak earning years, are being forced to make housing choices outside of the Market Area, often outside of Baltimore County. The County is therefore losing opportunities to retain taxpayers and is creating a homogeneous population which creates undesirable peaks and valleys in public/private service delivery needs. Moreover, the "deflected growth" that results from the County's stringent growth management constraints raises local housing prices and has an undesirable regional "ripple" effect which causes further sprawl in surrounding jurisdictions. This outcome is inconsistent with Maryland's new Planning Act.

C. Positive Fiscal Impacts

A detailed study has been performed of the revenues and expenditures which the development of Colvista will generate for Baltimore County, using very conservative assumptions. It shows that Colvista is projected to have a net positive fiscal impact on the County throughout its development period ranging from $819,000 in FY96 to more than $3.9 million in FY2010. When the project reaches buildout and the volume of transfer taxes declines and permit fees halt, the amount of surplus revenue which the project will generate for the County declines slightly to a level net positive fiscal impact of approximately $3.4 million each year thereafter in current dollars.

The driving factor behind this positive fiscal impact is the nature of the Colvista community vis-a-vis other County development. While the median value of owner-occupied housing in Baltimore County is less than $100,000 the sale price of homes is approximately $170,000 in the greater Hunt Valley area. The proposed development would offer a variety of housing types priced in a range from the low $100,000's to approximately $250,000, with a median value of $170,000. This is much lower than the median value of new production housing in the area ($272,000) and is only slightly higher than the median value of all production housing in Baltimore county, $152,000.

In additional to home pricing, the majority of residential offerings at Colvista will be multi-family condominiums, a housing type that does not yield a high number of public school children. The cost of education is the single largest expenditure component of the County budget and the most significant element of this fiscal analysis. Based on the fiscal analysis, we can draw the following conclusions:

- From a strict fiscal impact vantage point, allowing the households which would be residents of Colvista to leave Baltimore County (as has been

the evident pattern in recent years) reduces the net revenue generated for the County.

- Given the prices set for the proposed community, the new units/households planned for Colvista generate more income for the County than expenses. That is to say the community is more than self-supporting.

D. Infrastructure and Services

The applicant is prepared to develop and be bound by a reasonable and appropriate Adequate Facilities Agreement with the County which specifies that permits will not be issued without adequate offsite infrastructure being available to support the proposed development.

Roads

A fundamental concept in the County Master Plan emphasizes the radial highway network and its relationship to strengthening Baltimore City. The Plan stresses building on this existing network as opposed to developing a circumferential road network, with its consequent "sprawl development" and the loss of the natural environment in the "wedges" that now penetrate between the radial development pattern of the County. Colvista's location on a radial artery is absolutely consistent with this development philosophy of the County.

Yet another foundation argument in the Master Plan is to direct new growth to areas where there is existing infrastructure, or where it is planned. For example, the Plan in citing positive aspects of the County, identifies "the in-place infrastructure and capital investment we have in the old 'star' tips and other earlier developed areas." Colvista will have major facilities adjacent to the site. The site is within the Metropolitan District. It has direct access to York Road, a County arterial. Approximately one mile north of Colvista, an interchange with I-83 is being considered by the State Highway Administration connecting with York Road through the Highlands Corporate Office Park. The State Highway Administration is also planning improvements to York Road between Shawan and Belfast Roads and the connection of Paper Mill Road through to Shawan Road.

Currently, MD 45 (York Road) between Phoenix Road on the north and Shawan Road on the south, suffers from inadequate horizontal and vertical geometry. From a capacity standpoint, however, MD 45 is not yet at capacity, and is capable of supporting some additional development traffic.

MD 45 will need to be widened to a four-lane roadway as part of general growth in the region even without taking Colvista into consideration. Once MD 45 has been widened, there will be sufficient capacity in the road system to allow for the development of Colvista. The State Highway Administration has completed initial hearings and has developed alternative improvement options for York Road. Colvista's developer is prepared to contribute to off-site roadway improvements other than those directly related to the access points for the community.

An important point related to infrastructure investment is the support Colvista represents for the State and County's investment in the Light Rail Line. Colvista's developer is prepared to support a shuttle bus system from the site to the Hunt Valley Mall light rail station. The Colvista site, as rezoned to accommodate 3,000 units, will significantly increase peak hour ridership on the Hunt Valley light rail extension. This outcome is consistent with the goals of the Federal ISTEA legislation which reinforces multi-modal planning and also the federal Clean Air Act which seeks to reduce air pollution thresholds. The Baltimore region is classified as a severe "non-attainment" area and air quality improvements should therefore be an important goal of multi-modal planning in the County.

Sewer

Colvista is located within the Metropolitan District, the boundary line within which sewer service is anticipated.

The original design for the Western Run Interceptor in the late 1960's anticipated that flows from this site would be included and, in fact, a portion of this site and an adjacent site now known as Broadmead were projected to contain 6,000 dwelling units in the original design for the Western Run Interceptor. Security Management Corp. entered into an agreement with Baltimore County in 1969 and contributed towards the cost of the Western Run Interceptor as well as the major water main extension in York Road which were constructed in the mid-1970's.

Colvista can be served by existing sewer lines. Sewage from the site can be served by construction of a pumping station and sub-interceptor from the site to the existing 30 inch Western Run Interceptor, and ultimately to the Back River Sewage Treatment Plan. Rights-of-way for this extension are available through the existing Hunters Run development which is currently also being developed by Security Management Corp., the owners of Colvista. The northern corner of the site which fronts on Phoenix Road may be sewered by gravity to the existing Loveton Farms sewage pumping station on the north side of Phoenix Road opposite the site. The entire property

would then be served by the Western Run Interceptor and the Back River Plant. Based on information provided by Baltimore City's Bureau of Waste Water, the City's treatment facilities have adequate capacity for the projected average flow increase of approximately 1.0 MGD from Colvista.

Water

Colvista can be readily serviced by existing public water lines. The property can be served by an extension from the existing 16 inch water main in York Road. It is likely that the proposed internal public road serving Colvista would contain a 12 inch public water main connected to the 16 inch main in York Road. The one million gallon Sparks elevated water tank provides superior service to Colvista with an overflow elevation of 655 feet. The most recent fire flow test indicated that 8,440 gallons per minute at a 20 psi residual were available at the intersection of Loveton Circle South and York Road immediately to the north of Colvista. This flow is more than adequate.

Schools

With the new schools currently programmed by Baltimore County between now and 1998, there will be more than enough school capacity for Colvista's schoolchildren.

The number of elementary schoolchildren from Colvista will range between 485 (projections based on County data) and 116 (based on the actual number of students from Loveton Farms). This reality is born out by a review of the County's capital budget which will provide added area-wide capacity for 2,400 children by 1998. Relief for the Sparks Elementary School will come in 1994 with the Jacksonville school opening, and before Colvista's development starts.

The County Capital Program proposes a 300-pupil addition for Hereford Middle in September, 1995, a new middle school in the Carroll Manor area (site selection to begin FY98), and a new North High School for 2,000 pupils around the year 2000. As with elementary schools, these additions will be able to comfortably handle the additional middle and high school pupils from Colvista.

E. Environmental Impacts, Open Space and Site Design Quality

Environmental Impacts

Particular care has been taken on the environmental analysis and on enhanced mitigation measures. A Forest Delineation has been conducted, nontidal wetlands onsite have been field- delineated and the required buffers from their edges have been provided in the site plan. In addition, the County's steep slope and erodible soils approach for determining additional stream buffers has been applied to the site, resulting in buffers ranging in width from 125 to 650 feet from the stream. No encroachment on wetlands and no encroachment on the buffers of streams and wetlands is required. No stream crossings are proposed. Although forest clearing will be required, the areas to be cleared are predominantly the most disturbed and exotic species portions of the site, including the abandoned nursery stand. The areas of forest retention primarily include the native species-dominated forest stands. They will function as habitat corridors, site screening elements and will be part of the forested filtration strip stormwater Best Management Practices.

Pollutant loading calculations were performed using a widely recognized and generally accepted model which compares existing and proposed land use/cover information to produce estimates of the total phosphorus and sediment levels for both conditions. Using these calculations of post-development loadings, a series of Best Management Practices were chosen which would be capable of reducing post-development levels of nutrients and sediment to meet or drop below the pre-development levels. These include infiltration of the first half inch of runoff, extended detention basins with biological enhancement, and a forested filtration strip 100 feet wide. The outfall of the extended detention basins will be routed to the forested filtration strip via a level spreader device before it flows to the receiving streams.

In addition to the above measures, and in order to comply with the Reservoir Watershed Management Agreement, the developer has included the addition of water quality Best Management Practices on an existing development which had not been required to provide water quality treatment. The offsite control proposed includes retrofitting three existing storm water management basins in the Hunter's Run development. The result of this effort clearly demonstrates that the proposed development, including onsite and offsite BMP's, would be able to meet and perhaps exceed the goals of the Reservoir Watershed Management Agreement.

Most of the impact of sedimentation on water quality occurs during project construction, despite the careful installation of required sediment control and erosion devices. The developer of Colvista is prepared to voluntarily enhance sediment control measures so as to decrease sediment runoff and erosion by committing to measures such as:

- Restricting grading for phases of the project only to that required for a particular phase.
- Providing a Supersilt Fence (a chain link fence to which silt fencing is attached).
- Constructing berms inside the Supersilt Fence and development area to direct run-off to sediment traps.

Open Space

Colvista provides almost three times the minimum acreage required by the County for open space. The County's current standards would yield about 45 acres and Colvista, using the County's criteria for what counts as local open space, is over 125 acres. This acreage includes undisturbed areas, landscaped open space within the development and the active recreation facilities sited on a 12-acre area. These facilities include two soccer fields, two baseball diamonds, two basketball courts and associated parking.

Site Design Quality

The design concept for Colvista responds to the site's clear and strong character: a long ridgetop which slopes away on either side towards stream valleys and flatter areas beyond. It is these natural constraints on development as well as the opportunities they provide for views, natural amenities and access points that have determined the development concept of Colvista.

The preliminary development concept shows how almost 40% of the site remains undisturbed. Once developed, just over a quarter of the site will be in impervious surface. A loop road connects to York Road and provides access to the relatively level ridgetop areas. All of the developed area is directly accessed from Phoenix Road.

The development concept is composed around a sequence of open spaces that infuses the design with order and rhythm. Pride of place along the ridge is given over to the pedestrian in the main open space spine connecting several widened 'nodes', which split off further axes to open

space down along views of sequenced "outdoor rooms". The pedestrians are given pride of place and the loop road is set lower down, unobtrusively, below the rim of the hilltop.

The entire range of housing units has been custom-designed for this community. Various housing types shown in the Plan are distributed in small clusters around the site so as to enhance visual interest and avoid overwhelmingly large areas of identical unit types. This variety is unified by a strong architectural vocabulary of steeply pitched roofs, similar window openings and bay window treatments, and brick treatment for the first level of construction. The units hug the slope as they cascade down the land form. The car is hidden from view as much as possible, with most parking under cover. This significantly reduces the amount of impervious surface.

Interior courtyards, pedestrian walkways, formal gardens and carefully planned open spaces give the individual housing units a pleasant setting as well as maximize each resident's sense of privacy. By using the natural fall of the land, the different buildings allow for easy access to upper level units as well as accommodating the automobiles below. The five-story elevator flats, the only mid-rise units in Colvista, are built around generous courtyards and over structured parking. The parking garage is not visible since flats are added on the perimeter lower level of the garage, reinforcing the residential "feel" at the pedestrian level throughout Colvista. Some small-scale convenience retail uses and community facilities onsite give the community more identity and self-sufficiency, reducing wasteful offsite auto trips.

The developers of Colvista are prepared to bind themselves to the design principles underlying the above descriptions of the site plan and units, so that the character of the built products of Colvista will be substantially the same at that depicted in its preliminary sketches.

F. Conclusion

For all of the above reasons, the County Council's failure to rezone this site to DR-16 and BL represents a clear case of error.

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
THOMAS J. LEE
J. HOWARD HOLZER
1907-1989

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX (410) 825-4923

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDERSBURG, MD 21784
(410) 795-8556
FAX (410) 795-5535

August 7, 1995
6755

Mr. Robert Schuetz, Chairman
Baltimore County Board of Appeals
400 Washington Avenue
Room 49
Old Courthouse
Towson, Maryland 21204

Re.: Reclassification for Colvista

Dear Chairman Schuetz:

I hereby adopt the Motion and Memorandum of the People's Counsel for Baltimore County dated 8/1/95 and request for Hearing on the legal issues raised therein. I would also encourage a hearing prior to the scheduled hearing dates in this case in order that the Board may, if it desires to grant the Motions filed by People's Counsel, prevent a four (4) or five (5) day extended hearing. On behalf of my clients, The Greater Sparks-Glencoe Community Association and the other protestants which I represent would save and avoid large and unnecessary expenses by having this matter resolved in advance of the scheduled hearing dates. And it is self evident that all parties would benefit financially by having this issue resolved prior to the scheduled hearing dates.

Very truly yours,

J. Carroll Holzer

JCH/cmj

cc: People's Counsel of Baltimore County
Scott G. Barhight, Esquire

letters41\Colvista

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2090

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

August 10, 1995

Via Hand Delivery
Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Amended Petition for Reclassification
Security Management Corporation (Colvista)
Case No. CR-93-307-SPHXA

Dear Chairman Schuetz:

This is a response to People's Counsel's letters dated August 1, 1995, and August 7, 1995, to you regarding the jurisdiction of the Board of Appeals to hear the reclassification Petition for Colvista.

The issue raised by People's Counsel has been raised at least two other times in the past and in each time the Board of Appeals found it to be a meritless argument. The first time the issue was raised was by Mr. Zimmerman in *Nelson L. Bond, Jr., et al., Case No. R-86-109.*[1]

In *Bond*, Mr. Zimmerman argued that BCZR § 1A00.3.A.1 foreclosed the Board from considering a reclassification Petition because there was no proposed water or sewer plan for the property. The Board wholly rejected this argument. Two of the Board members, William T. Hackett and LeRoy B. Spurrier held that § 602 of the Baltimore County Charter and Baltimore County Code § 2-58.1 grants the Board jurisdiction over all Petitions for Reclassification.

[1] A copy of the Board of Appeals' Opinion case has been attached for your convenience.

Mr. Robert O. Schuetz, Chairman
August 9, 1995
Page 2

In *Bond*, there was a concurring opinion written by then Board of Appeals member Lawrence E. Schmidt and the present Zoning Commissioner, who addressed the conflict between Baltimore County Zoning Regulations 1A00.3.A.1 and § 602 of the Baltimore County Charter. Mr. Schmidt relied on *Hope v. Baltimore County*, 283 Md. 455, 42 A.2d 576 (1980) which held that when a section of the Code is contrary to the provisions of the County Charter, that section is a nullity. Mr. Schmidt then held that based on the holding in *Hope*, 1A00.3.A.1 is unconstitutional since the prohibition would conflict with the Board's authority under § 602 of the Baltimore County Charter which holds that the Board has "original and exclusive jurisdiction over all Petitions for Reclassifications". *Baltimore County Charter*, § 602(e).

More recently, the same issue came before the Board in *The Prosser Company, Inc., Case No. CR-94-143*, where the Board again held that the Baltimore County Charter gave the Board of Appeals jurisdiction to hear reclassification cases and that the County Council did not have the power to limit the valid exercise of the Board as granted by the people of Baltimore County through the Baltimore County Charter.

It is interesting to note that Mr. Zimmerman, on behalf of the People's Counsel, when asked of his opinion of the issue in the *Prosser Company* case, stated, "Yes. This type of issue has come up over the years from time to time, so I think I have to candidly state what our view has been and our understanding of how it has been handled. I think the question is not entirely free from doubt, but we have ***taken the position*** in the past that the better view is the Board of Appeals does have jurisdiction over zoning reclassifications, so we have not insisted that Petitions be dismissed by the Board on that ground alone." [Tr., April 6, 1994, p. 11.] (Emphasis added.)

Later in the same hearing, Mr. Zimmerman further stated,

> "So our office's position is not misunderstood, I think I said at the beginning of the case that we felt that the issue was not free from doubt, but we have on balance, whether right or wrong, suggested that the Board ought to go ahead and hear these cases.
>
> The issue may not be so much jurisdiction. ***The County Board of Appeals clearly has jurisdiction in zoning reclassification cases.***"

[Tr., July 19, 1994, pp. 127-128.] (Emphasis added.)

Although Mr. Zimmerman later states that the issue is not totally clear as to the interpretation, nonetheless, he stated previously that it was the position of the People's

Mr. Robert O. Schuetz, Chairman
August 9, 1995
Page 3

Counsel of Baltimore County that the Board of Appeals does have jurisdiction over reclassification cases. It is curious that Mr. Zimmerman and the Office of People's Counsel has now seemingly changed its position on this issue. There seems to be no recent case law that would mandate the Office of People's Counsel to change their position. The one case cited in the August 1, 1995 letter was a 1993 Court of Appeals case which predates the *Prosser Company* case, and is nonetheless inapposite.

In response to People's Counsel's letter dated August 7, 1995, to the Board of Appeals following-up on their letter dated August 1, 1995, we would briefly like to respond. The language quoted in *Halle Companies v. Crofton Civil Ass'n., No. 129, July 17, 1995* discusses the power granted to the Board of Appeals by the Express Powers Act. The Express Powers Act granted the Board of Appeals appellate jurisdictions over certain subject matters. The Board of Appeals in reclassification cases, however, derives its powers from the Baltimore County Charter which expressly granted that the Board shall have "original exclusive jurisdiction over all Petitions for Reclassifications". Baltimore County Charter, § 602(e); *see also Nelson L. Bond, Jr., et al., Case No. R-86-109, concurring opinion of Lawrence Schmidt.*

For the record, we also would like to note that this is a motion raised in the final hour in a case which has been pending for a considerable time and is based on an issue raised several times in the past and always deemed a loser argument. Further, the position taken by People's Counsel is one which is contrary to its previously expressed position. We also would like to note for the record that this attempt at delaying the process to hear the reclassification Petition is not appropriate.

We would respectfully request this Board deny People's Council's Motion to Dismiss without a hearing or, in the alternative, hear the People's Counsel's Motion to Dismiss on the first day of the hearing, which is August 16, 1995.

Sincerely,

G. Scott Barhight

GSB:dmk
cc: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Carole Demilio, Esquire, People's Counsel for Baltimore County
J. Carroll Holzer, Esquire, Attorney for Protestants
James F. Rosner, Esquire
David K. Gildea, Esquire
55335

IN THE MATTER OF
THE APPLICATION OF
NELSON L. BOND, JR., ET AL
RE: PETITION FOR RECLASSIFICATION - 3 PARCELS SITUATED ON THE EAST SIDE OF OLD HANOVER RD., CONTAINING 1.4, .96 and 3.3 ACRES RESPECTIVELY, AND BEING SITUATED 1720', 996' and 2121' RESPECTIVELY NORTH BUTLER RD.
4th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. R-86-109

OPINION

This case comes before this Board on Petition for a Reclassification of property from R.C. 5 to B.R. There are three parcels containing 3.3 acres, 1.4 acres and .96 acres, for a total of 5.66 acres covered under proper petition.

Petitioner presented two witnesses in this case, Mr. Nelson L. Bond, Jr., property owner, testifying for the entire 5.66 acre parcel and William Kirwin, Professional Land Planner. People's Counsel representing Baltimore County, presented one witness, Mr. James Hoswell, Planner for Baltimore County. Mr. Bond testified as to the local changes in the character of the area since his purchase in 1977 and described these changes in detail. He also testified that he requested a change in zoning before the Baltimore County Council following the requested change to B.R. by the Reisterstown Lumber Company. He especially noted the fact that these subject properties are bordered on the south and east by a 400 ft. wide (B.G.&E.) right-of-way for power transmission towers and power line. Mr. William Kirwin testified as to the abutting and surrounding commercial zones and uses. He also testified that the sewer and water lines end approximately 2000 feet south of these properties and that while no plans exist to extend these services, the properties are located within the Metropolitan District and that this area is designated as a fringe development area. He also noted that one of the individual properties is less than the minimum lot size required under the R.C. 5 zoning classification.

IN THE MATTER OF
THE APPLICATION OF
NELSON L. BOND, JR., ET AL
RE: PETITION FOR RECLASSIFICATION - 3 PARCELS SITUATED ON THE EAST SIDE OF OLD HANOVER RD., CONTAINING 1.4, .96 and 3.3 ACRES RESPECTIVELY, AND BEING SITUATED 1720', 996' and 2121' RESPECTIVELY NORTH BUTLER RD.
4th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. R-86-109

CONCURRING OPINION

Although I concur with the result reached by the majority, I arrive at that finding differently.

The majority does not consider the impact of Baltimore County Zoning Regulation (BCZR) Section 1 A00.3.A.1 in its Opinion. Rather, the majority holds that "Section 2-58.1 of the Baltimore County Code must be considered prior to consideration of the BCZR, Section 1 A00.3.A.1". After reaching the conclusion that this property was improperly classified, the majority finds it unnecessary to address BCZR 1 A00.3.A.1 as the property's proper classification is B.L.

I believe that BCZR 1 A00.3.A.1 must be addressed prior to consideration of the classification. This Section provides in essence, that a petition to reclassify an R.C. zone cannot be filed unless the property under petition is to be served by public water and sewer within two (2) years from the date of the petition.

People's Counsel argues that this regulation is constitutional as a lawful extension of the County's police power. Conversely, the Petitioner asserts that the regulation is unconstitutional as a violation of procedural due process, substantive due process and equal protection.

THE PROSSER COMPANY, INC.
12107 and 12109 Long Green Pike and 5328 Glen Arm Road

Case No.:CR-94-143

* BEFORE THE
* BALTIMORE COUNTY
* BOARD OF APPEALS
* April 6, 1994

* * * * *

The above-entitled matter came on for hearing before the Baltimore County Board of Appeals at the Old Courthouse, Room 49, Towson, Maryland 21204 at 10:05 a.m., April 6, 1994.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
ROBERT O. SCHUETZ

APPEARANCES:

MICHAEL P. TANCZYN, Esquire
On behalf of Glen Arm Association

G. SCOTT BARHIGHT, Esquire
On behalf of Petitioner

CAROLE DEMILIO, Esquire
PETER MAX ZIMMERMAN, Esquire
People's Counsel

Reported by:
Marsha Donnelly, CSR

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

Resolved: That the position of the Greater Sparks-Glencoe Community Council Inc. as adopted by the Zoning Committee and approved by the board of the GSGCC on the zoning matter known as:

CR-93-307 Security Management Corp. -Towson Nursery
a.k.a- Colvista

is that:

The GSGCC is in opposition to the reclassification of this RC4 zoned property to either DR or B zones as stated in the GSGCC 1992 CZMP handout, County Council Edition, September 8, 1992. The GSGCC support the Planning Staff and the Planning Board recommendations of not changing the zoning on the subject property. J. Carroll Holzer is retained as council to represent the GSGCC before the Board of Appeals of Baltimore County on this matter.

Attest:

Wendy McIver
Mrs. Wendy McIver
Secretary

Lyle Brecht
Lyle Brecht
President

95 AUG 16 AM 9:23

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

RESOLVED: That at the annual-Officers election meeting of the Greater Sparks-Glencoe Community Council Inc. It was decided by the community council that the responsibility for the review and action on all zoning matters be placed in the Zoning Committee. This committee consisting of the following members:

Mr. Paul Hupfer — Chairman
Mrs.Kathy McAllister
Mr. George McCeney
Mrs. Wendy McIver
Mr. Willis Gore
Mr. Lee Riley

AS WITNESS OUR HANDS AND SEAL THIS 15 DAY OF AUGUST 1995

Attest:

Wendy McIver
Mrs. Wendy McIver
Secretary

Lyle Brecht
Lyle Brecht
President

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

AFFIDAVIT

State of Maryland
Baltimore County,

TO WIT:
I hereby swear under penalty of perjury that I am a currently a appointed member of the Zoning Committee for the Greater Sparks-Glencoe Community Council Inc.

Paul A. Hupfer

Attest:

Wendy McIver
Mrs. Wendy McIver
Secretary

Lyle Brecht
Lyle Brecht
President

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT WORDS
410 832-2050

September 25, 1995

VIA FAX AND MAIL

J. Carroll Holzer, Esquire
Holzer & Lee
305 W. Chesapeake Avenue
Suite 502
Towson, MD 21204

Re: Materials Used for Colvista Model

Dear Mr. Holzer:

By cover letter dated September 12, 1995, certain maps and drawings which Paragon Models, Inc., used in creating a Colvista model were hand delivered to your office. Since the Board of Appeals case has been dismissed, please immediately return these documents to my office. If you would like, please call my office and we will send some one from this office to pick up the documents.

Should you have any questions or comments, please feel free to contact me. Thank you for your cooperation.

Sincerely yours,

G. Scott Barhight

GSB/bmk
Enclosures
cc: Board of Appeals, Baltimore County
Peter Max Zimmerman, Esquire
James F. Rosner, Esquire
David G. Gildea, Esquire

COPY

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

October 11, 1995

VIA FAX AND REGULAR MAIL

J. Carroll Holzer, Esquire
Holzer & Lee
Suite 502
305 Washington Avenue
Towson, MD 21204

Re: Materials Used for Colvista Model

Dear Mr. Holzer:

Please refer to my letter sent to you via fax and regular mail dated September 25, 1995. As requested in that correspondence, please immediately return the documents provided to you under my cover letter dated September 12, 1995. If you find it difficult to comply with this request, please feel free to contact my secretary, Sandi Leland, and she will make immediate arrangements to send a courier to your office to pick up the documents.

Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB/sll
cc: Robert O. Schuetz, Chairman
Peter Max Zimmerman, Esquire
Mr. Melvin Colvin
Mr. David Dodge
James F. Rosner, Esquire
David K. Gildea, Esquire

59101

95 OCT 12 PM 3:06

COPY

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

October 11, 1995

J. Carroll Holzer, Esquire
Holzer & Lee
Suite 502
305 Washington Avenue
Towson, MD 21204

Peter M. Zimmerman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Room 47
400 Washington Avenue
Towson, Maryland 21204

Re: Colvista Reclassification Case

Gentlemen:

As you may recall, prior to the Board granting your Motions to Dismiss, the parties had reached an agreement regarding the disposition of the "oversized" exhibits. Specifically, we had agreed to replace the boards and model with 8 ½ by 11 or similar size duplicates of the boards and an 8 ½ by 11 photograph of the model.

The Petitioner intends to file an appeal of the Board's Order granting the Motion to Dismiss. Therefore, the Board will need to be transmitting the record to the Baltimore County Circuit Court in short order. Therefore, I respectfully request your confirmation that the Petitioner may replace the "oversized" documents with suitable facsimiles as previously agreed.

In order to facilitate this process, please contact me within fifteen days of receipt of this letter to confirm your approval or express your disapproval. Since we had

95 OCT 12 PM 3:06

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050

October 16, 1995

Via Hand Delivery
Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
400 Washington Avenue, Room 49
Towson, Maryland 21204

Re: Colvista Reclassification Case
Case No.:

Dear Mr. Schuetz:

This letter will serve to inform you that Whiteford, Taylor & Preston is in the process of replacing the oversized exhibits in the above-referenced case with 8-1/2" X 11" photographs or copies. Whiteford, Taylor & Preston will also be removing the model which is currently in the Board of Appeals' hearing room and maintaining it in its offices at 210 W. Pennsylvania Avenue, Towson, Maryland 21204. The Board of Appeals will have full access to the model for their review if they deem it necessary.

Should you have any questions or comments, please call me.

Sincerely,

G. Scott Barhight

GSB:dmk

cc: J. Carroll Holzer, Esquire
Peter M. Zimmerman, Esquire

60860

95 OCT 16 PM 4:06

WHITEFORD, TAYLOR & PRESTON
L.L.P.

[illegible]
[illegible]
[illegible]

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410-832-2000
Fax 410-832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202-659-6800
FAX 202-331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703-836-5742
FAX 703-836-0265

[illegible]

October 26, 1995

Holdet Esquire
[illegible]
ington Avenue
Maryland 21204

Timmerman Esquire
Counsel for Baltimore County
thouse Room 47
ington Avenue
Maryland 21204

Re: Colvista Reclassification Case

[illegible]

his letter will confirm our agreement which was reached on Friday, October 13, [illegible] Whiteford, Taylor & Preston will replace the oversized exhibits in the referenced case with 8 1/2 X 11" photographs or xerox copies. Further, [illegible] Taylor & Preston will maintain the models and the full size exhibits at its [illegible]0 W. Pennsylvania Avenue, Towson, Maryland 21204 and it will be [illegible] other counsel or the reviewer if it deems it necessary. If this is not your [illegible]nding, please communicate by written response.

Sincerely,

G. Scott Barhight

cc: [illegible]

CR-93-307-SPHXA

TOWSON
656 KENILWORTH DRIVE
SUITE 100
TOWSON, MARYLAND 21204
410-823-4470
FAX 410-823-4486

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

BEL AIR
[illegible]
BEL AIR, MARYLAND 21014
301-879-1900
301-879-3001
FAX 301-893-0425

TO: BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
DATE: 22 MARCH 1993
REFERENCE: COLVISTA - ZONING RECLASSIFICATION
ATTENTION:

We are:
☑ Submitting ☑ Herewith ☐ Under Separate Cover
☐ Forwarding
☐ Returning

COPIES	DESCRIPTION
4	ZONING MAP @ 1" = 1000'
4	ZONING MAP @ 1" = 200'

☐ In accordance with your request
☐ For your review
☐ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☑ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Meeting requested

Remarks: (8 1/2 X 11 SIZE MISSING COPIES)

For further information, please contact the writer at this office.

cc: MR. PETER FAMAN
MR. G. SCOTT BARHIGHT

Sincerely yours,
David C. Peterson

CR-93-307-SPHXA

TOWSON
656 KENILWORTH DRIVE
SUITE 100
TOWSON, MARYLAND 21204
410-823-4470
FAX 410-823-4486

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

BEL AIR
[illegible]
BEL AIR, MARYLAND 21014
410-879-1900
301-879-3001
FAX 410-893-0425

TO: BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
DATE: APRIL 16, 1993
REFERENCE: COLVISTA
ZONING RECLASSIFICATION
ATTENTION: MR. CARL RICHARDS

We are:
☑ Submitting ☑ Herewith ☐ Under Separate Cover
☐ Forwarding
☐ Returning

COPIES	DESCRIPTION
12	SITE PLAN PACKAGE - REVISED

CR-93-307-SPHXA

☐ In accordance with your request
☐ For your review
☑ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Meeting requested

Remarks:

For further information, please contact the writer at this office.

cc: MR. PETER FAMAN
MR. G. SCOTT BARHIGHT

Sincerely yours,
David C. Peterson

Nov 3, 1995 CR93-
After Balto Co Zoning Adm
& Development Agent
Regarding - Zoning Enforcement Watershed -
I live in Southern Balto Co - Over development and disregard [illegible] zoning and obvious questionable [illegible] Causing overcrowding of roads [illegible] nearly cleared and developed of so- Called "Protected Watershed" [illegible] repeated.
The recent denial of Stanley Kent Corp to rezone Watershed Streams to [illegible] once the water is destroyed by siltation and runoff.
"SAY NO! - To Colvista"
We in Balto County say enough is enough. We can NOT [illegible] to tear down Paradise and build more asphalt - shopping centers - Cluttering

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

RE : SECURITY MANAGEMENT

DATE: October 18, 1995

The following exhibits were picked up this date by John Crouse for Douglas Bailey:

Petitioner's Exhibit #3
" " #6
" " #7
" " #9
" " #11
" " #12
" " #13
" " #14
" " #25
" " #59 and
" " #87

At the request of David Gildea, WHITEFORD, TAYLOR & PRESTON.

Signed: _____

Date: _____

CR-93-307-SPHXA

ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED COLVISTA
COMMUNITY SITE
HUNT VALLEY, MARYLAND

Prepared for:

Security Management Corp.
Baltimore, Maryland

Prepared by:

EA Engineering, Science, and Technology, Inc.
11019 McCormick Road
Hunt Valley, Maryland 21031

April 1995

Project 12140.01

COMPLETE STATEMENT TO DEP
W/ RECORD 11/95

CR-93-307-SPHXA

EA

ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED COLVISTA
COMMUNITY SITE
HUNT VALLEY, MARYLAND

Prepared for:

Security Management Corp.
Baltimore, Maryland

Prepared by:

EA Mid-Atlantic Regional Operations
EA Engineering, Science, and Technology, Inc.
15 Loveton Circle
Sparks, Maryland 21152

February 1993

EA Project 12140.01

CR-93-307-SPHXA
REV 4-11-95

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description for Petition for
Zoning Reclassification to DR-10.5
Land of Security Management Corp.

April 10, 1995
Page -1-

Beginning for the same point on the eastern right-of-way of York Road at the centerline of Old Phoenix Road, said point of beginning being at the beginning of the 16th or North 34 degrees 33 minutes and 07 seconds East 490.00 foot line of that first parcel of land described in Exhibit A, attached to a Deed of Liquidation, dated May 25, 1979 between Towson Nurseries, Inc. and Steven Posner et al, Trustees and Universal Housing and Development Company, said point of beginning having Baltimore County, Metropolitan District coordinates of North 77467.32 and West 7197.91, said point of beginning also being located South 12 degrees 03 minutes 32 seconds East 381.73 feet from the centerline intersection of York Road, Proposed 100 foot wide and Relocated Phoenix Road 50 foot wide, running thence leaving said point of beginning, binding in or near the center of said Old Phoenix Road and binding on all of the 16th and 17th lines of said first parcel, the two following courses, viz.:

1) North 34 degrees 33 minutes 07 seconds East 490.00 feet,
2) North 21 degrees 37 minutes 11 seconds East 151.99 feet to a point near the intersection of Old Phoenix Road and Relocated Phoenix Road, thence running and binding in or near the center of Phoenix Road and binding on the 18th through 24th lines of the first parcel the seven following courses, viz.:
3) North 08 degrees 12 minutes 48 seconds East 70.00 feet,
4) North 01 degrees 54 minutes 35 seconds West 105.00 feet,
5) North 08 degrees 50 minutes 52 seconds West 130.00 feet,
6) North 15 degrees 05 minutes 15 seconds East 72.00 feet,
7) North 22 degrees 37 minutes 12 seconds East 65.00 feet,
8) North 34 degrees 36 minutes 22 seconds East 130.00 feet,
9) North 45 degrees 47 minutes 01 seconds East 76.00 feet,
10) thence binding on a part of the 25th line North 52 degrees 57 minutes 46 seconds East 580.00 feet, thence leaving said Phoenix Road along the forty three following courses, viz.:
11) South 76 degrees 53 minutes 34 seconds East 408.70 feet,
12) South 31 degrees 55 minutes 22 seconds East 595.53 feet,
13) South 65 degrees 43 minutes 48 seconds West 388.19 feet,
14) South 52 degrees 18 minutes 39 seconds West 145.38 feet,
15) South 83 degrees 13 minutes 59 seconds West 648.68 feet,
16) North 87 degrees 22 minutes 43 seconds West 64.25 feet,
17) South 37 degrees 59 minutes seconds 08 West 96.72 feet,
18) South 52 degrees 56 minutes 31 seconds East 201.29 feet,
19) South 23 degrees 39 minutes 54 seconds West 83.41 feet,
20) South 33 degrees 47 minutes 03 seconds West 81.27 feet,
21) South 59 degrees 39 minutes 17 seconds East 115.31 feet,
22) South 63 degrees 05 minutes 37 seconds East 117.25 feet,
23) South 68 degrees 53 minutes 03 seconds East 59.76 feet,
24) South 74 degrees 40 minutes 29 seconds East 63.53 feet,
25) North 15 degrees 19 minutes 27 seconds East 140.12 feet,
26) North 03 degrees 45 minutes 32 seconds West 82.42 feet,

Description for Petition for
Zoning Reclassification to DR-10.5
Land of Security Management Corp.

April 10, 1995
Page -2-

27) North 86 degrees 14 minutes 28 seconds East 42.69 feet,
28) South 88 degrees 55 minutes 34 seconds East 60.67 feet,
29) South 79 degrees 09 minutes 44 seconds East 61.14 feet,
30) North 89 degrees 06 minutes 51 seconds East 23.76 feet,
31) North 75 degrees 28 minutes 17 seconds East 176.37 feet,
32) North 27 degrees 34 minutes 24 seconds East 122.36 feet,
33) North 35 degrees 00 minutes 39 seconds East 21.89 feet,
34) North 62 degrees 47 minutes 36 seconds East 177.89 feet,
35) North 71 degrees 22 minutes 07 seconds East 212.76 feet,
36) South 63 degrees 37 minutes 45 seconds East 94.94 feet,
37) North 65 degrees 44 minutes 05 seconds East 198.21 feet,
38) South 70 degrees 02 minutes 35 seconds East 108.89 feet,
39) North 66 degrees 50 minutes 02 seconds East 49.24 feet,
40) North 55 degrees 37 minutes 09 seconds East 65.49 feet,
41) North 11 degrees 45 minutes 32 seconds East 208.92 feet,
42) North 29 degrees 55 minutes 55 seconds East 157.08 feet,
43) North 54 degrees 45 minutes 16 seconds East 171.09 feet,
44) South 61 degrees 44 minutes 31 seconds East 124.73 feet,
45) North 84 degrees 04 minutes 56 seconds East 182.84 feet,
46) North 58 degrees 28 minutes 57 seconds East 69.66 feet,
47) South 55 degrees 27 minutes 30 seconds East 143.75 feet,
48) South 72 degrees 44 minutes 04 seconds East 140.62 feet,
49) South 73 degrees 59 minutes 18 seconds East 574.08 feet,
50) North 74 degrees 25 minutes 02 seconds East 266.61 feet,
51) South 42 degrees 29 minutes 52 seconds West 2129.98 feet,
52) South 66 degrees 52 minutes 28 seconds West 1650.00 feet,
53) South 23 degrees 07 minutes 32 seconds East 483.03 feet to intersect the 61st line of said first parcel, running thence binding on the outline of the Plats entitled "Section Three Hunters Run", "Plat 1, Section VII, Hunters Run" and "Plat 2, Section VII, Hunters Run" recorded among the land records in Plat Book 56 folio 80, Plat Book 60 folios 53 and 54 respectively and along part of the 61st line of said first parcel and binding on all of the 62nd and 1st line of said first parcel, the following three courses, viz.:
54) South 66 degrees 52 minutes 28 seconds West 1439.31 feet,
55) North 17 degrees 34 minutes 09 seconds West 595.78 feet,
56) North 17 degrees 10 minutes 08 seconds West 503.55 feet to the center of York Road, running thence binding in the center of said York Road, binding on all of the 2nd through the 7th lines of the said first parcel, the following six courses,
57) northeasterly by a curve to the left having a radius of 558.00 feet for a distance of 294.27 feet, said curve being subtended by a chord bearing North 44 degrees 12 minutes 51 seconds East 290.87 feet,
58) North 29 degrees 08 minutes 23 seconds East 20.21 feet,
59) northeasterly by a curve to the right having a radius of 1800.00 feet for a distance of 357.61 feet, said curve being subtended by a chord bearing North 34 degrees 47 minutes 53 seconds East 357.02 feet,

Description for Petition for
Zoning Reclassification to DR-10.5
Land of Security Management Corp.

April 10, 1995
Page -3-

60) North 40 degrees 29 minutes 28 seconds East 89.19 feet,
61) North 37 degrees 31 minutes 08 seconds East 147.55 feet,
62) North 36 degrees 29 minutes 43 seconds East 192.39 feet, running thence leaving said York Road, binding on all of the 8th through the 16th lines of said first parcel, the following eight courses, viz.:
63) South 11 degrees 13 minutes 48 seconds East 529.16 feet,
64) South 76 degrees 48 minutes 39 seconds West 16.08 feet,
65) South 15 degrees 16 minutes 49 seconds East 293.19 feet,
66) North 89 degrees 48 minutes 07 seconds East 289.67 feet,
67) North 15 degrees 41 minutes 55 seconds West 293.39 feet,
68) North 04 degrees 41 minutes 55 seconds West 420.67 feet,
69) South 71 degrees 45 minutes 04 seconds West 169.00 feet,
70) North 03 degrees 09 minutes 55 seconds West 576.76 feet to the point of beginning.

Containing 156.008 Acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for conveyances or agreements.

STATE OF MARYLAND
JOSEPH W. GRDOVIC
No. 14141
REGISTERED
PROFESSIONAL ENGINEER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

CR-93-307-SPHXA

District: 8th — Date of Posting: 9/24/93
Posted for: Reclassification — Petition — Zoning & Variance
Petitioner: Security Management Corp.
Location of property: S/E intersection of York & Phoenix Rds
Colvista
Location of Signs: Facing Roadway of York & Phoenix Rds
Remarks:
Posted by: [signature] — Date of return: 10/1/93
Number of Signs: 3

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-307

District: — Date of Posting: 3/17/94
Posted for: Special Hearing, Exception & Variance
Petitioner: Colvista
Location of property: S/E c/l of Phoenix Rd & E/S of York Rd
Location of Signs: 2-Facing York Rd - 1-Facing Phoenix Rd - 1 on corner c/l of York & Phoenix
Remarks:
Posted by: [signature] — Date of return: 3/24/94
Number of Signs: 4

PETITION OF: SECURITY MANAGEMENT CORPORATION
CIVIL ACTION # 03-C-95-3668
IN THE MATTER OF Colvista — Five plats
Case contained in two cartons Box 1 of 2 plats
* Box 1 of 2 - Reclass file & Transcripts
RECEIVED FROM THE COUNTY BOARD OF APPEALS EXHIBITS, BOARD'S RECORD* EXTRACT & TRANSCRIPT FILED IN THE ABOVE-ENTITLED CASE, AND ZONING COMMISSIONER'S FILE AND EXHIBITS
Clerk's Office
Date: 1/17/96

BALTIMORE COUNTY, MARYLAND — No. 136450
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 7-15-93 — ACCOUNT R001-6150
AMOUNT $ 426.50
RECEIVED FROM Security Mgmt Corp
FOR 080 P.A - CR-93-307-SPHXA
426.50
VALIDATION OR SIGNATURE OF CASHIER
WHITE - CASHIER — PINK - AGENCY — YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management

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

JUNE 4, 1993

Security Management Corporation
9301 Langs Road
Baltimore, Maryland 21220

ATTN: PETER F. FAGAN

RE: PAYMENT OF POSTING AND ADVERTISING FEES - RECLASSIFICATION PETITION
CASE NUMBER: CR-93-307-SPHXA
SE intersection York and Phoenix Roads
Colvista
8th Election District - 3rd Councilmanic
Petitioner(s): Security Management Corporation

Dear Petitioners:

Be advised that a new policy has been established to handle the fees with regard to property posting and legal advertising. As in the past, this office will ensure that the legal requirements for posting and advertising are satisifed; the policy change will effect to whom and when these fees are paid.

Cycle Reclassification Petitions are required to be heavily advertised. The initial ads, one-half page in size and running in four separate newspaper issues, contained a map of Baltimore County and a listing of all the reclass petitions in the cycle. The newspapers have billed the County $2,740.50, this is charged back to you, equally divided among the petitioners.

PAID IN FULL 7-15-93

Posting charges of $35.00 and advertising charges of $391.50, for a total of $426.50, are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Individual ads for each petition will run approximately one month before the scheduled hearing date. Billing for the indvidual ads, due upon receipt, will come from and should be remitted directly to the newspaper.

Non-payment of fees will stay the issuance of the Order. If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

ARNOLD JABLON
DIRECTOR

AJ:ggs

95 MAR 20 AM 9:35

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

receipt

Account: R-001-6150
Number
Date 4/11/95
CR-93-307-SPHXA
DROP-OFF — NO REVIEW

#100 - REVISIONS ——— $100.00
(Revised petition, plats, descriptions, 1,000 zoning map, environmental impact statement)

Legal Owner: Security Management Corp.
SE intersection York & Phoenix Roads - Colvista
Attorney: G. Scott Barhight

Check from Whiteford, Taylor & Preston

01A01#0349MICHRC $100.00
BA C002:38PM04-14-95
Please Make Checks Payable To: Baltimore County
Cashier Validation

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

receipt

Account: R-001-6150
Number
Date 4/20/93

REVISED PLANS (#110) ——— $100.00

Colvista — #CR-93-307-SPHXA

03A03#0115MICHRC $100.00
BA C009:42AM04-27-93
Please Make Checks Payable To: Baltimore County
Cashier Validation

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

receipt

Account: R-001-6150
Number
Date 4/6/93

CASE #cr-93-307-SPHXA
RECLASSIFICATION

#110 - REVISIONS ——— $100.00

Colvista
SE intersection York and Phoenix Ronds

Legal Owner: Security Management Corporation

Attorney: G. Scott Barhight

03A03#0124MICHRC $100.00
BA C009:37AM04-07-93
Please Make Checks Payable To: Baltimore County
Cashier Validation

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

receipt

Account: R-001-6150
#3
Number

2-26-93

PETITION FOR RECLASSIFICATION (CR-93-307-SPHXA) 1250.00
65%
1900.00

OWNER: SECURITY MNGT. CORP.

SE INTERSECTION OF YORK & PHOENIX RDS.

COLVISTA

FOR DR 10.5 B.L.

02A02#0147MICHRC $1,900.00
BA C011:34AM02-26-93
Please Make Checks Payable To: Baltimore County
Cashier Validation

Section 1A03.2 reads, in pertinent part:

> "No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies:
>
> 1. That the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir; ..."

The Board based its decision on the following findings of fact: (1) the site was within a "no planned service" area for sewer and water, thereby violating § 1A00.3A.1a and (2) the parcel, as defined by the Board, lies within 200 feet of the Loch Raven Reservoir property, thereby violating § 1A03.2. After applying the above mentioned provisions to the following findings of fact, the Board dismissed the petition.

Appellant argues that: (1) Sections 1A00.3 and 1A03.2 of the Baltimore County Zoning Regulations are in conflict with § 602(e) of the Baltimore County Charter, and, therefore, must yield to the exclusive jurisdiction provision the County Charter; (2) the Board of Appeals erroneously defined "parcel of land" as used in § 1A03.2 of the Baltimore County Zoning Regulations, thereby incorrectly determining that the site was within 200 feet of the reservoir property line; and (3) the Board erred when it based its decision upon the advice of the County Attorney.

Turning to the first issue, Appellant relies on Hope v. Baltimore County, 288 Md. 656 (1980), for the proposition that where the Charter and a Code section conflict, the Charter should prevail and sections 1A00.3 and 1A03.2 would not apply.

In UPS v. People's Counsel, 336 Md. 569 (1994) the Court of Appeals, however, explained that the narrow function of Hope was only to invalidate a law that allowed direct appeals from the Planning Board to the Circuit Court, thus, bypassing the Board of Appeals as required by the Charter. In the case at bar, the Code and Charter provisions do not concern the appeal process from the Planning Board, therefore, Hope does not apply.

In Halle Companies v. Crofton Civic Association, 339 Md. 131 (1995), the Court said, "[t]he Board is purely a statutory creature and may exercise only those powers expressly granted to it by law or those which can be fairly implied." The Court was referring to Anne Arundel County Board of Appeals, however, the Board operates under a charter and statutory framework similar to Baltimore County. This Court's opinion is that even if the Board has jurisdiction over a zoning case, it may be without the authority to grant approval of a reclassification petition because the Petitioners have not met the statutory requirements necessary for a zoning reclassification. In other words, the Code sections setting forth the standards or guidelines by which the Board decides cases do not conflict with its exclusive jurisdiction to hear such cases. Therefore, in order to grant the reclassification petition the Appellant would have to satisfy the statutory provisions. It is clear to this Court that they have not done so. The uncontradicted testimony was that there is no planned public sewer or water service on the property. Accordingly, the provisions of 1A00.3A.1a have not been met.

Next, the Appellant argues that the Board erred in defining "parcel of land" to include all 215 acres of its property and not just the 156 acres in the petition. Furthermore, the Appellant argues that the reclassification should be granted because the 156 acres petitioned for are not within 200 feet of the Loch Raven reservoir property boundary.

The Board defined "parcel of land" using the Webster's Third New International Dictionary of the English Language, Unabridged, as required when a word is not defined within its section. The Board used definitions 2a. and b., which state that a parcel is:

> "a: contiguous tract or plot of land in one possession no part of which is separated from the rest by intervening land in other possession b: a tract or plot of land whose boundaries are readily ascertainable by natural or artificial monuments or markers . . . ."

The Board also relied upon Black's Law Dictionary, 6th Edition, 1990, Words and Phrases, as well as Words and Phrases Supplements, which similarly define "parcel."

Appellees as well as the Court agree with the Board's definition of "parcel." The site in question is a contiguous tract of property, all owned by the Appellant, therefore it is one parcel. This one parcel is undisputedly within two hundred feet of the reservoir property line. Accordingly, the provisions of 1A03.2 forbid the reclassification.

The third issue concerning the reliance of the Board on the County Attorney for guidance is without merit. The County Attorney is, by law, the advisor to all county boards and agencies. Section 508 of the Baltimore County Charter. Since §§ 508 and 605 of the County Charter provide authority for the County Attorney to advise the Board, the County Attorney's actions in this case were proper.

The standard of review in this case allows the Court to reverse or modify the Board's decision only if specific findings are made by this Court. Md. Code Ann. (State Gov't) §10-222 (h)(3) (1995). This Court is not convinced that the Board's decision was: (1) unconstitutional; (2) outside the statutory authority or jurisdiction of the agency; (3) the result of unlawful procedure; (4) affected by any other error of law; (5) unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or (6) arbitrary or capricious.

Accordingly, the decision of the Board of Appeals is affirmed. Appellants pay costs.

Dated 8/26/96

DANA M. LEVITZ, Judge

Copies sent to:

County Board of Appeals
G. Scott Barhight
David K. Gildea
Peter Zimmerman
Douglas Silber
J. Carroll Holzer
James A. Biddison

RE: PETITION OF SECURITY MANAGEMENT CORP. FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN THE CASE OF: IN THE MATTER OF THE AMENDED PETITION OF SECURITY MANAGEMENT, INC. FOR A ZONING RECLASSIFICATION FROM R.C. 4 to D.R. 16 & B.L. ON PROPERTY LOCATED AT THE S.E. INTERSECTION OF YORK AND PHOENIX ROADS (COLVISTA)
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

IN THE BALTIMORE COUNTY BOARD OF APPEALS, CASE NO.: CR-93-307-SPHXA

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Civil No 3-C-95-9688

MEMORANDUM OF RESPONDENT,
THE BROADMEAD RESIDENTS ASSOCIATION

Pursuant to Rule 7-207 (a) of the Maryland Rules of Practice and Procedure, The Broadmead Residents Association (Association), one of the Respondents in the above entitled proceeding, states as follows:

1. As indicated in its Response to the Petition for Judicial Review previously filed herein, the Association supports the decision of the County Board of Appeals of Baltimore County, dated September 29, 1995, which dismissed Petitioner's application for reclassification of Zoning and adopts the reasoning contained in such decision and requests that it be affirmed.

2. The Association hereby adopts by reference the points and authorities cited by the People's Counsel for Baltimore County in his Memorandum filed in the proceeding before this Honorable Court.

James A. Biddison, Jr.
Attorney for The Broadmead Residents Association
13801 York Rd., Apt. J-7
Cockeysville, Md. 21030
(410) 527-0654

CERTIFICATE OF SERVICE

I hereby certify that on this 29th of April, 1996, a copy of the foregoing Memorandum of The Broadmead Residents Association was mailed to:

Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

G. Scott Barhight, Esq.,
James F. Rosner, Esq., and
David K. Gildea, Esq.,
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
400 Court Towers
Towson, Maryland 21204
(410) 832-2000

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

J. Carroll Holzer, Esq.,
Holzer & Lee
305 Washington Avenue, Suite 502
Towson, Maryland 21204

James A. Biddison, Jr.
Attorney for
The Broadmead Residents Association

IN THE MATTER OF
SECURITY MANAGEMENT CORP.
SE INTERSECTION YORK/PHOENIX ROADS
(COLVISTA)
ZONING RECLASSIFICATION RC4 (WATERSHED PROTECTION) TO DR 10.5 (10.5 UNITS/ACRE) AND BL (BUSINESS LOCAL)

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO.: 3-C-95-009688

PROTESTANTS' MEMORANDUM IN OPPOSITION TO PETITION FOR JUDICIAL REVIEW

The Sparks-Glencoe Community Council, and Paul Hupfer, Nancy Fait, Kenneth and Carolyn von Schnell, and Cora Feldman, adjacent property owners, by J. Carroll Holzer and Holzer and Lee, hereby submits this Memorandum for the Protestants as required by Maryland Rule 7-207.

ADOPTION OF PEOPLE'S COUNSEL'S MEMORANDUM

Protestants herein participated to the fullest extent in the five-day evidentiary hearing before the Baltimore County Board of Appeals concerning Appellants' zoning reclassification in the above-captioned case for the property known as "Colvista." Counsel for Protestants actively participated in the cross-examination and the adoption of all legal memoranda and motions submitted on the part of the People's Counsel for Baltimore County.

LAW OFFICE
HOLZER AND LEE
7 WASHINGTON AVENUE
SUITE 502
TOWSON, MARYLAND
21204
(410) 825-6961
FAX (410) 825-4923

Protestants herein intend to continue to fully exercise their rights in opposition to the Appellants' requested reclassification and hereby adopt the People's Counsel's Memorandum in total as to its Statement of the Case, Statement of the Facts, and Legal Analysis, to support the action of the Baltimore County Board of Appeals in dismissing the petition for zoning reclassification herein.

Respectfully submitted,

J. Carroll Holzer
Holzer and Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204
(410) 825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 26th day of April, 1996, a copy of the foregoing Memorandum in Opposition to Petition for Judicial Review was mailed, postage pre-paid, to Peter Max Zimmerman, People's Counsel for Baltimore County, Basement, Old Courthouse, Towson, Maryland, 21204; Kathy Bianco, Baltimore County Board of Appeals; Virginia Barnhart, County Attorney for Baltimore County; G. Scott Barhight, Esquire, and James Rosner, Esquire, both of Whiteford, Taylor & Preston.

J. Carroll Holzer

MEMO\RICOLVISTA.MEM

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF SECURITY MANAGEMENT CORP.
9901 Langs Road
Baltimore, MD 21220

FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER OF THE APPLICATION OF COLVISTA
AMENDED PETITION FOR RECLASSIFICATION
ON PROPERTY LOCATED AT THE SOUTH EAST INTERSECTION OF YORK AND PHOENIX ROADS
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. CR-93-307-SPHXA
ITEM NO. 5, CYCLE I, 1993

CIVIL ACTION
No. 3-C-95-009688

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

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Robert O. Schuetz, Harry E. Buchheister, Jr. and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Zoning Commissioner's Office and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS
AND THE OFFICE OF THE ZONING COMMISSIONER

No. CR-93-307-SPHXA

RECEIVED AND FILED

February 26, 1993	Petition for reclassification filed by G. Scott Barhight, Esquire, on behalf of Security Management Corporation, Petitioner, for reclassification; Petition for Special Exception for community building & swimming pool and assisted living facility; Petition for Special Hearing regarding applicability of BCZR sections; Petition for Variances for setbacks and parking spaces, etc., pursuant to Documented Site Plan.
April 16	Amended Site Plan filed by G. Scott Barhight, Esquire, on behalf of Security Management Corporation.
April 28	Entry of Appearance filed by People's Counsel for Baltimore County.
April 30	Comments of Baltimore County Zoning Plans Advisory Committee.
September 24, 1993	Certificate of Posting
	Publication in newspapers.
July 28, 1994	Certificate of Posting of property.
October 13	Hearing scheduled before the Board; matter opened and continued on the record at the request of Petitioner through his Counsel, G. Scott Barhight, for purpose of amending Petition and Site Plan. Amended Petition and Plan to be submitted to Board at public hearing. (No testimony/evidence at this time.)
April 11, 1995	Public hearing at which Amended Petition and plan submitted to the Board by Petitioner through Counsel, pursuant to amended documented site plan.
April 27	Request/comments from John Lewis, Planner /PDM RE: Amendments (red-lined plan to be submitted).
May 19	Planning Board Report recommending denial of the Petition and the amended documented site plan.
August 1	Letter from People's Counsel regarding threshhold issues, including authority of Board to hear this matter; requested hearing on legal issues prior to hearing on merits.
August 7	Follow up letter to August 1, 1995 letter received from People's Counsel.
August 7	Letter from J. Carroll Holzer, Esquire, adopting Mr. Zimmerman's above Motion and Memorandum requested hearing on legal issues.
August 10	Response to People's Counsel's letters from S. Barhight, requested denial of motion to dismiss without hearing, or in alternative, to hearing motion to dismiss by PC on first day of hearing, 8/16/95.
August 11	Letter from the Board to counsel - argument on People's Counsel legal issues to be raised at 8/16/95 hearing.
August 16	Rule 8 papers filed by GSGCC.
August 16	Hearing before the Board of Appeals (Day #1). People's Counsel moved for dismissal. Board deliberated Motion for Dismissal and reserved ruling on said motion as it was premature at this time.
August 17	Hearing before the Board of Appeals (Day #2).
August 23	Hearing before the Board of Appeals (Day #3).
August 24	Hearing before the Board of Appeals (Day #4).
September 13	Hearing before the Board of Appeals (Day #5).
September 14	Petitioner's case in chief concluded; the Board deliberated - Motions to Dismiss; Board granted said Motions.
September 29	Ruling on Motion for Dismissal issued by the Board wherein the Motion for Dismissal was GRANTED.
October 18	Petition for Judicial Review filed in the Circuit Court for Baltimore County by G. Scott Barhight, Esquire, on behalf of Security Management Corporation.
October 20	Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.
November 15	Response of the Broadmead Residents Associaiton to Petition for Judicial Review filed by James A. Biddison, Jr., Esquire.
October 20	Certificate of Notice sent to interested parties.
December 15	Motion for Extension of Time for Transmittal of Record filed in Circuit Court for Baltimore County by G. Scott Barhight, Esquire.
December 21	Motion for Extension of Time for Transmittal of Record filed by G. Scott Barhight (Granted by Thomas Bollinger, J. on 12/18/95 - record now due 1/15/96).
January 17, 1996	Transcript of testimony filed.

Petitioner's Exhibit No.

1-Documented Site Plan
*2- 3-dimension scale model of Colvista project & surrounding areas
*3-1971 Zoning Map - Section
4-1980 Guide Plan -color photocopy of original
5-1975 Comprehensive Plan -Adopted 10/13/75 -TEXT
*6-1975 Comprehensive Plan Map
*7-1976 Zoning Map -Section
8-Baltimore County Growth Management Program 1979-1995 Text
*9-Baltimore County Growth Management Plan - Map
10-Land Use Elements -Baltimore County Master Plan (Entire Booklet has been submitted
*11-1980 Zoning Map -Section
*12-1984 Zoning Map -Section
*13-1988 Zoning Map -Section
*14-1992 Zoning Map -Section
15-Resume - Dr. Robert Cervero
16-Chart -Jobs -Housing Balance
*17-Chart -Differences in Occupational Structure for Hunt Valley Workers vs. Hunt Valley Residents (1990).
*18-Chart -"Can Hunt Valley Workers Afford Hunt Valley Homes?"
*19-Commute Patterns by Center - Hunt Valley (Map Chart)
*20-Commute Patterns by Center - Hunt Valley (Map Chart)
*21-Commute Patterns by Center - White Marsh (Map Chart)
*22-Chart -Colvista -Existing & Projected A.M. Peak Period Light Rail Ridership for Timonium and Hunt Valley (Southbound)
*23-Chart -Colvista -Existing and Projected A.M. Peak Period Light Rail Ridership for Timonium & Hunt Valley (Northbound)
*24-Chart -Colvista -Growth Area Housing Affordability
*25-Map -Legg Mason -Market Area - Greater Hunt Valley
*26-Chart -Employment Growth 1980-1990
*27-Chart -Share of County Employment Hunt Valey Market Area 1980- 1990
*28-Jobs/Housing Unit Ratio -1980 & 1990 -Graph
*29-Population by Race -1990 -CHART
*30-Home Ownership by -1990 -CHART
*31-Owner -Renter Status by Race - 1990 -CHART
*32-Household Income by Race -1990 - CHART
*33-Household Income by Race -1990 - Bar Graph
*34-Population by Race -1990 -CHART
*35-Home Ownership by Race -1990 - CHART
*36-Household Income by Race -1990 - Baltimore City -CHART
*37-Projected Demand for New Housing -Hunt Valley Market area 1995-2010 CHART
*38-Owner -Occupied Housing by Type -1990 -CHART
*39-Market Area's Share of Owner Housing -Bar Graph
*40-Inventory of Production Lots Remaining -Line Graph
*41-Average Base Price -New Detached Housing -Line Graph
*42-Average Base Price -New Detached Housing -Line Graph
*43-Proposed Product Lines -Colvista -CHART
44-Analysis of Fiscal Impact for Balto., County, Md. -Colvista
45-Public School Capacity Analysis -Colvista
46-Market Feasibility Analysis Update -Colvista
47-Curriculum Vitae -Uri P. Avin, AICP
*48-Quotations from Master Plan, page 22
*49-Continuation of Quotation from Master Plan
*50-Quotation from Master Plan, page 4
*51-Quotation from Master Plan, page 37
*52-Quotation from Master Plan, page 52
*53-Quotation from Master Plan, page 37
*54-Quotation from Master Plan, pages 17 & 87
*55-Quotation from Master Plan, pages 13
*56-Quotations from Master Plan, page 18
*57-Quotations from Master Plan, page 3
*58-Two Maps in Master Plan: Concentric Development Pattern Radial Development Pattern
*59-Map showing Urban Rural Demarcation Line
*60-Map: Overlay -Baltimore Region - 5 county regions & Baltimore City
*61-Map Base exhibit: "Master Land Use Plans"
*62-Chart: Differences in Occupational Structure for Hunt Valley Workers vs. Hunt Valley Residents (1990)
*63-Map: Distribution in Growth of Black Population 1980-1990
*64-Map: Water Classification Areas for North Central area
*65-Map: Sewer Classification Areas
*66-Towson Jobs/Housing Table
67-Curriculum Vitae -West Guckert
*68-Map: Baltimore County & surrounding counties showing Average Daily Traffic Volumes
*69-Map: Same map as Pet. Ex. 68, showing Level of Service of Signalized Intersections
70-State Highway Administration - Secondary Development & Evaluation Program with attachment: Highway Needs Inventory: Secondary System
71-Final Environmental Impact Statement for the Proposed Colvista Community Site -April 1995
*72-Chart -Figure 6. Colvista Community and Hunters Run -Pollutant Loadings Using Onsite and Offsite Control
*73-Chart -Phosphorus Loadings of Proposed Colvista community and Hunters Run Improvements Compared to Existing Conditions, etc.
*74-Chart -Sediment Loadings of Proposed Colvista Community, etc.
75-Curriculum Vitae -Frederick N. Chadsey IV
76-Western Run Interceptor 1969 agreement 2/6/69
77-Sewer Maps -Texas Lift Pumping Station -1960
78-Sewer Map -Gravity Sewer line - Sept. 1962
79-Sewer Map -Drainage area maps - June, 1962
80-Sewer Map -Drainage area map - 1972
81-Sewer Map -Drainage area map - Loveton Pumping Station, March, 1983
82-Water Plans for 16" water main - York Road - Dec. '72
83-Water Plans for water tank - Dec. '72
84-Water Transmission Main for York Road, Dec. '72
85-Water Transmission Main for York Road, Dec. '72
86-Map -Stream order for Baltimore County
*87-Map -Watershed areas in Baltimore County
88-1992 Comprehensive Housing Affordability Strategy
89-1994 Comprehensive Housing Affordability Strategy (dated Nov. '93)
90-"The Effects of Development Control of Housing Opportunities for Black Households in Baltimore County, Md." Aug., 1970
91-"The Zoning and Planning Process in Baltimore County and It's effect on Minority Group Residents" March, 1971
92-Curriculum Vitae of Dennis Jankiewicz with attached list of awards
*93-Illustrative Drawing: "Colvista: A Hillside Community"
*94-Site Section B -looking west in a north-south axis
*95-Site Section A -looking north from an east-west direction
*96-Drawing: Building Type 1
*97-Drawing: Building Type 2 & 3
*98-Drawing: Garage & Building Type4
*99-Drawing: Building Types 5,6,7,8

*100-Signage & Pedestrian Promenade & Open Spece Connection
*101-Drawing: Active Play Space & Auto Court; Clubhouse & Pedestrian Connection
*102-Drawing: Village Green & Courtyard Buildings
*103-Illustration -View to Village Green
*104-Illustration -View to Clubhouse
*105-Illustration -View to Pedestrian Promenade
*106-Illstration -View to Pedestrian Connections
*107-Illustration -View from Woodlands
*108-Deposition: Security Management Corp. vs. Baltimore County in the Circuit Court for Baltimore County -Frank W. Welsh

*Denotes large exhibits which were replaced with small exhibits

People's Counsel Exhibit No.
1-Md. Dept. of Assessments & Taxation Computer printout 8/16/95 re: 9901 Langs Rd., 9807 Langs Rd.
2-Tax Maps from Dept. of Assessments -(I.D. only -4 sheets)
3-Letter from Gerber signing for Seiffert 8/14/79 with 2 reports.
4-Excerpt from Baltimore County Master Plan 1979-1990
5-The Recommended 1980 Comprehensive Zoning Map -excerpt -3/20/80
6-Excerpt: Baltimore County Council Minutes 8/4/80 -Retirement of Zoning Issues
7-Report to Board of Appeals by Baltimore County Planning Board 1/21/82
8-Inter-Office Correspondence to Hackett from Gerber 12/2/82
9-Planning Board Hearing Transcript 10/29/79 pp. 53-55
10-Public Hearing transcript 6/6/80

pp. 61-64
11-1984 Baltimore County Council Log of Issues -portion attachment: interoffice correspondence from Smith 11/13/84 to retire issues
12-Baltimore County Growth Management Program Guidelines for the 1992 Comprehensive Zoning Map Process (excerpts)
13-Letter to Scott Barhight from Marreen Kelly 3/17/92
14-Memo from Paul Hudson to Gene Neff 3/11/92
15-Inter-Office Correspondence from Moore to Neff 2/28/92
16-Inter-Office Correspondence from Homan to Fields 3/13/92
17-Letter from Kraft to Arsdale 3/11/92
18-Memo from Welsh to Fields 3/11/92
19-Letter to Hackett from Mintz 10/12/93
20-Letter from State Highway Administration 2/13/95
21-Baltimore County Council Third Councilmanic District 1992
22-Hunt Valley/Timonium Redevelopment Study 4/15/93
23-Direct examination of Mr. Klinepaste -(I.D. only)
24-Hunt Valley /Timonium Economic Analysis Oct. 1990
25-Memo 3/3/92: To Capt. Krach from Canter
26-Letter to Mereen Kelly from Dieter 3/11/92
27-1994 Action Report for The Reservoir Watersheds
28-Memo from Keys to Neff 3/10/92
29-Memo from Neff to VanArsdale 3/11/92
30-Excerpts from Baltimore County Master Plan 1989-2000
31-Memo from Perdikakis to Jablon 8/15/95 (I.D. only)

January 17, 1996 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits into evidence before the Board.

Respectfully submitted,

Charlotte E. Radcliffe
Legal Secretary
County Board of Appeals, Room 49
Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: G. Scott Barhight, Esquire
Security Management
J. Carroll Holzer, Esquire
People's Counsel for Baltimore County

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

TO: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

IN THE MATTER OF
THE APPLICATION OF
SECURITY MANAGEMENT CORP.
FOR A ZONING RECLASSIFICATION
FROM R.C.4 to D.R. 10.5 and B.L.
ON PROPERTY LOCATED ON THE
SOUTHEAST SIDE YORK ROAD AND
PHOENIX ROADS (COLVISTA)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 03-C-95-009688
* Board of Appeals No. CR-95-307-SPHXA

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

MOTION FOR EXTENTION OF TIME FOR TRANSMITTAL OF RECORD

Security Management Corp., Petitioner, by its attorneys, G. Scott Barhight and Whiteford, Taylor & Preston, hereby requests, pursuant to Maryland Rule 7-206(d), an extention of thirty (30) days for the transmittal of the record in the above-captioned case, and states:

1. Due to the length of the transcript and the court reporter's heavy work load, the court reporter has approached the Petitioner and requested this extension of thirty days (see Exhibit 1 attached).

2. This extension will in no way prejudice any party to these proceedings.

3. Counsel for the Petitioner has spoken to J. Carroll Holzer, counsel for Sparks/Glencoe Community Association, et al. Mr. Holzer has no objection to this Motion for Extension of Time for Transmittal of Record.

1/18/95 Granted
T. Bodien
Judge

FILED DEC 21 1995

COPY

IN THE MATTER OF
THE APPLICATION OF
SECURITY MANAGEMENT CORP.
FOR A ZONING RECLASSIFICATION
FROM R.C.4 to D.R. 10.5 and B.L.
ON PROPERTY LOCATED ON THE
SOUTHEAST SIDE YORK ROAD AND
PHOENIX ROADS (COLVISTA)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No.
* Board of Appeals No: CR-95-307-SPHXA

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

MOTION FOR EXTENTION OF TIME FOR TRANSMITTAL OF RECORD

Security Management Corp., Petitioner, by its attorneys, G. Scott Barhight and Whiteford, Taylor & Preston, hereby requests, pursuant to Maryland Rule 7-206(d), an extention of thirty (30) days for the transmittal of the record in the above-captioned case, and states:

1. Due to the length of the transcript and the court reporter's heavy work load, the court reporter has approached the Petitioner and requested this extension of thirty days (see Exhibit 1 attached).

2. This extension will in no way prejudice any party to these proceedings.

3. Counsel for the Petitioner has spoken to J. Carroll Holzer, counsel for Sparks/Glencoe Community Association, et al. Mr. Holzer has no objection to this Motion for Extension of Time for Transmittal of Record.

4. Counsel for the Petitioner has spoken to Peter M. Zimmerman, People's Counsel for Baltimore County. Mr. Zimmerman has no objection to this Motion for Extension of Time for Transmittal of Record.

Respectfully submitted,

G. Scott Barhight
Whiteford, Taylor & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515
(410) 832-2050
Attorney for
Security Management Corp.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of December, 1995, a copy of the foregoing Motion was mailed first class, postage prepaid to:

J. Carroll Holzer, Esquire
Holzer & Lee
Suite 502
305 Washington Avenue
Towson, MD 21204

Peter M. Zimmerman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Room 47
400 Washington Avenue
Towson, Maryland 21204

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

G. Scott Barhight

65811

Dec. 14, 1995

G. Scott Barhight, Esq.
Whiteford, Taylor & Prestonqq
210 W. Pennsylvania Avenue
Towson, Md. 21204

Dear Mr. Barhight:

Per our converstion last week, I am requesting an extension on the preparation of the Colvista transcript due to my present heavy work load and the length of the actual transcript itself which is over 1600 pages.

I truly appreciate your cooperation, and I thank you very, very much.

Sincerely yours,

Carolyn Peatt
Court reporter

EXHIBIT 1

RE: PETITION OF SECURITY MANAGEMENT CORP. FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	IN
	*	CIRCUIT COURT
IN THE CASE OF: IN THE MATTER OF THE AMENDED PETITION OF SECURITY MANAGEMENT, INC. FOR A ZONING RECLASSIFICATION FROM R.C. 4 to D.R.16 & B.L. ON PROPERTY LOCATED AT THE S.E. INTERSECTION OF YORK AND PHOENIX ROADS (COLVISTA) 8th ELECTION DISTRICT 3rd CONCILMANIC DISTRICT	*	FOR
	*	BALTIMORE COUNTY
IN THE BALTIMORE COUNTY BOARD OF APPEALS, CASE NO.: CR-93-307-SPHXA	*	Civil No 3-C-95-9688

RESPONSE OF THE BROADMEAD RESIDENTS ASSOCIATION TO PETITION FOR JUDICIAL REVIEW

The Broadmead Residents Association (Association) hereby submits this Response to the Petition for Judicial Review filed by Security Management Corporation, and states as follows:

1. The Association is unincorporated, consists of 400 Residents of Broadmead, and actively opposed the requested zoning reclassification before the County Board of Appeals in the proceeding referred to above.
2. That it supports the action of the County Board of Appeals granting People's Counsel's Motion for Dismissal (joined by Protestants) as set forth in the Board's Order of September 29, 1995, and requests that it be affirmed.
3. That the undersigned participated in the proceeding

2.

before the County Board of Appeals and intends to participate in this proceeding for Judicial Review.

James A. Biddison, Jr.
Attorney for The Broadmead Residents Association
13801 York Road, Apt. J-7
Cockeysville, Md. 21030
(410) 527-0654

CERTIFICATE OF SERVICE

I hereby certify that on this 15th of November, 1995, a copy of the foregoing Response of The Broadmead Residents Association was mailed to:

Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

G. Scott Barhight, Esq.,
James F. Rosner, Esq., and
David K. Gildea, Esq.,
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
400 Court Towers
Towson, Maryland 21204
(410) 832-2000

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

J. Carroll Holzer, P.A.
Holzer & Lee
305 Washington Avenue, Suite 502
Towson, Maryland 21204

James A. Biddison, Jr.
Attorney for
The Broadmead Residents
Association

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
PETITION OF SECURITY MANAGEMENT CORP. 9901 Langs Road Baltimore, MD 21220	*	
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204	*	CIVIL ACTION No. 3-C-95-009688
IN THE CASE OF: IN THE MATTER OF THE APPLICATION OF COLVISTA AMENDED PETITION FOR RECLASSIFICATION ON PROPERTY LOCATED AT THE SOUTH EAST INTERSECTION OF YORK AND PHOENIX ROADS 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT CASE NO. CR-93-307-SPHXA ITEM NO. 5, CYCLE I, 1993	*	

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Robert O. Schuetz, Harry E. Buchheister, Jr., and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; G. Scott Barhight, Esquire, James F. Rosner, Esquire, and David K. Gildea, Esquire, WHITEFORD, TAYLOR & PRESTON, 210 W. Pennsylvania Avenue, 400 Court Towers, Towson, Maryland 21204, Attorneys for Petitioner; Security Management Corp., 9901 Langs Road, Baltimore, Maryland 21220, Petitioner; J. Carroll Holzer, P.A. HOLZER & LEE, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, attorney for Protestants; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Courthouse, 400 Washington Avenue, Towson, MD 21204, a copy of

which Notice is attached hereto and prayed that it may be made a part hereof.

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to G. Scott Barhight, Esquire, James F. Rosner, Esquire, and David K. Gildea, Esquire, WHITEFORD, TAYLOR & PRESTON, 210 W. Pennsylvania Avenue, 400 Court Towers, Towson, Maryland 21204, Attorneys for Petitioner; Security Management Corp., 9901 Langs Road, Baltimore, Maryland 21220, Petitioner; J. Carroll Holzer, P.A. HOLZER & LEE, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, attorney for Protestants; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Courthouse, 400 Washington Avenue, Towson, MD 21204, this 20th day of October, 1995.

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

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

October 20, 1995

G. Scott Barhight, Esquire
James F. Rosner, Esquire
David K. Gildea, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

RE: Civil Action No. 3-C-95-009688
COLVISTA

Dear Counsel:

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
Legal Secretary

Enclosure

cc: Security Management Corp.

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

October 20, 1995

J. Carroll Holzer, P.A.
HOLZER and LEE
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: Civil Action No. 3-C-95-009688
COLVISTA

Dear Mr. Holzer:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on October 18, 1995, 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).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-95-009688.

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

Very truly yours,

Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Mr. Melvin Colvin
S. Lee Alley, Jr.
James V. McCoy /Greater Jacksonville Assn., Inc.
John Bernstein /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.
People's Counsel for Baltimore County
Lyle A. Brecht
Barbara A. Huntley
Jack Anderson
Margaret H. Fulford
Pat Keller /Jeffrey Long
Arnold Jablon, Dir. /PDM
Beverly Crook
Donna Hungerford
Mary Ferguson
Mr. David Dodge
/Sparks Glencoe Comm. Council
Bonnie Messina
Joyce Stump
Stephen Bangston
Docket Clerk /PDM
C. Richards, Jr. AM
Lawrence E. Schmidt

New person is Kyle Brecht Same address

Printed with Soybean Ink on Recycled Paper

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

95 OCT 20 PM 2:02

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

PETITION OF SECURITY MANAGEMENT CORP. 9901 Langs Road Baltimore, Maryland 21220	•	IN THE CIRCUIT COURT FOR
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Old Courthouse, Room 49 400 Washington Avenue Towson, Maryland 21204	•	BALTIMORE COUNTY CIVIL NO.: # 03-C-95-009688
IN THE CASE OF AMENDED PETITION FOR RECLASSIFICATION S.E. INTERSECTION OF YORK AND PHOENIX RDS. (COLVISTA) 8TH ELECTION DISTRICT 3RD COUNCILMANIC CASE NO.: CR-93-307-SPHXA ITEM NO. 5, CYCLE I, 1993	•	

95 OCT 20 PM 2:02

PETITION FOR JUDICIAL REVIEW

Security Management Corp., Petitioner, by and through its attorneys, Whiteford, Taylor & Preston, hereby files a Petition for Judicial Review, and states as follows:

1. Security Management Corp. hereby requests judicial review of the County Board of Appeals of Baltimore County's "Ruling on Motion for Dismissal" dated September 29, 1995, Case No. CR-93-307-SPHXA and Item No. 5, Cycle I, 1993, by the Circuit Court for Baltimore County pursuant to Chapter 200 of Title 7 of the Maryland Rules;

2. Security Management Corp., Petitioner, was the Petitioner before the County Board of Appeals of Baltimore County.

RECEIVED AND FILED
95 OCT 18 PM 3:45

3. The "Ruling on Motion for Dismissal" was unlawful, was not in compliance with the Zoning Ordinance of Baltimore County, and was contrary to Maryland law.

WHEREFORE, Security Management Corp., Petitioner, requests judicial review.

Respectfully submitted,

G. Scott Barhight
James F. Rosner
David K. Gildea
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
400 Court Towers
Towson, Maryland 21204
(410) 832-2000

Attorneys for Security Management Corp.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October, 1995, a copy of the foregoing Petition for Judicial Review was mailed, first class, postage prepaid, to:

Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

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

J. Carroll Holzer, P.A.
Holzer & Lee
305 Washington Avenue, Suite 502
Towson, Maryland 21204

David K. Gildea

60855

IN THE MATTER OF THE APPLICATION OF SECURITY MANAGEMENT CORPORATION FOR A ZONING RECLASSIFICATION FROM R.C. 4 TO D.R. 10.5 AND B.L. ON PROPERTY LOCATED ON THE SOUTH-EAST SIDE YORK AND PHOENIX ROADS (COLVISTA) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. CR-53-307-SPHXA

RULING ON MOTION FOR DISMISSAL

The instant case is brought by Security Management Corporation, Petitioner, as a Petition for Reclassification from zoning designation R.C. 4 to D.R. 10.5 and B.L. Prior to the commencement of the hearing, a Motion for Dismissal was brought by People's Counsel and joined by the Protestants. People's Counsel alleges that, pursuant to Baltimore County Zoning Regulations (hereinafter BCZR) Section 1A00.3A.1.a and BCZR Section 1A03.2, the subject Petition should never have been accepted for filing, and that the Board may not grant the Petition for Reclassification. The Board, on the first day of public hearing, reserved on the Motion, indicating that a finding of fact pursuant to the aforementioned sections would have to be made in order to apply those sections, and that, absent any evidence and testimony in the matter, the Board would be ruling prematurely.

Appearing during the 6 days of testimony and evidence of the Petitioner's case in chief were G. Scott Barhight, Esquire, and James F. Rosner, Esquire, on behalf of Petitioner; J. Carroll Holzer, Esquire, on behalf of the Sparks-Glencoe Community Council; and, James F. Biddison, Esquire, representing the Broadmead Residents Association. People's Counsel for Baltimore County also participated in the proceedings.

During the 6 days of hearing in this matter, numerous witnesses and a veritable mountain of evidence was provided by Petitioner and People's Counsel. The matter under consideration herein is only the Motion for Dismissal brought by People's Counsel and joined by Protestants. Therefore, discussion herein shall be limited to those areas where facts have been determined relative to the Motion.

The first of the two issues raised by People's Counsel, BCZR Section 1A00.3A.1a, reads:

> "1. No petition to reclassify an R.C. zone or portion thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner unless --
>
> "a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Subtitle 5 of Title 9 in the Environment Article of the Annotated Code of Maryland 1987, as amended, show that the property under petition is to be serviced by public sewerage and watersupply systems within TWO years after the date the petition is submitted...."

Several witnesses and evidence brought by the Petitioner (specifically Petitioner's Exhibits 64 and 65), coupled with the testimony of Mr. Frederick Chadsey, IV, of G. W. Stephens and Associates, indicate that, although the instant site is in a "no planned service" area for water and sewer service, the instant site is indeed bounded on the north, south and west by existing water and sewer service which is readily accessible to the site. The instant property is literally surrounded by existing development with public utility service, despite the "no planned service" designation.

The area of concern to the Board in this particular Motion is

that which appears in BCZR regulation 1A03.2, which reads:

> "No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies:
>
> 1. that the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir;
>
> 2. that the parcel lies at least 300 feet from any 1st or 2nd order or greater stream that flows directly into a public water reservoir;
>
> 3. that the parcel lies at least 300 feet from any 3rd order or greater stream that flows directly or indirectly into a public water reservoir;
>
> 4. that no more than 30% of the parcel has a slope of more than 20%;
>
> 5. that the parcel does not lie within a 100-year floodplain; and
>
> 6. that, as shown by an environmental impact statement, the manner in which proposed reclassification will affect water quality in the watershed or any public water reservoir.
>
> For the purpose of this subsection, streams are classified by order as shown on the map of stream orders adopted by the Planning Board on March 25, 1976."

This particular section of the regulations impacts the Petitioner's ability to reclassify R.C. 4 property which lies adjacent to or near the public water reservoir. From Petitioner's Exhibit 1 and several other exhibits, coupled with testimony of several of the witnesses, the Board finds as a fact that the entire lot of record for which a portion is the subject of the reclassification petition directly abuts the Loch Raven Reservoir property. Therefore, Item 1 of BCZR 1A03.2 dictates that the Board consider definitions for the word "parcel" as they may apply in this case, in light of the Petition to reclassify only land more than 200 feet from the

reservoir property line. The word "parcel" does not appear in BCZR Section 101. However, in the absence of a written definition in Section 101, the Board is required to go to the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. In Webster's, numerous definitions for the word "parcel" exist; however, definitions 2a. and b. deal with possible definitions related to real property:

> "2a: a continuous tract or plot of land in one possession no part of which is separated from the rest by intervening land in other possession b: a tract or plot of land whose boundaries are readily ascertainable by natural or artificial monuments or markers...."

According to Black's Law Dictionary, 6th Edition, 1990, Words and Phrases, as well as Words and Phrases Supplements, "parcel" is further defined as:

> - Contiguous quantity of land in possession of, owned by, or recorded as property of the same claimant, person or company.
>
> - A "parcel of land" or "parcel of real property" means a contiguous quantity of land in possession of, or owned by, or recorded as the property of, the same claimant, person or company.
>
> - A contiguous quantity of land in possession of, owned by or recorded as property of the same claimant, person or company. "Parcel of land" is synonymous with tract of land and does not have reference to size but to contiguous quantity of land.

Black's further indicates that "parcel" may be synonymous with the term "lot." The closest definition to the word "lot" in the BCZR is the term-phrase "lot of record" which reads:

> "A parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof."

It is this very issue which gives the Board pause. The Board finds

as a fact that the parcel under consideration includes the entire area of the site, as defined by its metes and bounds as the lot of record which existed on the date of the zoning regulation which governs its use, which, in this case, is the date of the last Comprehensive Zoning Map adoption date by the County Council, October 15, 1992. In finding this fact, the Board therefore finds that the zoning line proposed by the Petitioner to separate the proposed developable area as D.R. 10.5 and B.L. from existing and to-remain R.C. 4 property on the instant site is an artificial line not recognized by the BCZR as definable in the context of the word "parcel" and/or "lot of record." For the above reasons and facts, the Board shall grant the Motion for Dismissal of the instant case.

From Petitioner's Exhibit 1, the Documented Site Plan, in light of the Board's finding and definition of the word "parcel" in this case, the Board also finds as a fact, pursuant to BCZR Section 1A03.2, paragraphs 3 and 5, that the parcel lies within 300 feet of a third order or greater stream that flows directly or indirectly into Loch Raven Reservoir, and that the parcel does lie within, and contains an area which is, a 100-year floodplain.

The Baltimore County Zoning Regulations provide a vehicle for a Petitioner to seek reclassification of a property through proof of error or mistake by the County Council, or change in the character of the neighborhood from the date of the last zoning classification designation by the County Council. During the Comprehensive Zoning Map Process, the County Council has full authority to decide the location of a zoning line based on a multitude of possibilities: roads, hills, valleys, streams,

monuments, or many other man-made or natural situations which may or may not coincide with the boundaries described in a given lot of record. However, clearly the zoning regulations do not afford that degree of latitude to the Petitioner in this case, who seeks to choose an alternate location for a zoning line so as to enable himself to attempt to prove error on a remainder portion of his property.

THEREFORE, FOR THE REASONS SO STATED, it is therefore this 29th day of September, 1995 by the County Board of Baltimore County

ORDERED that the Motion for Dismissal brought by People's Counsel for Baltimore County, and joined by the Protestants, be and the same is hereby GRANTED.

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

Robert O. Schuetz, Chairman

S. Diane Levero

Harry E. Buchheister, Jr.

2.6.95

IN THE MATTER OF	•	BEFORE THE
SECURITY MANAGEMENT CORP. SE INTERSECTION YORK & PHOENIX RDS. (Colvista)	•	COUNTY BOARD OF APPEALS
	•	BALTIMORE COUNTY
	•	Case No. CR-93-307-SPHXA

MOTION TO QUASH SUBPOENAS FOR JAMES GIBSON, FRED HOMAN, DAVID FIELDS, JAMES DIETER, WALLACE LIPPINCOTT AND JACK DILLON

Witnesses, James Gibson, Director of Baltimore County's Office of Finance, Fred Homan, Director of Baltimore County's Office of Budget, David Fields, Director of Baltimore County's Community Conservation Program, James Dieter, Deputy Director of Baltimore County's Office of Planning, and Baltimore County employees, Wallace Lippincott and Jack Dillon, by their undersigned counsel, move to quash the subpoenas served upon them in the above-referenced matter which attempt to compel their appearance on six separate dates before this Board in the above-referenced matter. These subpoenas have been issued at the request of the firm of Holzer & Lee to provide testimony in support of the Respondents in this matter. As these individuals are public officials and employees who are responsible on a daily basis for the fulfillment of public duties, these witnesses respectfully contend that it is unduly burdensome to them and disruptive to the County Governmentto require their appearance on each of the dates subpoenaed.

While each of these witnesses are willing to honor a subpoena for a specific date and time, they object to the misuse of the subpoena power by the Respondents' counsel in a manner which imposes such an undue burden upon them, particularly when it can be assumed that the Respondents will not even commence their case in chief until the third or fourth day of this proceeding.

WHEREFORE, these witnesses move that the subpoenas issued to them be quashed until such time as they are subpoenaed to appear at a date and time certain.

Virginia W. Barnhart
County Attorney
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

John E. Beverungen (by VWB)
John E. Beverungen
Assistant County Attorney
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of August, 1995, a copy of the foregoing Motion to Quash Subpoenas was hand-delivered to:

J. Carroll Holzer, Jr., Esquire
Holzer & Lee
305 Washington Avenue
Towson, Maryland 21204

Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Virginia W. Barnhart

RE: PETITION FOR RECLASSIFICATION FROM R.C. 4 TO D.R. 16 AND B.L. ZONES; PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES SE Intersection York and Phoenix Roads (Colvista) 8th Election District 3rd Councilmanic District; SECURITY MANAGEMENT CORPORATION, Petitioner
: BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
: Case No. CR-93-307-SPHXA (Item 5, Cycle I)

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
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 28th day of April, 1993, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Southeastern Intersections of York and Phoenix Roads (Colvista)

which is presently zoned RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Attached Sheet

RECEIVED
93 FEB 26 AM 11:40
COUNTY BOARD OF APPEALS

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

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

Contract Purchaser/Lessee: N/A (Type or Print Name) — Signature — Address — City State Zipcode

Attorney for Petitioner: G. Scott Barhight, Esquire (Type or Print Name) — Signature — 210 West Pennsylvania Ave. (410) 832-2000 — Baltimore, Maryland 21204

Legal Owner(s): Security Management Corp. (Type or Print Name) — Peter F. Fagan, Executive Vice President (Type or Print Name) — Signature — 9901 Langs Road — Baltimore, Maryland 21220

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted: G. Scott Barhight, Esquire — 210 West Pennsylvania Ave. (410) 832-2000 — Baltimore, Maryland 21204

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing the following dates ____ Next Two Months
ALL ____ OTHER ____
REVIEWED BY: ____ DATE: ____

- 2 -

PETITION FOR SPECIAL HEARING

Petitioner: Security Management Corp.
Project: Colvista

The Petitioner hereby petitions for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine that BCZR Sections 1A00.3.A, 1A03.2.2, 1A03.2.4 and 1A03.2.5 are not applicable and that CMDP II.A.25. private street setback, is not applicable.

G. Scott Barhight
Whiteford, Taylor & Preston
500 Courttowers
210 W. Pennsylvania Ave
Towson, Maryland 21204
(410) 832-2050
Attorneys for Petitioner

CR-93-307
REVISED
REC'D 3/12/93

CR-93-307 SPHXA

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at Southeastern Intersections of York and Phoenix Roads (Colvista)

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an RC-4 zone to an D.R.-16 and B.L. zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

See Attached Sheet (2)

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

See Attached Sheet (3)

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee: N/A (Type or Print Name) — Signature — Address — City State Zipcode

Attorney for Petitioner: G. Scott Barhight, Esquire (Type or Print Name) — Signature — 210 West Pennsylvania Ave. (410) 832-2000 — Baltimore, Maryland 21204

Legal Owner(s): Security Management Corp. (Type or Print Name) — Peter F. Fagan, Executive Vice President (Type or Print Name) — Signature — 9901 Langs Road — Baltimore, Maryland 21220

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted: G. Scott Barhight, Esquire — 210 West Pennsylvania Ave. (410) 832-2000 — Baltimore, Maryland 21204

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing the following dates ____ Next Two Months
ALL ____ OTHER ____
REVIEWED BY: ____ DATE: ____

PETITION FOR SPECIAL EXCEPTION

Petitioner: Security Management Corp.
Project: Colvista

The Petitioner hereby petitions for the following Special Exceptions under the Zoning Regulations of Baltimore County, to use the herein described property for

(1) a community building and swimming pool in a B.L. zone pursuant to B.C.Z.R. Section 230.13, and

(2) an assisted living facility of more than four units in a D.R. zone pursuant to B.C.Z.R. Section 1B01.1.C.22 with any or all accessory uses permitted by B.C.Z.R. Section 432.1.B.

PETITION FOR VARIANCE

Petitioner: Security Management Corp.
Project: Colvista

The Petitioner hereby petitions for the following Variances

(1) In the alternative to the relief requested in the Petition for Special Hearing:

(a) relief from all of the requirements of Section 1A00.3.a,

(b) from Section 1A03.2.2 to permit a distance of zero feet from a zone line to any 1st or 2nd order or greater stream that flows directly or indirectly into a public water reservoir in lieu of the required 300 feet,

(c) from Section 1A03.2.4 to permit reclassification of an RC-4 parcel having 33% of the parcel with slopes greater than 20% in lieu of the required 30%, and

(d) from Section 1A03.2.5 to permit reclassification of an RC-4 parcel which lies within a 100-year floodplain.

(2) From Section 504.2 and CMDP II.A.25 to permit a setback of 18 feet from the face of a multi-family dwelling to a private street in lieu of the required 35 feet, and

(3) From Section 409.6.A.2 to permit 225 parking spaces for a community/restaurant/office building in lieu of the required 561 spaces.

CR-93-300-SPHXA

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description for Petition for Zoning Reclassification
Land of Security Management Corp.

February 25, 1993

Beginning for the same at a point on the eastern right of way of York Road at the centerline of Old Phoenix Road, said point of beginning being at the beginning of the 16th or North 34 degree 33 minute 07 second East 490.00 foot line of that first parcel of land described in Exhibit A, attached to a Deed in Liquidation, dated May 25, 1979 between Towson Nurseries, Inc., and Steven Posner et al, Trustees and Universal Housing and Development Company, said point of beginning having Baltimore County, Maryland Metropolitan District coordinates of North 77467.32 and West 7197.91, said point of beginning also being located South 12 degrees 03 minutes 32 seconds East 381.73 feet from the centerline intersection of York Road, Proposed 100 foot wide and Relocated Phoenix Road 50 foot wide, running thence leaving said point of beginning, binding in or near the center of said Old Phoenix Road and binding on all of the 16th and 17th lines of said first parcel, the two flowing courses, viz:

1) North 34 degrees 33 minutes 07 seconds East 490.00 feet and
2) North 21 degrees 37 minutes 11 seconds East 151.99 feet to a point near the intersection of Old Phoenix Road and Relocated Phoenix Road, running thence binding in or near the center of Phoenix Road and binding on the 18th thru the 25th lines of said first parcel, the eight following courses, viz:
3) North 08 degrees 12 minutes 48 seconds East 70.00 feet,
4) North 01 degrees 54 minutes 35 seconds West 105.00 feet,
5) North 08 degrees 50 minutes 52 seconds West 130.00 feet,
6) North 15 degrees 05 minutes 15 seconds East 72.00 feet,
7) North 22 degrees 37 minutes 12 seconds East 65.00 feet,
8) North 34 degrees 36 minutes 22 seconds East 130.00 feet,
9) North 45 degrees 47 minutes 01 seconds East 76.00 feet and
10) North 52 degrees 57 minutes 46 seconds East 870.00 feet, running thence leaving said Phoenix Road, binding on all of the 26th thru the 36th lines of said first parcel, the eleven following courses, viz:
11) South 31 degrees 55 minutes 22 seconds East 910.53 feet,
12) North 51 degrees 21 minutes 57 seconds East 887.57 feet,
13) North 76 degrees 54 minutes 27 seconds East 803.55 feet,
14) South 00 degrees 10 minutes 27 seconds West 252.26 feet,
15) South 58 degrees 05 minutes 34 seconds East 140.25 feet,
16) South 75 degrees 35 minutes 34 seconds East 181.50 feet,
17) North 84 degrees 11 minutes 27 seconds East 383.58 feet,
18) North 74 degrees 07 minutes 27 seconds East 273.90 feet,
19) South 74 degrees 07 minutes 33 seconds East 245.85 feet,
20) South 41 degrees 31 minutes 09 seconds East 30.55 feet and
21) South 42 degrees 29 minutes 52 seconds West 3492.00 feet, running thence binding on the outline of Plats entitled "Section Three Hunters Run", "Plat 1, Section VII, Hunters Run", "Plat 2, Section VII, Hunters Run" and "Plat 2, Section VIII, Hunters Run", recorded among the Plat records in Plat Book 58 folio 80, Plat Book 60 folios 53 and 54 and Plat Book 62 folio 147 respectively, in all,
22) South 88 degrees 52 minutes 27 seconds West 2507.89 feet to intersect the 62nd line of said first parcel, running thence binding on part of said 62nd line and binding on all of the 1st line of said first parcel, the two following courses, viz:
23) North 17 degrees 34 minutes 09 seconds West 595.76 feet and
24) North 17 degrees 10 minutes 06 seconds West 503.55 feet to the center of York Road, running thence binding in the center of said York Road, binding on all of the 2nd thru the 7th lines of said first parcel, the six following courses, viz:
25) northeasterly by a curve to the left having a radius of 558.00 feet for a distance of 294.27 feet, said curve being subtended by a chord bearing North 44 degrees 12 minutes 51 seconds East 290.87 feet,
26) North 29 degrees 08 minutes 23 seconds East 20.21 feet,
27) northeasterly by a curve to the right having a radius of 1800.00 feet for a distance of 357.61 feet, said curve being subtended by a chord bearing North 34 degrees 47 minutes 53 seconds East 357.02 feet,
28) North 40 degrees 29 minutes 23 seconds East 50.10 feet,
29) North 37 degrees 31 minutes 03 seconds East 147.53 feet and
30) North 35 degrees 26 minutes 43 seconds East 102.39 feet, running thence leaving said York Road, binding on all of the 8th thru the 15th lines of said first parcel, the eight following courses, viz:
31) South 11 degrees 13 minutes 49 seconds East 528.18 feet,
32) South 75 degrees 48 minutes 36 seconds West 19.06 feet,
33) South 15 degrees 16 minutes 49 seconds East 280.16 feet,
34) North 58 degrees 49 minutes 07 seconds East 289.67 feet,
35) North 15 degrees 41 minutes 56 seconds West 206.33 feet,
36) North 04 degrees 41 minutes 56 seconds West 420.67 feet,
37) South 71 degrees 48 minutes 04 seconds West 199.00 feet and
38) North 03 degrees 58 minutes 56 seconds West 578.75 feet to the point of beginning.

Containing 214.806 Acres of Land more or less.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS.

STATE OF MARYLAND JOHN STRONG SMITH No. 3020 REGISTERED PROFESSIONAL ENGINEER

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

COLVISTA
SPECIAL EXCEPTION AREA # 1

February 25, 1993

Beginning for the same at a point on the eastern right of way of York Road at the centerline of Old Phoenix Road, said point of beginning being at the beginning of the 16th or North 34 degree 33 minute 07 second East 490.00 foot line of that first parcel of land described in Exhibit A, attached to a Deed in Liquidation, dated May 25, 1979 between Towson Nurseries, Inc., and Steven Posner et al, Trustees and Universal Housing and Development Company, said point of beginning having Baltimore County, Maryland Metropolitan District coordinates of North 77467.32 and West 7197.91, said point of beginning also being located South 12 degrees 03 minutes 32 seconds East 381.73 feet from the centerline intersection of York Road, Proposed 100 foot wide and Relocated Phoenix Road 50 foot wide, running thence leaving said point of beginning, binding in or near the center of said Old Phoenix Road and binding on part of said 16th line,

1) North 34 degrees 33 minutes 07 seconds East 399.99 feet, running thence leaving said Old Phoenix Road, the three following courses, viz:
2) South 66 degrees 33 minutes 02 seconds East 99.27 feet,
3) southeasterly by a curve to the right having a radius of 700.00 feet for a distance of 211.25 feet, said curve being subtended by a chord bearing South 57 degrees 54 minutes 18 seconds East 210.45 feet and
4) South 50 degrees 14 minutes 42 seconds West 625.37 feet to intersect the 15th line of said first parcel, running thence binding on part of said 15th line,
5) North 03 degrees 58 minutes 56 seconds West 222.35 feet to the point of beginning.

Containing 2.769 Acres of Land more or less.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS.

STATE OF MARYLAND JOHN STRONG SMITH No. 3020 REGISTERED PROFESSIONAL ENGINEER

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

COLVISTA
SPECIAL EXCEPTION AREA # 2

February 25, 1993

Beginning for the same at a point having Baltimore County, Maryland Metropolitan District coordinates of North 77838.58 and West 5018.14, said point of beginning being located South 89 degrees 56 minutes 54 seconds East 2259.52 feet from the centerline intersection of York Road, Proposed 100 foot wide and Relocated Phoenix Road 50 foot wide, running thence leaving said point of beginning, the six following courses, viz:

1) southeasterly by a curve to the right having a radius of 380.00 feet for a distance of 862.99 feet, said curve being subtended by a chord bearing South 58 degrees 13 minutes 02 seconds East 689.13 feet,
2) North 83 degrees 09 minutes 25 seconds West 238.95 feet,
3) South 54 degrees 32 minutes 22 seconds West 71.35 feet,
4) North 62 degrees 34 minutes 50 seconds West 137.02 feet,
5) North 22 degrees 38 minutes 09 seconds West 165.16 feet and
6) North 33 degrees 16 minutes 39 seconds West 191.80 feet to the point of beginning.

Containing 3.930 Acres of Land more or less.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS.

STATE OF MARYLAND JOHN STRONG SMITH No. 3020 REGISTERED PROFESSIONAL ENGINEER

CR-93-300-SPHXA

AMENDED
Petition for Reclassification
REV 4-11-95

to the Board of Appeals of Baltimore County
for the Property at Southeastern intersection of York and Phoenix Roads (Colvista)

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an RC-4 zone to an DR-10.5 and B.L. zone, for the reasons given in the attached and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

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

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

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

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

Contract Purchaser/Lessee:
N/A
(Type or Print Name)
Signature
Address
City State Zip Code

Attorney for Petitioner:
G. Scott Barhight
(Type or Print Name)
Signature
210 W. Pennsylvania Ave 832-2050
Address Phone No.
Towson, MD 21204
City State Zip Code

Legal Owner(s):
Security Management Corp.
(Type or Print Name)
Signature
David B. Dodge, Vice President
(Type or Print Name)
Signature
9901 Langs Road 682-4040
Address Phone No.
Baltimore, MD 21220
City State Zip Code
Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
G. Scott Barhight
Name 210 W. Pennsylvania Ave, 4th Floor
Towson, MD 21204 832-2050
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing the following dates
Next TWO Months
ALL OTHER
REVIEWED BY DATE

DROP-OFF
No REVIEW
4/11/95 WCR

CR-93-300-SPHXA
REV 4-11-95

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description for Petition for Zoning Reclassification to BL
Land of Security Management Corp.

April 10, 1995
Page -1-

Beginning at a point, said point of beginning having Baltimore County, Metropolitan District coordinates of North 77692.78 and West 6679.86, said point of beginning also being located North 76 degrees 06 minutes 33 seconds West 615.80 feet from the centerline intersection of York Road, Proposed 100 foot wide and Relocated Phoenix Road 50 foot wide, running thence leaving said point of beginning, along the 14 following courses, viz.:

1) North 33 degrees 47 minutes 03 seconds East 81.27 feet,
2) South 70 degrees 14 minutes 55 seconds East 50.40 feet,
3) South 70 degrees 14 minutes 55 seconds East 50.40 feet,
4) North 86 degrees 33 minutes 04 seconds East 5.86 feet,
5) North 60 degrees 06 minutes 37 seconds East 38.02 feet,
6) South 86 degrees 27 minutes 32 seconds East 62.45 feet,
7) South 84 degrees 29 minutes 48 seconds East 19.34 feet,
8) North 86 degrees 14 minutes 28 seconds East 116.40 feet,
9) South 03 degrees 45 minutes 32 seconds East 82.42 feet,
10) South 15 degrees 19 minutes 27 seconds West 140.10 feet,
11) North 74 degrees 40 minutes 29 seconds West 63.52 feet,
12) North 58 degrees 53 minutes 03 seconds West 59.76 feet,
13) North 63 degrees 05 minutes 37 seconds West 117.25 feet,
14) North 59 degrees 39 minutes 17 seconds West 115.31 feet to the point of beginning.

Containing 1.164 Acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for conveyances or agreements.

STATE OF MARYLAND FREDERICK H. DASHIELL No. 14798 REGISTERED PROFESSIONAL ENGINEER

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

April 16, 1993

NOTICE OF HEARING

CASE NUMBER: CR-93-307-SPHXA
SE intersection York and Phoenix Roads
Colvista
8th Election District - 3rd Councilmanic
Petitioner(s): Security Management Corporation

Petition to reclassify the property's zoning from R.C.-4 to D.R.-16 and B.L. Special Exception for a community building and swimming pool in a B.L. zone and for an assisted living facility of more than 4 units in a D.R. zone. Special Hearing to determine that Sections 1A00.3.A, 1A03.2.2, 1A03.2.4 and 1A03.2.5 are not applicable. Variances to permit a setback of 18 ft. from the face of a multi-family dwelling to a private street in lieu of the required 35 ft.; to permit 215 parking spaces for a community/restaurant/office building in lieu of the required 561 spaces; and to permit, in the alternative to the relief requested in the Petition for Special Hearing: (a) relief from all requirements of Section 1A00.3.e (b) to permit a distance of zero ft. from a zone line to any lot or 2nd order or greater stream that flows directly or indirectly into a public water reservoir in lieu of the required 300 ft.; (c) to permit reclassification of an R.C.-4 parcel having 35% of the parcel with slopes greater than 20% in lieu of the required 50%, and (d) to permit reclassification of an R.C.-4 parcel, which lies within a 100 year flood plain.

HEARING: WEDNESDAY, OCTOBER 13, 1993 at 10:00 a.m.
THURSDAY, OCTOBER 14, 1993 at 10:00 a.m.
TUESDAY, OCTOBER 19, 1993 at 10:00 a.m.
WEDNESDAY, OCTOBER 20, 1993 at 10:00 a.m.

LOCATION: COUNTY COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204

William T. Hackett/gs
WILLIAM T. HACKETT, CHAIRMAN COUNTY BOARD OF APPEALS

cc: Security Management Corporation
G. Scott Barhight, Esq.

COPY

11/30/94
G
JOES

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2070

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 15TH STREET, NW
WASHINGTON, D.C. 20005-2605
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-4742
FAX 703 836-2021

December 6, 1994

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

Re: Case No. [redacted]
Security Management Corp/Petitioner

Dear Mr. Hackett:

On behalf of the Petitioner, Security Management Corp., please schedule a public hearing for the sole purpose of filing amendments to the Petition and Documented Site Plan. The Petitioner intends only to file the amendment documents and will not be presenting any testimony or evidence with regarding to the merits of the case. Based upon your docket, it is my understanding that such a hearing is likely to be scheduled in the early part of January, 1995.

Should you have any questions or comments, please feel free to contact me. Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

RECEIVED
DEC 8 1994
ZADM

GSB:slr

William T. Hackett, Chairman
December 6, 1994
Page 2

cc: Mr. Melvin Colvin
Mr. David Dodge
Arnold F. Keller, III, Director
Arnold Jablon, Director
Peter M. Zimmerman, Esquire
J. Carroll Holzer, Esquire
Mr. Lee Riley, Jr.
Mr. James V. McCoy
Ms. Margaret Worrall
Mr. James A. Biddison
Mr. William Cullom

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

December 13, 1994

NOTICE OF ASSIGNMENT /TO FILE AMENDMENTS ONLY

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 [redacted] / SECURITY MANAGEMENT CORPORATION
SE intersection York and Phoenix Roads (Colvista)
Item #5, Cycle I 1993
8th Election District
3rd Councilmanic District

Reclassification: From R.C. 4 to D.R. 16 and B.L.
2/26/93 -Petition for Reclassification filed.

has been assigned for a public hearing before the Board for the sole purpose of filing amendments to Petition and Documented Site Plan; no testimony or evidence on merits of the reclassification petition will be received at this public hearing; and has been

ASSIGNED FOR: THURSDAY, JANUARY 12, 1995 at 9:30 a.m.

cc: G. Scott Barhight, Esquire — Counsel for Petitioner
Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
Margaret Worrall /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.
Lyle A. Brecht
James Earl Kraft
People's Counsel/Balto Co.
Pat Keller /Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Dir. /ZADM
Beverly C. Crook
Barbara A. Huntley
Jack Anderson
Bonnie Messina
Joyce Stump
Donna Hungerford
Mary S. Ferguson
Stephen M. Bengston
Margaret H. Fulford

Kathleen C. Weidenhammer
Administrative Assistant

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 22, 1994

NOTICE OF POSTPONEMENT /FOR AMENDMENTS ONLY

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 #CR-93-307-SPHXA / SECURITY MANAGEMENT CORPORATION
SE intersection York and Phoenix Roads (Colvista)
Item #5, Cycle I 1993
8th Election District
3rd Councilmanic District

Reclassification: From R.C. 4 to D.R. 16 and B.L.
2/26/93 -Petition for Reclassification filed.

which was scheduled for a public hearing before the Board on January 12, 1995 for the sole purpose of receiving amendments to Petition and Documented Site Plan has been POSTPONED at the request of Counsel for Petitioner to allow for completion of amendments; matter to be rescheduled for public hearing for filing amendments at the request of Counsel for Petitioner.

cc: G. Scott Barhight, Esquire — Counsel for Petitioner
Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
Margaret Worrall /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.
Lyle A. Brecht
James Earl Kraft
People's Counsel/Balto Co.
Pat Keller /Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Dir. /ZADM
Beverly C. Crook
Barbara A. Huntley
Jack Anderson
Bonnie Messina
Joyce Stump
Donna Hungerford
Mary S. Ferguson
Stephen M. Bengston
Margaret H. Fulford

RECEIVED
DEC 27 1994
ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

3/10/95
1177-95
to GS 7 file

COPY

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2070

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 15TH STREET, NW
WASHINGTON, D.C. 20005-2605
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-4742
FAX 703 836-2021

March 17, 1995

Via Hand Delivery

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

Re: Case No. CR-93-307-SPHXA
Security Management Corp/Petitioner

Dear Mr. Hackett:

On behalf of the Petitioner, Security Management Corp., please schedule a public hearing for the sole purpose of filing amendments to the Petition and Documented Site Plan. The Petitioner intends only to file the amendment documents and will not be presenting any testimony or evidence with regard to the merits of the case. Based upon your docket, it is my understanding that such a hearing is likely to be scheduled in the early part of April, 1995.

As has been discussed previously with the Board, it is anticipated that the hearing on the merits will be extremely complicated and protracted. Numereous expert witnesses, as well as lay witnesses, will be called by the Petitioner and the Protestants. Therefore, please schedule 10 hearing dates for this matter. It is my further understanding of your docket that these dates would likely be scheduled during June and July of this year.

Should you have any questions or comments, please feel free to contact me. Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

RECEIVED
MAR 20 1995
ZADM

William T. Hackett, Chairman
March 17, 1995
Page 2

GSB/slr

cc: Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
Mr. K. Lee Riley, Jr.
Mr. James V. McCoy
Ms. Margaret Worrall
Mr. James A. Biddison
Mr. William Cullom
Lyle A. Brecht
James Earl Kraft
Peter M. Zimmerman, Esquire, People's Counsel/Balto. Co.
Arnold F. Keller, III, Director
Jeffrey R. Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk/ZADM
Arnold Jablon, Dir./ZADM
Beverly C. Crook
Barbara A. Huntley
Jack Anderson
Bonnie Messina
Joyce Stump
Donna Hungerford
Mary S. Ferguson
Stephen M. Bengston
Margaret H. Fulford

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

March 24, 1995

NOTICE OF ASSIGNMENT /FOR AMENDMENTS ONLY

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 #CR-93-307-SPHXA / SECURITY MANAGEMENT CORPORATION
SE intersection York and Phoenix Roads (Colvista)
Item #5, Cycle I 1993
8th Election District
3rd Councilmanic District

Reclassification: From R.C. 4 to D.R. 16 and B.L.
2/26/93 -Petition for Reclassification filed.

has been assigned for a public hearing before the Board for the sole purpose of filing amendments to Petition and Documented Site Plan; no testimony or evidence on merits of the reclassification petition will be received at this public hearing; and has been

ASSIGNED FOR: TUESDAY, APRIL 11, 1995 at 9:30 a.m.

cc: G. Scott Barhight, Esquire — Counsel for Petitioner
Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
Margaret Worrall /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.
Lyle A. Brecht
James Earl Kraft
People's Counsel/Balto Co.
Pat Keller /Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Dir. /ZADM
Beverly C. Crook
Barbara A. Huntley
Jack Anderson
Bonnie Messina
Joyce Stump
Donna Hungerford
Mary S. Ferguson
Stephen M. Bengston
Margaret H. Fulford

RECEIVED
MAR 27 1995
ZADM

Kathleen C. Weidenhammer
Administrative Assistant

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 2, 1995

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 #CR-93-307-SPHXA — SECURITY MANAGEMENT CORPORATION
SE intersection York and Phoenix Roads (Colvista)

Item #5, Cycle I
1993 — 8th Election District
3rd Councilmanic District

Reclassification: From R.C. 4 to D.R. 16 and B.L.
2/26/93 -Petition for Reclassification filed.

ASSIGNED FOR: WEDNESDAY, AUGUST 16, 1995 (Day 1); THURSDAY, AUGUST 17, 1995 (Day 2); WEDNESDAY, AUGUST 23, 1995 (Day 3); THURSDAY, AUGUST 24, 1995 (Day 4); WEDNESDAY, SEPTEMBER 13, 1995 (Day 5); AND THURSDAY, SEPTEMBER 14, 1995 (Day 6) /starting at 9:00 a.m. all dates /AGREEMENT OF COUNSEL.

cc: G. Scott Barhight, Esquire — Counsel for Petitioner
Mr. Melvin Colvin
Mr. David Dodge
J. Carroll Holzer, Esquire
K. Lee Riley, Jr. /Sparks Glencoe Comm. Council
James V. McCoy /Greater Jacksonville Assn, Inc.
John Bernstein /Valleys Planning Council
James A. Biddison /Broadmead Residents Assn.
William Cullom /Broadmead Neighborhood Comm.
Lyle A. Brecht
James Earl Kraft
People's Counsel/Balto Co.
Pat Keller /Jeffrey Long
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Dir. /ZADM
Beverly D. Crook
Barbara A. Huntley
Jack Anderson
Bonnie Messina
Joyce Stump
Donna Hungerford
Mary S. Ferguson
Stephen M. Bengston
Margaret H. Fulford

Kathleen C. Weidenhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MD 21285-6754

County Board Of Appeals Of BaltimoAssignment Date: 04/17/96
Old Court House, Room 49 — Case Title: Security Management Corp Vs Board
400 Washington Avenue — Case No: 03-C-95-009688 AA
Towson MD 21204

The above case has been assigned to the CIVIL EXPEDITED TRACK. If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258. Should you have any questions concerning your track assignment, please contact: Richard P. Abbott at (410) 887-3233.
You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 05/02/96
2. Discovery must be completed by..... 06/06/96
3. All Motions (excluding Motions in Limine) are due by..... 06/16/96
4. Settlement Conference is.....
5. TRIAL DATE is..... 07/17/96
   Civil Non-Jury Trial. Start Time: 09:30AM. To Be Assigned: APPEAL: 2 HOURS

(or within 4 court days thereafter)

Honorable Barbara Kerr Howe
County Administrative Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponements must be submitted in writing with a copy to all counsel/parties involved. All requests for postponements of cases filed after October 1, 1994 must be approved by the Administrative Judge.

Settlement Conference (Room 507): All counsel and their clients MUST attend the settlement conference in person. All insurance representatives MUST attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more information.)

Court Costs: All court costs MUST be paid on the date of the settlement conference or trial.

cc: ERROR
cc: Peoples Counsels For Baltimore County
cc: J Carroll Holzer Esq
cc: James A Biddison JR
cc: David K Gildea Esq
cc: G Scott Barhight Esq
cc: James F Rosner Esq
Issue Date 04/17/96

Reissue Date 05/16/96

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MD 21285-6754

County Board Of Appeals Of BaltimoAssignment Date: 04/17/96
Old Court House, Room 49 — Case Title: Security Management Corp Vs Board
400 Washington Avenue — Case No: 03-C-95-009688 AA
Towson MD 21204

The above case has been assigned to the CIVIL EXPEDITED TRACK. If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258. Should you have any questions concerning your track assignment, please contact: Richard P. Abbott at (410) 887-3233.
You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 05/02/96
2. Discovery must be completed by..... 06/06/96
3. All Motions (excluding Motions in Limine) are due by..... 06/16/96
4. Settlement Conference is.....
5. TRIAL DATE is..... 08/06/96
   Civil Non-Jury Trial. Start Time: 09:30AM. To Be Assigned: APPEAL: 2 HOURS CORRECTED NOTICE OF AGREED DATE

(or within 4 court days thereafter)

Honorable Barbara Kerr Howe
County Administrative Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponements must be submitted in writing with a copy to all counsel/parties involved. All requests for postponements of cases filed after October 1, 1994 must be approved by the Administrative Judge.

Settlement Conference (Room 507): All counsel and their clients MUST attend the settlement conference in person. All insurance representatives MUST attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more information.)

Court Costs: All court costs MUST be paid on the date of the settlement conference or trial.

cc: ERROR
cc: Peoples Counsels For Baltimore County
cc: J Carroll Holzer Esq
cc: James A Biddison JR
cc: David K Gildea Esq
cc: G Scott Barhight Esq
cc: James F Rosner Esq

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 30, 1993

G. Scott Barhight, Esquire
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 337
Case No. CR-93-307-SPHXA
Petitioner: Security Management Corp.
Reclassification Petition

Dear Mr. Barhight:

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

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments and appropriate fee to this office on or before May 6, 1993. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

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

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director — DATE: April 21, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle I
April, 1993 - October, 1993
Case No. 93-307-SPHXA - Item 5

The Development Plan Review Division has reviewed the subject zoning item. The proposed parking spaces for the "community building" are less than half of the required spaces. Granting the requested parking variances will impact the future neighborhood very negatively. Therefore, it is recommended that the requested variance be denied.

The Developer must coordinate the timing of this development with the York Road improvements planned by the State Highway Administration. This development should not proceed without improvements to York Road.

RWB:s

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-24-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 337
CASE NO. CR-93-307-SPHXA

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

April 21, 1993

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #CR-93-307-SPHXA 337
Security Management Corporation (Colvista)
Zoning Advisory Committee Meeting of April 1993 - October 1993

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which the Regulations for the Protection of Water Quality, Streams, Wetlands, Floodplains, and Forest Conservation apply to the site.

A comprehensive review by this Department will be required for a project of this magnitude, in cooperation with ZADM and the Office of Planning.

JLP:JAW:tmm

COLVISTA/TXTRMP

4/26/93 — 3807-93 MR

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee — DATE: April 16, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: Zoning Reclassifications

R-93-303	No comments
R-93-304	No comments
CR-93-305-SPH	Buildings on site shall comply with the applicable provisions of the 1990 Life Safety Code and the Baltimore County Fire Prevention Code. Posted fire lanes shall be provided on site for Fire Department access.
R-93-306	Site and proposed buildings on site shall, at the time of development, shall comply with applicable provisions of the 1990 Life Safety Code and the Baltimore County Fire Prevention Code.
R-93-307 337	The zoning variance is approved. There may be the need at the time of concept and Development plan submittal to locate some buildings to provide better fire access.
R-93-308A	Posted fire lanes shall be provided on site for Fire Department access. 35' turning radius shall be maintained on site for fire equipment maneuverability.
R-93-309	No comments

JLP/dal

cc: File

RECEIVED
APR 20 1993
ZADM

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

September 23, 1993

TO : AS LISTED

FROM: Kathleen C. Weidenhammer
County Board of Appeals

RE : Case No. CR-93-307-SPHXA
Security Management Corporation

Enclosed for your information is a copy of the Memo to the File which was prepared as a result of the meeting on September 23rd regarding the subject matter.

Enclosure

COPIES TO:
G. Scott Barhight, Esquire
J. Carroll Holzer, Esquire
K. Lee Riley, Jr., President
Sparks-Glencoe Community Council
Margaret Worrall, Exec. Director
Valleys Planning Council
James A. Biddison, President
Broadmead Residents Association
William Cullom, Chairman
Broadmead Neighborhood Committee
Peter Max Zimmerman, People's Counsel
for Baltimore County
Carole S. Demilio, Deputy People's Counsel
for Baltimore County

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

MEMO TO THE FILE

DATE: September 23, 1993

RE : Case No. CR-93-307-SPHXA
Security Management Corporation

To all parties and participants in this case:

Pursuant to Rule 4(b), the Chairman has directed parties and participants to make a good faith disclosure in advance of the hearing of all public documents and photographs to be offered into evidence, and to pre-number them and provide the office of the Board with a list of those pre-numbered and identified exhibits. The parties are encouraged to resolve among themselves any questions regarding authenticity and correctness of the document or photograph to be offered, and any objections to the basis of knowledge that the witness may have regarding the document or photograph to be introduced through that witness. The Board will rule upon any such objections remaining after Counsel for the parties make a good faith attempt to resolve any such questions among themselves. No party will be precluded from making such objections during the course of the hearing.

The Chairman also directed the parties that, with respect to each day's testimony, if an expert witness is to be called to testify on that day, Counsel for the parties meet no later than one-half hour prior to the commencement of that day's hearing to exchange or provide to the other parties a copy of the expert witness's resume and any written report.

No party will be prohibited from introducing additional documentary evidence not disclosed in advance.

All of these steps are directed toward the end that the hearing be conducted without unnecessary delay in the introduction of documentary evidence.

NOTE: An additional date has been set aside for this case (Friday, October 22, 1993) to be utilized if needed.

Printed with Soybean Ink on Recycled Paper

[illegible] COUNTY, [illegible]
[illegible]-OFFICE CORRESPONDENCE

TO : Pat Keller, Planning Director DATE: April 11, 1995
Attention: Jeffrey Long

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

SUBJECT: Submittal of Amended Documented Site Plan and Petition --
Case No. CR-93-307-SPHXA /Security Management Corporation

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on April 11, 1995, we are transmitting to you a copy of the Amended Documented Site Plan and Petition for Reclassification submitted to the County Board of Appeals. This amended site plan and accompanying documentation is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding ten copies of this Amended Documented Site Plan and a copy of the accompanying documentation to the Office of Zoning Administration & Development Management.

William T. Hackett
William T. Hackett, Chairman

Attachment (1 copy of Amended Documented Site Plan and accompanying documentation)

cc: W. Carl Richards, Jr. w/10 copies of Amended Documented Site Plan and 1 copy of accompanying documentation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 27, 1995

G. Scott Barhight, Esquire
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Preliminary Revision Review
Case #CR-93-307-SPHXA
Legal Owner: Security Management Corp.
SE intersection York and Phoenix Roads
(Colvista)
8th Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

The staff cannot accurately determine or comment upon what changes have occurred on this 9 sheet set of plans now titled "Amended" without a detailed list of the nature, location, and type of said amendments and a red-lined plan showing all such changes for a zoning review. Please provide this information with a copy of these comments to ZADM, attention to John Lewis (telephone number - 887-3391).

Printed with Soybean Ink on Recycled Paper

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

c: Board of Appeals

2a3-95
5/11/95 To ZADM File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board DATE: May 2, 1995

FROM: Pat Keller, Director
Office of Planning & Zoning

SUBJECT: Amended Documented Site Plan/Case No. CR-93-307
Security Management Corporation

The subject Petition for Reclassification was initially filed as part of Cycle I. Subsequent to the original submission, an amended documented site plan was filed with the Baltimore County Board of Appeals on April 11, 1995 pursuant to Section 2-356.(m) of the Baltimore County Code.

Based upon an analysis of the plan, staff offers the attached recommendation.

Pat Keller
Pat Keller

PK:JL
COLV2/PZONE/TXTJWL

Attachment

RECEIVED
MAY 11 1995
ZADM

CASE NO. CR-93-307-SPHXA CYCLE I, ITEM 5

PETITIONER:

Security Management Corporation

REQUESTED ACTION:

Reclassification to D.R. 10.5 and B.L. (Density Residential and Business Local).

EXISTING ZONING:

R.C. 4

LOCATION:

Southeast corner of the intersection of York Road and Phoenix Road

AREA OF SITE:

156 acres ±

ZONING OF ADJACENT PROPERTY/USE:

North: R.C. 4 - Single family dwellings situated on large lots
D.R. 5.5 - Loveton Farms

East: R.C. 4 - Parkland and North Central Railroad Hike/Bike Trail

South: D.R. 3.5 - Single family dwellings (attached and detached)

West: M.L. - Corporate Offices/Unimproved land

SITE DESCRIPTION:

The site is primarily comprised of mixed woodlands, areas of scrub vegetation and abandoned nursery stock. The applicant's property is essentially unimproved; however, dilapidated structures utilized in the former nursery operation are present in various locations. Topography on site ranges from relatively level areas to steep slopes.

PROPERTIES IN THE VICINITY:

The Loveton Farms development is located immediately to the north of the property. The Loveton Business Center is located approximately one mile to the northwest. The Hunters Run

residential development is located directly south of the site and watershed property and the Northern Central Railroad Hike/Bike Trail are located to the east of the site. Unimproved land lies just west of the site.

WATER AND SEWERAGE:

The site is located within a "no-planned water and sewer service" area, and is designated W-7, S-7 on the Master Water and Sewer Plan.

On March 11, 1992, in a memo directed to the Office of Planning and Zoning regarding this property, Mr. Paul L. Hudson, Chief, Bureau of Engineering, Baltimore County Department of Public Works provided the following information regarding sewers.

"The Department of Public Works should oppose the rezoning of the Towson Nurseries Site at this time based on two issues. The first issue involves the limited capacity of the Back River Waste Water Treatment Plant. What limited capacity there is should be reserved for those areas within the Back River Sewer Shed which have already been zoned for dense development, but have not, as yet, been developed.

The second issue involves the six pumping stations and the conveyance system through which flow from the Towson Nurseries Site would be routed to the Back River Waste Water Treatment Plant. This conveyance system shows signs of stress at this time and, again, any reserve capacity needs to be held for those areas already zoned for dense development."

TRAFFIC AND ROADS:

Under the heading of Infrastructure on page 24 of the Baltimore County Master Plan, the following policy is outlined:

"The preferred structure of the County will be based on the retention and reinforcement of the current one-third/two-thirds division between urban and rural areas. Proposed transportation studies and various transportation alternatives will be measured not only in terms of environmental impacts and funding but also in terms of their conformance with the overall structural policies of the County. This will ensure the continued viability of the character and landscape of the rural County and encourage the revitalization, redevelopment and conservation of the older urban areas, including Baltimore City."

On March 11, 1992, in a memo directed to the Office of Planning and Zoning regarding this property, Gene L. Neff, Director of the Department of Public Works provided the following opinion pertaining to the subject property's transportation difficulties.

> "The present off-site road system for the proposed project is presently inadequate. In order for this project to receive favorable recommendation from our department, we would need the State Highway Administration's commitment of construction funds for the new interchange of I-83 and Thornton Mill Road and the widening of York Road to Shawan Road. From our understanding of where the State is with these projects, it is doubtful anything will occur in the next ten years."

Since the memo of Marsh 11, 1992, this office has received word from the Maryland Department of Transportation State Highway Administration that the SHA Administrator has decided to defer the decision on major improvements to MD 45 and the proposed interchange with I-83. This decision was based on prepared environmental documentation and communication from Baltimore County officials which indicated that development related needs for portions of the project no longer exist (see attached memo).

ZONING HISTORY:

This site, which has been the subject of numerous unsuccessful efforts for reclassification to a higher residential zoning classification, has been zoned R.C. 4 since 1976. Most recently, in 1992, the County Council reviewed the property and recommended that the existing R.C. 4 zoning be retained. (See Issue 3-131).

MASTER PLAN/COMMUNITY PLANS:

The Petitioner's request is inconsistent with the Baltimore County 1989-2000 Master Plan. Any change from the present R.C. 4 zone to a Density Residential zone would necessitate an extension of the Urban-Rural Demarcation line (URDL), which would result in a significant change to the growth management and land use structure of the County and would be contrary to the adopted Baltimore County Master Plan. The Master Plan also clearly states that the URDL should not be significantly altered (p. 29).

PROPOSED VS. EXISTING ZONING:

The R.C. 4 zoning classification was established to protect the water supplies of metropolitan Baltimore and neighboring

jurisdictions by preventing contamination through undesirable development. The use regulations for the R.C. 4 zone are outlined in Section 1A03.3 of the Baltimore County Zoning Regulations. No petition for reclassification of R.C. 4 zoned property may be granted unless professional certification is provided to insure that strict environmental criteria can be met.

The B.L. zone allows a wide range of uses in addition to those permitted in the residential zone immediately adjoining the property.

Regulations governing the D.R. zones may be found in Section 1B01 of the Baltimore County Zoning Regulations. D.R. 10.5 would permit a density of 10.5 dwelling units per acre.

DOCUMENTED SITE PLAN:

The documented site plan indicates a total of 1502 units, which would be comprised of housing for the elderly (234 units), elevator flats (372 units), walk-up flats (176 units), garage flats (126), carriage homes (292 units), townhome with garage (75 units), conventional townhomes (227 units).

The plan also proposes a 6,000 sq. ft. retail building, two other buildings devoted to recreational use and recreational courts and fields.

A note on the documented site plan indicates that "The landscaping shown herein is conceptual, scematic and shown for compliance with minimum standards required." Further indication is given that "Future plans will exceed the minimum standards required."

Architectural typical floor plans, sections and elevations for all building types are also indicated on the plan.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

This site was the subject of a request for a zoning change in the 1992 Comprehensive Zoning Map Process. County agencies, in reviewing this request, found that the proposed change was contrary to the spirit and intent of the Baltimore County Master Plan, and the Regional Watershed Management agreement. In addition, the County determined that it could not fund the roads, sewers, schools and other County facilities needed to adequately serve the proposed additional population, which would result from the intense development of this site.

The subject property was extensively reviewed and denied as part of the 1992 Comprehensive Zoning Map Process (CZMP), and staff can find no basis for error. In addition, there has not been a change in the character of the neighborhood since the last CZMP.

Therefore, based upon the information provided and analysis conducted, the Office of Planning recommends that the applicant's request be DENIED.

CYCZ93.307/PZONE/CYCLE

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

RECEIVED
MAY 3 1995
OFFICE OF
PLANNING & ZONING

February 13, 1995

Dear MD 45 (York Road) Project Planning Study participant:

On behalf of the study team, I would like to thank you for your participation in our studies to improve the MD 45 (York Road) corridor between MD 145 and Belfast Road. As you may remember, the State Highway Administration (SHA) began these studies in 1988. The components of the study included proposed widening of mainline York Road between MD 145 and Belfast Road, a new interchange with I-83 in the vicinity of its' crossing of Thornton Mill Road and a realignment of MD 145 to intersect MD 45 opposite Shawan Road. An Alternates Public Meeting was held in June 1989, and a Location/Design Public Hearing was held in May 1992.

Since the time that the environmental documentation was prepared and the public hearing was held, Baltimore County has communicated to the SHA that many of the development related needs for portions of the project have diminished. Because of this shift, the SHA Administrator has decided to defer the decision on major improvements to MD 45 and the proposed interchange with I-83. There may be opportunities for the SHA to pursue small safety oriented improvements to the MD 45 corridor in the future.

However, the SHA and Baltimore County are committed to pursuing a realignment of MD 145 (Paper Mill Road) to intersect MD 45 opposite Shawan Road. The new roadway would directly connect Paper Mill Road with Shawan Road, and not require motorists to travel through Ashland. In addition, the SHA is working with the Maryland Department of Natural Resources (DNR) to incorporate an extension of the widely utilized North Central Railroad (NCRR) Trail. The NCRR trail extension would be adjacent to the new roadway and would connect to the parking facilities at the Hunt Valley Mall.

The study team hopes to complete these supplemental analyses in the near future and to prepare final environmental documentation. When this document is completed, you, as a participant in the study process, will be notified by mail as to its availability. An advertisement will also be placed in area newspapers and other public service announcements will be made to notify the general public.

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

I hope this update is helpful and enhances your understanding of the current project initiatives. If you have any questions or need additional information, please feel free to contact the project manager, Mr. Alan Straus. Alan can be reached at (410) 333-1190 or toll free within Maryland at 1-800-548-5026.

Very truly yours,

Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

LHE:AHS:as

Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

May 19, 1995

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

FROM: Pat Keller, Secretary
County Planning Board

SUBJECT: Amendment to Documented Site Plan -
Security Management Corp. (a.k.a. "Colvista")
(Case No. CR-93-307-SPHXA)

Enclosed, pursuant to County Code Section 2-356(m)(2), is the staff report which was adopted by Resolution of the Baltimore County Planning Board in the regular monthly meeting on May 18, 1995 to constitute the Board's report recommending denial of the Petition and the amended documented site plan in Case No. CR-93-307-SPHXA (Security Management Corporation).

Pat Keller

Pat Keller

PK/TD/mjm
COLVISTA/PZONE/TXTMJM

Enclosure

cc: G. Scott Barhight
Arnold Jablon
Peter Max Zimmerman

Printed with Soybean Ink on Recycled Paper

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204
(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 1, 1995

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Amended Petition for Reclassification
SECURITY MANAGEMENT CORP. (COLVISTA)
Case No. CR-93-307-SPHXA

Dear Chairman Schuetz:

Upon review of the record, it appears that the Board must address the important threshold issue of authority, vel non, to hear the case or approve the petition presented.

First of all, the Amended Petition requests rezoning from the R.C.-4 (Watershed Protection) zone to the D.R.-10.5 (Density Residential) zone. This brings BCZR Section 1A00.3A1a into play:

> "A. Filing of rezoning petitions. [Bill No. 98-1975.]
>
> 1. No petition to reclassify an R.C. zone or portion thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner unless - [Bills No. 98, 1975; No. 32, 1988.]
>
> a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Subtitle 5 of Title 9 in the Environment Article of the Annotated Code of Maryland 1987, as amended, show that the property under petition is to be serviced by public sewerage and watersupply systems within TWO years after the date the petition is submitted; and [Bills No. 98, 1975; No. 32, 1988.]" ...

At present, the Baltimore County Master Plan (relevant excerpt attached) fails to show any provision for public water supply or sewerage for the subject property. Accordingly, the Colvista petition is not acceptable.

The Court of Appeals decision in UPS v. People's Counsel for Baltimore County, 336 Md. 569, 581-91 (1993) determined that the hearing authority of

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
August 1, 1995
Page Two

the County Board of Appeals is governed by the relevant charter and statutory provisions. The County has determined legislatively to exclude from the reclassification process the types of petitions identified in BCZR 1A00.3 pertinent to Resource Conservation zones. The CBA, therefore, is fundamentally without authority to approve the Colvista petition.

Secondly, BCZR 1A03.2 provides this for parcels of property zoned R.C.-4:

> "No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies: [Bill No. 98, 1975; No. 178, 1979.]
>
> 1. that the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir; [Bill No. 178, 1979.]
>
> 2. that the parcel lies at least 300 feet from any 1st or 2nd order or greater stream that flows directly into a public water reservoir; [Bill No. 178, 1979.]
>
> 3. that the parcel lies at least 300 feet from any 3rd order or greater stream that flows directly or indirectly into a public water reservoir; [Bill No. 178, 1979.]
>
> 4. that no more than 30% of the parcel has a slope of more than 20%; [Bill No. 178, 1979.]
>
> 5. that the parcel does not lie within a 100-year floodplain; and [Bill No. 178, 1979.]
>
> 6. that, as shown by an environmental impact statement, the manner in which proposed reclassification will affect water quality in the watershed or any public water reservoir. [Bill No. 178, 1979.]
>
> For the purpose of this subsection, streams are classified by order as shown on the map of stream orders adopted by the Planning Board on March 25, 1976. [Bill No. 178, 1979.]"

Given the findings and legislative policy of the R.C.-4 zone (BCZR 1A03.1), and given the structure and time frame of comprehensive zoning, we understand the meaning of "parcel" to be the parcel within the boundary of the district zoned R.C.-4 by the County Council.

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
August 1, 1995
Page Three

The Colvista parcel boundary of 215 acres zoned R.C.-4 does not meet the various setback requirements of the law. Colvista purports to satisfy the required reservoir property line and stream setbacks by drawing its own requested line of rezoning demarcation as an interior perimeter line within the parcel boundaries. But this artificial demarcation fails to satisfy the legislative establishment of setback requirements for parcels as zoned by the County Council, not as "parcels" drawn to suit the convenience of the Petitioner.

In view of the public importance of these issues, we ask the Board, if feasible, to set a convenient time prior to the scheduled August 16 hearing for review of its threshold authority.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: G. Scott Barhight, Esquire, Attorney for Petitioners

J. Carroll Holzer, Esquire, Attorney for Protestants

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 7, 1995

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Amended Petition for Reclassification
SECURITY MANAGEMENT CORP. (COLVISTA)
Case No. CR-93-307-SPHXA

Dear Chairman Schuetz:

Following up on our letter dated August 1, 1995, I call your attention to the enclosed slip opinion of the Court of Appeals in Halle Companies v. Crofton Civic Ass'n, No. 129, dated July 17, 1995.

Please note the following language:

"The Board is purely a statutory creature and may exercise only those powers expressly granted to it by law or those which can be fairly implied." (Page 8.)

* * *

"In UPS, we interpreted the power granted by the Express Powers Act as providing charter counties the option to vest the board of appeals with either original jurisdiction or appellate jurisdiction over any subject matter set forth therein. UPS, 88-236 Md. at 588, 650 A.2d at 236. We concluded that it was the intent of the General Assembly that '[u]nder the Express Powers Act, a board of appeals is primarily an appellate tribunal, having only such original jurisdiction as a county's charter and ordinances expressly grant[.]'" (Page 11.)

This reinforces the conclusion that the Board lacks authority to grant the Colvista rezoning because of the specific provision of BCZR 1A00.3A1, and separately, because of the specific provision of BCZR 1A03.2.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: G. Scott Barhight, Esquire, Attorney for Petitioners

J. Carroll Holzer, Esquire, Attorney for Protestants

RECEIVED
JUL 18 1995
BALTIMORE COUNTY CIRCUIT
COURT LAW LIBRARY

IN THE COURT OF APPEALS OF MARYLAND

No. 129

September Term, 1994

HALLE COMPANIES et al.

v.

CROFTON CIVIC ASSOCIATION et al.

Murphy, C.J.
Eldridge
Rodowsky
Chasanow
Karwacki
Bell
Raker

JJ.

Opinion by Karwacki, J.

Filed: July 17, 1995

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

August 11, 1995

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

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

J. Carroll Holzer, P.A.
HOLZER and LEE
305 Washington Avenue, Suite 502
Towson, MD 21204

Re: Case No. CR-93-307-SPHXA
Security Management Corporation
Amended Petition for Reclassification

Dear Counsel:

The Board is in receipt of Mr. Zimmerman's correspondence of August 1, 1995 and August 7, 1995, as well as correspondence from Mr. Holzer dated August 7th. This office is also in receipt of Mr. Barhight's responding letter dated August 10, 1995.

In consideration of the date of receipt of the above correspondence, and inasmuch as the first hearing day for this matter is scheduled for Wednesday, August 16, 1995, the Board will receive any argument on legal issues raised by Mr. Zimmerman on August 16, 1995, at 9:00 a.m.

Should you have any questions in this regard, please call me at 887-3180.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

cc: Carole Demilio, Deputy People's Counsel
James F. Rosner, Esquire
David K. Gildea, Esquire

Printed with Soybean Ink on Recycled Paper

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: SECURITY MANAGEMENT CORPORATION
Case No. CR-93-307-SPHXA (Colvista)

DATE : August 16, 1995 /Motion to Dismiss

BOARD /PANEL : Robert O. Schuetz, Chairman (ROS)
Harry E. Buchheister, Jr. (HEB)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included G. Scott Barhight, Esquire, and James F. Rosner, Esquire, on behalf of Petitioner; J. Carroll Holzer, Esquire, on behalf of Protestants; James A. Biddison on behalf of Broadmead; and Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

PURPOSE --to deliberate and rule on Motion to Dismiss filed by the Office of People's Counsel and J. Carroll Holzer, Esquire.

Opening statement by Chairman Schuetz: Thank you all for your patience. As required by law, Board will deliberate Motion for Dismissal. The Board has had an opportunity to read material provided by Counsel, as well as review the law, zoning regulations, and other information. I'm going to go ahead and go first.

ROS: For me, while this case has a Board which is a fairly experienced Board on matters of reclassification, it's fairly infrequent that we get a case where the reclassification petition is to change from an R.C. classification to something other than R.C. It does raise issues which are unique. However, as with all other reclassification petitions, the Petitioner does not really know who is in opposition until the day of the hearing, nor does the Board. We have here a situation where we do have both sides being aware and taking positions. The argument by People's Counsel in its Motion to Dismiss the case because of whatever may or may not occur in the Capital Program and with the extension of services, that asks the Board to reach a conclusion on which it does not have evidence at this point in these proceedings. Therefore, on that issue alone, I would reserve on the Motion until such time as the Board believes it has sufficient evidence, pro or con, to be able to rule intelligently. Ruling on the Motion at this time would be premature.

Minutes of Deliberation /Security Management Corporation
Case No. CR-93-307-SPHXA

On Mr. Holzer's argument that this prejudices his client, I could not disagree more. As a Board, we do not know who the protestants are frequently in a reclassification case, as Board does have original jurisdiction per the Charter. So often, gloves come off the moment the combatants come into the room for first time. That's part of the deal. If you want to fight something, you've got to pony up. No one has to hire an attorney. We often have civic associations, individuals represented with or without counsel, those who appeared pro se. There's no requirement whatsoever that their case be put on in a particular manner. This does not wash with this Board member. How you choose to put on a case is up to you and your client.

As for Mr. Barhight's argument that the Charter controls, he's absolutely correct that the Charter controls the Board's jurisdiction to hear this case. I've expressed the need for evidence to rule; I believe rest of argument need not be addressed at this time.

SDL: I've read People's Counsel's Motion to Dismiss and Petitioner's reply, and I'm persuaded by the argument that the Board previously rejected this argument on two separate cases; Hope and Prosser. The Board held that when a section conflicts with the Charter, that section is a nullity. The County Council does not have the power to limit the Board in reclassification cases. I would concur with the Chairman to reserve on People's Counsel's Motion to Dismiss.

HEB: I concur with two previous comments of Board members.

ROS: Thank you very much. We will not get the Court Reporter and go back on the record.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 15, 1995

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Amended Petition for Reclassification
SECURITY MANAGEMENT CORP. (COLVISTA)
Case No. CR-93-307-SPHXA

Dear Chairman Schuetz:

Thank you for your letter dated August 11, 1995. Enclosed please find source materials which we intend to discuss at the August 16, 1995, 9:00 a.m. argument on legal issues.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: G. Scott Barhight, Esquire (Hand-delivered)

J. Carroll Holzer, Esquire (Hand-delivered)

COLVISTA - LEGAL INSUFFICIENCY

SOURCE MATERIALS

1. Baltimore County Charter Sec. 602
2. Baltimore County Code Sec. 2-356(j)-(1)
3. Baltimore County Zoning Regulations (BCZR) § 1A00.3
4. Baltimore County Zoning Regulations (BCZR) § 1A03.2
5. Baltimore County Zoning Regulations (BCZR) § 600
6. UPS V. People's Counsel, 336 Md. 569 (1994) (Excerpt)
7. Halle Companies v. Crofton Civic Ass'n, No. 129, September Term, 1994 (July 17, 1995), pages 7-13
8. Vest v. Giant Food Stores, 320 Md. 461 (1993) (Excerpt)
9. Bouse v. Hutzler, 26 A.2d 767 (1942)
10. Ruggles v. State of Illinois, 108 U.S. 526 (1883)

COUNTY CHARTER SEC. 602

Div. 5 BALTIMORE COUNTY CODE

DIVISION 5. [RESERVED]*

ARTICLE VI. COUNTY BOARD OF APPEALS†

Sec. 601. Appointment; terms; compensation.

There is hereby created and established a county board of appeals consisting of seven members who shall be appointed by the county council. Each member of the county council shall have the right to nominate one person to serve on the board of appeals. The first board of appeals appointed after this amendment shall consist of two members appointed for a term of one year, two members appointed for a term of two years and three members appointed for a term of three years. Thereafter, all appointments or reappointments shall be for three-year terms except that an appointment to fill a vacancy occurring before the expiration of a term shall be for the remainder of the unexpired term. All members of the board shall be residents of Baltimore County, and appointments shall be made so no more than five (5) of the members of the board shall be members of the same political party. The county council shall by legislative act set the compensation of the county board of appeals; provided, however, that no reduction in salary shall affect the compensation of a member of the county board of appeals during his current term. The board of appeals as constituted at the time of this amendment shall remain in effect until changed as provided in this section of the Charter.

(Bill No. 85, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 53, 1982, § 1; approved by voters Nov. 2, 1982; effective Dec. 2, 1982)

Sec. 601.1. [Repealed.]

Repealed by Bill No. 85, 1978, § 2. (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

*Editor's note—Division 5, consisting of section 544, was repealed by Bill No. 132, 1990, § 1, which was approved by the voters on Nov. 6, 1990; effective Dec. 7, 1990.

†Editor's note—The title of this article was changed by Bill No. 85, 1978. Approved by voters Nov. 7, 1978; effective Dec. 8, 1978.

Sec. 602. Powers and functions of county board of appeals.

The county board of appeals shall have and may exercise the following functions and powers:

(a) *Appeals from orders relating to zoning.* The county board of appeals shall have and exercise all the functions and duties relating to zoning described in Article 25A of the Annotated Code of Maryland [Ann. Code of Md., art. 25A] as such functions and powers may be prescribed by legislative act of the County Council. All references in law to the board of zoning appeals shall be construed to refer to the county board of appeals. In all cases, except those excluded by this Charter or by legislative act of the county council, the order of the county board of appeals shall be final unless an appeal is taken therefrom in the manner provided in section 604 of this article. (Bill No. 85, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

(b) *Appeals from orders relating to licenses.* The county board of appeals shall have and exercise all the functions and powers of the board of license appeals as such functions and powers are prescribed in the public local laws of the county in effect at the time of the adoption of this Charter. All references in said laws to the board of license appeals shall be construed to refer to the county board of appeals created by this article. As soon as the county board of appeals has been duly constituted by the appointment and qualifications of its members as herein provided, the board of license appeals shall cease to exist.

(c) *Appeals from orders relating to building.* The county board of appeals shall hear and decide all appeals from orders relating to building. (Bill No. 85, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

(d) *Appeals from executive, administrative and adjudicatory orders.* The county board of appeals shall hear and decide appeals from all other administrative and adjudicatory orders as may from time to time be pro-

Supp. No. 1 30

COUNTY CODE SEC. 2-356(j)-(1)

ADMINISTRATION § 2-356

Findings prior to reclassification. Before any property is reclassified pursuant to this section, the board of appeals must find:

(1) That, except as limited by the terms of subsection (2)(i) of this section, there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified or that the last classification of the property was established in error.

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

(3) Any reclassification pertaining to land within the Chesapeake Bay Critical Area is subject to the following limitations:

a. 1. In accordance with Ann. Code of Md., Natural Resources article, § 8-1809(h), a reclassification, except for changes involving growth allocation that do not require changes to the underlying zones, may be granted only on proof of a mistake in the existing zoning or in the existing boundaries shown in the official critical area map or both. change in the character of the

177

BCZR

continuing development in the critical watersheds of those water-supply sources is causing increased pollution and sedimentation in the impoundments, resulting in increasing water-treatment costs and decreasing water-storage capacity. The B.C. 4 zoning classification and its regulations are established to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds. [Bill No. 98, 1975; No. 178, 1979.]

1A03.2—Rezoning by petition. [Bill No. 98, 1975; No. 178, 1979.]

No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies: [Bill No. 98, 1975; No. 178, 1979.]

1. that the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir; [Bill No. 178, 1979.]
2. that the parcel lies at least 300 feet from any 1st - or 2nd order or greater stream that flows directly into a public water reservoir; [Bill No. 178, 1979.]
3. that the parcel lies at least 300 feet from any 3rd - order or greater stream that flows directly or indirectly into a public water reservoir; [Bill No. 178, 1979.]
4. that no more than 30% of the parcel has a slope of more than 20%; [Bill No. 178, 1979.]
5. that the parcel does not lie within a 100-year floodplain; and [Bill No. 178, 1979.]
6. that, as shown by an environmental impact statement, the manner in which proposed reclassification will affect water quality in the watershed or any public water reservoir. [Bill No. 178, 1979.]

For the purpose of this subsection, streams are classified by order as shown on the map of stream orders adopted by the Planning Board on March 25, 1976. [Bill No. 178, 1979.]

1A-19

ARTICLE 6--INTERPRETATION AND VALIDITY [B.C.Z.R., 1955.]

Section 600--INTERPRETATION [B.C.Z.R., 1955.]

In their interpretation and application, these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, and general welfare. Where these Regulations impose a greater restriction on the use of buildings or land or on the height of buildings, or require larger yards, courts, or other open spaces, or impose other higher standards than are imposed by the provisions of any law, ordinance, regulation or private agreement, these Regulations shall control. When greater restrictions are imposed by any law, ordinance, regulation, or private agreement than are required by these Regulations, such greater restrictions shall not be affected by these Regulations. [B.C.Z.R., 1955.]

Section 601--VALIDITY [B.C.Z.R., 1955.]

If any section, paragraph, subdivision, clause or provision of these Regulations shall be adjudged invalid, such adjudications shall apply only to the section, paragraph, subdivision, clause, or provisions so adjudged, and the remainder of the Regulations shall be deemed valid and effective. [B.C.Z.R., 1955.]

The Board of County Commissioners of Baltimore County hereby declares that it would have adopted these Regulations and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid. [B.C.Z.R., 1955.]

6-1

568 TELLINGTON v. STATE
[336 Md. 567 (1994)]

remanded to that court for purpose of permitting defendant to exercise his right to jury trial if that was his choice.

Mark E. Herman and William G. Kolodner, Baltimore, for petitioner.

Tarra DeShields-Minnis, Asst. Atty. Gen., Baltimore, for respondent.

Argued before MURPHY, C.J., and ELDRIDGE, RODOWSKY, CHASANOW, KARWACKI, BELL and RAKER, JJ.

PER CURIAM.

We granted certiorari to consider whether statements made by the circuit court judge in chambers during a pretrial conference were so coercive as to deprive the Petitioner of his right to a *de novo* jury trial on appeal from a judgment of the District Court of Maryland.

Our review of the case discloses that the circuit court judge indicated that if petitioner asserted his right to a jury trial, and the verdict was guilty, he would be sentenced to a term of incarceration rather than afforded probation or a suspended sentence; and would also be assessed the cost of the jury.

The Attorney General, on behalf of the State, in its answer to the petition, suggests that if this Court should conclude that the petition is meritorious, we should dispose of the matter by summary disposition. We agree with that recommendation and, finding merit in the petition, we shall vacate the judgment of the Circuit Court for Baltimore County and remand the matter to that court for the purpose of permitting the Petitioner to exercise his right to a jury trial if that continues to be his choice.

JUDGMENT REVERSED; CASE REMANDED TO THE CIRCUIT COURT FOR BALTIMORE COUNTY FOR A NEW TRIAL IN ACCORDANCE WITH THIS OPINION. COSTS TO BE PAID BY BALTIMORE COUNTY, MARYLAND.

UNITED PARCEL v. PEOPLE'S COUNSEL 569
[336 Md. 569 (1994)]

650 A.2d 226

UNITED PARCEL SERVICE, INC. et al.
and Baltimore County, Maryland
v.
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Maryland et al.

No. 140, Sept. Term, 1992.

Court of Appeals of Maryland.

Dec. 6, 1994.

Neighboring landowners appealed county board of appeals' affirmance of zoning commissioner's issuance of building permit, and property owners cross-appealed. The Circuit Court, Baltimore County, Joseph F. Murphy, Jr., J., reversed board's decision and remanded. Property owners appealed. The Court of Special Appeals affirmed, 93 Md.App. 59, 611 A.2d 993, and certiorari was granted. The Court of Appeals, Eldridge, J., held that: (1) time to appeal decision of county zoning commissioner could not be extended by application of "discovery rule"; (2) zoning commissioner's letter responding to objection to approval of building permit application was not "approval" or "decision" appealable to board of appeals; and (3) Express Powers Act did not give board of appeals original jurisdiction over letter seeking appeal from zoning decision.

Reversed and remanded.

1. Administrative Law and Procedure ⇐791, 796

Court's role in reviewing agency action is limited to determining whether there is substantial evidence in record as whole to support agency's findings and conclusions, and to determine if administrative decision is premised upon erroneous conclusion of law.

460 FAYA v. ALMARAZ
[329 Md. 435 (1993)]

negligence due to his claimed failure to communicate that he was HIV-positive. We, therefore, must find, as to these negligence counts, that appellants alleged sufficient facts in their complaints to survive the appellees' motions to dismiss.

D

[11-13] We next consider whether the appellants have stated a cause of action in negligence against appellee Hopkins Hospital. Like any other employer, a hospital is responsible under agency principles for the negligence of its servants or employees; this vicarious liability extends to any apparent agents whom a hospital represents as its employees. *Mehlman v. Powell*, 281 Md. 269, 378 A.2d 1121 (1977); *Franklin v. Gupta*, 81 Md.App. 345, 567 A.2d 524 (1990). The existence of an agency relationship is a question of fact which must be submitted to the factfinder if any legally sufficient evidence tending to prove the agency is offered. *P. Flanigan & Sons, Inc. v. Childs*, 251 Md. 646, 652, 248 A.2d 473 (1968); *Hamilton v. Caplan*, 69 Md.App. 566, 575, 518 A.2d 1087 (1987).

Appellants here alleged that Hopkins represented that Dr. Almaraz was its agent; that they believed that he was its agent; and that they relied on this representation and Hopkins' excellent medical reputation in selecting Almaraz as their surgeon. Because it is undisputed that Almaraz enjoyed "operative privileges" at Hopkins, we cannot say as a matter of law that the facts alleged in the appellants' complaints are legally insufficient on their face to aver an agency relationship. Thus, the trial court erred in dismissing appellants' basic negligence complaints against Hopkins.

V

In view of our disposition of the basic negligence counts grounded on Dr. Almaraz's asserted failure to warn the appellants of his infected condition, and because the dam-

VEST v. GIANT FOOD STORES, INC. 461
[320 Md. 461 (1993)]

ages claimed on all counts are essentially the same, the trial judge erred in dismissing the other counts as well. As we see it, after viewing the allegations of the complaints in support of these counts, dismissal was not appropriate in the circumstances.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY DISMISSING THE COMPLAINTS REVERSED; CASE REMANDED TO THAT COURT FOR FURTHER PROCEEDINGS NOT INCONSISTENT WITH THIS OPINION. COSTS TO BE PAID BY THE APPELLEES.

620 A.2d 340

Woodrow W. VEST
v.
GIANT FOOD STORES, INC. et al.

No. 68, Sept. Term, 1992.

Court of Appeals of Maryland.

March 9, 1993.

Claimant sought review of the Workers' Compensation Commission's refusal to reopen prior award of temporary total and partial disability benefits. The Circuit Court for Prince George's County, Darlene G. Perry, J., granted employer's motion for summary judgment. Claimant appealed. The Court of Special Appeals, 91 Md.App. 570, 605 A.2d 627, affirmed. Certiorari was granted. The Court of Appeals, Chasanow, J., held that limitation period for reopening prior award began to accrue on date of last payment of compensation.

Affirmed.

BOUSE v. HUTZLER Md. 767
[26 A.2d 767]

BOUSE v. HUTZLER.

No. 42.

Court of Appeals of Maryland.

June 17, 1942.

1. Taxation ⇐856

The state inheritance tax is not a tax on decedent's property, but is a tax on its transfer, and is imposed on the privilege of becoming a beneficiary under a will or of succeeding to an inheritance. Code 1939, art. 81, § 110.

2. Taxation ⇐890

An executor of decedent's estate is charged with payment of state inheritance taxes to register of wills for the use of the state. Code 1939, art. 81, § 112.

3. Taxation ⇐856, 890

The state inheritance tax is a "charge" against each distributive share according to its value, and the executor must pay the tax out of the legacy or with money collected from the legatee. Code 1939, art. 81, § 112.

See Words and Phrases, Permanent Edition, for all other definitions of "Charge".

4. Taxation ⇐891

A testator has a right to direct that state inheritance tax be paid out of residuary estate.

5. Taxation ⇐893(1)

Where testator bequeaths a specific legacy and directs that the inheritance tax shall be paid from the residuary estate, the tax is calculated not on the specific amount alone, but on the specified amount plus such an amount that, after the tax is calculated on the total and deducted therefrom, the legatee will receive the specified amount free from tax. Code 1939, art. 81, §§ 110, 112.

6. Taxation ⇐864

Under statute imposing collateral inheritance tax on the "clear value" of property transferred by will, the quoted term means the net value after payment of all debts and expenses of administration, and inheritance taxes are calculated on actual value of all property received. Code 1939, art. 81, §§ 110, 111.

See Words and Phrases, Permanent Edition, for all other definitions of "Clear Value".

7. Taxation ⇐865

Under statutes imposing collateral inheritance tax on clear value of property transferred by will, and statute providing that inheritance tax should apply to all tangible or intangible property passing at death of decedent, the word "property" is construable as including obligations, rights and other intangibles as well as physical things. Code 1939, art. 81, §§ 110, 112.

See Words and Phrases, Permanent Edition, for all other definitions of "Property".

8. Taxation ⇐864

Where testatrix bequeathed specific legacies and directed that collateral inheritance taxes should not be deducted therefrom, but should be paid out of residue of the estate, the "clear value" of the property bequeathed by the testatrix, which was subject to collateral inheritance tax, was the sum which, after deducting amount necessary for payment of collateral inheritance taxes, yielded the amount of the specific legacies. Code 1939, art. 81, §§ 110, 112.

9. Statutes ⇐218, 219

Where language of statute is ambiguous and susceptible of two reasonable constructions, a long and unvarying administrative practice has a persuasive influence if not an entirely controlling effect on the judicial construction of the statute, but the rule of contemporaneous construction does not preclude an inquiry by the court into the correctness of such a construction.

10. Statutes ⇐190

Where language of statute is clear and explicit and susceptible of a sensible construction, it cannot be controlled by extraneous considerations.

11. Statutes ⇐214

A custom cannot nullify the plain meaning and purpose of a statute, however long and general the custom has been followed by officials.

12. Statutes ⇐219

An administrative practice contrary to plain language of a statute is in violation of the law and the violation of law even though customary does not repeal the law.

13. Statutes ⇐174

Where there are several possible constructions of a statute, that construction which insures the most general and uniform remedy is preferred.

error, with its legal consequences, to an affirmance of the judgment below, with its legal consequences, and not an error of mere form, or a clerical error, or a misprision of the clerk, or the like. JACKSON v. Ashton, 10 Pet. 480; *Bank U. S. v. Moss*, 6 How. 31, 38.

The applications are denied.

(108 U. S. 533)

ROGGLES v. PEOPLE OF THE STATE OF ILLINOIS.

(May 7, 1883.)

HABEAS CORPUS—REGULATION OF FARES AND FREIGHTS BY STATE—RAILROAD INCORPORATION ACT OF ILLINOIS—CENTRAL MILITARY TRACT RAILROAD—CHARTER—AMENDATORY CHARTER—REPEAL—EFFECT OF LAW—EXEMPTION FROM LEGISLATIVE CONTROL—CONSTRUCTION OF WRITTEN INSTRUMENT.

The act passed by the general assembly of Illinois, on the 6th of November, 1851, to provide for a general system of railroad incorporation, and the following provisions:

"Sec. 12. The directors of each company shall have power to make by-laws for the management and disposition of such property and affairs of the company, not inconsistent with the laws of this state, . . . for the appointment of all officers for carrying on all the business within the objects and purposes of such company.

"Sec. 21. Every such corporation shall possess the general powers and be subject to the general liabilities and restrictions, expressed in the following, that is to say:

* * * * * * * * *

"Fifth. To take, transport, carry, and convey persons and property on the railroad, by the force and power of steam, of animals, or any other mechanical power, or any combination of them, and receive tolls or compensation therefor.

* * * * * * * * *

"Fifth. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor. Such compensation for any passenger shall not in any case exceed three cents a mile, unless in case of a company established by special act of the legislature, and shall not be subject to alteration as hereinafter provided.

* * * * * * * * *

"Sec. 32. The legislature may, when any such railroad shall be open for use, from time to time, alter or reduce the rates of toll, fare, freight, or other compensation upon such road; but the same shall not, without the consent of the corporation, be so reduced as to produce with said profits less than 10 per cent per annum on the capital actually paid in; nor unless, on an examination of the accounts of said road, ordered and expended, to be made by the secretary of state, it shall ascertain that the net income divided by the company from all sources for the year then last past shall have exceeded an annual income of 10 per cent upon the capital of the corporation actually paid in."

The act to incorporate the Central Military Tract Railroad Company, passed February 12, 1851, provided that such railroad "in all things should be governed by the provisions" of the act of November 5, 1849, and "entitled to have and exercise the powers and privileges, and be subject to the liabilities, therein enumerated."

On the nineteenth of June, 1852, the charter of the railroad was amended by an act containing the following sections:

"Sec. 3. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they shall appoint. * * *

"Sec. 6. The said company shall have power to make, ordain, and establish such by-laws, rules, and regulations as may be deemed expedient, not inconsistent with the laws of this state, or of the United States, for the purpose of fulfilling the purposes and carrying into effect the provisions of this act, and for the well ordering, regulating, and securing the affairs, business, and property of the company: provided, that the same be not repugnant to the constitution and laws of the United States or of this state, or repugnant to this act. The board of directors shall have power to establish such rates of toll, fare, and transportation of persons or property upon the same as they shall from time to time deem expedient, and to levy and collect the same; and they shall have all other matters and things respecting the use of said road, and the transportation thereon, subject to such rules and regulations as the said board of directors may from time to time determine."

And [illegible] section 21 and section 22 of the general railroad law [illegible] were not applicable to the Central Military Tract Railroad Company, were repealed by the amending act, and that section 6 of such amendatory act, giving the board of directors plenary control of rates of fare and freight, free from the restrictions of the general law, did not confer any power not in express terms subjected to the control of the state, but that while they could, by their by-laws, fix the rates of fare and freight, such by-laws must conform to the laws [illegible] were in force when the amended charter was granted. [illegible] corporation afterwards

[illegible] exempt from legislative control are never to be presumed, and [illegible] grant is clearly established, the legislature is free to act on the subject-matter of the grant, within its jurisdiction, as the public interests may seem to require.

[illegible] the constitutionality of the statute concerning the maximum of charges by railroad companies for fares and freights, [illegible] the charter granted to the Central Military Tract Railroad Company contracts in the charter

[illegible] are to be construed in accordance with the intention of the parties, when [illegible] can be ascertained, and [illegible] to no inherent conclusion,—there can be no doubt that the intention of the framers of the charter which such instrument naturally proceeds, is to be sought, not in the meaning which such instrument naturally presents to the mind of the reader, when [illegible] in search of conjectures, in order to restrict or extend the [illegible]

In Error to the Supreme Court of the State of Illinois.

Thos. Lowe and *Sidney Bartlett*, for plaintiff in error.

E. C. Dunn and *Jas. McCartney*, for defendant in error.

[illegible] In the view we take of this case the only question [illegible] that [illegible] could be considered is whether the charter of the Central Military Tract Railroad Company, one of the Illinois [illegible]

[illegible]

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

To: Robert O. Schuetz, Chairman Date: 13 September 1995

Fr: W. Carl Richards, zoning coordinator, zoning review section

Re: Security Management Corporation, **Case NO. CR-93-307-sphxa**

This office today was questioned about the submission of the petition for reclassification submitted in the matter of Colvista as it relates to §1A00.3 of the BCZR.

Sub§ A states "No petition to reclassify an R.C. zone...may be accepted for filing by the Zoning Commissioner [now PDM] unless- a. The Capital Program, duly adopted Baltimore County Master Plan or comprehensive plans, and the "county plan" ...show that the property under petition is to be serviced by public sewerage and watersupply systems within two years after the date the petition is submitted...

We were asked why we accepted the petition when the provision quoted above could not be satisfied at the time the petition was "submitted", and we were requested to write to you and explain why.

The zoning review section of the Department of Permits & Development Management serves as clerk to both the Zoning Commissioner and the Board, similar to the role the Clerk of the Court plays to the judges in Circuit Court or District Court. It is our position that we should not refuse to accept petitions, for to do so would place this office in the position of decision-maker, and a catch-22 would result. We could deny the filing of a petition and thereby deny an applicant the right to have a public hearing on the issues otherwise to be presented. It should be the decision of the zoning commissioner or the board of appeals whether to dismiss for jurisdictional or other grounds. and not our refusal to accept for filing a petition asking for a particular relief.

It has been our practice to leave the decision to the Board of Appeals, after hearing whatever arguments the applicant or protestant might provide. In this particular situation, there exists no capital program for this purpose. However, it is susceptible to legal interpretation whether the master plan, comprehensive plan or the Environmental Article of the Annotated Code of Maryland show public sewerage and water supply systems being provided within two years after the petition is "submitted". We also note the use of the word "submitted" at the end of sub§a rather than the use of the word "filed" as the root of this word is used in the beginning of the sub§. Does this mean within 2 years of the submittal to the Board or 2 years from the date of filing. If the latter, why wasn't this word used? Inasmuch as there is often a long time delay before the petition is submitted to the Board, the difference in timing could be significant. It is also noted that sub§ A.1.b. (i) and (ii) require comment from Department of Environmental Protection and Resource Management, which we had believed would address the requirement contained in sub§ A. 1.A. If we deny the filing of the petition, it has been our belief that we would be effectively denying the right to be heard. This office does not conduct the hearings. we do not make the decisions to reclassify, or grant special exceptions or variances.

We treat the filing of petitions, or appeals of decisions, uniformly. If an appeal is filed after thirty days from the date of the zoning commissioner's decision, beyond what the law permits, we still take the appeal and forward it to the Board. It is the Board's decision whether to accept or reject. It should not be ours. The same is true in the instant matter.

We should point out, however, that the petition in the instant matter. does show the provision of water and sewerage, and the plan is sealed.

C: People's Counsel
J. Carroll Holzer, Esq.
G. Scott Barhight, Esq.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Security Management Corporation
Case No. R-03-307-SPHXA (Colvista)

DATE : September 14, 1995 /on Motion to Dismiss

BOARD /PANEL : Robert O. Schuetz, Chairman (ROS)
Harry E. Buchheister, Jr. (HEB)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included G. Scott Barhight, Esquire, on behalf of Petitioner; J. Carroll Holzer, Esquire, on behalf of Protestants; Peter Max Zimmerman, People's Counsel for Baltimore County; and Carole S. Demilio, Deputy People's County.

PURPOSE --to deliberate Motion to Dismiss filed August 1, 1995 by People's Counsel for Baltimore County, joined by J. Carroll Holzer, Esquire.

Opening statement by Chairman Schuetz: We have a motion for dismissal that was brought by People's Counsel and joined by protestants prior to the beginning of the hearing; motion was brought dated August 1st, followed up in writing August 7th by Mr. Holzer, as well as a follow up with additional information August 7th by People's Counsel regarding the Board's authority to hear the case. For those that were in attendance at beginning of proceedings, we reserved on the motion because the Board determined at that time it required a legal conclusion which depended on some evidence in order to make that type of call, and the Board opted to reserve on motion until some time in the future. We've had the conclusion of Petitioner's case in chief, and Petitioner's case is where we would have found the information necessary for us to make a determination on the motion, whether to grant or deny.

ROS: The first issue brought by People's Counsel has to do with the capital program. I'm going to move right around that and go to the second item, which has been the subject of a lot of discussion, where discussion was getting a little pointed during the proceedings, with witnesses and evidence provided which deals with the BCZR 1A03.2 and specifically item #1. I will read right from the regulations for benefit of the audience.

> "No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies:

> "1. that the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir;...."

There are other conditions which are discussed, but it is this very point that I'm having difficulty with. The regulation reads that a registered professional engineer first certifies. We have an engineer who has certified that, so on the face one could say that the regulation has been met. However, it's my position that the Board has the authority to make a findings of fact on whether or not the engineer was correct in his finding, because in order for him to do so, he would have had to make determinations on the definition of the word "parcel." In the Baltimore County Zoning Regulations, in definitions, "parcel" is conspicuously absent. Again, going back to the definitions of the BCZR, the preamble provides that:

> "Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Diccionary of the English Language, Unabridged."

Having read that, I went to Webster's, which, of course, in the unabridged version has many definitions for the word "parcel" but under definition 2a, which I read and would opine applies to real property, it reads:

> "2a: a continuous tract or plot of land in one possession no part of which is separated from the rest by intervening land in other possession" and
>
> "b: a tract or plot of land whose boundaries are readily ascertainable by natural or artificial monuments or markers...."

Based on that definition, I was looking for a little bit more thorough understanding and support because (1) I believe you may be able to argue both sides of this particular matter to a limited extent because what has been proposed in a zoning line by the Petitioner one could possibly argue is an artificial monument or marker. Getting into the other areas, I looked to other references, in Black's, Words and Phrases, as well as supplements, and read:

> ~ Contiguous quantity of land in possession of, owned by, or recorded as property of the same claimant, person or company.
>
> ~ A "parcel of land" or "parcel of real property" means a contiguous quantity of land in possession of, or owned by, or recorded as the property of, the same claimant, person or company.

> ~ A contiguous quantity of land in possession of, owned by or recorded as property of the same claimant, person or company. "Parcel of land" is synonymous with tract of land and does not have reference to size but to contiguous quantity of land.
>
> ~ And finally, with land comprised within a plot, divided into separate tracts by lines and figures, each may properly be termed a "parcel" or "tract" in calculating fee for recording thereof.

That last one has to do with taxes and assessments, and so forth.

The bottom line is that, at this point, we do not have a recorded line. There are other issues in these definitions which also point to one's ability to equate the word "parcel" with the word "lot." The closest thing in zoning regulations for lot is "lot of record", and here it hits you in the nose -- a parcel as recorded in the land records of Baltimore County. I think that that basically puts it in a nutshell. But I want to say one thing (my heart is in my throat right now) because I want to go back and read to you a portion of the zoning regulation that I hope will have an impact on you when you leave here today -- "A parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof."

Given that we have the authority bestowed upon the County Council to determine classifications, the Council has authority to place line where it deems appropriate. The zoning regulations are there to foster development in Baltimore County in a responsible manner. That's why we have zoning. It's my opinion that the intent of the regulations where they are allowing for petition for reclassification outside of the comprehensive zoning map process; intent would be to allow a petitioner to similarly reclassify a portion of a property. However, the plain language of the law is the plain language of the law, and I'm not here to change the law, only to apply it. That's the hard part. Because what we have here is a petition which may or may not have merit -- I cannot discuss it at this point. In a sense, we are not finished with this case, but we have situation in the law where I believe that the equities otherwise afforded a property owner, whether it's Security Management or another is immaterial, does not afford property owner the opportunity to petition for reclassification in other circumstances.

For the above reasons, at this point, I would grant the dismissal of the case. I have no idea what my colleagues are going to do. Whatever happens as a result of the deliberation, we will go back on the record and either proceed or dismiss.

SDL: People's Counsel in his motion to dismiss argued that 215

---

acres of Colvista have interior perimeter line within the boundaries of the parcel owned by Petitioner. This is an artificial demarcation. Petitioner in reply does not address this argument. Looking at the documented site plan, it is clear that the Petitioner has drawn the perimeter of the project closest to Loch Raven Reservoir property line approximately 200 feet from that property line in order to comply with 1A03.2.1. The question is: is this piece of land under petition for reclassification legally a parcel of land. Mr. Schuetz went through a number of definitions. I will not repeat the ones he referred to. Volume 31, Words and Phrases, definition on page 81 --

> Phrase "parcel of land" means continuous tract or plot of land in one possession and not separate from rest by intervening land in another's possession.

and again --

> Phrase "parcel of land" or "parcel of real property" means a contiguous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, or company.

I find it clear that the parcel of land owned by the Petitioner abuts the property line of the Loch Raven Reservoir, and that in his request for reclassification, the Petitioner has drawn an artificial boundary line specifically for the purpose of 1A03.2.1. This piece of land does not meet the legal definition of parcel of land. This parcel of land zoned R.C. 4 cannot comply with 1A03.2. I would grant the motion to dismiss.

HEB: After all the expert testimony that I've heard, which to me indicates that a planned community such as Colvista appears to be a most worthwhile endeavor capable of satisfying various objectives of the County, and my positive impression of the plan, it's almost inconceivable that we have reached this moment in the hearing for reclassification of the property as proposed in the documented site plan to determine that this parcel fails to satisfy 1A03.2. As has been stated by my colleagues, section is obvious that no petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies that the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir.

I have to be honest that until this issue was raised -- the 215 acre site did not meet my perception of how a land parcel might be defined. As I have learned from several legal references in the last couple of hours, a parcel of land is a

---

continuous property with ownership of one person or entity, a continuous parcel; it's obvious from Petitioner's exhibit 1 that the boundaries of Colvista project lie within 200 feet of the property line of the Loch Raven Reservoir, and therefore this case should be dismissed by the Board.

Closing statement by Chairman Schuetz; That concludes the deliberation portion of the proceeding. We will go back on the record and dismiss it.

(Recorder's note: At this point, the Board went back on the record. Proceedings from this point are part of the Court Reporter's notes.)

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

COLVISTA ROAD

PLAN TO ACCOMPANY PETITION
FOR ZONING RECLASSIFICATION
SPECIAL HEARING, SPECIAL EXCEPTIONS AND VARIANCES
FEBRUARY 24, 1993 REVISED : MARCH 5,
SCALE : 1" = 200'
ZONING MAP
7 OF 7

CR-93-307-SPH

SECURITY MANAGEMENT CORP.
OWNER

COLUMBIA DESIGN COLLECTIVE
ARCHITECTS AND SITE DESIGNERS

LDR INTERNATIONAL
PLANNERS AND LANDSCAPE ARCHITECTS

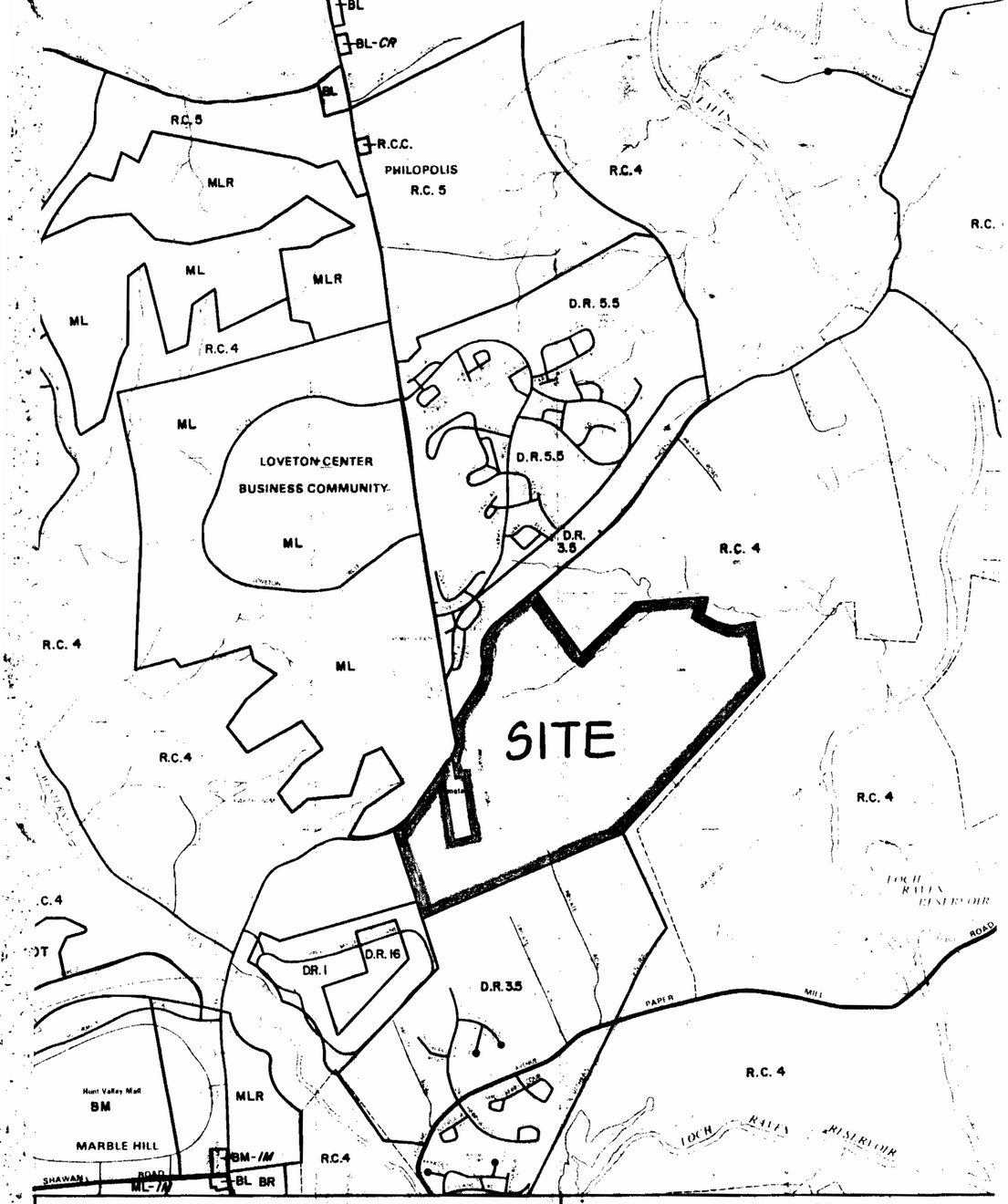
GEORGE WILLIAM STEPHENS, JR.
CIVIL ENGINEERS

EA ENGINEERING, SCIENCE AND TECHNOLOGY,
ENVIRONMENTAL ENGINEERS

THE TRAFFIC GROUP, INC.
TRAFFIC ENGINEERS

WHITEFORD, TAYLOR AND PRESTON
LAND USE ATTORNEYS

LEGG MASON REALTY GROUP, INC.
ECONOMIC CONSULTANTS



PART OF BALTIMORE COUNTY
ZONING MAP C-2

SHOWING

COLVISTA

ZONING RECLASSIFICATION SITE

SCALE: 1" = 1000'

DATE: FEBRUARY 24, 1993

CR-93-240-SPHXA

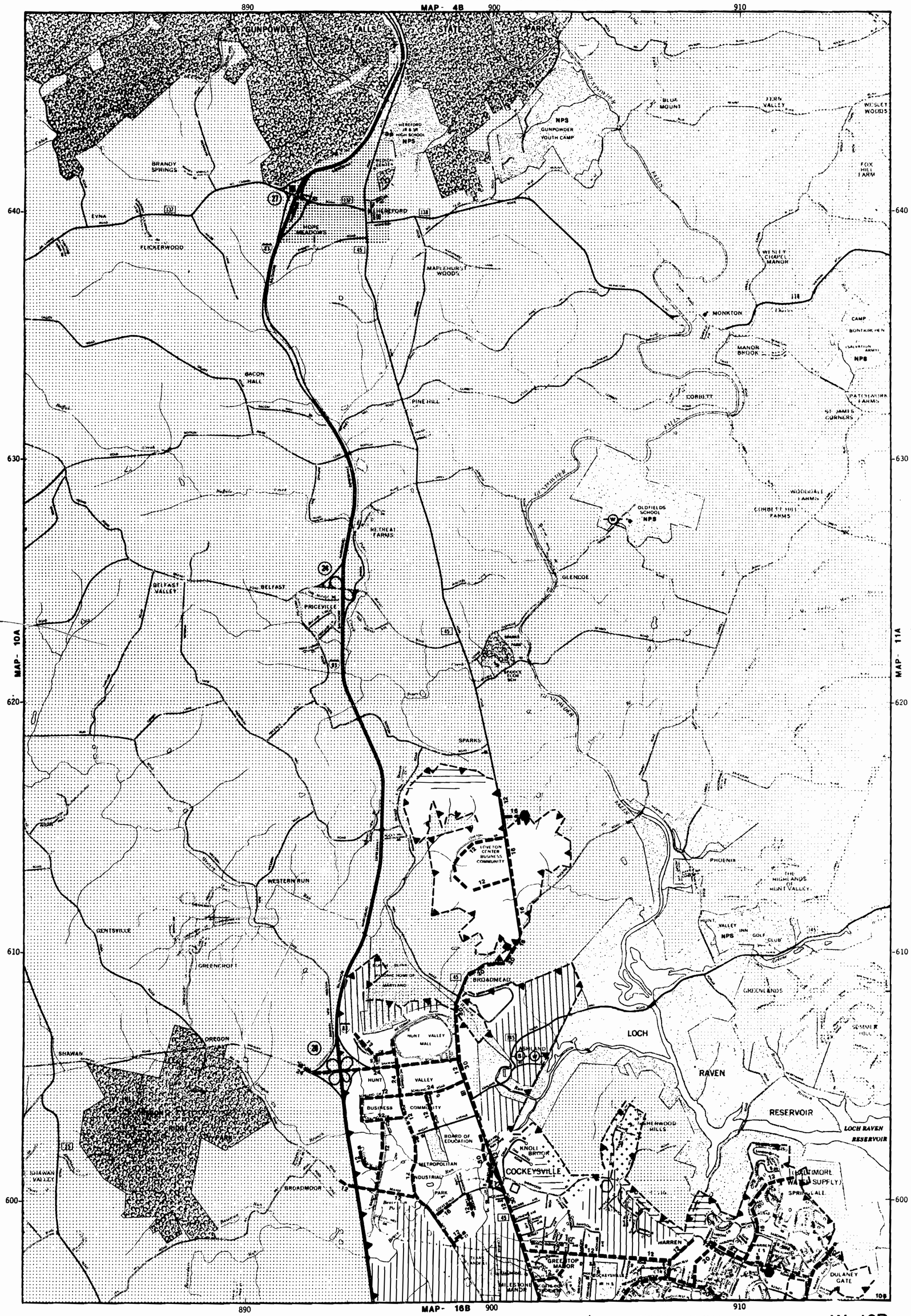
AREAL DESIGNATIONS

W-1	W-3	W-5	W-6	W-7
EXISTING SERVICE AREA	CAPITAL FACILITIES AREA	MASTER PLAN AREA	AREA FOR FUTURE CONSIDERATION	NO PLANNED SERVICE (COMMUNITY OR MULTI-USE)

NORTH

SCALE

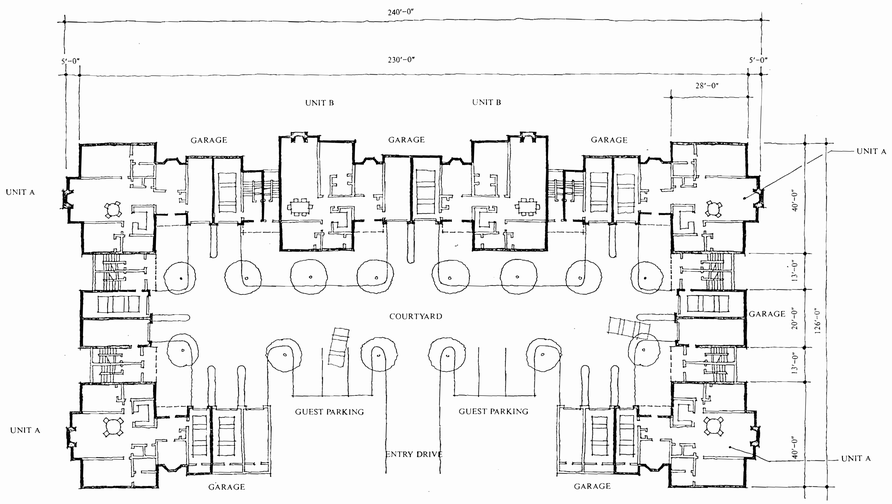
MAP - 4B



ADOPTED BALTIMORE COUNTY COUNCIL RESOLUTION 45-85

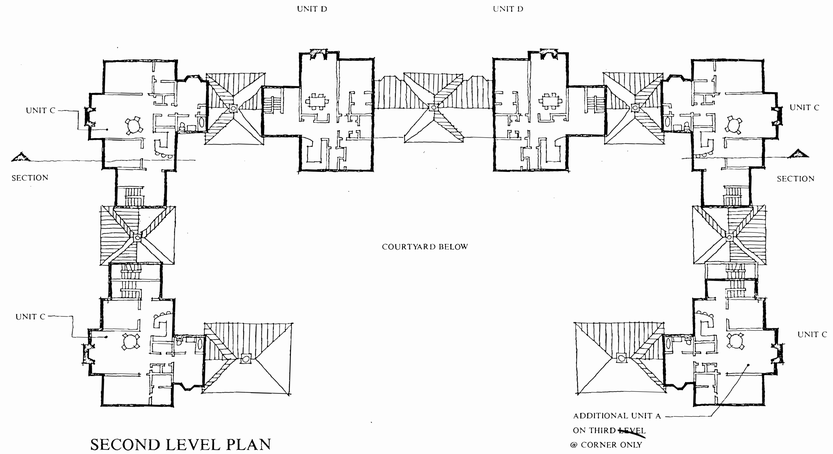
W-10B

OCTOBER 3, 1991



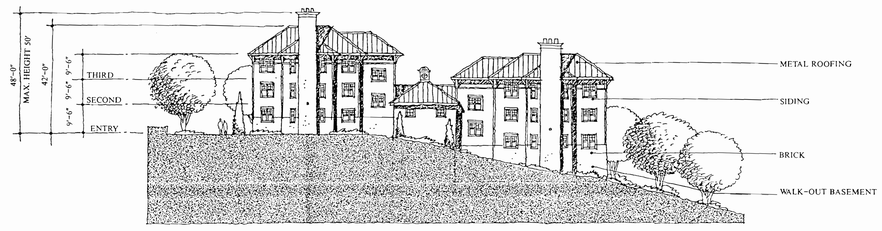
ENTRY/COURTYARD LEVEL PLAN

0 8 16 32



SECOND LEVEL PLAN

SECTION/ELEVATION THROUGH COURTYARD



SIDE ELEVATION

GARAGE FLATS
BUILDING TYPE 4

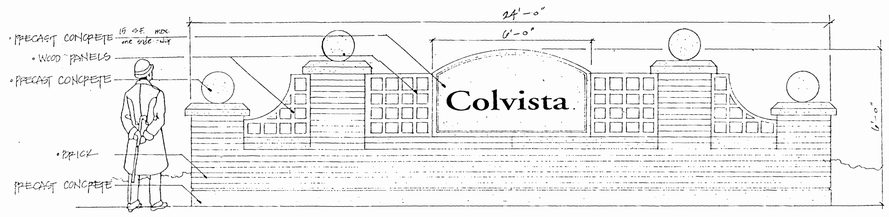
de Community

EA DESIGN DESIGN COLLECTING, INC. LDR

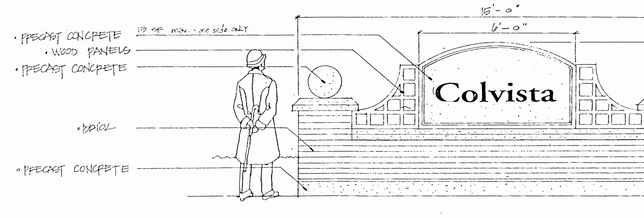
GWS GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.

AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
DATE : APRIL 10,1995
SHEET 6 OF 9

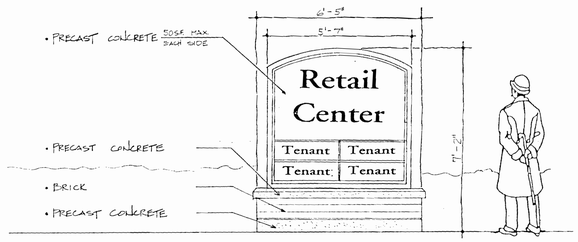
***ARCHITECTURE** - TYPICAL FLOOR PLANS, SECTIONS, & ELEVATION*



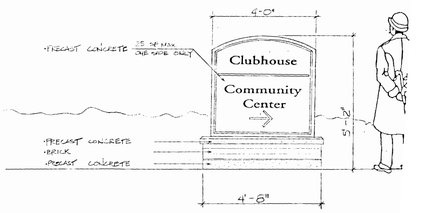
SIGN TYPE A: Major Entrance Sign TYPICAL



SIGN TYPE B: Minor Entrance Sign TYPICAL



SIGN TYPE C: Retail Signage TYPICAL



SIGN TYPE D: Directional Signage TYPICA

N

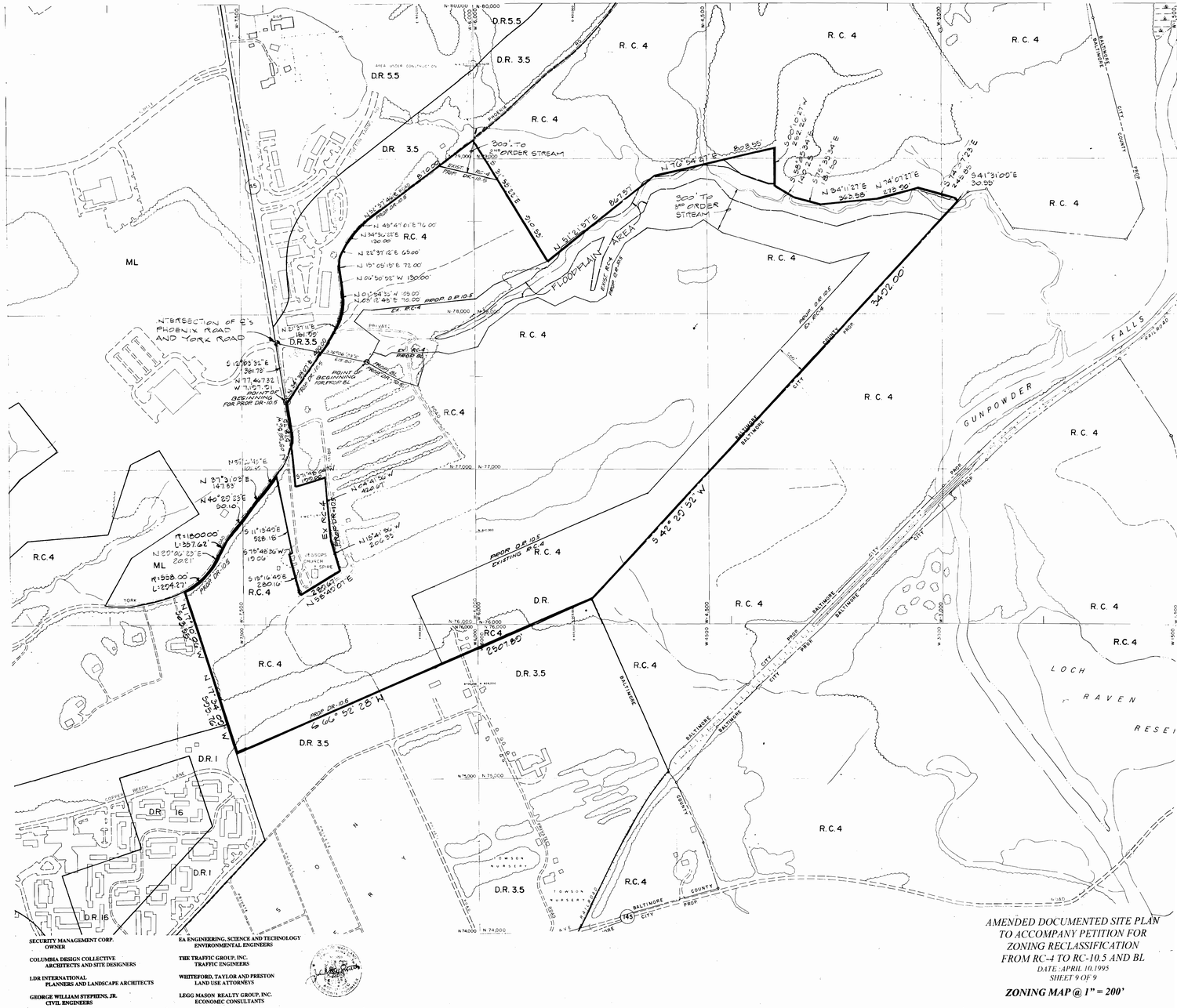
Colvista
A Hillside Community

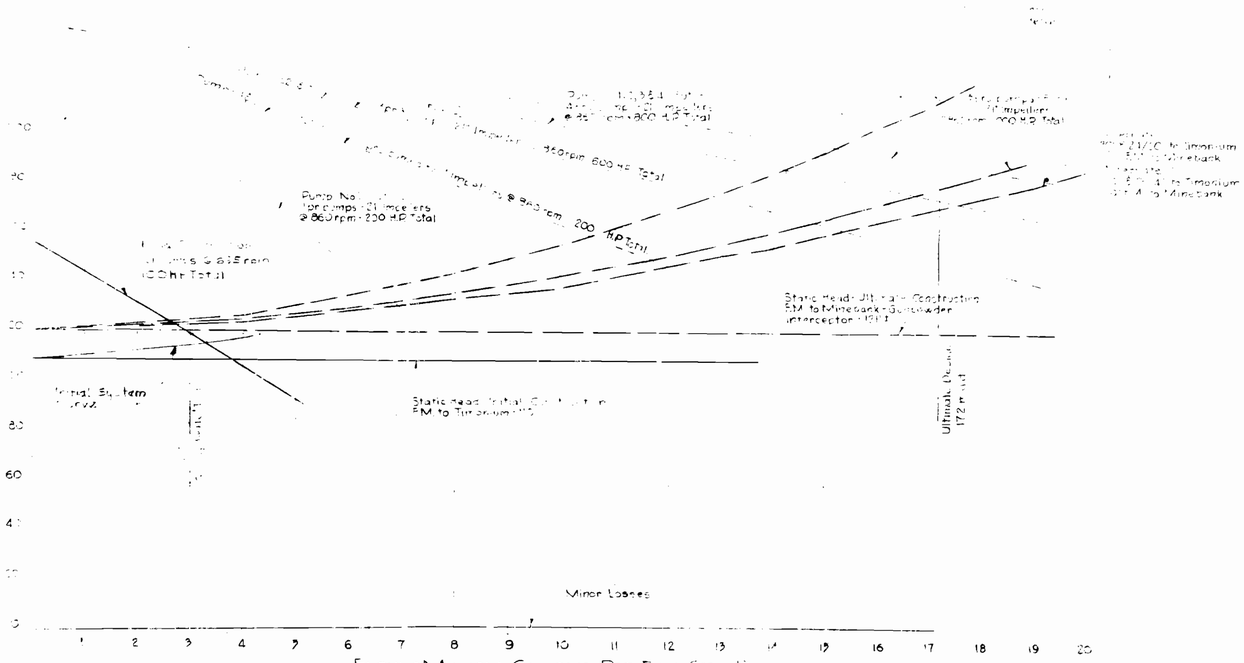
SCALE 1" = 100'
50 0 100 200 300 FEET
CONTOUR INTERVAL 5'

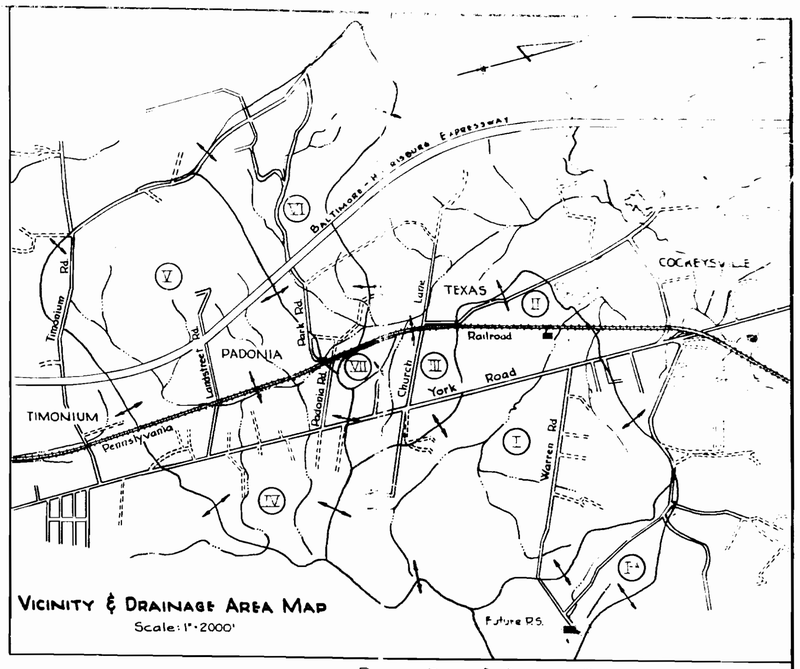
DESIGN COLLECTIVE, INC.

LDR

GWS
GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120


D.R.5.5
D.R. 3.5
R. C. 4
ML
D.R. 5.5
D.R. 3.5
D.R. 3.5
R. C. 4
R. C. 4
R. C. 4





Benchmarks for Construction shall be Baltimore County Bench Mark No. 69 Galvanized spike in macadam shoulder, N. side York Rd., just North of culvert No. 237.8 N=63,850.28 W=6,909.24

Design Data & System Development

Sheds	Gross Area (Acres)	Net Population Density	Ultimate Population	Average Flow Mgd*	Peak Flow Mgd**		
I & [illegible]	1230	14.7	18,900	1.41	3.72		
III IV V & VI	974	7.8	15,196	1.06	3.15		
Area [illegible]							
Current [illegible]	2328	10.3	33,900	2.56	7.30	9.43	

* Average sewage flow based upon 75 gpcd and ultimate population.

** Peak flow based upon 300% of the average flow as recommended by [illegible] to Virginia Regulations & [illegible] dated [illegible] 1959.

Also see Report on the Texas Pumping Station prepared by Whitman, Requardt & Associates dated April 24, 1959.

Location Plan

Scale: 1" = 500'

ROAD PERMIT AND GRADES	
PERMIT REQUESTED	
PERMIT NUMBER	
GRADE ESTABLISHED	
PROFILE NUMBER	

DATE	RIGHT OF WAY REF.
4/1/60	EW 59-106

ENGINEER Whitman, Requardt & Assoc. REG. NO. 2672 DESIGNED LMG DRAWN CRM CHECKED LMG DATE MARCH 1960

DEPARTMENT OF PUBLIC WORKS — APPROVED Albert S. Watkins Jr. DIRECTOR & CHIEF SANITARY ENGINEER — DATE 12/2/60

BUREAU OF ENGINEERING — APPROVED [illegible] CHIEF — DATE [illegible]

STORM DRAINS	WATER	SEWER	HIGHWAYS	STRUCTURES	FINAL LOCATION
DE 9 10-28-60					

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING

TEXAS PUMPING STATION

VICINITY MAP, LOCATION PLAN & SYSTEM CURVE

COCKEYSVILLE 8TH ELECTION DISTRICT

SCALE: AS SHOWN

KEY SHEET — POSITION SHEET — SHEET NO. 2 OF 16

J.O. 1-19-1 60-837 FILE: A-10

MICROFILMED

DATE	REVISION	BY

DRAWING COMPLETED

747-5

P77

DESIGN DATA

Area	Gross Area Acres	Net Population Density	Ultimate Population	Average Flow MGD	Peak Flow MGD	Infiltration MGD	Design Flow MGD
I to IV incl.	10,605	5.75	61,000	4.6	10.4	2.2	12.6
II, III & IV	9,991	6.15	61,000	4.6	10.4	2.2	12.6
III & IV	2,895	11.20	32,424	2.4	6.7	1.2	7.9
IV	2,448	12.00	29,376	2.2	6.1	1.1	7.2

Average sewage flow based upon 75 gal. per capita per day and ultimate Population.
Infiltration based upon 50% of average domestic flow.

A Permit is required before starting any work within any County, State or Federal right-of-way. This Permit may be obtained from the Bureau of Public Roads, Baltimore County Office Building, Towson, Md.

Obstructions shown on this drawing are for the convenience of the Contractor only. The County does not warrant or guarantee the correctness or the completeness of the information given. The Contractor must verify all such information to his own satisfaction.

"THE OUTSIDE OF ALL MANHOLES SHALL BE PROVIDED WITH A COATING OF WATERPROOF BITUMASTIC COMPOUND TO INERTOL OR APPROVED EQUAL FROM THE BASE OF MANHOLE TO THE UNDERSIDE OF THE FRAME COVER"

"CONNECTION OF THE SEWER TO THE EXISTING SYSTEM SHALL NOT BE MADE UNTIL FINAL INSPECTION AND INFILTRATION TEST HAVE BEEN SUCCESSFULLY COMPLETED."

GENERAL NOTES

1. All pipe elevations shown are invert elevations. Q=Invert.
2. For all standard details, see Baltimore County Standard Details.
3. All manholes unless otherwise noted shall be constructed in accordance with the standard manholes shown on Detail S-6 and S-13 of the Standard Details.
4. All manhole walls shall be 12 inches thick for the entire depth.
5. All manhole covers shall be double watertight conforming to standard Detail S-23 or an approved equal.
6. All concrete sewer pipe shall be made of Type II Cement and limestone aggregate. See special provisions for details.
7. Tops of all manholes to be set 1'-0" above existing ground.
8. Soil Borings as shown on the plans were made by Baltimore County Materials Testing Laboratory in April, 1962. Borings shown on these drawings are for the convience of the contractor only.

BENCH MARKS

MARK	ELEVATION	DESCRIPTION
X-5122	249.44	Galvanized spike west of west shoulder York Road, just south John Tyrie Memorials.
G-1	250.34	2 copper nails in Pole #76300 on west side York Road.
G-2	252.14	R.R. spike in 29" tree, 120'± west of hub "Field", 25' north of hub "Line".
G-3	255.07	R.R. spike in 28" tree, 38'± west along, 36'± south of centerline between MH 31435 and MH 31436.
G-4	261.07	R.R. spike in Pole #284864, 40'± east of Wight Avenue, 20'± south of centerline.
G-5	266.80	PK nail in northeast corner post wooden foot bridge, 25'± south of MH 31439.
G-6	271.28	R.R. spike in 14" tree, 100'± along centerline between MH 31440 and MH 31441 on east bank stream.
G-7	273.93	R.R. spike in 30" tree, 15'± east of MH 31442.
G-8	277.92	R.R. spike in 30" tree, 150'± from MH 31443, 40'± south of centerline on stream bank.
G-9	293.93	Cut in top headwall on northwest corner, east side of Baltimore-Harrisburg Expressway.

CONTRACTOR - please notify the Bureau of Engineering (Phone 825-8000, Ext. 311) at least 24 hours before starting work shown on this drawing.

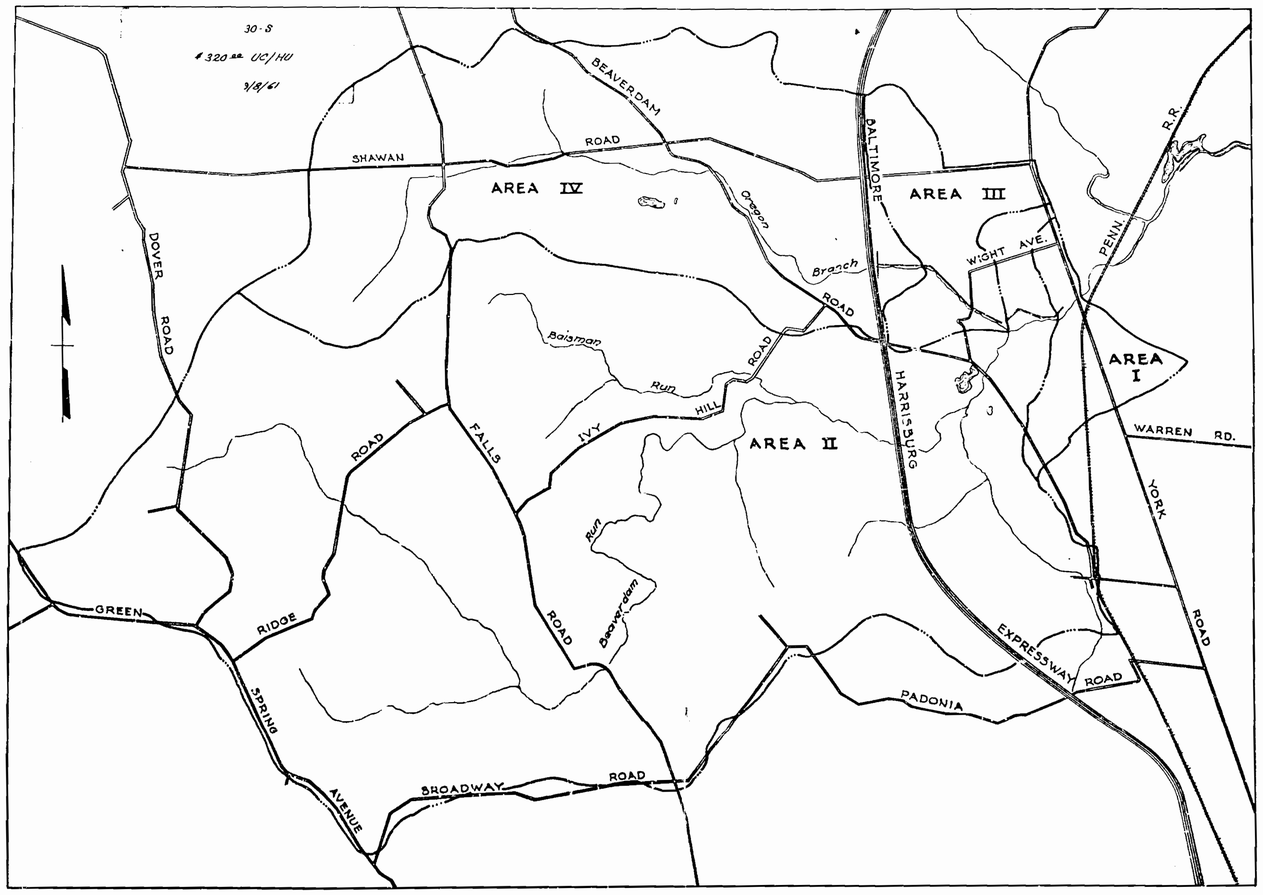
CONTRACTOR - Please notify Baltimore Gas & Electric Co. (Phone 685-0123) at least 3 days before starting work shown on this drawing.

J.O. 1-19-12
Revised As Per
Record Prints
1/9/64 P.C.T.
30" R.C.P. 2345.54
21" R.C.P. 9992.93

SOILS NOTES

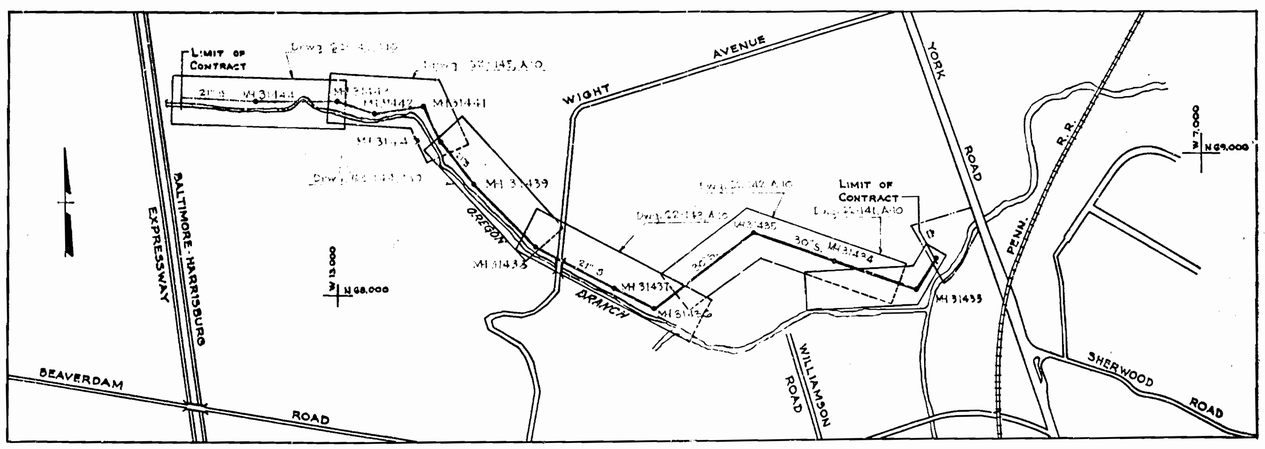
Oregon Branch Interceptor has been FIELD CLASSIFIED ONLY

1. T. S. denotes Top Soil
2. R.M. denotes Root Mat
3. [illegible] denotes Refusal (Rock)
4. M.S. denotes Moistura Sample
5. A.Opt. denotes Above Optimum Moisture
6. B.Opt. denotes Below Optimum Moisture
7. Sat. denotes Saturation



DRAINAGE AREA MAP

Scale: 1" = 2000'



LOCATION MAP

Scale: 1" = 500'

MICROFILMED

D.P.W. Directive No. 1543
ROAD PERMIT AND GRADES
PERMIT REQUESTED
PERMIT NUMBER
GRADE ESTABLISHED
PROFILE NUMBER

DATE	RIGHT OF WAY REP.

ENGINEER J. E. Greiner Company
REG. NO. PE 2514 DESIGNED G.H.E.
DATE 6-21-62 DRAWN E.R.A.
CHECKED K.K.

DEPARTMENT OF PUBLIC WORKS
APPROVED [signature] DIRECTOR & CHIEF SANITARY ENGINEER
DATE 9/21/62

BUREAU OF ENGINEERING
APPROVED [signature] CHIEF
DATE 7/14/64

	STORM DRAINS	WATER	SEWER	HIGHWAYS	STRUCTURES	FIELD LOCATION
	[illegible]	6-21-62	[illegible]	[illegible]	[illegible]	[illegible]

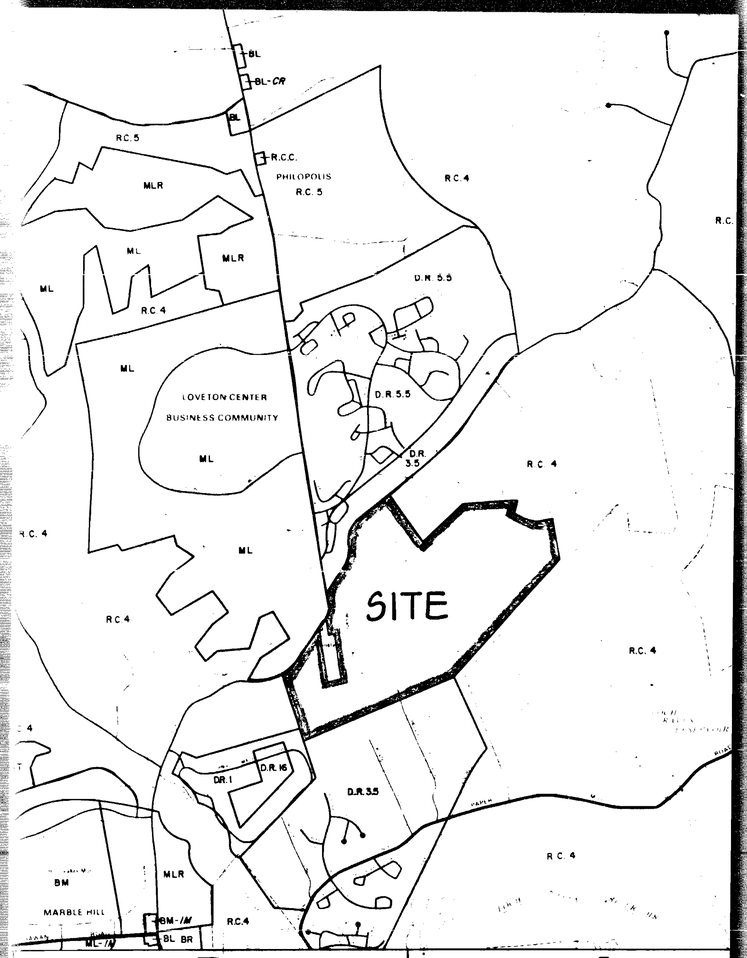
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING

21" & 30" GRAVITY SEWER
OREGON BRANCH INTERCEPTOR
Cockeysville Pump Station to Baltimore-Harrisburg Expressway
8th ELECTION DISTRICT COCKEYSVILLE

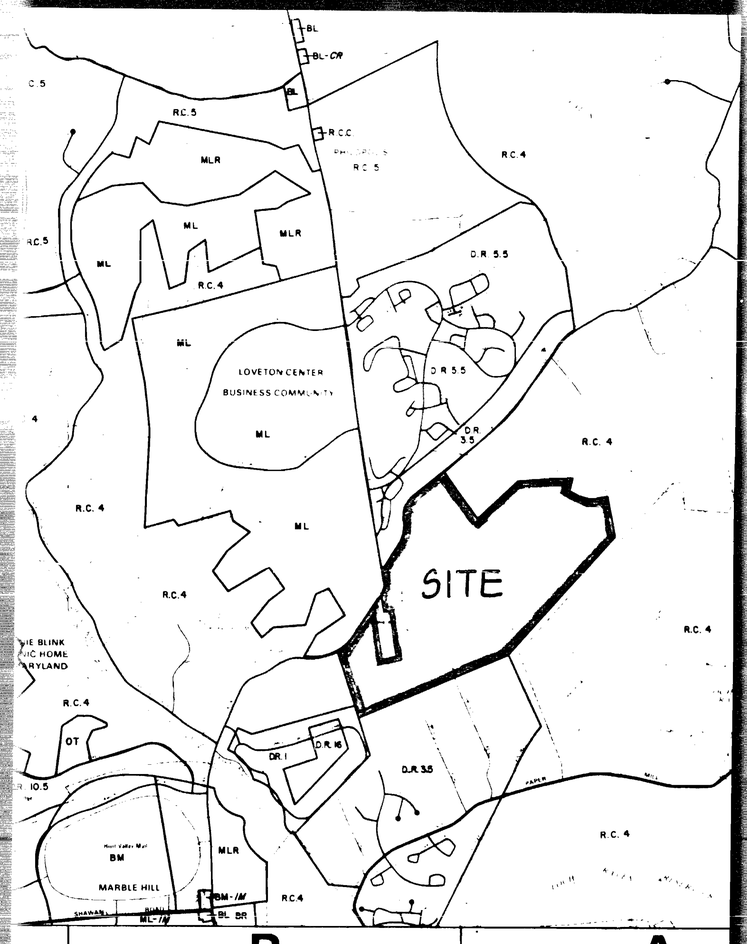
DATE	REVISION	BY
	ADJ. CO-ORDS. & ELEVATIONS MH 31434, MH 31435 W.S. MCPAIKE	
DRAWING COMPLETED		

SCALE As Shown
KEY SHEET V-3E
POSITION SHEET
SHEET NO. 1 OF 7
J.O. 1-19-12
62-140
FILE: A 10

MICROFILMED 841-S P78

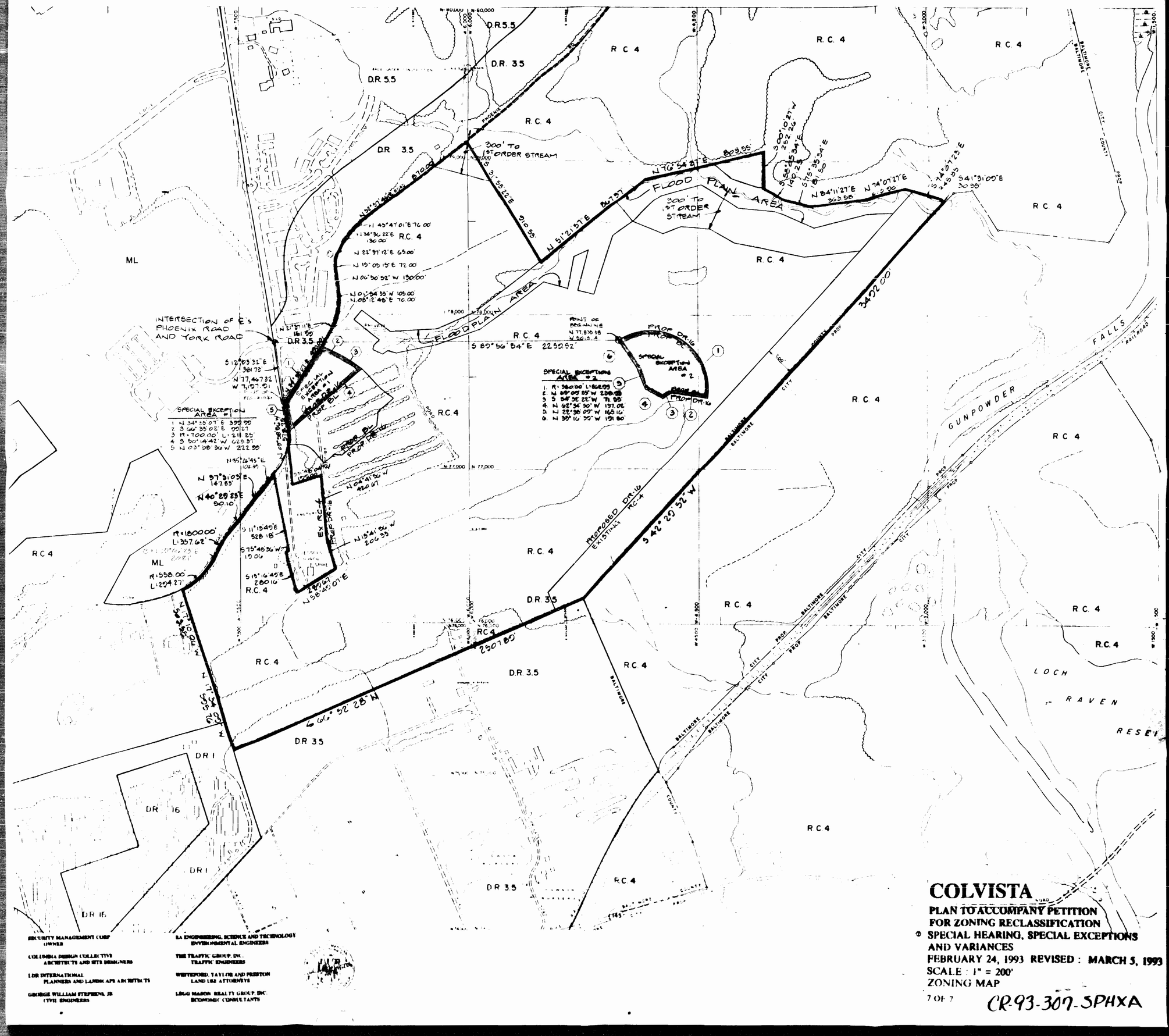


PART OF BALTIMORE COUNTY
ZONING MAP C-2
SHOWING
COLVISTA
ZONING RECLASSIFICATION SITE
SCALE : 1" = 1000'
DATE : FEBRUARY 24, 1993



PART OF BALTIMORE COUNTY
ZONING MAP C-2
SHOWING
COLVISTA
ZONING RECLASSIFICATION SITE
SCALE : 1" = 1000'
DATE : APRIL 10, 1995

CR-93-307-SPHXA REV 4/11/95



SECURITY MANAGEMENT CORP
OWNER

COLUMBIA DESIGN COLLECTIVE
ARCHITECTS AND SITE DESIGNERS

LDR INTERNATIONAL
PLANNERS AND LANDSCAPE ARCHITECTS

GEORGE WILLIAM STEPHENS, JR
CIVIL ENGINEERS

EA ENGINEERING, SCIENCE AND TECHNOLOGY
ENVIRONMENTAL ENGINEERS

THE TRAFFIC GROUP, INC.
TRAFFIC ENGINEERS

WHITEFORD, TAYLOR AND PRESTON
LAND USE ATTORNEYS

LEGG MASON REALTY GROUP, INC.
ECONOMIC CONSULTANTS

COLVISTA

PLAN TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION
SPECIAL HEARING, SPECIAL EXCEPTIONS AND VARIANCES
FEBRUARY 24, 1993 REVISED : MARCH 5, 1993
SCALE : 1" = 200'
ZONING MAP

7 OF 7

CR-93-307-SPHXA

MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE

DINT OF BEGINNING
R PROPOSED DR-10.5
NT OF BEGINNING
OR PROPOSED BL

EXISTING ML

LOCATION OF YORK ROAD

YORK ROAD

LOVETON FARMS 53 17, 63 12

PATRICIA K KAESTNER 2025 48 2.9 Ac (VACANT) DR 3.5

LOVETON FARMS 57 48, 65 12 DR 3.5

BALTIMORE COUNTY PUMPING STATION R W 83-070-1 6525 380 DR 3.5

PHOENIX ROAD

EXISTING DR-3.5
PROPOSED DR-10.5

EXISTING R.C.4
PROPOSED DR-10.5

S.W.M. AREA #5

CORA E. FELDMAN 1519 55 RC-4

EXISTING R.C.4
PROP BL

EXISTING R.C.4
PROPOSED DR-10.5

MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE

MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE

S.W.M. AREA #4

S.W.M. AREA #2

PROPOSED DR-10.5
EXISTING R.C.4

MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE

EXISTING R.C.4
PROPOSED DR-10.5

S.W.M. AREA #3

PROPOSED D.R. 10.5
EXISTING R.C. 4

MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE

CORA E. FELDMAN 1519 55 RC-4

HUNTERS RUN PLATS SS 30 61 32 67 74 69 SS 60 82

EXISTING DR-3.5
EXISTING RC-4

MAYOR AND CITY COUNCIL LOCH RAVEN RESERVOIR

MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE

BUILDING TYPES

BUILDING TYPE 1
ELEVATOR FLATS

BUILDING TYPE 2
WALK-UP FLATS WITH GARAGE

BUILDING TYPE 3
CARRIAGE HOMES

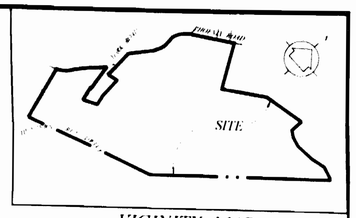
BUILDING TYPE 4
GARAGE FLATS

BUILDING TYPE 5
CONVENTIONAL TOWNHOMES

BUILDING TYPE 6
3-LEVEL TOWNHOME WITH GARAGE

BUILDING TYPE 7
COMMUNITY RETAIL CENTER

BUILDING TYPE 8
COMMUNITY CENTER



VICINITY MAP
SCALE 1" 1000'

AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL

APRIL 10, 1995
SHEET 1 OF 9

PROPOSED SITE PLAN

CR-93-307-5PHXA
REV 4/11/95

Colvista
A Hillside Community

YORK ROAD

PROPOSED RELOCATION OF YORK ROAD

MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE

POINT OF BEGINNING FOR PROPOSED DR-10.5

POINT OF BEGINNING FOR PROPOSED BL

EXISTING ML

FEDERAL LAND BANK OF BALTIMORE 5894 860/917 ???

LOVETON FARMS 53/17, 63/12

PATRICIA K. KAESTNER 2025/48 2.9 Ac. (VACANT) DR 3.5

LOVETON FARMS 57/48, 65/12 DR 3.5

BALTIMORE G... PUMPING S... R/W 83-... 6525 3... DR 3...

PHOENIX R...

EXISTING DR-3.5
PROPOSED DR-10.5

EXISTING R.C.4
PROPOSED DR-10.5

EXISTING R.C.4

PROP BL.

PROP DR-10.5

EXISTING ML
EXISTING R.C.4

EXISTING R.C.4
PROPOSED DR-10.5

EXISTING R.C.4
EXISTING DR-1

EXISTING DR-1
EXISTING DR-3.5

PROPOSED DR-10.5
EXISTING R.C.4

PROPOSED DR-10.5
EXISTING DR-3.5
HUNTERS RUN DRIVE

EXISTING DR-3.5
EXISTING R.C.4

MICHAEL J. & HELEN J. GOSTIAN 2015/35 R.C.4

BROADMEAD COMMUNITY PLAT E, 22 R.C.4

JESSOPS METHODISTS CHURCH

MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE

HUNTERS RUN PLATS 58/50, 61/22, 62/147, 60/53, 60/54

MAYOR AND CITY COUNCIL LOCH RAVEN RESERVOIR

S.W.M. AREA #1

S.W.M. AREA #2

S.W.M. AREA #3

S.W.M. AREA #5

GW'S

DESIGN DATA & SYSTEM DEVELOPMENT

AREAS	GROSS AREA (ACRES)	NET POPULATION DENSITY	ULTIMATE POPULATION	AVERAGE FLOW M.G.D.*	PEAK FLOW M.G.D.	INFILTRATION M.G.D.**	DESIGN FLOW M.G.D.
1 & 2	535	9.7	5,190	0.39	1.35	0.20	1.55
4	2,757	6.4	17,920	1.34	4.00	0.67	4.67
3.5 & 6	1,198	3.8	4,552	0.34	1.20	0.17	1.37
7	5,617	6.0	33,702	2.52	6.74	1.26	8.00
Pump Sta.	17.01	9.0	17610	1.32 ~~9.71~~ 4.21		0.71	4.92
Design only Areas 1-7	10,107	6.09	61,321	4.59	10.5	2.3	12.8

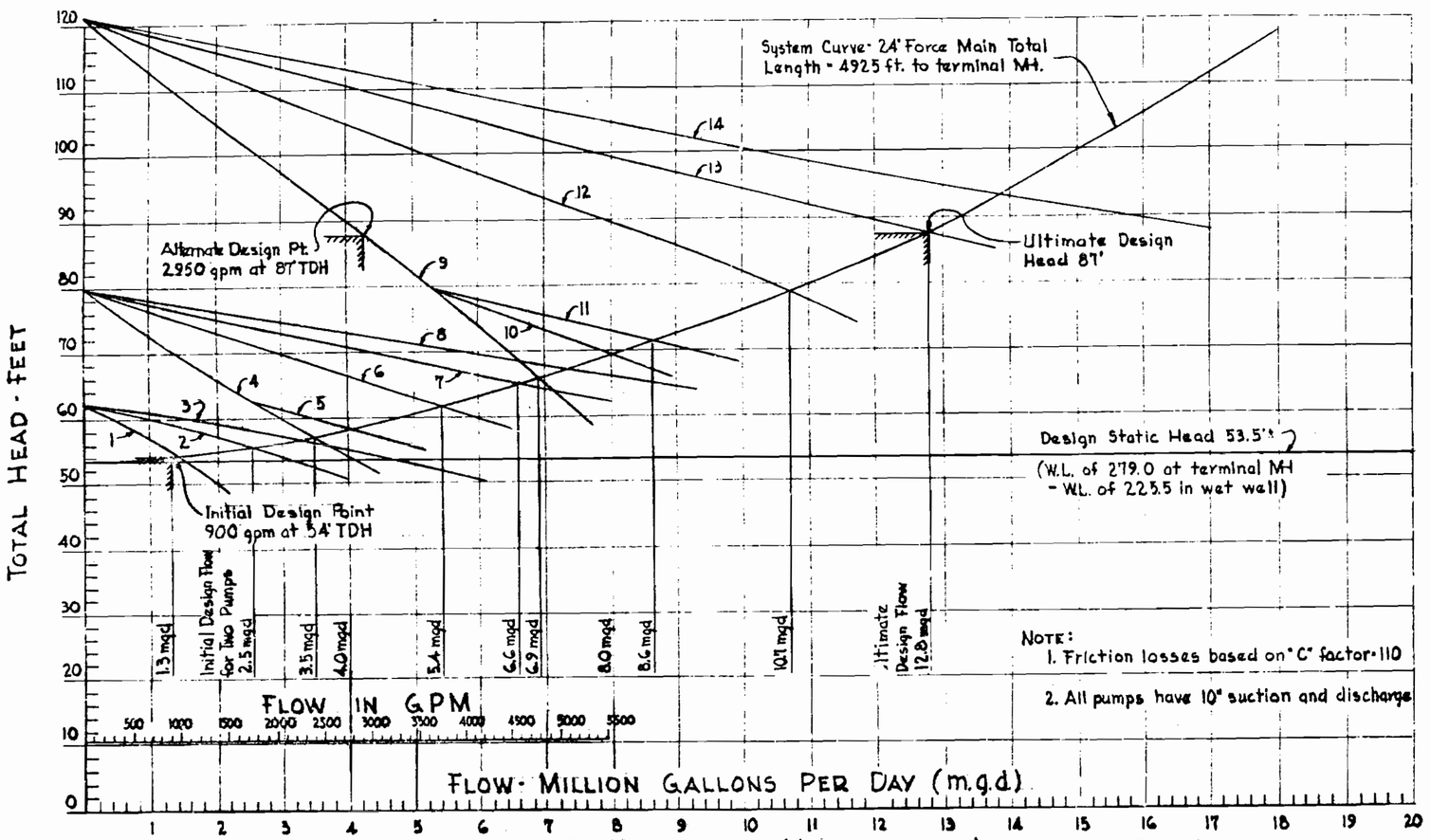
* Average sewage flow based upon 75 gal. per capita per day and ultimate population.

** Infiltration based upon 50% of the average domestic flow. Areas refer to "Report on the Cockeysville Sewage Pumping Station and Force Main" prepared by Whitman, Requardt and Associates dated August 2, 1960.

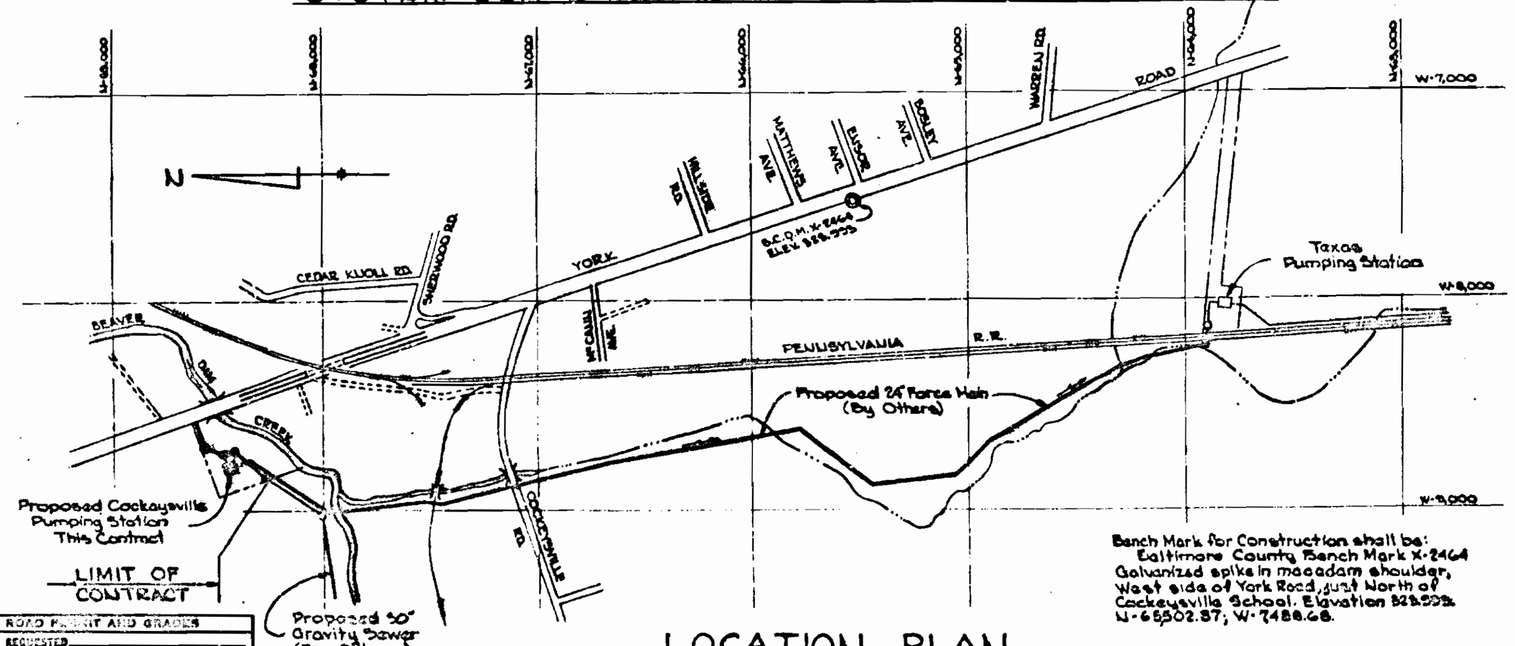
BASED ON ZONING

LEGEND

1. One pump @ 695 rpm, 30 H.P. motor and 19"± Impellers.
2. Two pumps each 695 rpm, 30 H.P. motor and 19"± Impellers.
3. Spare pump @ 695 rpm and 30 H.P. motor with Operation 2.
4. One pump @ 695 rpm, 50 H.P. motor and 21"± Impellers.
5. Two pumps- 1 pump @ 695 rpm with 50 H.P. motor and 1 pump @ 695 rpm with 30 H.P. motor.
6. Two pumps each 695 rpm, 50 H.P. motor and 21"± Impellers.
7. Three pumps each 695 rpm and 50 H.P. motor.
8. Spare pump @ 695 rpm and 50 H.P. with Operation 7.
9. One pump @ 860 rpm, 100 H.P. motor and 21"± Impellers.
10. Two pumps- 1 pump @ 860 rpm with 100 H.P. motor and 1 pump @ 695 rpm with 50 H.P. motor.
11. Three pumps- 1 pump @ 860 rpm with 100 H.P. motor and 2 pumps each @ 695 H.P. with 50 H.P. motors.
12. Two pump operation each 860 rpm and 100 H.P. motor.
13. Three pump operation each 860 rpm and 100 H.P. motor.
14. Spare pump @ 860 rpm and 100 H.P. motor with Operation 13.



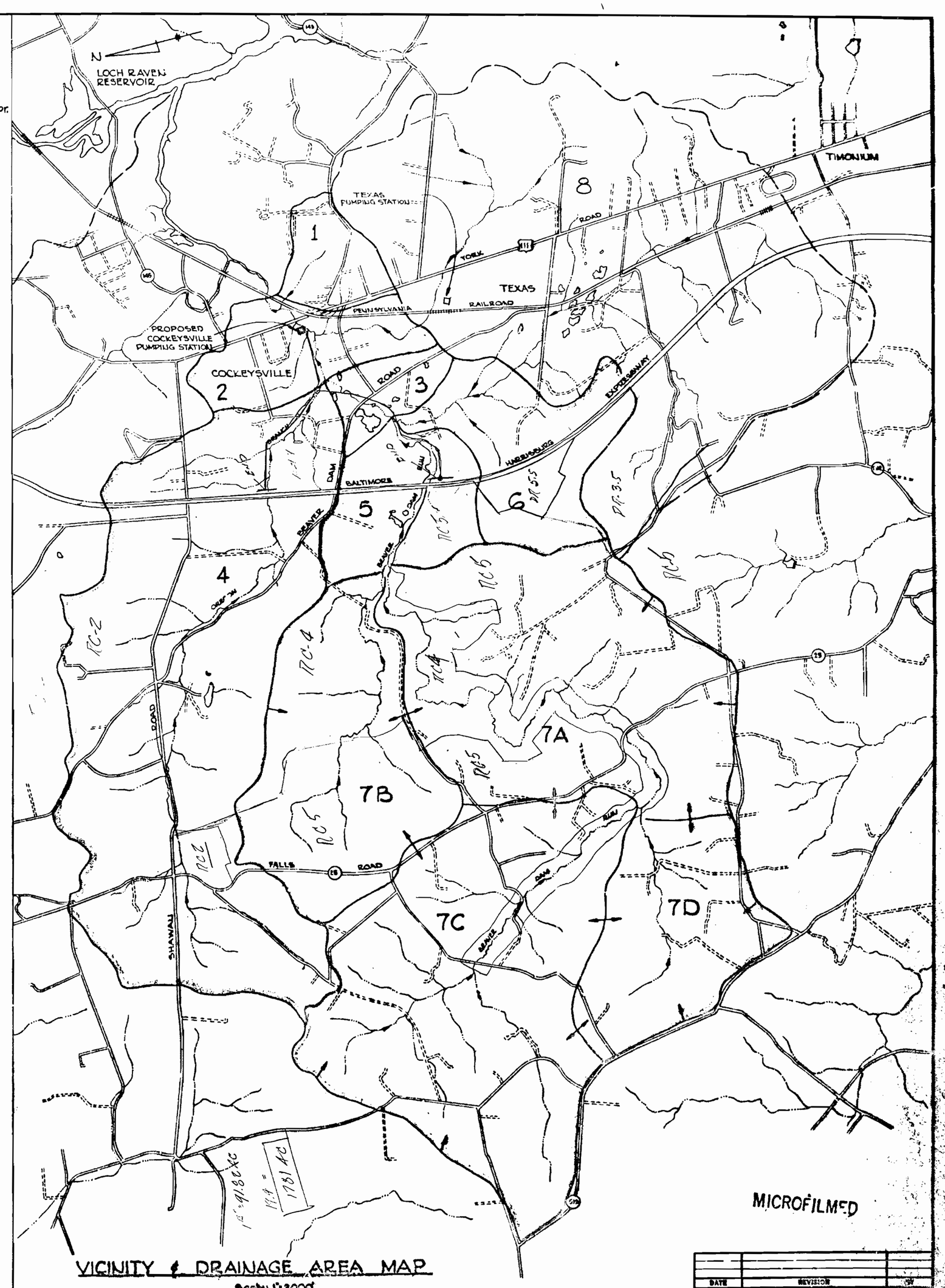
SYSTEM CURVE INITIAL AND ULTIMATE INSTALLATION



LOCATION PLAN

Scale: 1" = 500'

Bench Mark for Construction shall be: Baltimore County Bench Mark X-2464 Galvanized spike in macadam shoulder, West side of York Road, just North of Cockeysville School. Elevation 288.705. N-65502.87; W-7488.68.



VICINITY & DRAINAGE AREA MAP

Scale: 1" = 2000'

MICROFILMED

ROAD PERMIT AND GRADE
PERMIT REQUESTED
PERMIT NUMBER
GRADE ESTABLISHED
PROFILE NUMBER

DATE | RIGHT OF WAY REV.

ENGINEER: Whitman, Requardt and Assoc.
REG. NO. 339 | DESIGNED E.B.N.
DATE 5-9-62 | DRAWN R.A.C. | CHECKED R.B.A.

DEPARTMENT OF PUBLIC WORKS
APPROVED: DIRECTOR & CHIEF SANITARY ENGINEER
DATE 5/9/62

BUREAU OF ENGINEERING
APPROVED: CHIEF
DATE 5/7/62

	STORM DRAINS	WATER	SEWER	HIGHWAYS	STRUCTURES	FIELD LOCATION
		1-7-63		5-7-62	Colonels	5/7
		5-7-62		5-7-62	5/7/62	5/7/62

BALTIMORE COUNTY — DEPARTMENT OF PUBLIC WORKS — BUREAU OF ENGINEERING

COCKEYSVILLE PUMPING STATION

VICINITY & DRAINAGE MAP, LOCATION PLAN & SYSTEM CURVES

8TH ELECTION DISTRICT — COCKEYSVILLE

SCALE AS SHOWN

KEY SHEET —

POSITION SHEET —

SHEET NO. 2 OF 18

J.O. 1-15-C
62-450
FILE A-10

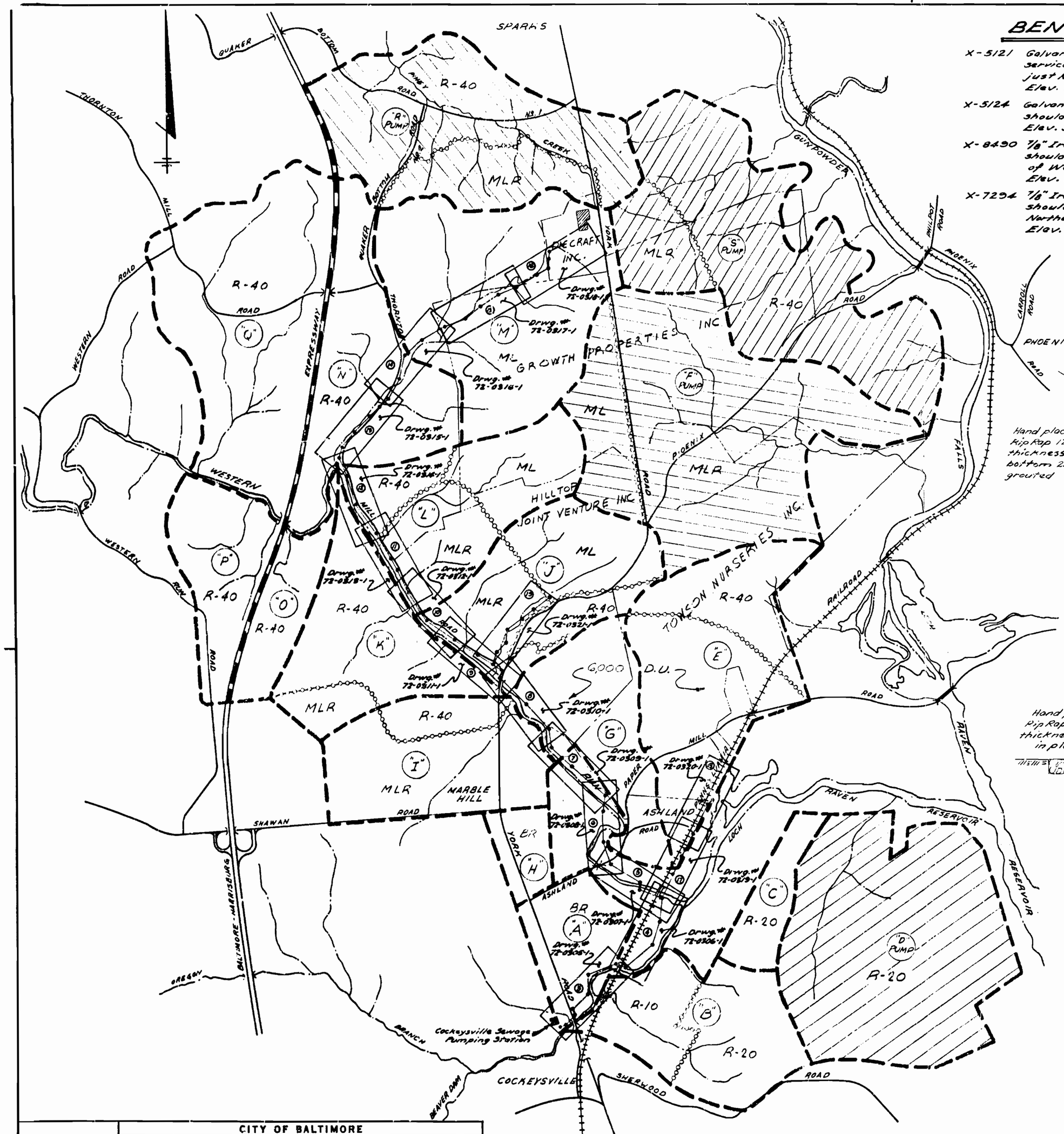
DATE | REVISION | BY

DRAWING COMPLETED

W.O. 4904-E

817-9

P79


SPARKS
QUAKER
BOSTON
THORNTON
HILL
ROAD
WESTERN
RUN
ROAD
R-40
MLR
ML
MLR
R-40
R-40
R-40
R-40
R-40
R-40
R-40
R-40
R-40
R-40
R-20
R-20
R-20
R-10
R-10
R-40
R-40
R-40
R-40
R-40
R-40
R-40
R-40
R-40
R-40

negligence due to his claimed failure to communicate that he was HIV-positive. We, therefore, must find, as to these negligence counts, that appellants alleged sufficient facts in their complaints to survive the appellees' motions to dismiss.

D

[11–13] We next consider whether the appellants have stated a cause of action in negligence against appellee Hopkins Hospital. Like any other employer, a hospital is responsible under agency principles for the negligence of its servants or employees; this vicarious liability extends to any apparent agents whom a hospital represents as its employees. *Mehlman v. Powell*, 281 Md. 269, 378 A.2d 1121 (1977); *Franklin v. Gupta*, 81 Md.App. 345, 567 A.2d 524 (1990). The existence of an agency relationship is a question of fact which must be submitted to the factfinder if any legally sufficient evidence tending to prove the agency is offered. *P. Flanigan & Sons, Inc. v. Childs*, 251 Md. 646, 652, 248 A.2d 473 (1968); *Hamilton v. Caplan*, 69 Md.App. 566, 575, 518 A.2d 1087 (1987).

Appellants here alleged that Hopkins represented that Dr. Almaraz was its agent; that they believed that he was its agent; and that they relied on this representation and Hopkins' excellent medical reputation in selecting Almaraz as their surgeon. Because it is undisputed that Almaraz enjoyed "operative privileges" at Hopkins, we cannot say as a matter of law that the facts alleged in the appellants' complaints are legally insufficient on their face to aver an agency relationship. Thus, the trial court erred in dismissing appellants' basic negligence complaints against Hopkins.

V

In view of our disposition of the basic negligence counts grounded on Dr. Almaraz's asserted failure to warn the appellants of his infected condition, and because the damages claimed on all counts are essentially the same, the trial judge erred in dismissing the other counts as well. As we see it, after viewing the allegations of the complaints in support of these counts, dismissal was not appropriate in the circumstances.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY DISMISSING THE COMPLAINTS REVERSED; CASE REMANDED TO THAT COURT FOR FURTHER PROCEEDINGS NOT INCONSISTENT WITH THIS OPINION. COSTS TO BE PAID BY THE APPELLEES.

---

620 A.2d 340

Woodrow W. VEST

v.

GIANT FOOD STORES, INC. et al.

No. 68, Sept. Term, 1992.

Court of Appeals of Maryland.

March 9, 1993.

Claimant sought review of the Workers' Compensation Commission's refusal to reopen prior award of temporary total and partial disability benefits. The Circuit Court for Prince George's County, Darlene G. Perry, J., granted employer's motion for summary judgment. Claimant appealed. The Court of Special Appeals, 91 Md.App. 570, 605 A.2d 627, affirmed. Certiorari was granted. The Court of Appeals, Chasanow, J., held that limitation period for reopening prior award began to accrue on date of last payment of compensation.

Affirmed.

1. Statutes ⇐181(1)

When interpreting statute's provisions, Court of Appeals' goal is to ascertain and effectuate intention of legislature.

2. Statutes ⇐188

Primary source from which to determine legislature's intent for statutory interpretation is language of statute itself.

3. Statutes ⇐205

In determining meaning of statutory provisions, statute must be examined as a whole and interrelationship or connection among all of its provisions is considered.

4. Workers' Compensation ⇐52

When interpreting Workers' Compensation Act, if there is any ambiguity in statute's language, Court of Appeals generally construes Act as liberally in favor of injured employees as its provisions will permit in order to effectuate its benevolent purposes. Code 1957, Art. 101, § 1 et seq. (Repealed).

5. Workers' Compensation ⇐1784

Disability benefits awarded by Workers' Compensation Commission, without hearing based upon evidence in record, were "awards of compensation" under Workers' Compensation Act such that limitation period for reopening award began on date of last payment of such compensation, regardless of whether award was designated final or nonfinal, temporary or permanent; award was based on findings as record contained all evidence necessary to find all elements of claim. Code 1957, Art. 101, § 40(a, c) (Repealed).

6. Workers' Compensation ⇐1784

Workers' Compensation Commission did not have power to toll five-year limitation period for reopening prior award of worker's compensation by including written reservation of jurisdiction in its award of compensation. Code 1957, Art. 101, § 40(c) (Repealed).

7. Administrative Law and Procedure ⇐305

An agency cannot bypass statutory restrictions on its own authority or extend the provisions of its enabling statute beyond the clear import of that statute's language.

8. Workers' Compensation ⇐1779

Limitations period for modifications to prior awards begins on last date of payment of compensation under initial award, regardless of whether award is temporary or permanent. Code 1957, Art. 101, § 40(c) (Repealed).

Luiz R.S. Simmons, on brief, Silver Spring, for petitioner.

Christopher R. Costabile, on brief, Fairfax, VA, for respondents.

Argued before MURPHY, C.J., and ELDRIDGE, RODOWSKY, McAULIFFE, CHASANOW, KARWACKI and ROBERT M. BELL, JJ.

CHASANOW, Judge.

The issue before us is the interpretation of Maryland Code (1957, 1985 Repl.Vol.), Article 101, § 40(c),[1] which

---

1. Hereinafter all statutory references are to Maryland Code (1957, 1985 Repl.Vol.), Article 101, unless otherwise indicated. We also note that in 1991 the General Assembly recodified Article 101, § 40, as Md.Code (1991), Labor & Employment Article, § 9-736. *See* Chapter 8 of the Acts of 1991, § 2. Section 9-736 of the Labor & Employment Article provides:

"(b) *Continuing powers and jurisdiction; modification.*—(1) The Commission has continuing powers and jurisdiction over each claim under this title.

(2) Subject to paragraph (3) of this subsection, the Commission may modify any finding or order as the Commission considers justified.

(3) Except as provided in subsection (c) of this section, the Commission may not modify an award unless the modification is applied for within 5 years after the last compensation payment.

(c) *Estoppel; fraud.*—(1) If it is established that a party failed to file an application for modification of an award because of fraud or facts and circumstances amounting to an estoppel, the party shall apply for modification of an award within 1 year after:

(i) the date of discovery of the fraud; or

(ii) the date when the facts and circumstances amounting to an estoppel ceased to operate."

According to the Revisor's Note this provision is "new language derived without substantive change from former Art. 101, § 40(b) through (d)." We apply former § 40 since this case arose prior to the

acknowledged that the 1931 version's one-year limitations period barred reopening of a final award after the statutory period had run. Thirty-one years later, in *Vigneri v. Mid City Sales Co.*, 235 Md. 361, 201 A.2d 861 (1964), the Court addressed the limitations period under the 1935 amendments. In *Vigneri*, the claimant had last received a payment of compensation on November 5, 1954 under an award that the parties conceded was not final. On December 28, 1958, he petitioned to reopen his case to reconsider the nature and extent of his disability. This Court applied the three-year limitations provision as amended in 1935 to decide that the request to reopen should have been denied. *Id.* at 364, 201 A.2d at 862. The award's lack of finality was immaterial to the Court's decision.

In 1957 the General Assembly recodified the Act into the form at issue here. Ch. 814 of the Acts of 1957 (codified as amended at Md.Code (1957), Art. 101, § 40(c)).[3] The recodified § 40(c) makes no reference to "final" or "non-final" awards; it simply condenses the previously separate provisions for final and non-final awards into a single clause. The evolution of § 40(c), as evidenced by the statute's plain language and its history, makes clear that the award's finality is immaterial. Therefore, we hold that the five year limitations period under § 40(c) begins to run after the last payment under an award of compensation whether or not the award is designated as final.

V.

[6] Vest suggests still another reason why the limitations period should be tolled. He argues that " '[i]f, either by the form of the Commission's order or by express statutory provision, continuing jurisdiction has been reserved over an award, it does not achieve finality and is therefore not subject to the limitations on reopening applicable to final awards....' " (quoting 2 A. Larson, *Workmen's Compensation* § 81.50, at 15–109 to 15–110 (Desk ed. 1976)). Because the Award of Compensation included a statement that "this award is subject to further determination by this Commission as to whether the Claimant has sustained any permanent disability," Vest contends that the Commission reserved continuing jurisdiction and thus tolled the limitations period. We disagree.

3. The General Assembly extended the limitations period from three to five years in 1969. Ch. 116 of the Acts of 1969.

The Maryland Workers' Compensation Act's reopening provision is broad. *See Subsequent Injury Fund v. Baker*, 40 Md.App. 339, 345, 392 A.2d 94, 98 (1978) (characterizing Maryland's reopening provisions as "one of the broadest"). It provides that "[t]he powers and jurisdiction of the Commission over each case shall be continuing, and it may ... make such modifications or changes with respect to former findings or orders ... as in its opinion may be justified[.]" § 40(c). The Commission's power to reopen awards, however, is expressly limited with respect to the time during which it may exercise that power. Section 40(c) grants the Commission continuing jurisdiction enabling it to reopen prior awards, but it also limits the exercise of that jurisdiction to a five-year period. After five years from the last payment of compensation, § 40(c) divests the Commission of any authority to exercise its otherwise broad reopening powers. *See Public Serv. Comm'n v. Kolb's Bakery & Dairy*, 176 Md. 191, 195, 4 A.2d 130, 132 (1939) (where a legislative grant of authority provides an agency with limited jurisdiction, that grant will be strictly construed).

Vest contends that the Commission has the ability to toll the operation of the limitations period by including a written reservation of jurisdiction in its Award of Compensation, and did so in this case. We cannot adopt this interpretation. First, it is evident that the Commission did not construe its 1981 Award as reserving continuing jurisdiction. This appeal was brought because the Commission itself found that the limitations period barred reopening of Vest's Award. In any event, such a reservation, even if intended by the Commission, is wholly inconsistent with § 40(c). The Commission cannot bypass the statutory re-

striction on its authority. An agency "cannot override the plain meaning of the statute or extend its provisions beyond the clear import of the language employed." *St. Dep't. of A. & T. v. Greyhound Computer Co.*, 271 Md. 575, 589, 320 A.2d 40, 47 (1974); *see also Supervisor v. Chase Associates*, 306 Md. 568, 579, 510 A.2d 568, 573 (1986); *Macke Co. v. Comptroller*, 302 Md. 18, 22–23, 485 A.2d 254, 257 (1984). It is clear from the history of § 40(c) that, by enacting a limitations provision, the General Assembly restricted the Commission's ability to exercise its authority to reopen prior awards. The Commission cannot bypass this restriction merely by *sua sponte* inserting a clause in an award of compensation.

VI.

[7] Vest's final argument focuses on the classification of the January 1981 Award as an award for temporary disability, rather than for permanent disability. Vest argues that the limitations period of § 40(c) does not apply to a request to reopen a case where the Commission rendered no findings "with respect to the issue of the nature and extent of permanent partial disability." Vest's interpretation of § 40(c), however, is again inconsistent with the language of the Act and with applicable precedent.

[8] The plain language of § 40(c) provides that "no modifications or change of *any* award of compensation" may be made after the limitations period has expired. (Emphasis added). No distinction is made between awards for temporary or permanent disability. In fact, the term "compensation" by definition encompasses payments for *both* temporary and permanent disability. § 36(1)–(3) & (6). Accordingly, all modifications to prior awards, regardless of whether these awards are temporary or permanent, must be sought within five years of the last payment of compensation under the initial award.

Prior decisions refute Vest's contention that whether the disability is temporary or permanent affects the limitations

period. In *Ireland v. Shipley*, decided when the limitations period applied only to "final" awards, the claimant contended that because his award was described as temporary it was not a "final award" subject to the limitations period. He sought to reopen the award, claiming his disability had become permanent. We rejected his argument, noting:

> "It is true that in his claim [the claimant] described the disability as temporary, and that in the physician's report filed with the claim [the disability] is described as temporary, but that did not make the award any less final. What the commission considered under the claim was the extent and duration of the disability due to the injury, and it undertook by its award to finally deal with that question in the light of the evidence before it. The fact that that evidence was erroneous did not affect the quality of the award as to finality, but merely gave the claimant a privilege to ask that the case be reopened. But the award did finally decide the case which the claimant brought before the commission, which was, what compensation he was entitled to receive for the disability caused by the injury."

Ireland, 165 Md. at 103, 166 A. at 596.

Vigneri v. Mid City Sales Co. also supports our holding that it is the date of the last payment of compensation, not the nature of the disability, that determines when the limitations period commences. In *Vigneri*, the claimant received an award for temporary total disability. Three years after the limitations period had run, he sought to reopen the award to redetermine "the nature and extent of his disability." We found that the limitations period of § 40(c) barred reopening of the award, regardless of whether it was for a temporary or permanent disability. We simply looked to the date that the claimant last received compensation to determine when the limitations period commenced. *Vigneri*, 235 Md. at 364, 201 A.2d at 862.

In sum, we conclude that the limitations period in Vest's case began to run from the date of the last payment of compensation, April 5, 1982, without regard to whether the

BOUSE v. HUTZLER.

No. 42.

Court of Appeals of Maryland.

June 17, 1942.

1. Taxation ⇐856

The state inheritance tax is not a tax on decedent's property, but is a tax on its transfer, and is imposed on the privilege of becoming a beneficiary under a will or of succeeding to an inheritance. Code 1939, art. 81, § 110.

2. Taxation ⇐890

An executor of decedent's estate is charged with payment of state inheritance taxes to register of wills for the use of the state. Code 1939, art. 81, § 112.

3. Taxation ⇐856, 890

The state inheritance tax is a "charge" against each distributive share according to its value, and the executor must pay the tax out of the legacy or with money collected from the legatee. Code 1939, art. 81, § 112.

See Words and Phrases, Permanent Edition, for all other definitions of "Charge".

4. Taxation ⇐891

A testator has a right to direct that state inheritance tax be paid out of residuary estate.

5. Taxation ⇐895(1)

Where testator bequeaths a specific legacy and directs that the inheritance tax shall be paid from the residuary estate, the tax is calculated not on the specific amount alone, but on the specified amount plus such an amount that, after the tax is calculated on the total and deducted therefrom, the legatee will receive the specified amount free from tax. Code 1939, art. 81, §§ 110, 112.

6. Taxation ⇐864

Under statute imposing collateral inheritance tax on the "clear value" of property transferred by will, the quoted term means the net value after payment of all debts and expenses of administration, and inheritance taxes are calculated on actual value of all property received. Code 1939, art. 81, §§ 110, 111.

See Words and Phrases, Permanent Edition, for all other definitions of "Clear Value".

7. Taxation ⇐865

Under statutes imposing collateral inheritance tax on clear value of property transferred by will, and statute providing that inheritance tax should apply to all tangible or intangible property passing at death of decedent, the word "property" is construable as including obligations, rights and other intangibles as well as physical things. Code 1939, art. 81, §§ 110, 111.

See Words and Phrases, Permanent Edition, for all other definitions of "Property".

8. Taxation ⇐864

Where testatrix bequeathed specific legacies and directed that collateral inheritance taxes should not be deducted therefrom, but should be paid out of residue of the estate, the "clear value" of the property bequeathed by the testatrix, which was subject to collateral inheritance tax, was the sum which, after deducting amount necessary for payment of collateral inheritance taxes, yielded the amount of the specific legacies. Code 1939, art. 81, §§ 110, 111.

9. Statutes ⇐218, 219

Where language of statute is ambiguous and susceptible of two reasonable constructions, a long and unvarying administrative practice has a persuasive influence if not an entirely controlling effect on the judicial construction of the statute, but the rule of contemporaneous construction does not preclude an inquiry by the court into the correctness of such a construction.

10. Statutes ⇐190

Where language of statute is clear and explicit and susceptible of a sensible construction, it cannot be controlled by extraneous considerations.

11. Statutes ⇐214

A custom cannot nullify the plain meaning and purpose of a statute, however long and general the custom has been followed by officials.

12. Statutes ⇐219

An administrative practice contrary to plain language of a statute is in violation of the law and the violation of law even though customary does not repeal the law.

13. Statutes ⇐174

Where there are several possible constructions of a statute, that construction which insures the most general and uniform remedy is preferred

14. Taxation ⇐856, 864

An inheritance tax is imposed on transfer of property according to its value and therefore the calculation of the tax should be made on the basis of the whole amount passing to recipient subject to the tax, so as to give full effect to the theory and purpose of the taxing statute. Code 1939, art. 81, §§ 109, 110.

Appeal from Superior Court of Baltimore City; Samuel K. Dennis, Judge.

Action by John H. Bouse against Louis S. Hutzler, executor of the estate of Sarah S. Mandelbaum, deceased, to recover collateral inheritance taxes on transfer of legacies. From a judgment for the defendant, the register of wills appeals.

Reversed and remanded for entry of judgment in accordance with opinion.

Before BOND, C. J., and SLOAN, DELAPLAINE, COLLINS, FORSYTHE, and MARBURY, JJ.

Hall Hammond, Deputy Atty. Gen. (William C. Walsh, Atty. Gen., on the brief), for appellant.

Edwin J. Wolf, of Baltimore (Harry B. Wolf, Jr., of Baltimore, on the brief), for appellee.

DELAPLAINE, Judge.

John H. Bouse, Register of Wills for Baltimore City, appellant, claims that Louis S. Hutzler, executor of the estate of Sarah S. Mandelbaum, deceased, owes a balance of $1,082.37 for collateral inheritance taxes on the transfer of legacies from this estate.

Mrs. Mandelbaum died on August 4, 1937. Her will bequeathed specific legacies amounting to $213,800, and directed that collateral inheritance taxes should not be deducted therefrom but should be paid out of the residue of the estate. It appears that the defendant has paid $17,936.65 on account of collateral inheritance taxes. The Superior Court of Baltimore City held that he has paid all that is lawfully collectible. From a judgment for the defendant, the Register of Wills brings this appeal.

Collateral inheritance taxes have been imposed in Maryland since 1845. In that year the Legislature imposed a tax of 2½ per cent on every hundred dollars of the clear value of property passing from a decedent to any person "other than to or for the use of the father, mother, wife, children, and lineal descendants." Acts of 1844, ch. 237. In 1850 the Supreme Court of the United States held that a State possesses the power to regulate the manner and terms upon which property within its dominion may be transferred by will or by inheritance, and that a law imposing a tax on legacies does not violate the Federal Constitution. Mager v. Grima, 8 How. 490, 12 L.Ed. 1168. In 1868 the Court of Appeals found that the Maryland Act did not violate the Constitution of the State. Tyson v. State, 28 Md. 577.

The present Act, passed by the Legislature at the special session of 1936, imposes a tax of 7½ per cent on "every one hundred dollars of the clear value of any and all property, having a taxable situs in this State, passing at the death of any resident or non-resident decedent, in trust or otherwise, to or for the use of any person or persons, other than the father, mother, husband, wife, children or lineal descendants of such decedent." Acts of 1936, Sp.Sess., ch. 124; Code, art. 81, sec. 110.

[1] The Maryland inheritance tax, like the Federal estate tax, is not a tax on the decedent's property itself, but a tax on its transfer. But there is a fundamental difference between the two schemes of taxation. The Federal estate tax is a tax on the transfer of, rather than the succession to, the property of the decedent, and is payable out of the corpus of the estate and not out of legacies as such. Hepburn v. Winthrop, 65 App.D.C. 309, 83 F.2d 566, 105 A.L.R. 310; United States v. Woodward, 256 U.S. 632, 41 S.Ct. 615, 65 L.Ed. 1131. The Maryland inheritance tax is imposed on the privilege of becoming a beneficiary under a will or of succeeding to an inheritance. State v. Dalrymple, 70 Md. 294, 17 A. 82, 3 L.R.A. 372; Washington County Hospital Ass'n v. Mealey's Estate, 121 Md. 274, 88 A. 136, 140, 48 L.R.A., N.S., 373, Ann.Cas.1915B, 1050; Good Samaritan Hospital v. Dugan, 146 Md. 374, 126 A. 85; Bouse v. Hull, 168 Md. 1, 176 A. 645; Rosenburg v. Bouse, 172 Md. 530, 192 A. 323; 28 Am.Jur., Inheritance, Estate, Succession, and Gift Taxes, secs. 278, 279, 280.

[2-5] Under the Maryland statute, the executor, administrator, or other person making distribution is charged with the payment of inheritance taxes to the Regis-

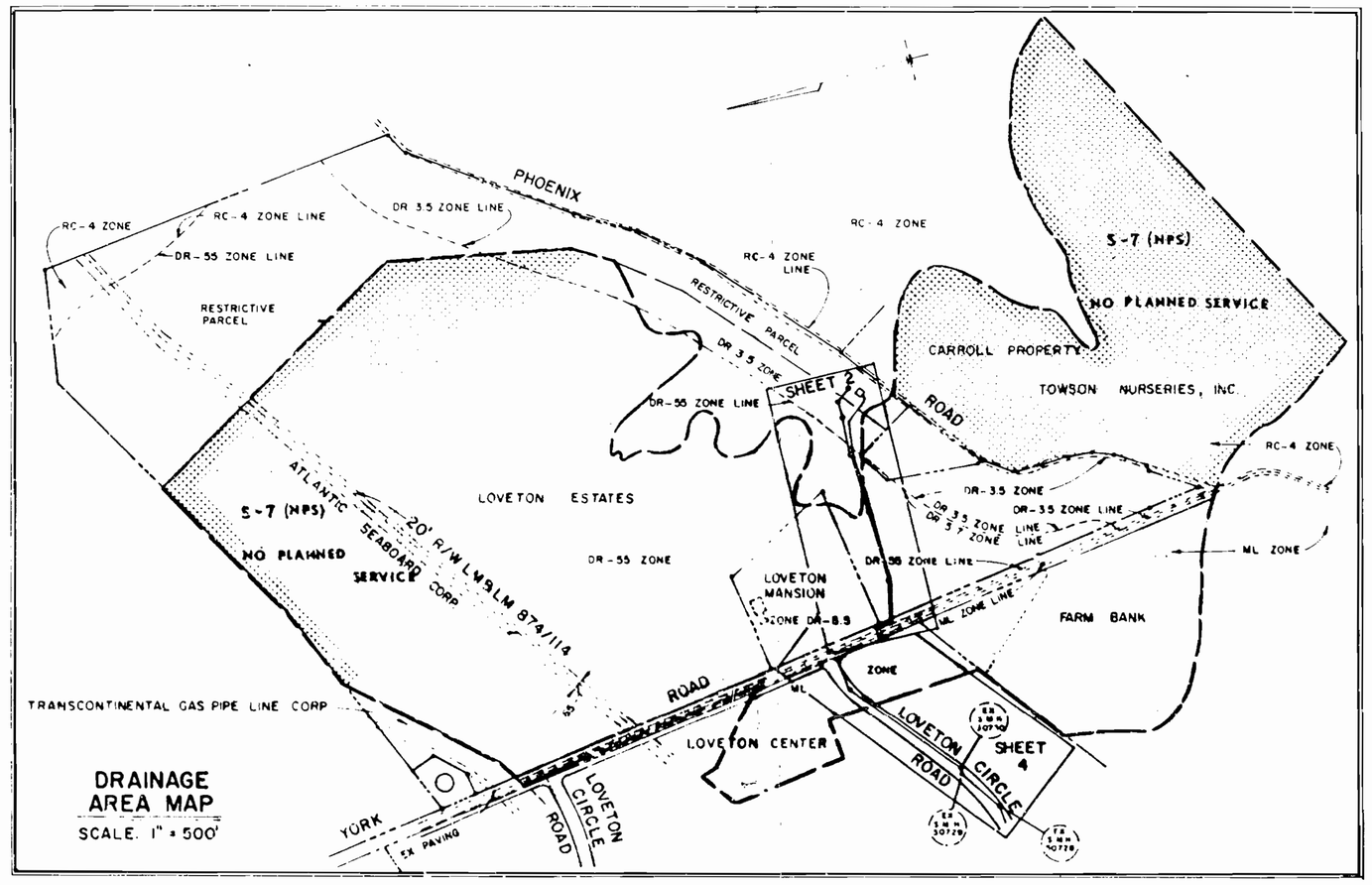
ter of Wills for the use of the State. Code, art. 81, sec. 112. However, since the tax is a charge against each distributive share according to its value, the executor, administrator or other person must pay the tax out of the legacy, devise, or distributive share of the estate or with money collected from the legatee, devisee, or heir. Of course, a testator has the right to direct that the tax be paid out of the residuary estate. In case he so directs, he thereby increases his gift to the legatee to the extent of the tax, for he is providing for the payment of an obligation which the legatee would have been obliged to pay if the testator had not directed otherwise. General German Aged People's Home v. Johns Hopkins Hospital (Textor v. Textor), 170 Md. 128, 130, 183 A. 247, 248. It is therefore an established rule that where a testator bequeathes a specific legacy and directs that the inheritance tax shall be paid from the residuary estate, the tax is calculated, not upon the specified amount alone, but upon the specified amount plus such an amount that, after the tax is calculated on the total and deducted therefrom, the legatee will receive the specified amount free from tax. In re Irwin's Estate, 196 Cal. 366, 237 P. 1074, 1077; 51 A.L.R. 486; In re Levalley's Estate, 191 Wis. 356, 210 N.W. 941; In re Bowlin's Estate, 189 Minn. 196, 248 N.W. 741; In re Henry's Estate, 189 Wash. 510, 66 P.2d 350; 61 C.J., Taxation, sec. 2589.

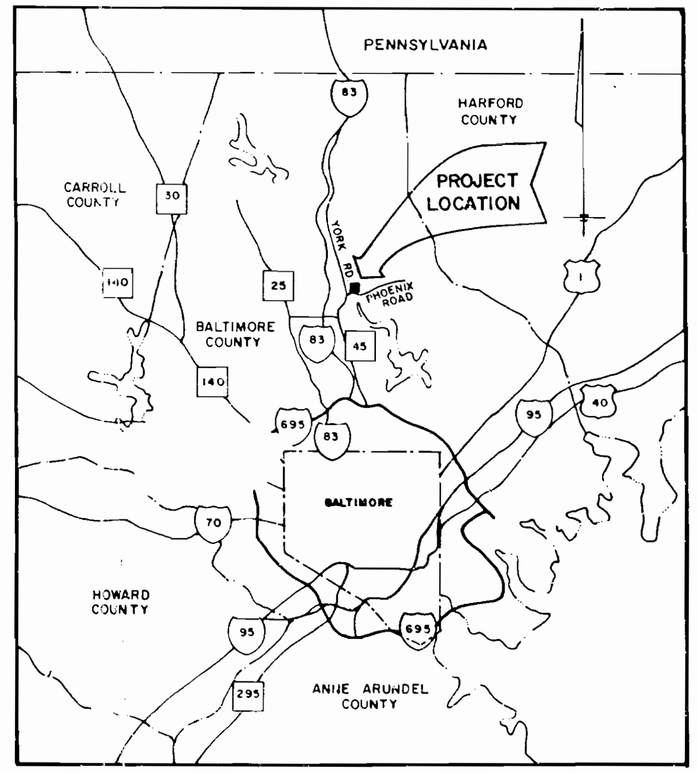
[6-8] We can see no reason to reject the rule uniformly adopted by the Courts in other States. The Maryland statute imposes inheritance taxes on all property passing at the death of the decedent "to or for the use" of any person or persons other than those excepted therein. The statute expressly declares that the direct inheritance tax, Code, art. 81, sec. 109, and the collateral inheritance tax apply to "all tangible or intangible property" passing at the death of the decedent. Acts of 1936, Sp.Sess., ch. 124; Acts of 1937, ch. 189; Code, art. 81, sec. 111. The expression "clear value" means net value after the payment of all debts and expenses of administration. Consequently, inheritance taxes are calculated upon the actual value of all property received. Shelton v. Campbell, 109 Tenn. 690, 72 S.W. 112; Hamlen v. Martin, 128 N.J.Eq. 393, 16 A.2d 457. But it has been held that the word "property," when used without express or implied qualification, may reasonably be construed to include obligations, rights, and other intangibles as well as physical things. Fidelity & Deposit Co. v. Arenz, 290 U.S. 66, 54 S.Ct. 16, 78 L.Ed. 176. It is also recognized that economic gain may occur as a result of the payment of a taxpayer's indebtedness or relief from other liability. Helvering v. Bruun, 309 U.S. 461, 60 S.Ct. 631, 84 L.Ed. 864. We accordingly find that the value of the property bequeathed by Mrs. Mandelbaum to the specific legatees was $231,135.14, since that is the sum which, after $17,335.14 is deducted for payment of collateral inheritance taxes, yields $213,800 for the specific legatees.

[9-13] The Court below decided in favor of the defendant upon the presumption that his method of calculation was in accordance with the unvarying administrative practice. It appears, however, that the practice in this State has certainly not been uniform in the last generation. Indeed, utterly conflicting rulings on the question have been given to Registers of Wills by successive Attorneys General of the State. Nevertheless, even if there had been an unvarying practice, the Court of Appeals would not sanction a method of calculation which would tolerate an evasion of taxes payable to the treasury of the State. It is quite true that where the language of a statute is ambiguous and susceptible of two reasonable constructions, a long and unvarying administrative practice has a very persuasive influence, if not an entirely controlling effect, upon the judicial construction of the statute. But the rule of contemporaneous construction does not preclude an inquiry by the Courts into the correctness of such a construction. Where the language is clear and explicit, and susceptible of a sensible construction, it cannot be controlled by extraneous considerations. No custom, however long and generally it has been followed by officials, can nullify the plain meaning and purpose of a statute. An administrative practice contrary to the plain language of a statute is a violation of the law; and a violation of the law, even though customary, does not repeal the law. Moreover, where there are several possible constructions, that construction which insures the most general and uniform remedy is preferred. Alexander v. Worthington, 5 Md. 471, 485; Graham v. Joyce, 151 Md. 298, 306, 134 A. 332; Horton v. Horton, 157 Md. 127, 145 A. 355; Houghton v. Payne, Postmaster General, 194 U.S. 88, 99, 24 S.Ct. 590, 593, 48 L.Ed. 888.

BALTIMORE COUNTY, MARYLAND
DEPARTMEMT OF PUBLIC WORKS
BUREAU OF ENGINEERING

DRAWING INDEX	
SHEET	DESCRIPTION
1	TITLE SHEET
2	PLAN AND DETAILS
3	PROFILES
4	PLAN AND PROFILE





VICINITY MAP
SCALE: 1" = 6 MILES

LOVETON ESTATES
WASTEWATER PUMPING STATION
FORCE MAIN AND INTERCEPTOR

KIDDE CONSULTANTS, INC.
CONSULTING ENGINEERS
BALTIMORE, MARYLAND

Baltimore County Soil Conservation District
APPROVED FOR SEDIMENT CONTROL 4/13/83

P81

CITY OF BALTIMORE

DIRECTOR DEPT OF PUBLIC WORKS	DATE	CHIEF WATER DIV. BUREAU OF ENGINEERING	DATE

DATE	RIGHT OF WAY	REF	ROAD PERMIT AND GRADES	P.W.A. DIR. NO.	CONTRACT NO.	REVISED AS PER RECORD PRINT	
			PERMIT REQUESTED	87803		JO	DRAFTSMAN / DATE
			PERMIT NUMBER	SUPPLEMENT			
			GRADE ESTABLISHED				
			PROFILE NUMBER				

SEAL

Drainage Area Map revised to agree with Baltimore County Water Supply & Sewerage Plan adopted by Council Resolution (No. 4)

PROJ. NO. 3143

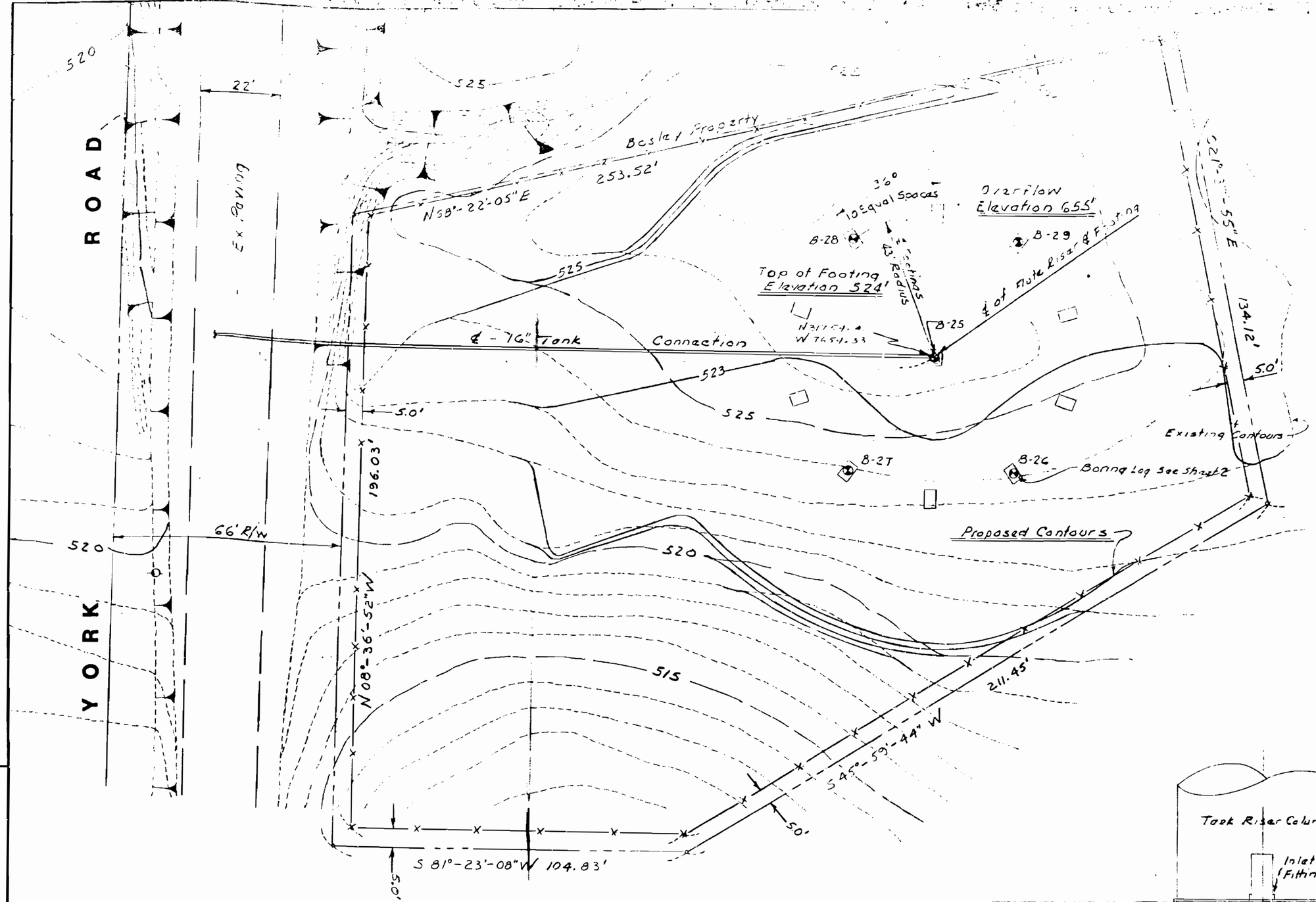
83139501,502

JOB ORDER NO.
F.M. 11-4635
GRAVITY 11-4963

DESIGNED W.P.W	KIDDE CONSULTANTS, INC.	BUREAU OF ENGINEERING	HIGHWAYS	STRUCTURES	STORM DRAINS	WATER	SEWER	FLD. LOCATION	BUREAU OF PUBLIC SERVICES	DEPARTMENT OF PUBLIC WORKS	LEVEL BK.	KEY SHEET	L-C-D	T.-C.	SCALE	BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING	SHEET 1 OF 4
DRAWN T.E.S.	ENGINEER W.P. WELSAND, JR.	REVIEWED							APPROVED	APPROVED		VNE			PLAN AS SHOWN	LOVETON ESTATES WASTEWATER PUMPING STATION FORCE MAIN	DWG. NO.
CHECKED J.K.B.	DATE [illegible] LIC. NO. 3338	DATE								DIRECTOR	DETAIL BK.	POSITION SHEET			PROFILE HOR. VERT.	TITLE SHEET	83-155
												8NW4				SUBDIVISION LOVETON ESTATES EL. DISTRICT NO. 8C3	FILE:

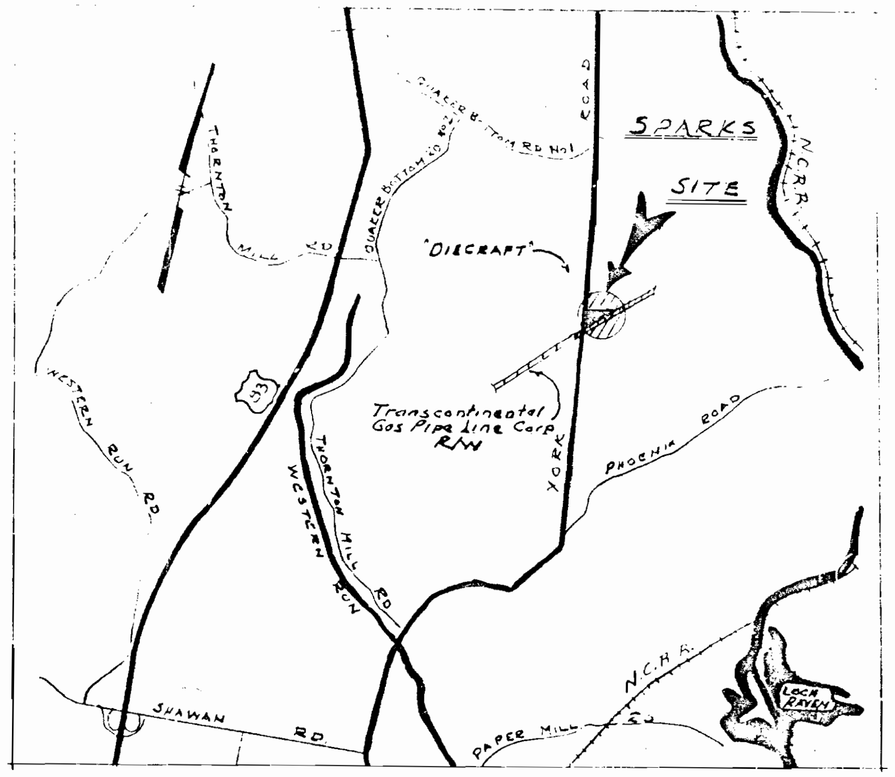
KCI - 82CIIC

BALTIMORE COUNTY TYPE NUMBER 1 2 D



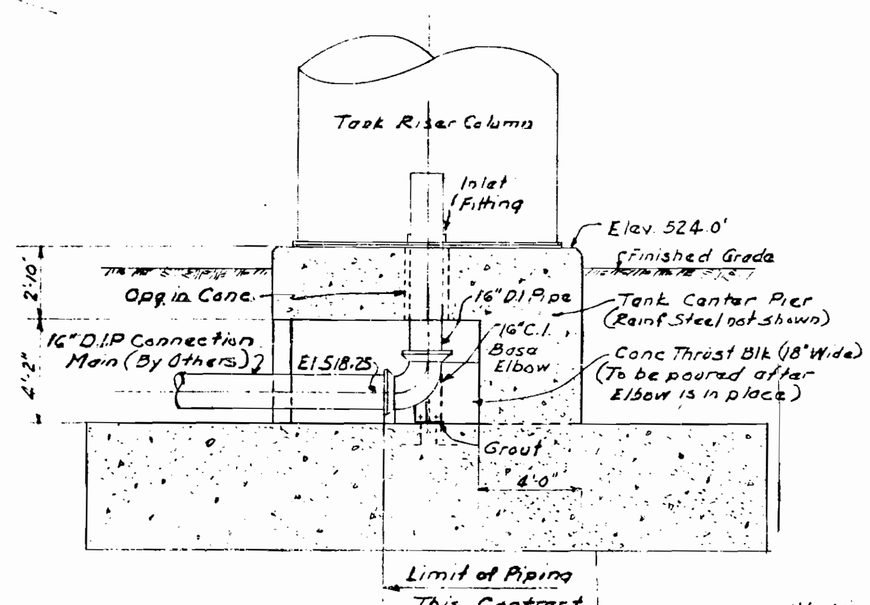
TANK LOCATION PLAN

SCALE 1"=20'



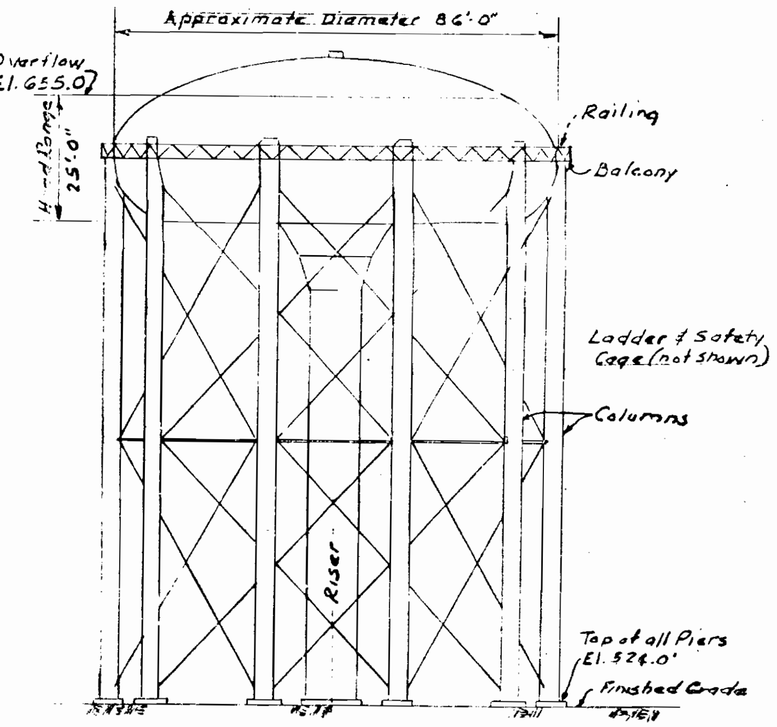
VICINITY SKETCH

Scale: 1"=2000'



CONNECTION AT TANK CENTER PIER

Scale: ½"=1'-0"



Working Pressure: 63 #/in²
Test Pressure: 130 #/in²

ELEVATION OF

1,000,000 GALLON CAPACITY TANK

Scale: 1"=20'-0"

4/19/73

CITY OF BALTIMORE

A. Pierce Jones 4/27/73
DIRECTOR, DEPT. OF PUBLIC WORKS — DATE

D. Kahlenberg 4/23/73
CHIEF, WATER DIV., BUREAU OF ENGINEERING — DATE

DATE	RIGHT OF WAY	REV.
	R/W 72-322 12/19/72	

ROAD PERMIT AND GRADES
PERMIT REQUESTED
PERMIT NUMBER
GRADE ESTABLISHED
PROFILE NUMBER

P. W. A. DIR. NO.

CONTRACT NO. 74-001B WXO

REVISED AS PER RECORD PRINT

J.O.	DRAFTSMAN	DATE

SEAL

DESIGNED G.P.	GAITHER ENVIRONMENTAL SYSTEMS Inc	BUREAU OF ENGINEERING STAFF	HIGHWAYS	STRUCTURES	STORM DRAINS	WATER	SEWER	FIELD ENGINEER
DRAWN G.B.	ENGINEER Robert A. Gaither	REVIEWED	JJT		BEW	JFL	JAB	B.M.B.
CHECKED G.E.T.	DATE 12/1/72 LIC. NO. 9350	DATE	12-7-72		12-18-72	12-13-72	12-15-72	12-14-72

BUREAU OF ENGINEERING — APPROVED [signature] CHIEF — DATE 12/15/72

DEPARTMENT OF PUBLIC WORKS — APPROVED [signature] DIRECTOR — DATE 12/15/72

LEVEL BK. | DETAIL BK. | KEY SHEET | POSITION SHEET

DATE	REVISION	BY

SCALE — PLAN: — PROFILE: HOR. VERT.

C.W.O. 40243

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING

SPARKS 5TH ZONE 1,000,000 GAL. ELEVATED TANK

TANK & DETAILS

SUBDIVISION SPARKS MD York Rd MD Rt 45 EL. DISTRICT NO. 8

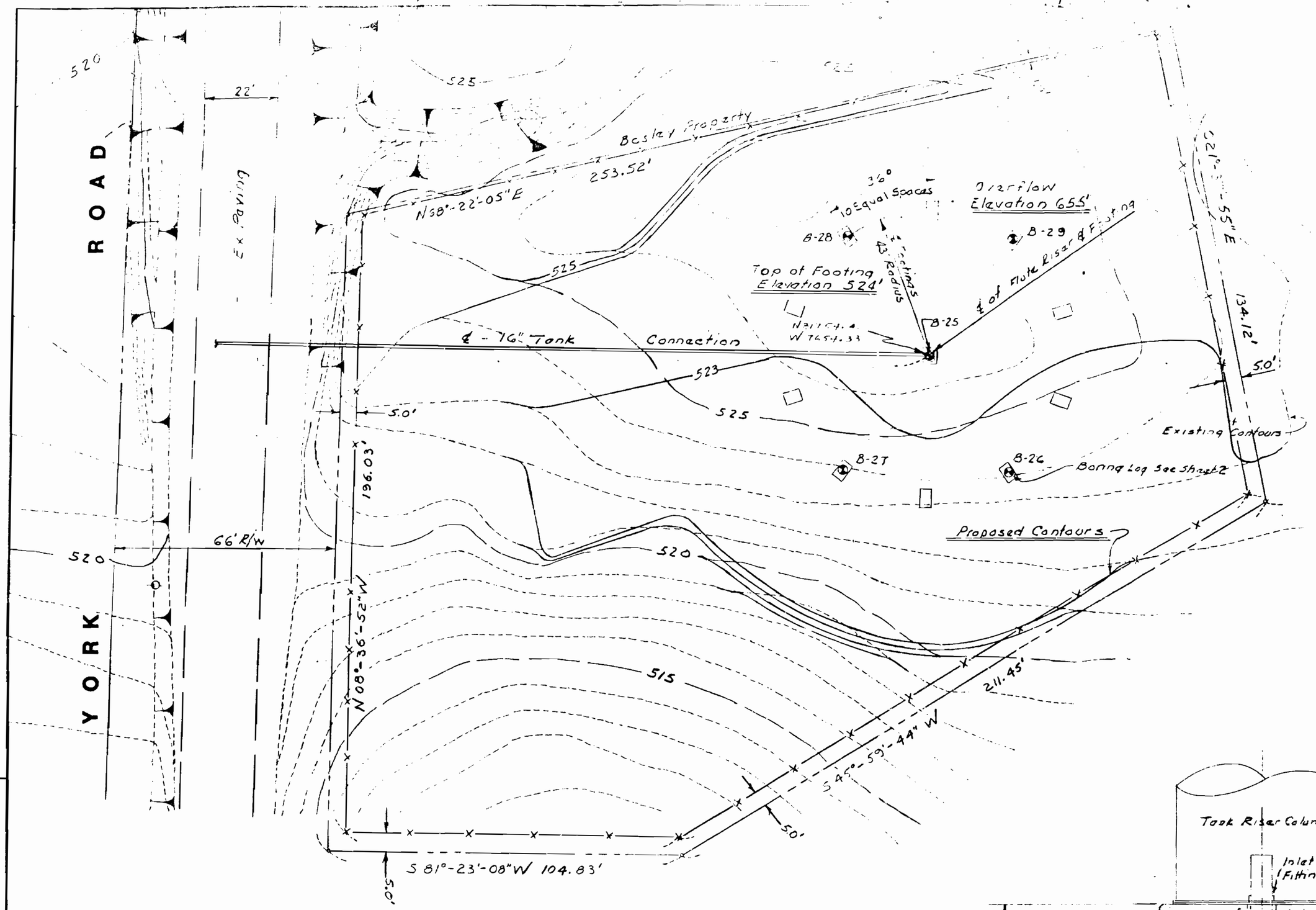
JOB ORDER NO. 3-73-3

SHEET 1 OF 2

72-1218

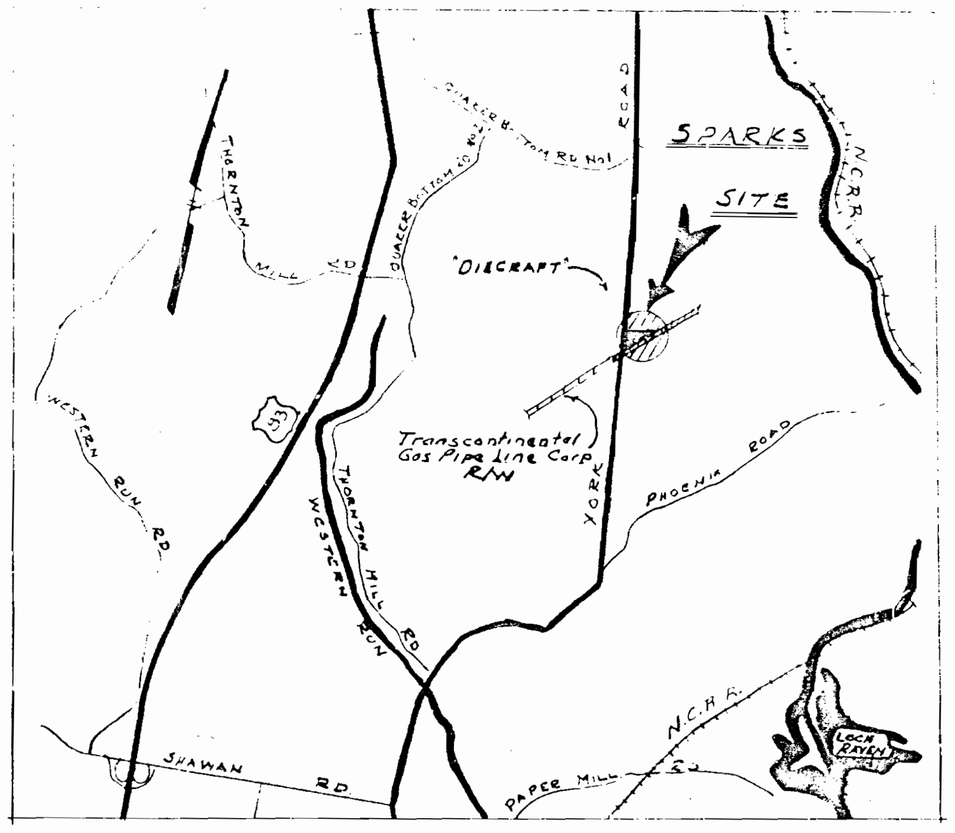
FILE

p82



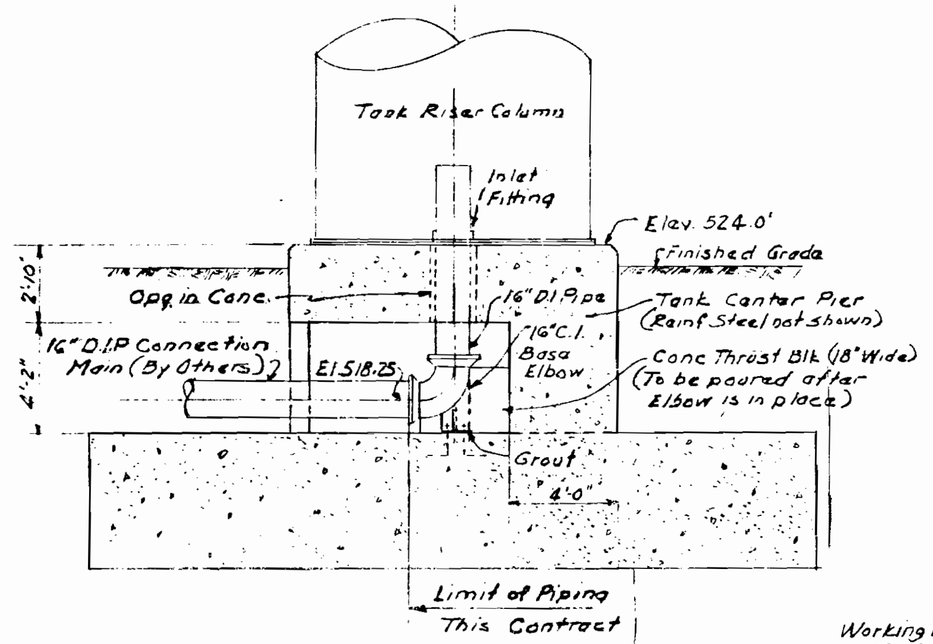
TANK LOCATION PLAN

SCALE 1"=20'



VICINITY SKETCH

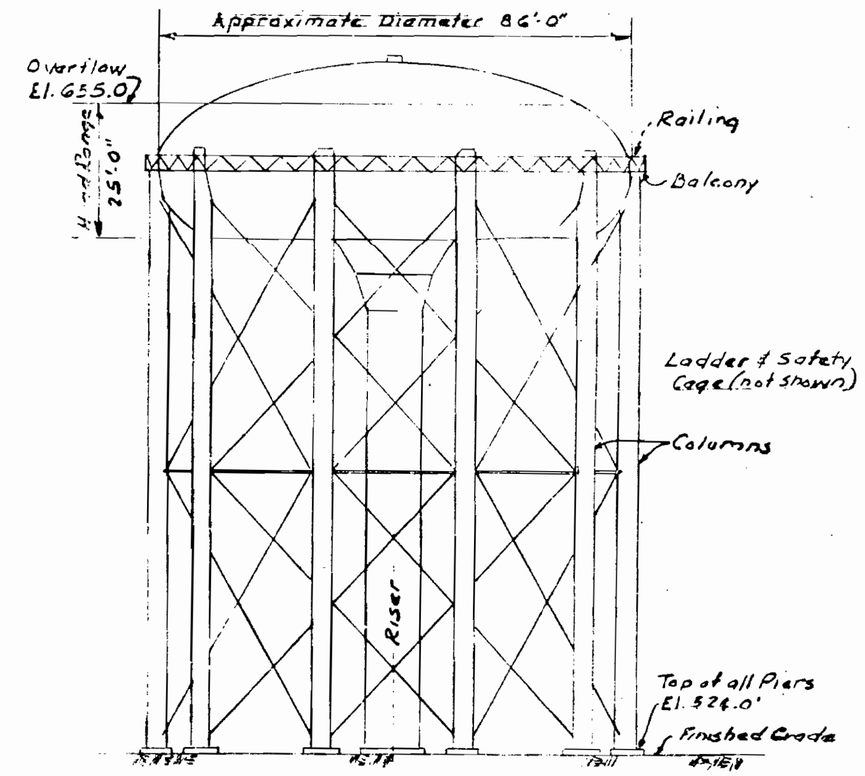
Scale: 1"=2000'



CONNECTION AT TANK CENTER PIER

Scale: ½"=1'-0"

Working Pressure: 63 lb.
Test Pressure: 130 lb.



ELEVATION OF 1,000,000 GALLON CAPACITY TANK

Scale: 1"=20'-0"

8 & 2

CITY OF BALTIMORE

K. Preiss Jameson 4/27/73 DIRECTOR DEPT. OF PUBLIC WORKS — DATE

D. Kratenhouse 4/30/73 CHIEF, WATER DIV. BUREAU OF ENGINEERING — DATE

Robert Kelly 4/19/73 SEAL

DATE	RIGHT OF WAY	REF.	ROAD PERMIT AND GRADES	P. W. A. DIR. NO.	CONTRACT NO.	REVISED AS PER RECORD PRINT J.O.	DRAFTSMAN	DATE
	R/W 72-322 12/19/72		PERMIT REQUESTED PERMIT NUMBER GRADE ESTABLISHED PROFILE NUMBER		74-091B WXO			

DESIGNED G.P.	GASNER ENVIRONMENTAL SYSTEMS, INC.	BUREAU OF SURVEYS STATUS	HIGHWAYS	STRUCTURES	STORM DRAINS	WATER	SEWER	FIELD ENGINEER	BUREAU OF ENGINEERING	DEPARTMENT OF PUBLIC WORKS	LEVEL BK.	KEY SHEET
DRAWN G.P.	ENGINEER Robert Kelly LIC. NO. 8850	REVIEWED	JJT		JED	JFL	JAB	B.M.B.	APPROVED [signature] CHIEF	APPROVED [signature] DIRECTOR	DETAIL BK.	POSITION SHEET
CHECKED G.E.T.	DATE 12/1/72	DATE	12-13-72		12-13-72	12-13-72	12-15-72	12-14-72	DATE 12/15/72	DATE 12/15/72		

DATE	REVISION	BY

SCALE PLAN: PROFILE: HOR. VERT.

C.W. 040243

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING

SPARKS 5TH ZONE 1,000,000 GAL. ELEVATED TANK

TANK & DETAILS

SUBDIVISION SPARKS, MD YORK RD MD RT 45 EL. DISTRICT NO. 8

JOB ORDER NO. 3-73-3

SHEET 1 OF 2

LOCATION 72-121B

FILE

ROAD

YORK

ANNA V BOSLEY
LIB 3334-321

N 68°-22'-05" E 224± RAIL ROAD

S 21°-37'-55" E 134.12'

Ex. Paving

End of this Contract
Connect to 16" Water Main
0+00

16" Valve

16" Water Connection
Contract No.
J.O.3-73-1

PROP. LINE

Top of Vault
Elev. 524.0

℄ 16" Tank Connection

11¼° BEND
0+10 0+42

16" WYE
0+66

16"x12" TEE
0+78

95'

B25

Connect to base elbow and Brick in Pier Opening
1+75

W/R RIVER

12" Valve 0+05
Inv 517.75
12" TEE 0+18
12" Overflow Drain
Inv 514.0
45° Bend 0+16.8
12" "L.L." WYE 0+28.80

Inv 515.90'

Tank Footings

B-27

B-26

B-29

B-28

10 Equal Spaces @ 3/8"

10' 10' 10'

30'

15' R

50'±

185'±

44'

Sliding Gate

Service Road

12'

Deflection Joint 0+55

Deflection Joint 0+78

FOR 11 1/2% IDENTICAL TYPE C

Proposed 16" water main by others

196.03'

Inv. Elev. 513.0'

Top Wall Elev 515.0

Headwall & Flap Valve See Detail Below 0+98

Stone Rip Rap Warp to Match Grade

37'

15'

Chain Link Fence 38'

5.00'

52' R/W

N 68°-36'-51" W

S 45°-59'-44" W 211.46'

S 81°-23'-08" W 104.83'

5.01

5.0'

SITE IMPROVEMENTS
Scale 1"=20'

A

6'-0"

Top of Wall Elev 515.0 ±

Inv. El 513.0'

Elev 512.5'

Stone Rip Rap

4'-0"

5'-0"

1'-0"

A

ELEVATION

Grade Vanes

8"

1"x1" Chamfer all around

Elev 515.0'

Flap Valve Flange Has 12-7/8" Bolt Holes. Pipe Flange Must Be Tapped to Recieve 12-7/8" Bolts.

12" Flap Valve

12" Pipe

Inv El 513.0

#4 @ 12" c/c E.W. EF

Stone Rip Rap

EL 512.5'±

3"

1'-0"

2'-0"

5'-0"

6"

18"

#4 HW 12" c/c E.W.

2'x6" Key

2'-6"

SECTION "A-A"

DETAILS OF TANK DRAIN HEADWALL
Scale: 3/16"=1'-0"

66' R/W

END OF CONTRACT

11¼° BEND

16" WYE

VAULT 11'-6"

16" WYE

12" DRAIN

℄ TANK

CONNECT TO 16" WATER MAIN OR PROVIDE 16" CAP & BUTTRESS IF WATER MAIN IS NOT IN PLACE

PROPOSED GRADE

EX. GROUND

16" W CONN.

BUTTRESS (See Bolting Standard W-E)

ANCHOR (See Bolting Standard W-E)

16" TANK CONNECTION

INV 517.58

INV 517.58

INV 517.58

INV 517.58

550 540 530 520 510 500 490 480 470

0+40 0+100 0+144.40 0+166.0 0+174.80 0+185.93 0+192.0 0+198 1+75

16" ELEVATED TANK CONNECTION
SCALE: VERT. 1"=20'
HORIZ. 1"=20'

Working Pressure: 63 ½"
Test Pressure: 150 ½"

℄ 12" TANK CONN. 45°

12"x12" TEE

12" VALVE

12" OVERFLOW DRAIN

12" TEE

6" DRAIN INV. 514.0

12"x6" WYE

45° BEND

DEFLECTION JOINT

DEFLECTION JOINT

HEADWALL & FLAP VALVE

℄ RIP RAP

PROPOSED GRADE

EX. GROUND

INV 517.75

INV 517.75

INV 515.75

INV 513.0

550 540 530 520 510 500 490 480 470

0+0 0+25 0+168 0+208 0+655 0+772 0+938 1+35

12" ELEVATED TANK DRAIN
SCALE: VERT. 1"=20'
HORIZ. 1"=20'

FR. ℄ GRADE

EXIST. GRADE

10 M.N. CC/SR PVC 17 x 13 DR.

SERVICE RD.
SCALE: VERT. 1"=20'
HORIZ. 1"=20'

ps

4/19/73

CITY OF BALTIMORE

F. Pierce Lawson 4/27/73
DIRECTOR DEPT. OF PUBLIC WORKS — DATE

R. L. Kutschbach 4/23/73
CHIEF, WATER DIV. BUREAU OF ENGINEERING — DATE

Robert A. Whitfield
SEAL

DATE	RIGHT OF WAY	REF.	ROAD PERMIT AND GRADES	P. W. A. DIR. NO.	CONTRACT NO.	REVISED AS PER RECORD PRINT		
	R/W 72-322 12/19/72		PERMIT REQUESTED		74-099 WXO	J.O.	DRAFTSMAN	DATE
			PERMIT NUMBER			3-73-4	B.J. Mummaugh	12-6-76
			GRADE ESTABLISHED					
			PROFILE NUMBER					

C.W.O. 40243. 74099 WXO

		BUREAU OF ENGINEERING	HIGHWAYS	STRUCTURES	STORM DRAINS	WATER	SEWER	FIELD ENGINEER
DESIGNED G.P.	DEPT. OF PUBLIC WORKS & SYSTEMS INC.							
DRAWN J.P.	ENGINEER Robert A. Whitfield	REVIEWED	J.J.T.	[illegible]	O.E.D.	J.F.L.	J.A.B.	B.M.B.
CHECKED J.C.	DATE 12/7/72 LIC. NO. 5350	DATE	12-13-72	[illegible]	12-13-72	12-13-72	12/13/72	12-14-72

BUREAU OF ENGINEERING
APPROVED Edmund N. Driver CHIEF
DATE 12/15/72

DEPARTMENT OF PUBLIC WORKS
APPROVED Walter D. Peterpaul DIRECTOR
DATE 12/15/72

LEVEL BK.	KEY SHEET	2/16/73	Added Profile on Service Rd.	D.E.B.
DETAIL BK.	POSITION SHEET			
		DATE	REVISION	BY

SCALE — PLAN: — PROFILE: HOR. VERT.

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING

SUBDIVISION [illegible] EL. DISTRICT NO. 8

BALTIMORE COUNTY TYPE NUMBER 1

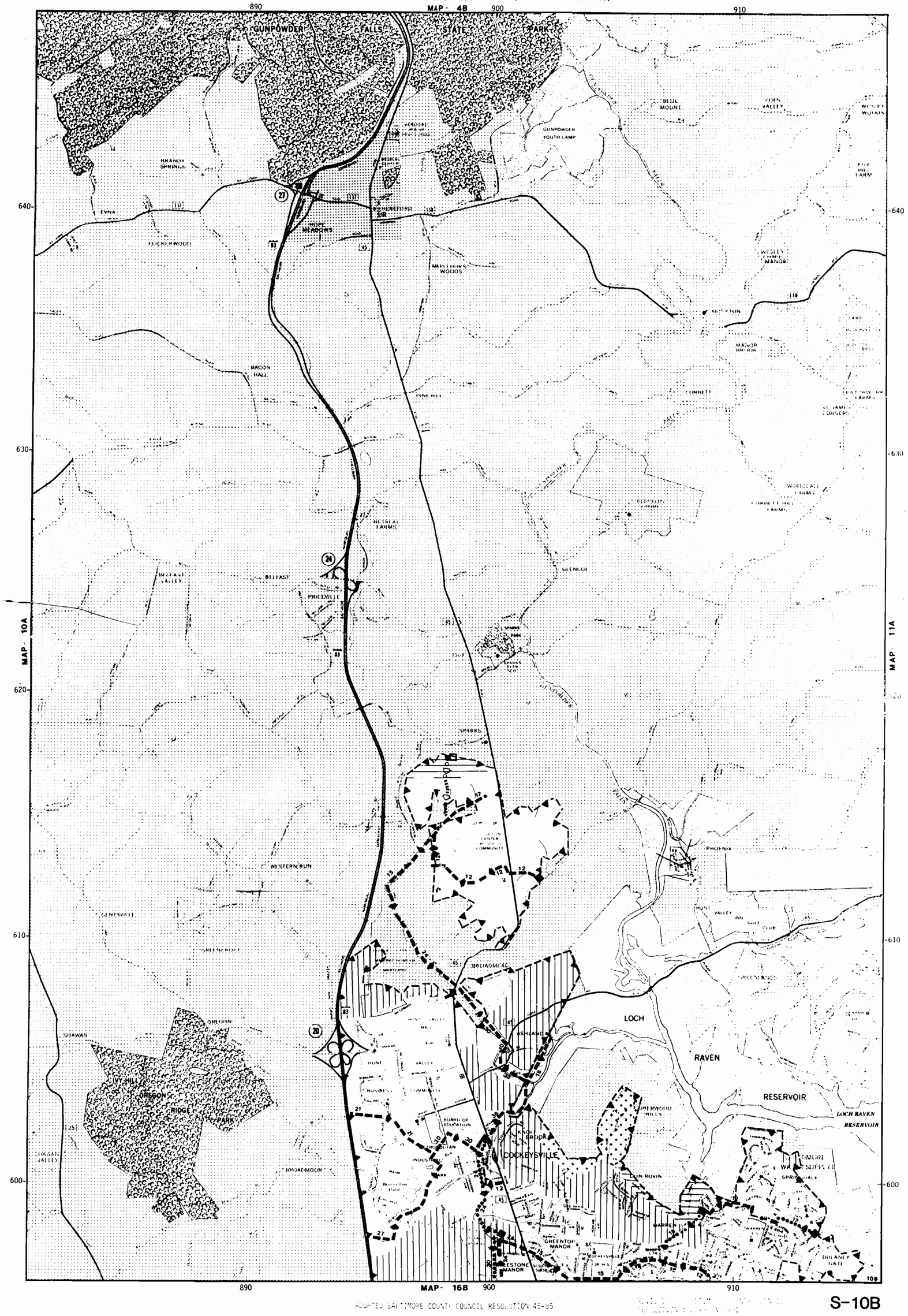
JOB ORDER NO.
3-73-4
SHEET 2 OF 2
DWG. NO. 72-1217
FILE: 3

AREAL DESIGNATIONS

S-1	S-3	S-5	S-6	S-7
EXISTING SERVICE AREA	CAPITAL FACILITIES AREA	MASTER PLAN AREA	AREA FOR FUTURE CONSIDERATION	NO PLANNED SERVICE (COMMUNITY OR MULTI-USE)

NORTH

MAP- 4B



ADOPTED BALTIMORE COUNTY COUNCIL RESOLUTION 46-85

S-10B

Towson Nurseries Inc.
W.P.C. 629-28

Jessops Society of the Meth. Episcopal Church
Other Deeds:
TK 230-101 (City)
HMF13-37 (County)

C.I.P. Poles To be Braced During Construction

TRAV. STA. *8498

Station 71+27
16"x 6" Outlet
6" Valve @ 0.3.5
6" Fire Hydrant
& 5' Bury

C.I.P. Poles To be Relocated or Braced

Match Mark

Sta. 70+41.75 P.C.

Prop. Future 24" R.C.P. Drain

12" C.M.P. Inv. 496.39

Future R.O.W.

Inv. 470.2

Crimp R=1225' Curve #13

W 7.250
N 7.250

72+00

SEE SHEET 5 OF 13

Note:
If Cast Iron Pipe is used instead of R.C.C.P., Curve #13, shall be made by means of 2 - 22½° Horiz. Bends and Buttresses. Contractor Shall Submit a Laying Schedule to Balto. Co. for Approval Prior to Construction.

16"Water Main Sta 64+31.5

N 30°16'11" E 325.13'

YORK B-12 ROAD

40 LF 20" Steel Sleeve, Bored & Jacked - Mfr. Mill Ins. 0.375"

Sta. 65+30 20"x 20" Tee

Sta. 65+40 16" Vert. Valve & Vault

Sta. 65+59 16"x 16" Tee.

Sta. G4101
20"x 6" Outlet
6" Valve @ 0.3.5
6" F.H. & 5' Bury

C.I.P. Poles To Be Relocated

Towson Nurseries Inc.
W.P.C. 616-48

TRAV. STA. *8496

MD. RTE #45

20"W

N 31° 50' 32" E
223.01'

N 61° 44' 36" E
0.G.S.

Inv. 428.6
15"G.M.P.
Inv. 430.48

Michael J. Goshaney Jr.
G.L.B. 2015-35
#08-07-048075

Note:
F.H. Steamer Nozzles Shall Face York Rd.

W 8.000
N 76.000

Underground C.I.P. Cable

Macadam

Proposed Future 24" R.C.P. Drain

Inv. 474.2

Sta. G7+12.60
13°8'10" Deflection Left

N 35° 34' 20" E
123.65'

16"W

20"W

TRAV. STA. *8497

Crimp R=1800'
Curve #12

P.T. Sta. G5+63.71

Sta. G4+23.54

Note
Contractor to Provide Connections to Pumping Station Suction and Discharge if existing. Otherwise Provide Caps and Buttresses for connection by others, 4'-0" from face of Wall

Proposed SPARKS 5th Zone Water Pump Station

2510.17'

W 7.250
N 76.500

P.T. Sta. G11+60.13

Crimp R=350' Curve #11

P.C. Sta. 59+77.47

P.T. 59+78.12

Curve #10 Crimp R=300'

Future R.O.W. Inv. 422.2

15"G.M.P. Inv. 429.34

TRAV. STA. *8495

57+50

SEE SHEET 6 OF 13

MATCH MARK

"Roundabout"
Hilltop Joint Venture
O.T.G. 5015-443
1st. Parcel
#08-08-056670

CURVE DATA

CURVE #	Δ	L	T	LC	LCB	PC	PT
11	29°47'46"	182.01	93.12	179.97	N 46°50'31" E	N 76205.98 W 7846.80	N 76329.08 W 7715.52
12	07°37'42"	159.77	80.00	159.65	N 35°45'29" E	N 76552.94 W 7573.34	N 76692.50 W 7662.24
13	46°52'30"	184.08	97.54	178.99	N 12°49'56" E	N 77047.25 W 7205.79	N 77221.77 W 7166.04

For Gas Plans See G.&E. Co. Dwg. #11D-2-13, #11D-2-14 & #11D-1-84

For Underground Telephone Cable Plans See C.&P. Co. Route #1A PL4, Map #37N, 3GR

For S.R.C. R/W See Plats #13475, #13474 & #16151

Tentative Road Grade Establishment by State Highway Administration, Contract B-610-7-420 & Contract B-610-10

Note: See Tunnel Liner Detail, Sheet 12 of 13 and Crossing Detail, Sheet 13 of 13

Proposed 18" R.C.P.

Prop. Future 24" R.C.P.

Ex. 3" Gas

Exist 12" C.M.P.

Tentative Road Grade By S.R.C. See Contract B-610-7-420 Sheet 12 of 22

Ex. Ground Over W. Main

Ex. Telephone Cable (W. Side Rd.)

Ex. & Grade York Road

16"W @ 4.04 %

24" Inv. 451.8 is 25' West of 16"W. Main

451.57
71+50

7'-1"x 5'-0" Out (TH.)
7' Bury

457.96
69+75

16"W @ 5.24 %

16"W @ 2.64 %

Sta. G5+60 - 16"x 16" Tee

Sta. G3+47 - 16" Vert. Valve & Vault (N.C.)

Sta. G5+57 - 20"x 16" Reducer

Sta. G5+51 - 20"x 20" Tee

Horn. Joints 20' Min. & Len. 20'

Sta. 66+42 G5+60

Sta. 67+12 G5+51

B-12
NO ELEV. GIVEN

0.3'	Topsoil
7 6" 11 6"	Medium Dense Moist Brown Micaceous Fine Sandy Silt (Decomposed Rock)
8.3'	
10 6"	Medium Dense Moist Brown Micaceous Silt, Trace of Sand (Decomposed Rock) Hole Dry
11.5'	

Sta. 68+42 G5+60

Sta. 67+12 G5+51

20"W @ 4.27 %

Tentative Road Grade By S.R.C. See Contract B-610-7-420 Sheet 12 of 22

Ex. Tele. Cable (W. Side Rd.)

Ex. Ground Over W. Main

Ex. 3" Gas

Ex. & Grade York Road

Exist. 15" Drain

Prop. Fut. 24" R.C.P.

& Drive

20"W @ 6.68 %

20"W @ 4.27 %

491.72
G4+00

B-11,
ELEV. 450.15

0-0'	
7 6" 7 6"	Stiff Moist Brown Fine to Medium Sandy Clay, Some Roots and Mica.
8.0'	
15 6"	Medium Dense Moist Brown Micaceous Fine to Medium Sandy Silt, Rock Fragments (Hole Dry)
11.0'	

432.00
59+55

Ex. & Grade York Road

Inv. 424.5

16"W @ 2.80 %

20"W @ 4.80 %

423.74
55+25

MATCH MARK SEE SHEET 6 OF 13

& York Road Stations

Water Main Stations

BILL OF MATERIALS

No	Description	Size
864	L.F. Water Main	20"
837	L.F. Water Main	16"
20	L.F. D.I.P. CL 54	6"
2	Fire Hydrant	6"
1	Gate Valve (Vert)	16"
2	Gate Valve	6"
1	Tee	20"x 20"
1	Tee	16"x 16"
1	Outlets	16"x 6"
1	Outlets	20"x 6"
1	Reducer	20"x 16"
60	LF Steel Sleeve (0.375")	30"

CONTRACTOR
NOTIFY BALTIMORE CITY - BUREAU OF UTILITY OPERATIONS - NO. 9-6900 THREE DAYS BEFORE STARTING WORK

Note: Elevations Shown Left of Stations = Top of Water Main.

Now Pr. 16"W
Normal Operating Pressure 70 PSI / 2 Zones
Test Pressure 150 PSI / 5th Zone

Low Pr. 20"W
Normal Operating Pressure 145 PSI / 3 Zones
Test Pressure 219 PSI / 4th Zone

C.W.O. 40136

CITY OF BALTIMORE

L. Pine Thomas 4/4/75
DIRECTOR, DEPT. OF PUBLIC WORKS — DATE

R. J. Kuhlenschmidt 4/13/75
CHIEF, WATER DIV., BUREAU OF ENGINEERING — DATE

C.H.K. 4/12/75

DATE	RIGHT OF WAY	REF.	ROAD PERMIT AND GRADES	P. W. A. DIR. NO.	CONTRACT NO.
	STATE ROAD		PERMIT REQUESTED PERMIT NUMBER GRADE ESTABLISHED PROFILE NUMBER		

REVISED AS PER RECORD PRINT

J.O.	DRAFTSMAN	DATE
3-73-1	B. J. Mummaugh	7-17-75

DESIGNER J.P.H.	PURNELL ENVIRONMENTAL SYSTEMS INCORPORATED	BUREAU OF ENGINEERING	HIGHWAYS	STRUCTURES	STORM DRAINS	WATER	SEWER	FIELD ENGINEER	BUREAU OF ENGINEERING	DEPARTMENT OF PUBLIC WORKS
DRAWN L.J.D.	ENGINEER EDMUND P. HAILE	REVIEWED	J.J.T.			J.F.L.	J.A.B.	C.E.H.	APPROVED Edmund P. Haile CHIEF	APPROVED Charles R. Manning DIRECTOR
CHECKED J.P.H.	DATE 12/18/72 LIC. NO. 9880	DATE	12-18-72			12-18-72	12-18-72	12-18-72	DATE 12/19/72	DATE 12/19/72

LEVEL BK.	KEY SHEET	10/9/73	Rev. Limits - P. Stat		
	V-NE		Piping		V.S.
DETAIL BK.	POSITION SHEET				
	78 NW 5 77 NW 5 & 6	DATE	REVISION	BY	

SCALE
PLAN: 1" = 50'
PROFILE: HOR. 1" = 50' VERT. 1" = 5'

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING
16" & 20" WATER TRANSMISSION MAIN
YORK ROAD
FROM STATION 38+00 TO STATION 73+00
SUBDIVISION COCKEYSVILLE & SPARKS — EL. DISTRICT NO. 8C2

JOB ORDER NO. 3-73-1
SHEET NO. 7 OF 13
DWG. NO. 72-1240
FILE #

BALTIMORE COUNTY TYPE NUMBER 1

MICROFILMED

Maryland Properties Inc.
& Growth Properties Inc
O.T.G. 4601-240
500.51 Acres
STATE ROAD

YORK ROAD

PHOENIX ROAD

Angelo E. Lupo
W.P.C. 360-280
#08-12-074076

Sta. 75+70.39-16" 90° Horiz. Bend. & Buttress

Assumed S.R.C. R/W

Macadam

C.I.P. Underground Telephone Cable

3" Gas

G.E. 340340

G.E. 340124

G.E. 291800

G.E. 291797

G.E. 291796

G.E. 291799

G.E. 291795

C.I.P. #524

C.I.P. #533

C.I.P. #532

TRAV. STA. #8501

TRAV. STA. #8500

TRAV. STA. #8499

B-15

B-14

B-13

B-13A

B-13B

Cultivated Field

N05°43'01"W 2006.11'

Hilltop Joint Venture
O.T.G. 5015-443
2nd. Parcel
#08-08-056672

"Roundabout"
Hilltop Joint Venture
O.T.G. 5015-443
1st. Parcel
#08-08-056670

16" W

Sta. 83+61 16" Vert. Valve & Vault

Bankers Trust Co. (Trustee)
J.W.B. 1570-450
#08-02-002460

G.E. 185418
G.E. 185419
G.E. 138462
G.E. 76366
G.E. 74365
G.E. 270562
G.E. 185417
G.E. #185416

Future R.O.W.

MD. RTE. 45

15" C.M.P. Inv. 511.08

15" C.M.P. Inv. 510.29

Wm. E. Schrieber & Vivian, wife
W.& R. 3488-265
#08-19-00910

O.T.G. 4880-546
#08-19-011490

Station 77+36 16"x6" Outlet 6" Valve & Fire Hydrant (To Bury)

Station 76+17.62 16" 90° Horiz Bend & Buttress

Proposed 18" R.C.P. Drain

40' of 30" Dia. Steel Slv. Bored & Jacked Min Wall 0.375" See "Crossing Detail" Sheet #13 of 13

Field & Brush

MATCH MARK N77250 W7250

N78750 W7500

N78250 W7250

N05°10'57"W 344.53'

S81°16'50"W 47.22'

142.62'

1540'

1340'

SEE SHEET 7 OF 13

SEE SHEET 9 OF 13

SEE THIS SHEET

Ex. Ground over W. Main

Ex. ℄ Grade-York Road

Ex. Telephone Cable

Ex. 3" Gas (E 340340)

Proposed 18" R.C.P.

℄ Mac. Drive

℄ PHOENIX ROAD

℄ Drive

Sta. 77+35 18"x6" Tapping Tee (For Shallow Air Release)

Sta. 75+60.78 York Rd. Crossing See Detail Sheet #13

Sta. 75+00 16"x6" Tapping Tee (For Shallow Air Release)

P.V.C. Sta. 78+50

P.V.I. Sta. 79+50
Elevation 500.00
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 76+57
P.V.C. Elev. 536.30

P.V.I. Sta. 77+57
P.V.I. Elev. 527.75
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 77+27
P.V.C. Elev. 532.25

P.V.I. Sta. 78+27
P.V.I. Elev. 523.75
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 77+57
P.V.C. Elev. 527.75

P.V.I. Sta. 78+57
P.V.I. Elev. 518.25
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 79+27
P.V.C. Elev. 503.25

P.V.I. Sta. 80+27
P.V.I. Elev. 493.75
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 80+57
P.V.C. Elev. 488.75

P.V.I. Sta. 81+57
P.V.I. Elev. 479.25
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 82+27
P.V.C. Elev. 464.25

P.V.I. Sta. 83+27
P.V.I. Elev. 454.75
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 83+57
P.V.C. Elev. 449.75

P.V.I. Sta. 84+57
P.V.I. Elev. 440.25
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 85+27
P.V.C. Elev. 425.25

P.V.I. Sta. 86+27
P.V.I. Elev. 415.75
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 86+57
P.V.C. Elev. 410.75

P.V.I. Sta. 87+57
P.V.I. Elev. 401.25
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 88+27
P.V.C. Elev. 386.25

P.V.I. Sta. 89+27
P.V.I. Elev. 376.75
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 89+57
P.V.C. Elev. 372.25

P.V.I. Sta. 90+57
P.V.I. Elev. 362.75
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 91+27
P.V.C. Elev. 348.25

P.V.I. Sta. 92+27
P.V.I. Elev. 338.75
V.C. = 600'
Comp. = 19.06'
50 MPH
4.5% MAX.

P.V.C. Sta. 92+57
P.V.C. Elev. 334.02

Sta. 83+25.72 Vert. Valve & Vault

MATCH MARK

B-15, ELEV. 468.94

0.5' Topsoil

4.0' Medium Dense Moist Brown Clayey Fine to Medium Sand, Rock Fragments

9/12 8/6

9.0' Medium Dense Moist Brown Silty Fine to Medium Sand (Decomposed Rock)

11.0' 7/6" Medium Dense Moist Brown Fine Sandy Silt and Rock Fragments (Decomposed Rock) (Hole Dry)

B-14, ELEV. 507.7

0.5' Topsoil

9/12 6/5 9/12

11.0' 7/5" Medium Dense Moist Brown Micaceous Fine Sandy Silt (Decomposed Rock) (Hole Dry)

B-13A, ELEV. 507.4

0.5' Topsoil

7/6" 3.7' Stiff Moist Brown Silty Clay, Some Fine to Medium Sand

9/12 6/5 9/12

11.0' 8/5" Medium Dense Moist Brown Micaceous Fine Sandy Silt (Decomposed Rock) (Hole Dry)

B-13B, ELEV. 511.36

0.5' Topsoil

Very Stiff Moist Brown Clayey Silt

9/12 6/5 9/12

7.7' Dense Moist Brown Micaceous Fine Sandy Silt (Decomposed Rock) (Hole Dry)

11.0' 9/5" 11.0'

B-13, ELEV. 506.96

0.5' Topsoil

Stiff Moist Brown Clayey Silt, some Fine Sand

3.0' 7/6" 3.0'

Very Stiff Moist Brown Clayey Silt, some Fine Sand (Decomposed Rock) (Hole Dry)

11.0' 9/5" 11.0'

York Road Station

Water Main Station 76

88+00 87+00 86+00 85+00 84+00 83+00 83+00 82+00 81+00 80+00 79+00 78+00 77+00 76+00 75+00 74+00 73+00

BILL OF MATERIALS

No	Description	Size
1545	L.F. Water Main	16"
7	L.F. D.I.P. CL 4	6"
1	Fire Hydrant	6"
1	Gate Valve (Vert)	16"
1	Gate Valve	6"
2	90° Horiz Bend	16"
40	L.F. Steel Sleeve (0.375")	30"
1	Outlet-Top Tangent	16"x6"

Note: Elevations Shown Left Of Stations ± Top Of Water Main.

CITY OF BALTIMORE

L. Price Marsh 11/14/73
DIRECTOR, DEPT. OF PUBLIC WORKS — DATE

C. R. Whitehouse 4/13/73
CHIEF, WATER DIV., BUREAU OF ENGINEERING — DATE

Approved 4/12/73

DATE	RIGHT OF WAY	REF.
	CLAIM DEED	

ROAD PERMIT AND GRADES
PERMIT REQUESTED
PERMIT NUMBER
GRADE ESTABLISHED
PROFILE NUMBER

P. W. A. DIR. NO.

CONTRACT NO.

REVISED AS PER RECORD PRINT		
J.O.	DRAFTSMAN	DATE
3-73-1	B. J. Mcmonagle	7-17-75

SEAL

DESIGNED JPH	GREINER ENVIRONMENTAL SYSTEMS INCORPORATED	BUREAU OF ENGINEERING	HIGHWAYS	STRUCTURES	STORM DRAINS	WATER	SEWER	FIELD ENGINEER
DRAWN L.T.S.	ENGINEER EDMUND F. HAILE	REVIEWED	JJT		S.J.	JFL	SRA	CEH
CHECKED J.P.H.	DATE 12/15/72 LIC. NO 2860	DATE	12-18-72		12-18-72	12-18-72	12-18-72	12-18-72

BUREAU OF ENGINEERING
APPROVED Ellsworth N. Diver CHIEF
DATE 12/19/72

DEPARTMENT OF PUBLIC WORKS
APPROVED [illegible] Deputy DIRECTOR
DATE 12/19/72

LEVEL BK.
DETAIL BK.

KEY SHEET V-NE
POSITION SHEET 79 NW 5, 78 NW 5

DATE	REVISION	BY

SCALE
PLAN: 1" = 50'
PROFILE: HOR. 1" = 50', VERT. 1" = 5'

C.W.O. 40136

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING
16" WATER TRANSMISSION MAIN
YORK ROAD
FROM STATION 73+00 TO STATION 88+00
SUBDIVISION CORE'S (PVT.) & STAKES — EL. DISTRICT NO. 8C

BALTIMORE COUNTY TYPE NUMBER 1

JOB ORDER NO. 3 73 1
SHEET 8 OF 13
DWG. NO. 72-1241
FILE 3

STATE OF MARYLAND

MARYLAND GEOLOGICAL SURVEY
KENNETH N. WEAVER, DIRECTOR

TOPOGRAPHIC MAP OF

BALTIMORE COUNTY

STREAM ORDERS

— 1 ST. — 4 TH.

— 2 ND. — 5 TH.

— 3 RD. — 6 TH.

MAP SYMBOLS

CULTURE
(printed in black)

Dual highway
Main highway
Surfaced secondary highway
Light-duty road
Unimproved dirt road
Trail
Railroads
Railroad in road or street
Power transmission line
Pipeline
Buildings in general
Tanks, towers
Lighthouse, beacon, church, school
Cemetery
Mine or quarry
Boundary monument
Triangulation point or transit-traverse station
Bench mark
Supplementary elevation
State boundary line
County boundary line
Election district boundary line
Municipal boundary line
Other boundary lines
Public land
Wharves, piers
Drawbridge
Ferry
Dam
Densely populated areas (only land-mark buildings shown)
Interstate highway
Federal highway
State highway
Within Baltimore City, only major traffic routes shown

RELIEF
(printed in brown)

Contours
Depression contours
Cuts
Fills

WATER
(printed in blue)

Perennial streams
Intermittent streams
Lake or pond
Canal or ditch
Aqueduct or waterpipe
Marsh

INDEX OF MARYLAND COUNTIES

OFFICIAL MAP

THIS MAP IS PART OF A RESOLUTION SUBTITLED MAP OF STREAM CLASSIFICATIONS OF BALTIMORE CO. ADOPTED BY THE PLANNING BOARD OF BALTIMORE COUNTY ON MARCH 25 19 76

CHAIRMAN [signature]

PLANNING BOARD OF BALTIMORE COUNTY

DATE 4/4/76

P#86

Copies of this map may be purchased from the Maryland Geological Survey, The Johns Hopkins University, Baltimore, Maryland 21218

EXCERPT FROM
HEARING OFFICER'S OPINION AND
DEVELOPEMENT PLAN / VARIANCE ORDER
CASE NO VIII-613 & 93-201-ASA
(PROJECT No. 92-268-2)

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of February, 1993 that approval of the amended development plan submitted for the subject property, located in Cockeysville, to develop the subject property as a Cadillac Automobile Dealership, be and is hereby APPROVED

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

IT IS FURTHER ORDERED that a variance from Section 413.2.F of the B.C.Z.R. to allow 350 sq. ft. on four free standing signs, in lieu of the maximum 100 sq. ft. on three free standing signs, be and is hereby GRANTED;and,

IT IS FURTHER ORDERED that for Building A, a variance from Section 238.2 of the B.C.Z.R. to allow an 8 ft. rear yard setback on the west side of the property in lieu of the required 30 ft. setback; and to allow a 12 ft. side yard setback on the south side of the property in lieu of the required 30 ft. setback, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that for Building B, a variance from Section 238.2 of the B.C.Z.R. to allow a 16 ft. side yard setback on the north side of the property in lieu of the required 30 ft. setback, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED a special variance from Section 4A03 (Growth Management) of the B.C.Z.R., pursuant to Sections 4A02.4.D and 4A02.4.F. of the B.C.Z.R., to permit development within a traffic shed area containing an F-rated level of service intersection, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein.

1. The Petitioner may apply for its building permit and be granted same upon receipt of this

IT IS FURTHER ORDERED that the Hearing Officer's Opinion and Development Plan/Variance Order issued by the Hearing Officer/Zoning Commissioner on February 25, 1993, be and is hereby ratified and incorporated, except as specifically amended herein.

Any appeal from this decision must be taken in accordance with the applicable provisions of law.

IN RE: DEVELOPMENT PLAN HEARING/PETITION FOR VARIANCE & SPECIAL WAIVANCE
W/S York Road, 169.86' S of c/l Scott Adam Rd. N of Industry La.
10240-10254 York Road
8th Election District
3rd Councilmanic District
Applicant: Morris & Ritcole Assoc.
Legal Owner: AAI Corporation
Contract Purchaser/Petitioner: Frankel Cadillac

BEFORE THE HEARING OFFICER/ ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No.VIII-613 & 93-201-ASA (Project No. 92-268-2)

AMENDED HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN/VARIANCE ORDER

WHEREAS, this matter originally came before the Hearing Officer/Zoning Commissioner for review of the Development Plan and related variances for the above captioned property located in Cockeysville. By my factual findings and Order dated February 25, 1993, the requested development plan and related variances were granted. Subsequently, counsel for the Contract Purchaser/Petitioner discovered a typographical error on page 9, line 9 of my opinion and Order. It stated ". . . that a variance from Section 413.2.F of the B.C.Z.R. to allow 350 sq. ft. on four free standing signs, . . .". Instead, it should have read 300 sq. ft. on four free standings signs, as requested and shown on page 2, line 1, of my Order.

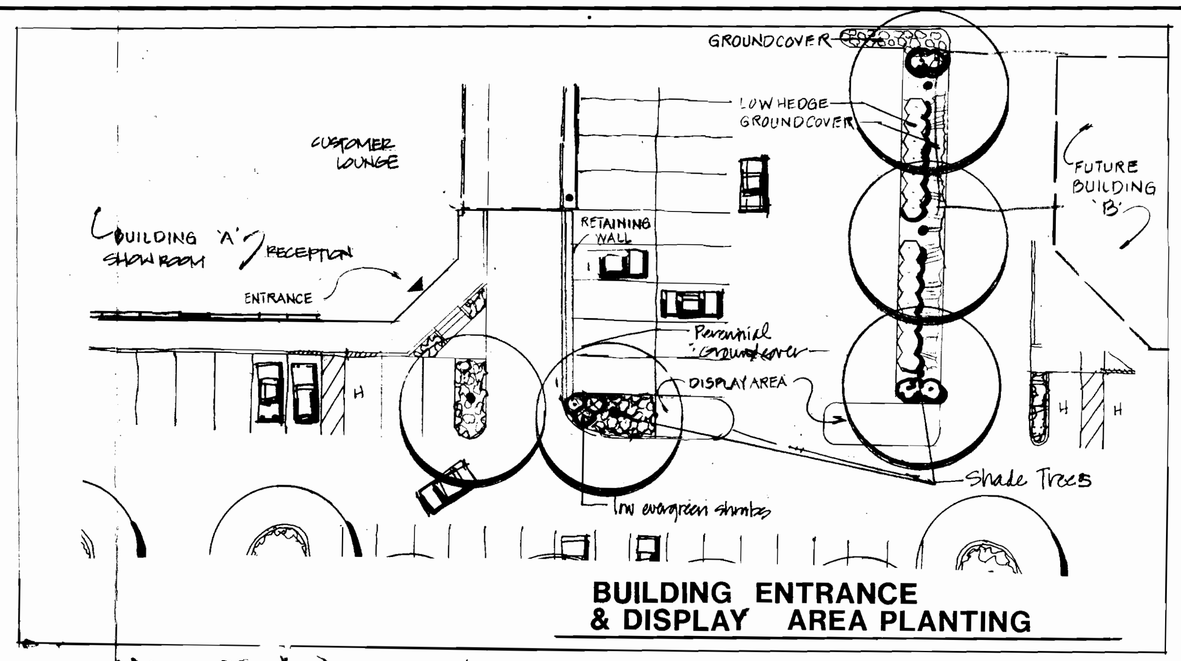
NOW, THEREFORE, it is Ordered by the Hearing Officer/Zoning Commissioner for Baltimore County this 1st day of March, 1993 that the Order dated February 25, 1993 of the within case be and is amended to read as follows:

"IT IS FURTHER ORDERED that a variance from Section 413.2.f of the B.C.Z.R. to allow 300 sq. ft. on four free standing signs, in lieu of the maximum 100 sq. ft. on three free standing signs, be and is hereby GRANTED"; and,

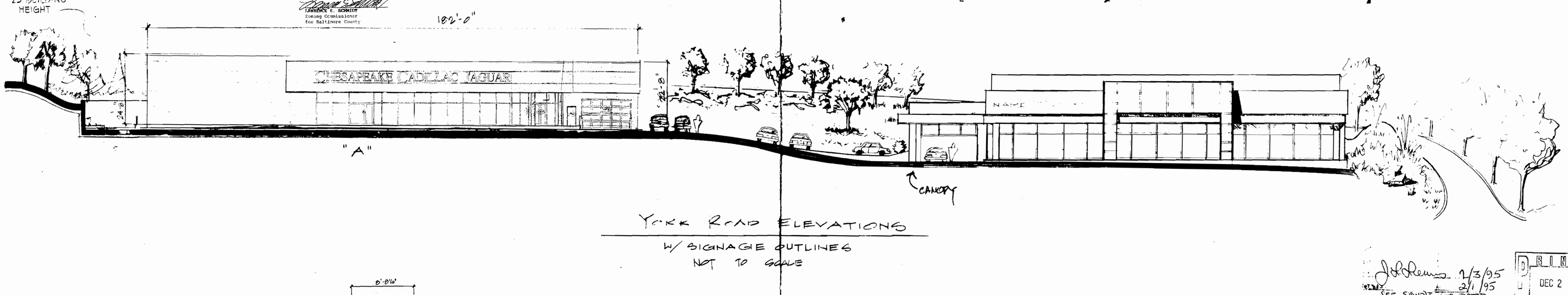
Order, however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Outdoor advertising on this property shall be restricted to the signage proposed and depicted on Petitioner's Exhibit No. 1A, as well as lettering on the facade of the proposed buildings, as permitted by the B.C.Z.R. There shall be no banners, streamers, inflatable animals, balloons and/or other similar outdoor advertising methods used on site. This restriction may be amended/modified only upon the filing of a Petition for Special Hearing by the property owner.

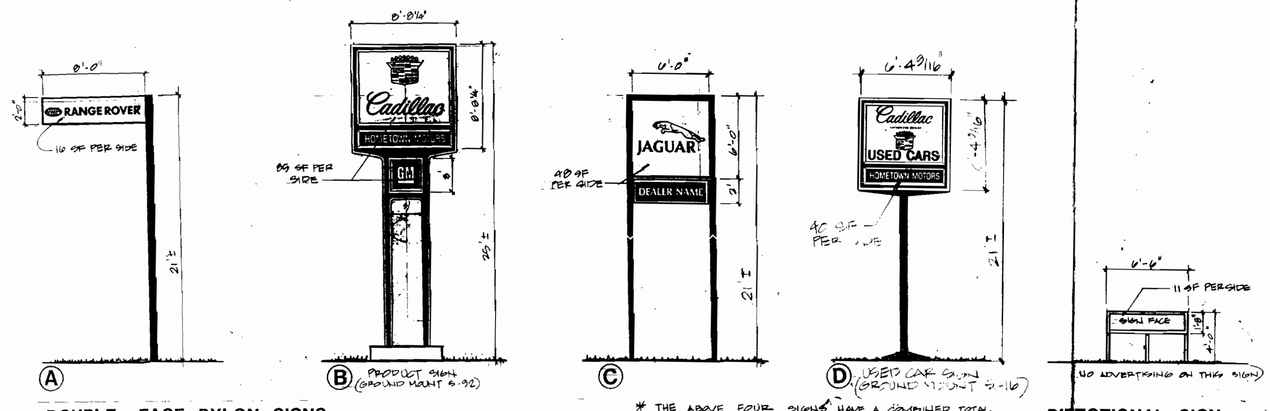
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



BUILDING ENTRANCE & DISPLAY AREA PLANTING



YORK ROAD ELEVATIONS
W/ SIGNAGE OUTLINES
NOT TO SCALE



DOUBLE - FACE PYLON SIGNS

NOTE: ALL OF THE ABOVE PYLON SIGNS ARE INTERNALLY ILLUMINATED, DOUBLE FACED SIGNS. SEE EACH FOR THE SF AREA PER FACE.

* THE ABOVE FOUR SIGNS HAVE A COMBINED TOTAL OF 300 SF I OF SIGN FACE (INCLUDES BOTH SIDES OF EACH)

(NOT TO SCALE)

DIRECTIONAL SIGN

REASON FOR FIRST AMENDMENT: CHANGES TO SITE & BUILDING RESULTING FROM FINAL ARCHITECTURAL CHANGES.

REASON FOR 2ND AMENDMENT: CHANGED UTILITY LAYOUT DUE TO HIGH ROCK PROFILE ON WEST SIDE OF SITE

NOTE: NO CHANGES WERE MADE TO THIS PLAN EXCEPT FOR REVISIONS TO THE TITLE BLOCK, AS A RESULT OF THE 2ND AMENDMENT.

J. H. Remsa 1/3/95
R.E.M. 2/1/95
SEE SAND I LTR DATED

RECEIVED
DEC 2 1994
MORRIS & RITCHIE ASSOCIATES, INC.

8TH ELECTION DISTRICT C-3 BALTIMORE COUNTY, MD.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 WEST ROAD SUITE 105
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

2ND AMENDED DEVELOPMENT PLAN

ARCHITECTURAL & SIGNAGE DETAILS

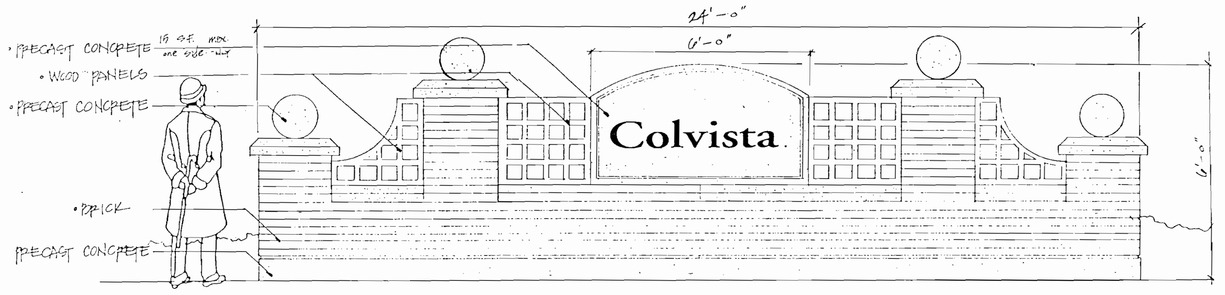
REVISED FEBRUARY 5, 1993

SHEET FOUR OF FOUR

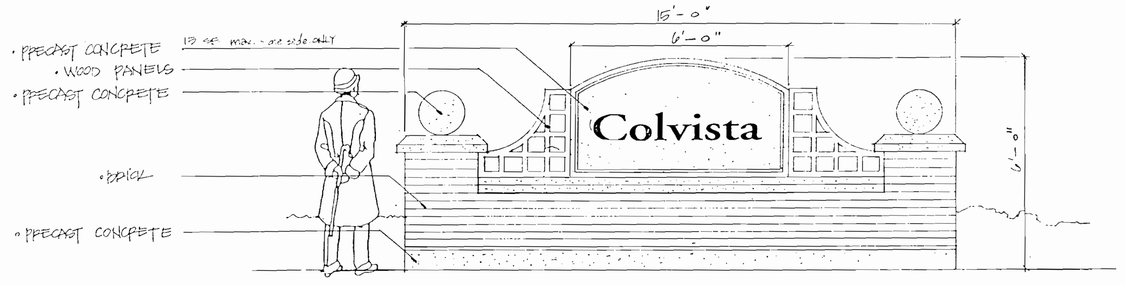
Jim Martin 10/20/92 DPW #92268Z

JOB NO: 9600	ALTERNATE SIGNAGE PROPOSAL TWO CAR DEALERSHIPS / YORK RD.
SCALE: N.S.	SCALE: / APPROVED BY: / DRAWN BY / REVISED
DATE: 12-1-,92	DATE: 14 AUG. 92 / 3-A-93 REV. AS PER HEARING OFFICER'S ORDER FOR SUBMITTAL FOR SIGN
DRAWN BY: DT	3-24-93 HRG. OFFICER'S ORDER ADDED TO PLAN
DESIGN BY: DT	6-30-93 1ST AMENDMENT REVISIONS
REVIEW BY:	DIANE TORN ARCHITECT
SHEET:	DRAWING NUMBER 3OF4

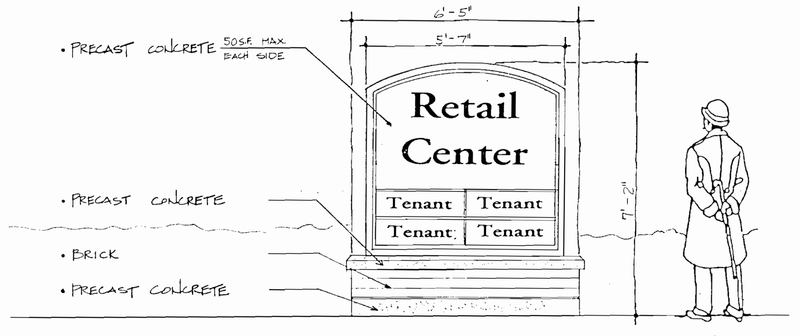
22 X 34 PRINTED ON NO. 1000H CLEARPRINT ●



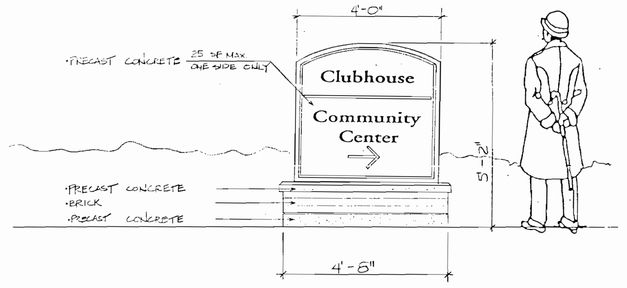
SIGN TYPE A: Major Entrance Sign TYPICAL



SIGN TYPE B: Minor Entrance Sign TYPICAL



SIGN TYPE C: Retail Signage TYPICAL



SIGN TYPE D: Directional Signage TYPICAL

Colvista
A Hillside Community

SCALE 1" = 100'

CONTOUR INTERVAL 5'

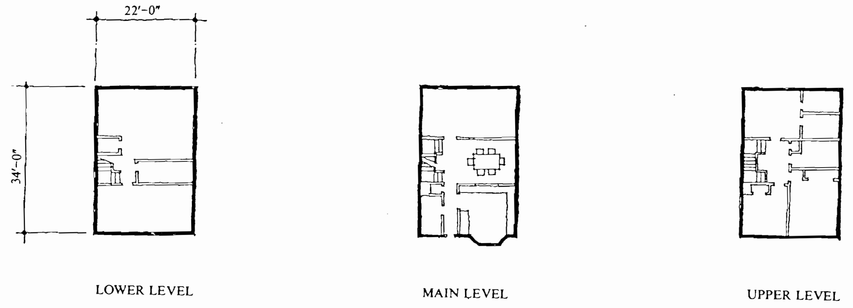
GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
6918 WOODWORTH DRIVE, SUITE 100
FREDERICK, MARYLAND 21703
(410) 695-1020

DESIGN COLLECTIVE, INC.

LDR

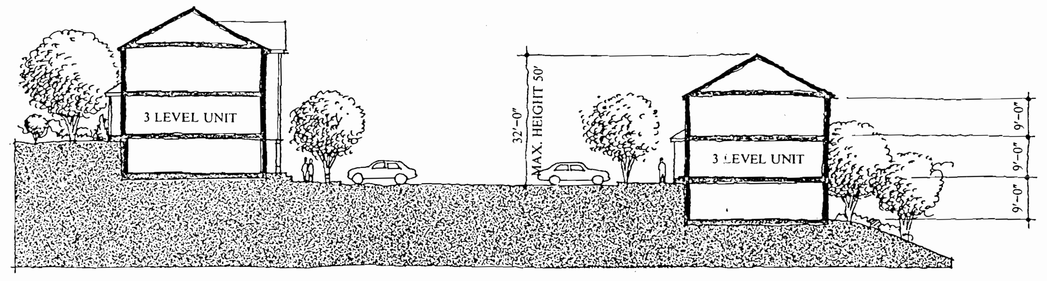
AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
DATE: APRIL 10,1995
SHEET 8 OF 9

SIGN DETAILS* - *TYPICAL



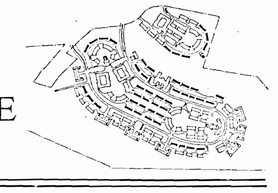
FLOOR PLANS

0 8 16 32

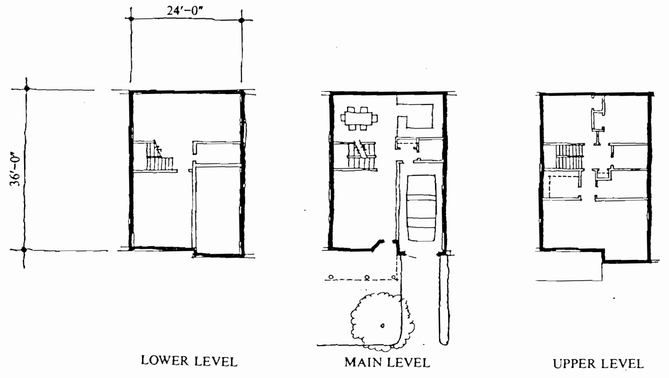


SECTION

ELEVATION

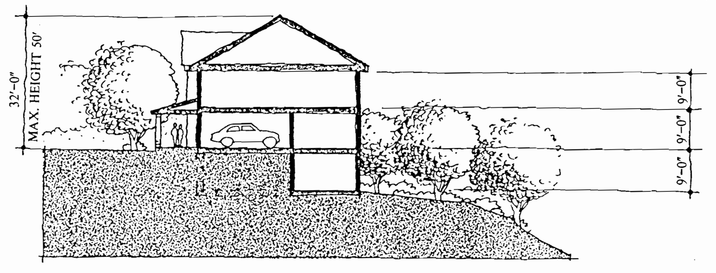


CONVENTIONAL TOWNHOUSES WITHOUT GARAGE
BUILDING TYPE 5



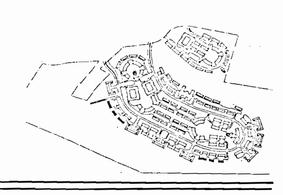
FLOOR PLAN

0 8 16 32

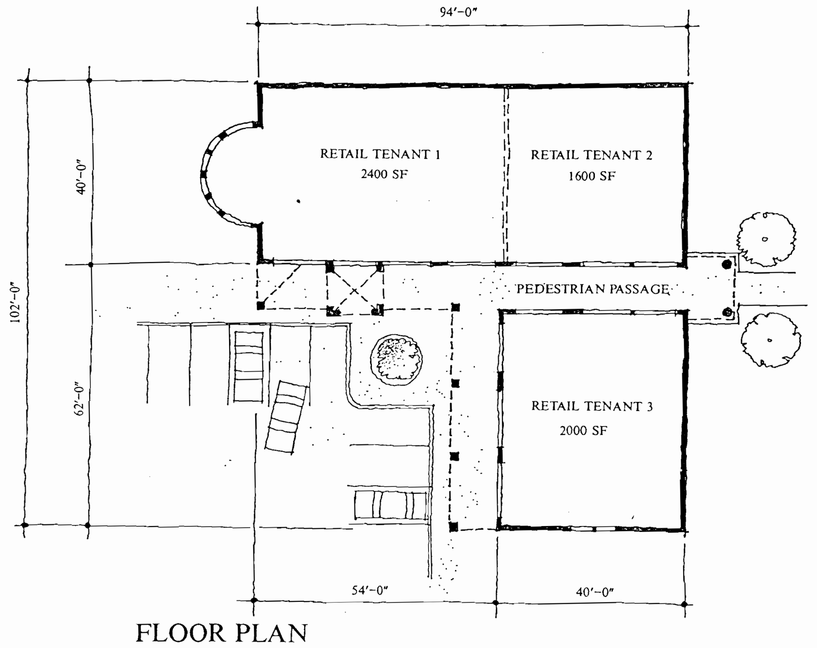


SECTION

ELEVATION



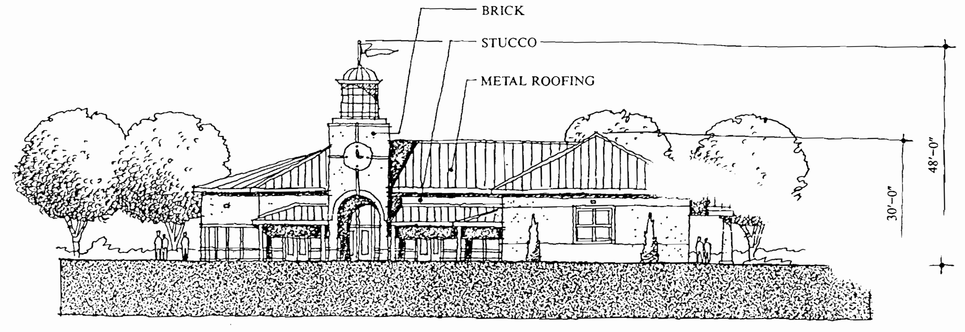
3-LEVEL TOWNHOME WITH GARAGE
BUILDING TYPE 6



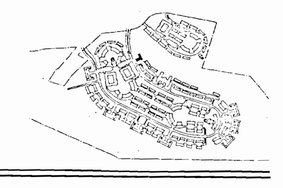
FLOOR PLAN

0 8 16 32

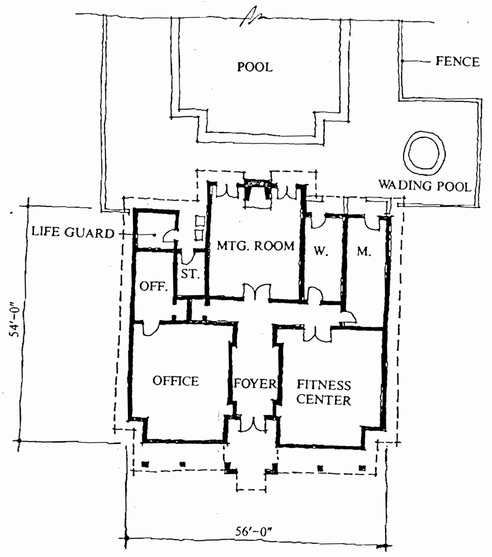
TOTAL RETAIL GLA 6000 SF

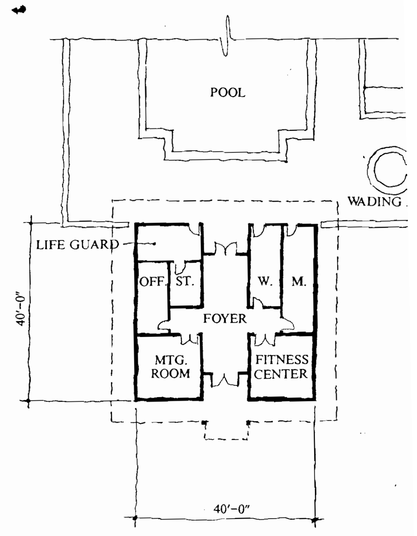


ELEVATION



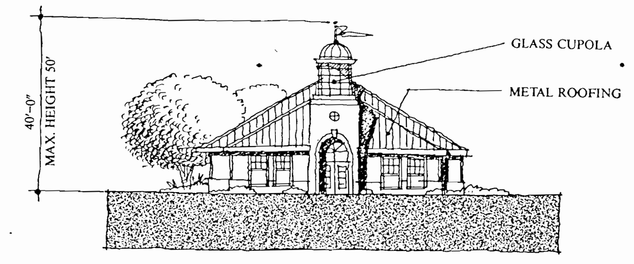
COMMUNITY RETAIL CENTER
BUILDING TYPE 7



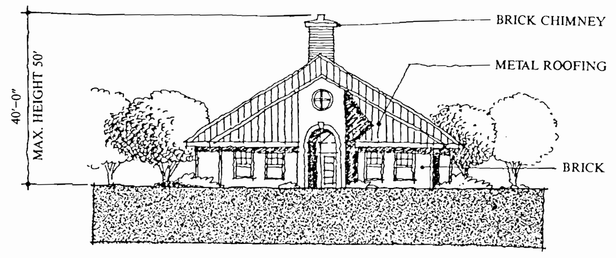


FLOOR PLAN

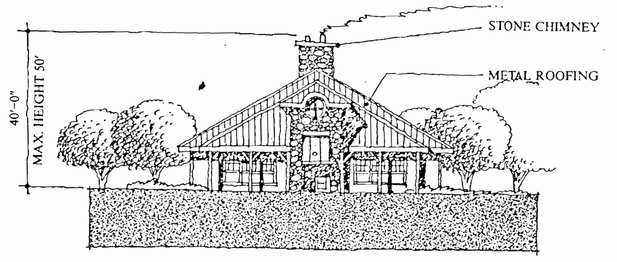
0 8 16 32



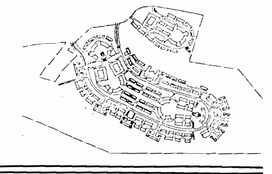
ELEVATION A



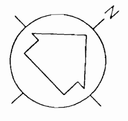
ELEVATION B



ELEVATION C



COMMUNITY CENTER
BUILDING TYPE 8



Colvista
A Hillside Community

SCALE 1" = 100'

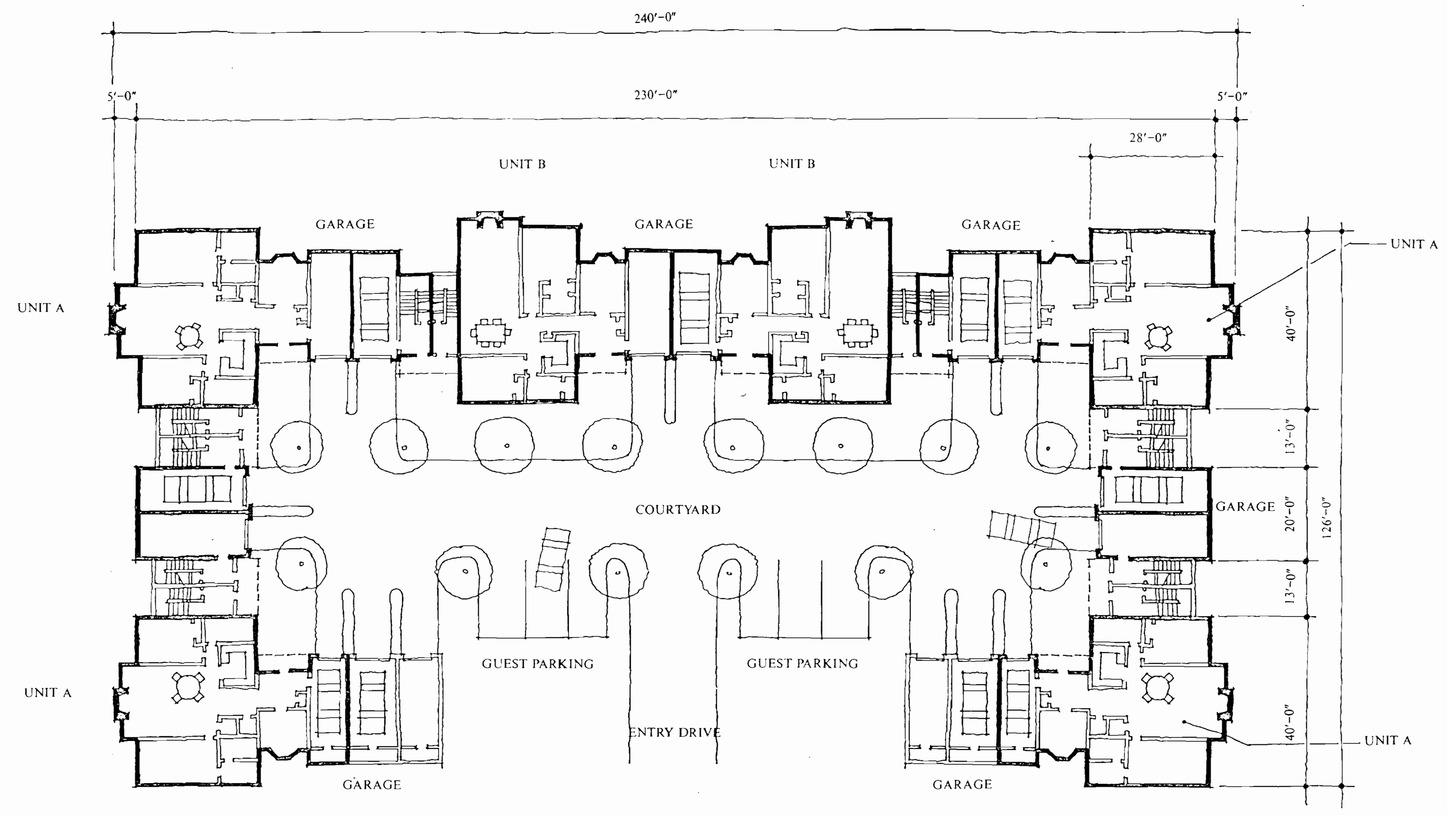
CONTOUR INTERVAL 5'

EA DESIGN LDR

GWS GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.
REAL ESTATE & LAND SERVICES
6718 NEW MOON PARK, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8100

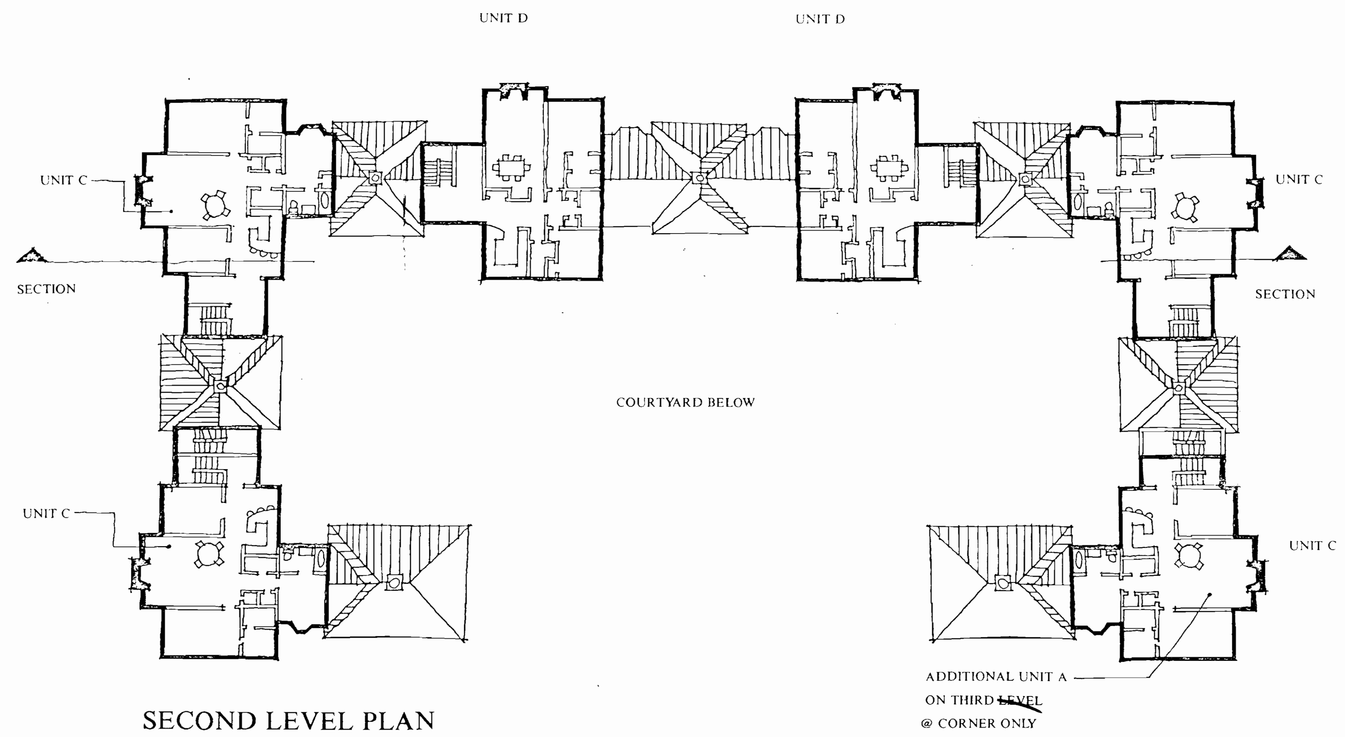
AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
DATE: APRIL 10,1995
SHEET 7 OF 9

***ARCHITECTURE** - TYPICAL FLOOR PLANS, SECTIONS, & ELEVATIONS*



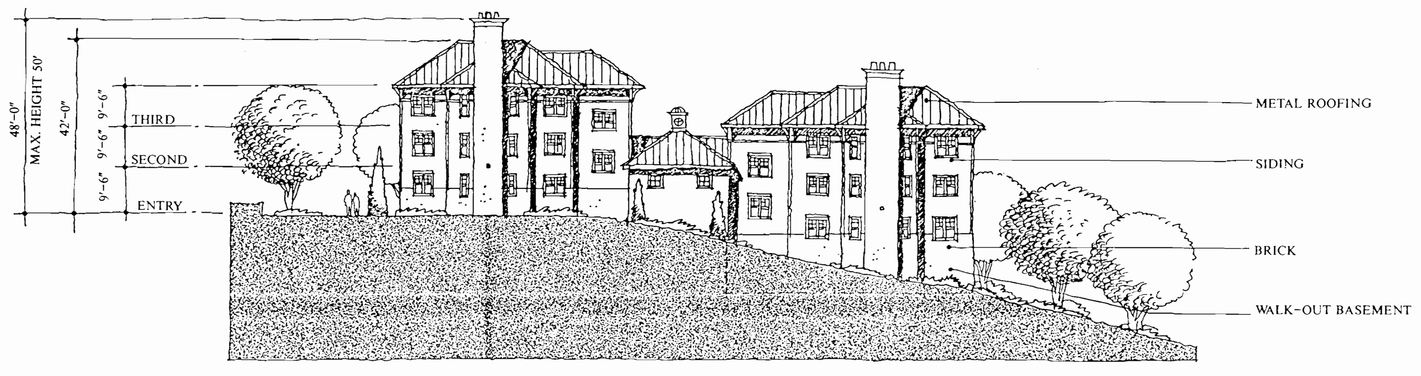
ENTRY/COURTYARD LEVEL PLAN

0 8 16 32



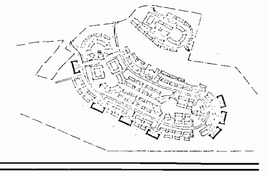
SECOND LEVEL PLAN

SECTION/ELEVATION THROUGH COURTYARD



SIDE ELEVATION

GARAGE FLATS
BUILDING TYPE 4



Colvista
A Hillside Community

SCALE 1" = 100'

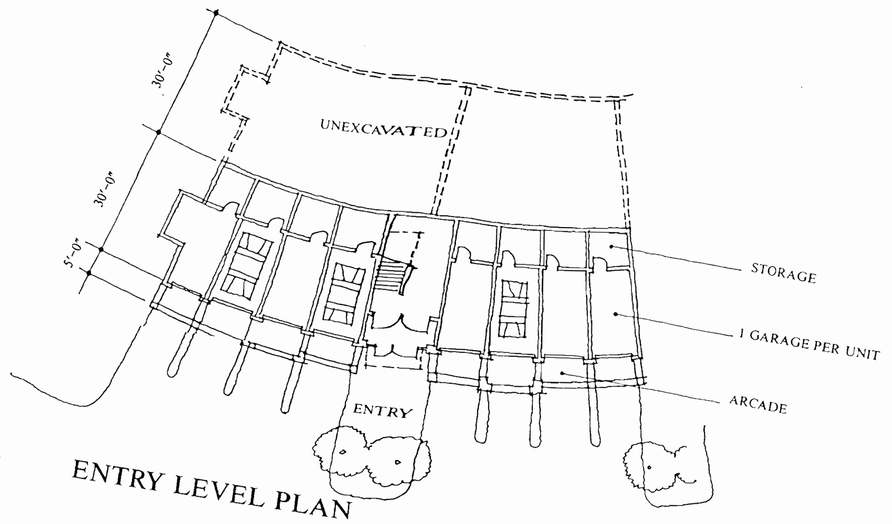
CONTOUR INTERVAL 5'

EA DESIGN LDR

GWS
GEORGE W. STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
6858 HOCHKINS SPEARS, SUITE 2
TOWSON, MARYLAND 21204
410/823-8122

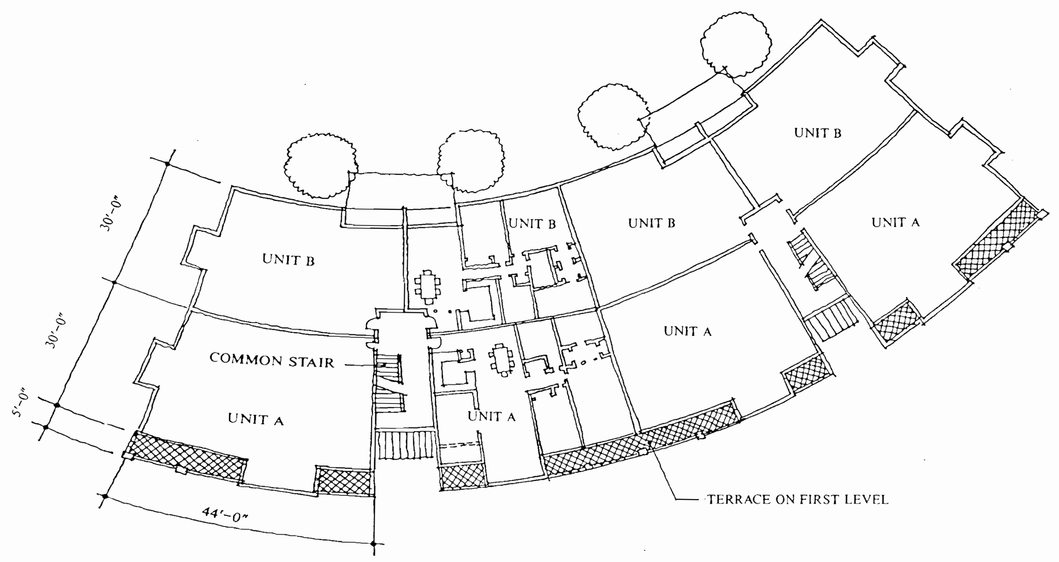
AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
DATE: APRIL 10,1995
SHEET 6 OF 9

***ARCHITECTURE** - TYPICAL FLOOR PLANS, SECTIONS, & ELEVATIONS*

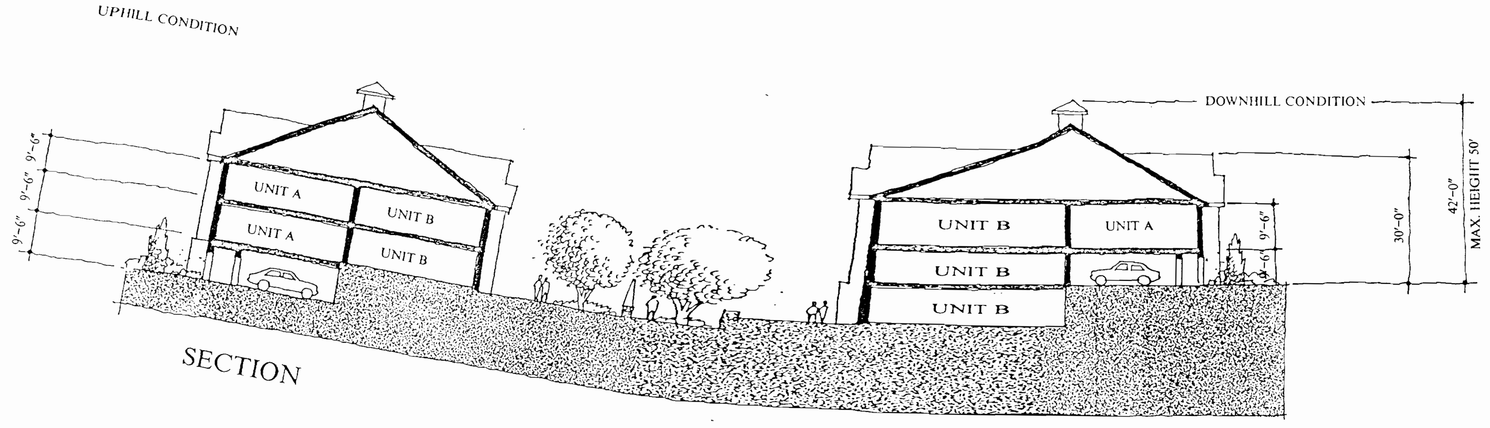


ENTRY LEVEL PLAN

0 8 16 32



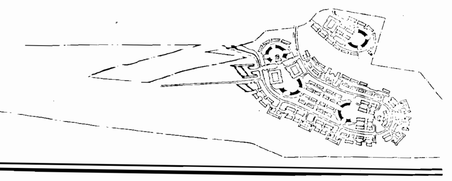
TYPICAL FIRST AND SECOND LEVEL PLAN - UPHILL CONDITION

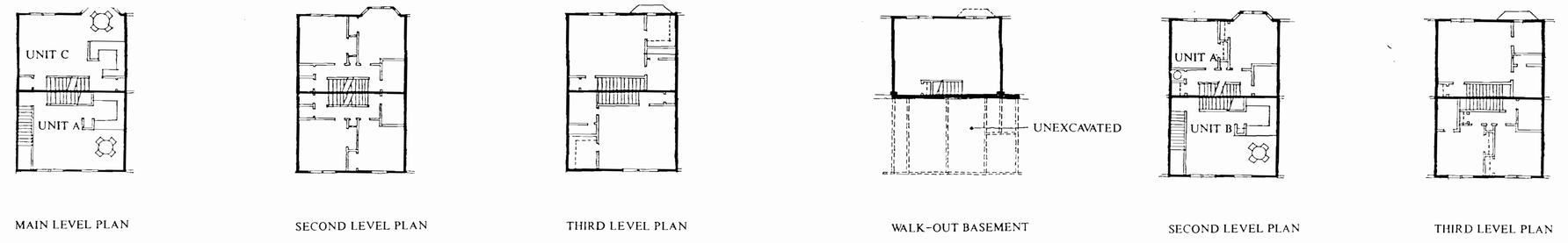


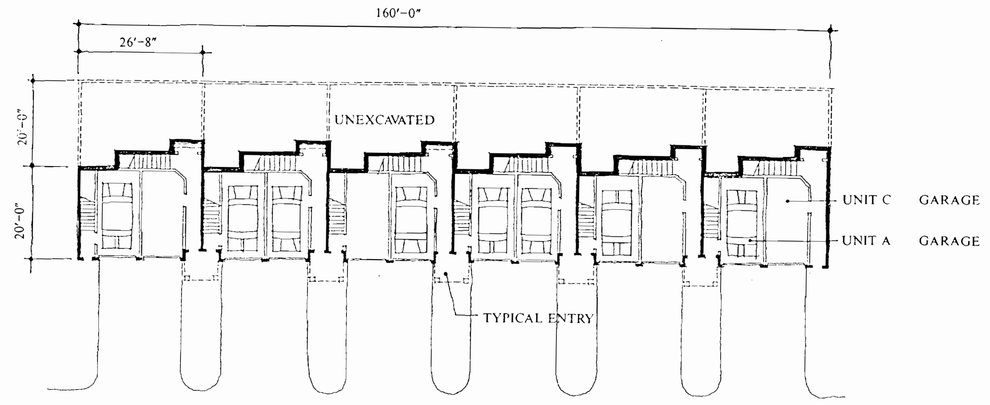
SECTION

ELEVATION

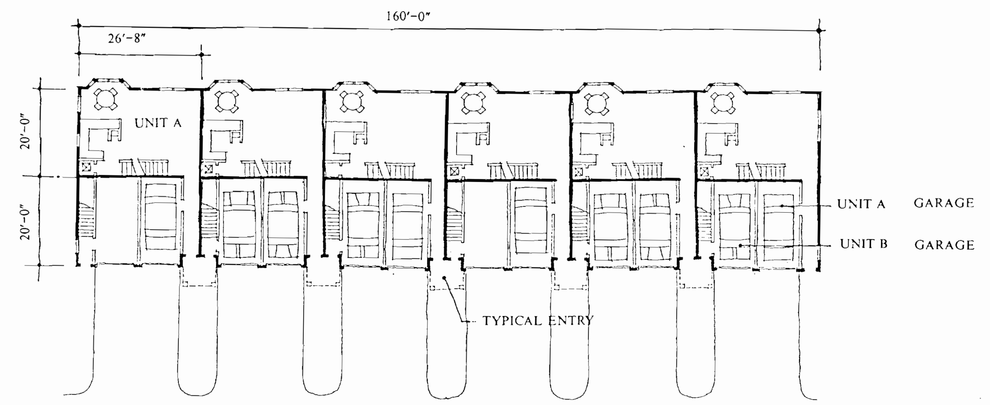
WALK-UP FLATS WITH GARAGE
BUILDING TYPE 2





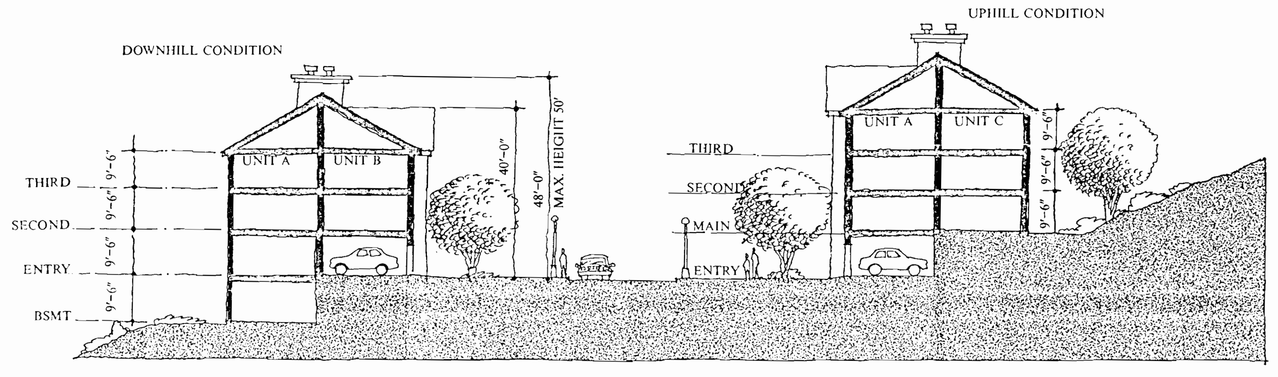


ENTRY LEVEL PLAN - UPHILL CONDITION

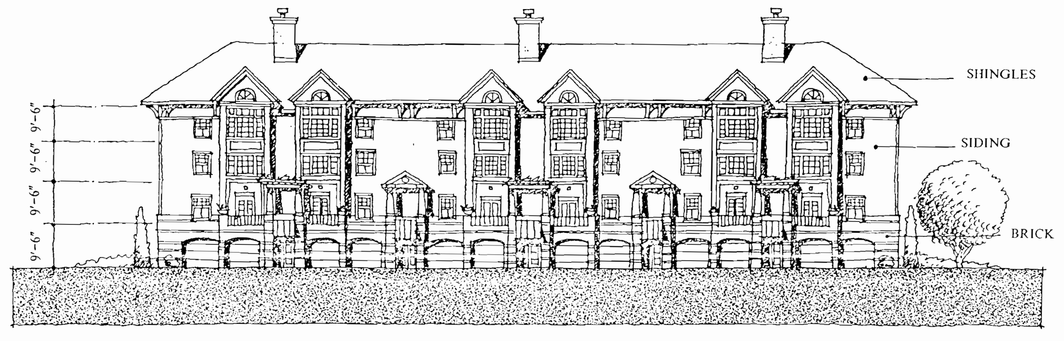


ENTRY LEVEL PLAN - DOWNHILL CONDITION

0 8 16 32



SECTION



ELEVATION

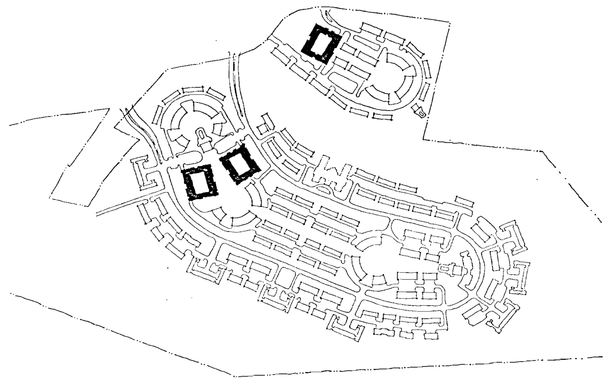
CARRIAGE HOMES
BUILDING TYPE 3

ta
side Community

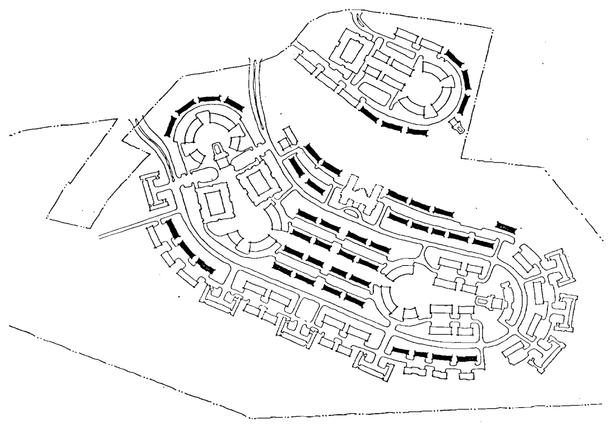
GEORGE N. STEPHENS, JR.

AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10,5 AND BL
DATE : APRIL 10,1995
SHEET 5 OF 9

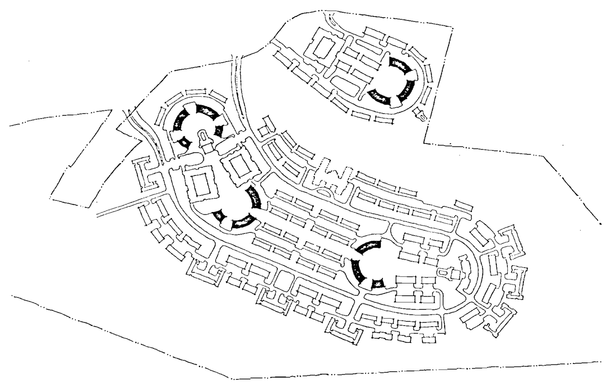
ARCHITECTURE *- TYPICAL FLOOR PLANS, SECTIONS, & ELEVATIONS*



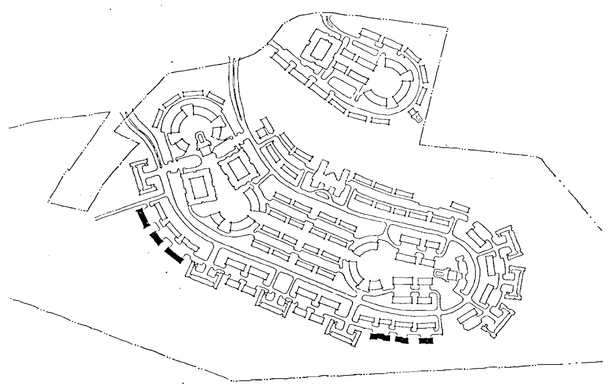
KEY PLAN– BUILDING TYPE 1



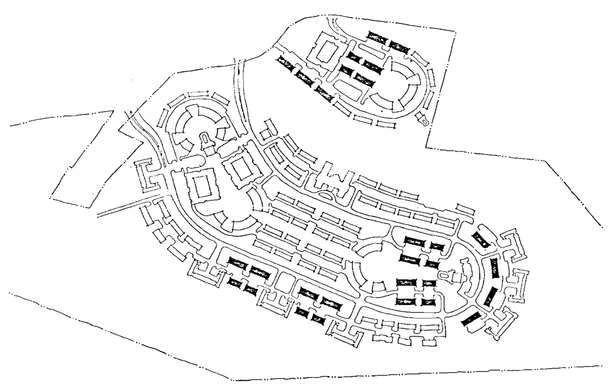
KEY PLAN – BUILDING TYPE 5



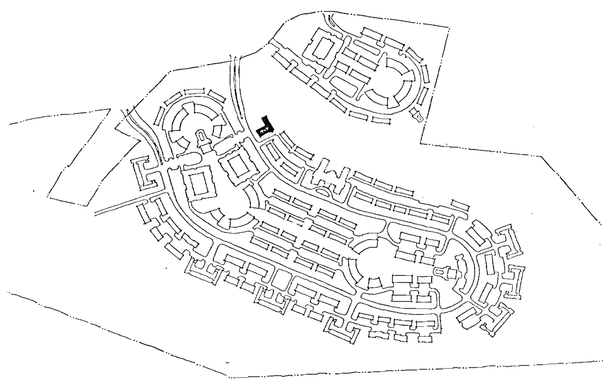
KEY PLAN – BUILDING TYPE 2



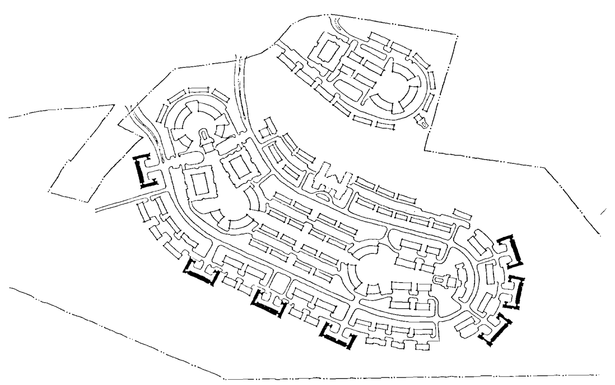
KEY PLAN – BUILDING TYPE 6



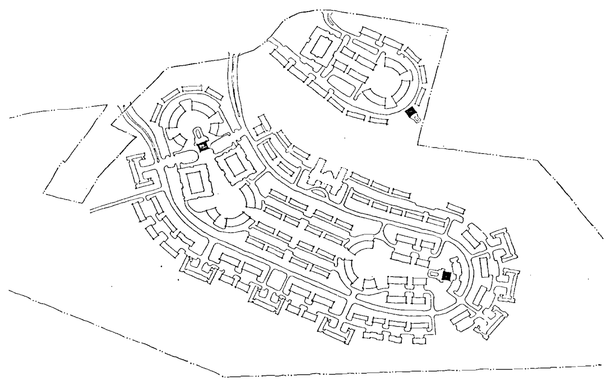
KEY PLAN – BUILDING TYPE 3



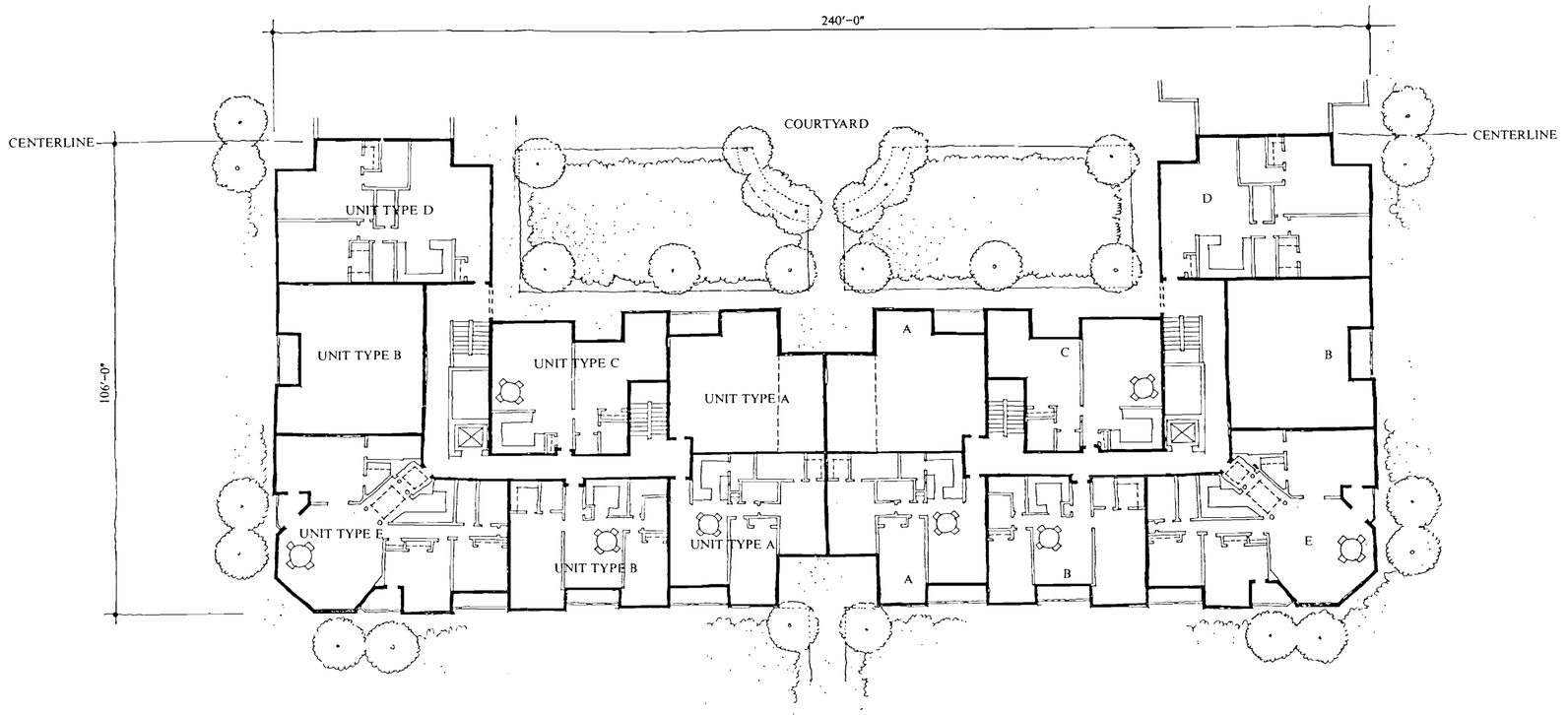
KEY PLAN – BUILDING TYPE 7



KEY PLAN – BUILDING TYPE 4



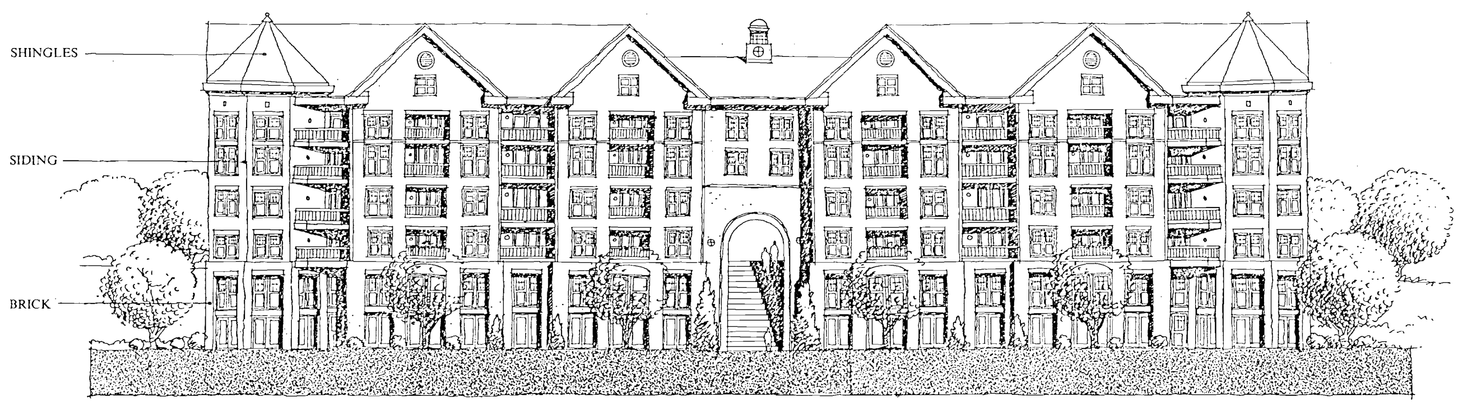
KEY PLAN – BUILDING TYPE 8



TYPICAL FLOOR PLAN

0 8 16 32

SECTION



ELEVATION

Colvista
A Hillside Community

ELEVATOR FLATS BUILDING TYPE 1

AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
DATE : APRIL 10,1995
SHEET 4 OF 9

***ARCHITECTURE** - TYPICAL FLOOR PLANS, SECTIONS, & ELEVATIONS*

Minimum Landscape Requirements	Planting Units Required	Planting Units Shown	Proposed Planting Units Types
I. Street Tree Calculations			
A. Interior Roads			
Public Loop Road (6,050 L.F. ÷ 20')	302	302	One 2-2 1/2" cal. Deciduous Tree
Private Road (15,780 L.F. ÷ 20')	794	794	One 2-2 1/2" cal. Deciduous Tree
B. Adjacent Roads			
York Road ÷ 1,480 L.F. (650' credit of existing trees = 830 L.F. ÷ 40')	21	21	One 2-2 1/2" cal. Deciduous Tree
Phoenix Road ÷ 1,670 L.F. (170' credit of existing trees = 1500 L.F. ÷ 40')	38	38	One 2-2 1/2" cal. Deciduous Tree
II. Screening Calculations			
A. Class A Screen			
Buffer Between Residential/Commercial (200 L.F. ÷ 15')	13	13	Two 5 - 6' ht. Evergreen Trees
Sidelrear of Units from Public R.O.W. (6,190 L.F. ÷ 15')	413	413	Two 30" ht. Evergreen Shrubs
Stormwater Management Planting (4,250 L.F. ÷ 15')	284	284	Five 30" ht. Evergreen Shrubs
B. Class B Screen			
Retail and Clubhouse Parking Adjacent to Public R.O.W. (460 L.F. ÷ 15')	31	31	Five 18" ht. Evergreen Shrubs
III. Parking Lot Requirements			
Retail and Clubhouse Parking 1 Planting Unit per 12 Parking Spaces (139 Spaces ÷ 12)	12	12	One 2-2 1/2" cal. Deciduous Tree

Note :
The proposed developement is in full compliance with the October 1, 1990, Baltimore County, Maryland Landscape Manual. In addition to the minimum landscape requirements identified above, all dumpsters shall be screened as required.

Additional plantings will be provided around all units, court yards and common spaces

Colvista
A Hillside Community

GWS
GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
606 BOSLEY AVENUE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

DESIGN COLLECTIVE, INC.
ARCHITECTURE PLANNING INTERIORS

The Traffic Group, Inc.

EA

LDR International

AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
APRIL 10, 1995
SHEET 3 OF 9

SCHEMATIC LANDSCAPE AND RECREATION PLAN

GENERAL NOTES :

1. SITE ACREAGE = 214.806 ACRES
2. EXISTING ZONING = RC-4 = 58.64 ACRES+/- (NOT RECLASSIFIED)
3. PROPOSED ZONING - RC-4 = 58.64 ACRES+/-
   RC-10.5 = 155.01 ACRES
   BL = 1.16 ACRES+/-
4. EXISTING USE = VACANT
5. PROPOSED USE = RESIDENTIAL HOUSING, COMMERCIAL
6. ELECTION DISTRICT = 8
7. COUNCILMATIC DISTRICT = 3
8. SITE DATA/UNITS PERMITTED:
   RC-4 = 58.64 ACRES X 0.2 = 11.7 UNITS
   RC-10.5 = 155.01 ACRES X 10.5 = 1627.5 UNITS
   BL = F.A.R. = 3.0 X 1.16 ACRES X 43560 (50530 S.F.)X 3 = 151,590 S.F. -
   UNITS PROPOSED :
   RC-4 = 0
   RC-10.5 =
   ELEVATOR FLATS = 372 UNITS
   WALK-UP FLATS (GARDEN WITH GARAGE) = 176 UNITS
   WALK-UP FLATS = 126 UNITS
   GARAGE FLATS = 292 UNITS
   CARRIAGE HOMES = 292 UNITS
   TOWNHOME WITH GARAGE = 75 UNITS
   TOWNHOME WITH GARAGE = 227 UNITS
   CONVENTIONAL TOWNHOMES = 227 UNITS
   SUBTOTAL = 1268 UNITS
   SUBTOTAL DWELLING UNITS = 1268 UNITS + 234 UNITS
   FUTURE HOUSING FOR THE ELDERLY OPPORTUNITY = 234 UNITS
   TOTAL DWELLING UNITS = 1502 UNITS
   BL = 6000 S.F. OF RETAIL = .138 F.A.R.
9. LOCAL OPEN SPACE
   REQUIRED = 1502 UNITS X 650 S.F. = 22.41 ACRES
   PROVIDED = ACTIVE OPENSPACE = 11.6 ACRES
   PROVIDED = PASSIVE OPEN SPACE
   PROVIDED = NATURAL WOODED AREAS = 91.6 ACRES
   IN DEVELOPED AREAS = 12.3 ACRES
   TOTAL AREA = 104.9 ACRES
   TOTAL LOCAL OPEN SPACE PROVIDED = 116.5 ACRES
9. PARKING TABULATION:
   ELEVATOR FLATS
   372 UNITS @ 2.3 SPACES PER UNIT
   SPACES REQUIRED - 856 SPACES
   GARAGES PROVIDED - 556 SPACES
   WALK-UP FLATS WITH GARAGE
   176 UNITS @ 2.3 SPACES PER UNIT =
   SPACES REQUIRED - 405 SPACES
   GARAGES PROVIDED - 352 SPACES
   SURFACE SPACES PROVIDED - 57 SPACES
   TOTAL SPACES PROVIDED - 409 SPACES
   GARAGE FLATS
   126 UNITS @ 2.3 SPACES PER UNIT
   SPACES REQUIRED - 290 SPACES
   GARAGES PROVIDED - 252 SPACES
   SURFACE SPACES PROVIDED - 48 SPACES
   TOTAL SPACES PROVIDED - 300 SPACES
   CARRIAGE HOMES
   292 UNITS @ 2.3 SPACES PER UNIT
   SPACES REQUIRED - 672 SPACES
   GARAGES PROVIDED - 584 SPACES
   SURFACE SPACES PROVIDED - 101 SPACES
   TOTAL SPACES PROVIDED - 685 SPACES
   TOWNHOME WITH GARAGE
   75 UNITS @ 2.6 PER UNIT
   SPACES REQUIRED - 195 SPACES
   GARAGES PROVIDED - 150 SPACES
   SURFACE SPACES PROVIDED - 47 SPACES
   SURFACE SPACES PROVIDED - 197 SPACES
   TOTAL SPACES PROVIDED
   CONVENTIONAL TOWNHOUSES
   227 UNITS @ 2.3 SPACES PER UNIT
   522 SPACES REQUIRED
   522 SURFACE SPACES PROVIDED
   RETAIL 6,000 S.F. @ 5.0/1000
   30 SPACES REQUIRED
   30 SPACES PROVIDED
   RECREATION BUILDINGS
   LARGE BUILDING
   OFFICE: 664 S.F. @ 10/1000 =7 SPACES
   EXERCISE ROOM: 709 S.F. @ 10/1000 = 8 SPACES
   POOL: 2400 S.F. = 202 BATHERS
   1 PER 7 BATHERS - 29 SPACES REQ.
   TOTAL REQ PER BUILDING - 44 SPACES
   44 SPACES X 2 BUILDINGS = 88 SPACES
   SMALL BUILDING
   OFFICE: 128 S.F. @ 10/1000 =2 SPACES
   EXERCISE ROOM: 256 S.F. @ 10/1000 = 3 SPACES
   POOL: 1500 S.F. = 126 BATHERS
   1 PER 7 BATHERS - 18 SPACES REQ.
   TOTAL REQ PER BUILDING = 23 SPACES
   23 SPACES X 1 BUILDING = 23 SPACES
   TOTAL REQ FOR THE RECREATION BUILDINGS - 111 SPACES
   TOTAL PROVIDED FOR THE RECREATION BUILDINGS - 121 SPACES
   RECREATIONAL COURTS AND FIELDS
   NO SPECIFIC NUMBER REQUIRED
   32 SPACES PROVIDED
   FUTURE HOUSING FOR THE ELDERLY OPPORTUNITY - 234 UNITS
   211 SPACES REQUIRED (CLASS .B)
   211 SPACES PROVIDED - ALL STRUCTURAL
   TOTAL REQUIRED - 3296 SPACES
   TOTAL PROVIDED - 3410 SPACES
10. OWNER:
    SECURITY MANAGEMENT CORP.
    801 LANDS ROAD
    BALTIMORE, MARYLAND 21220
    PHONE (410) 788-0880
11. DEED REFERENCE: 7715/469
12. THE LOCATION OF BUILDINGS LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY. FOOTPRINTS AND/OR CHANGES IN BUILDING FOOTPRINTS DO NOT VIOLATE THE INTENT OF THIS PLAN PROVIDED SUCH CHANGES DO NOT VIOLATE ANY SETBACK AND BUFFER REQUIREMENTS.
13. BUILDING SIGNAGE SHALL BE PROVIDED ONLY TO THE COMMUNITY FOR THE PURPOSE OF IDENTIFICATION AND ACCESSORY USE TO RESIDENTS ONLY.
14. THE TENNIS COURT INTENDED LOCATION AREAS THAT ARE NOT IN ANY WAY INTENDED FOR RESIDENTIAL DEVELOPMENT.
15. THERE ARE NO RESIDENTIAL UNITS IN THE COMMUNITY BUILDING ARE PROJECTED IMMEDIATELY ON THE COMPLEX TYPE OF USES PROPOSED WITHIN.
16. HOURS OF OPERATION CONSISTENT WITH THE TYPE OF USES PROPOSED WITHIN.
17. ZONING HISTORY OF PROPERTY AND RECLASSIFICATION - ISSUE #3-131
    1992 - REQUEST - RC-4 TO 215 ACRES RC-4
    FINAL ZONING - RECLASSIFICATION - ISSUE #3-106(B)
    1984 - REQUEST - ZONING TO 53 ACRES DR 3.5 AND 162 ACRES RC-4
    FINAL ZONING - 215 ACRES RC-4
    1980 - REQUEST - ZONING RECLASSIFICATION - 215 ACRES RC-4 TO 215 ACRES DR-3.5
    FINAL ZONING - 215 ACRES RC-4
    1976 - ZONING RECLASSIFICATION
    53 ACRES DR-1 AND 162 ACRES RDP TO 215 ACRES RC-4
    1971 - COMPREHENSIVE MAP ESTABLISHED
    53 ACRES DR-1 AND 162 ACRES RDP

18. This property is not within the Chesapeake Bay Critical Area (CBCA).
19. None of the site area to be reclassified is within the 100 year flood plain. The approximate limit of the 100 year flood plain is shown in this plan.
20. Failure does not currently exist pursuant to the Baltimore County Basic Services Maps for traffic, sanitary sewer or water.
21. As of October 1, 1994, iBaltimore County Controls for Elementary School Capacity‖ Development Controls School Map reflect that Colvista is not within a moratorium area.
22. No existing structures on-site are to be retained. For type, size, location, materials, floor areas, heights, dimensions and character of the proposed structures see sheet 1 and the attached architectural drawings ^sheets 4 through 8 of 9.
23. Hours of operations, the maximum number of employees, the maximum levels of emanations for the BL uses and the residential areas including the community facilities will be within acceptable levels consistent with normal activities associated with these types of development.
24. This plan reflects alternative designs for the sanitary sewer service for the northern most parcel adjacent (buildings nos. 96 through 104). At the time of final engineering design a determination will be made as to the capacity of the Loveton pumping station and if there is capacity available to serve this portion of the site. Provided all Baltimore County standards are met, other alternatives may be implemented during future developement stages
25. See the Amended Environmental Impact Statement for details on the existing vegetative and tree cover.
26. The alignment of York Road shown on this plan meets the existing State Highway Administration (SHA) alignment. The proposed alignment of the Main Loop Road has been designed in such a manner as to meet the SHA requirements for the existing alignment and Alternatives 2,3 and 5 as currently proposed by SHA.
27. All roads are intended to be two-way streets except where medians are utilized to directionalize traffic. All roads with the exception of the Main Loop Road are intended to be private roads.
28. Loading for the BL area will be performed from the proposed parking lot area.
29. The housing facility for the elderly footprint shown herein is preliminary and conceptual and is subject to modification once final plan details are resolved. The appropriate zoning appeals (i.e. The Petition for Special Exception) will be filed during Future Development Stages and prior to permitting
30. The landscaping shown herein is conceptual,schematic and shown for compliance with minimum standards. Future plans will exceed the minimum standards required. Resolution of the zoning and Development Plan issues will result in a final landscape plan which shall be in compliance with the provisions of the Baltimore County Landscape Manual.
31. Topography shown herein is based on Baltimore County photogrammetric maps. Proposed major changes in grade are shown conceptually and are subject to modification as subsequent field run topography and materials are secured and final plan details resolved.
32. Signage will be in accordance with the provisions of the Baltimore County Zoning Regulations. See sheet 8 of 9 for the preliminary signage concepts. The size and locations are shown herein are conceptual and may be subject to modification.
33. Grading and utility locations shown herein are conceptual and schematic. Resolution of the Zoning and Development Plan issues will result in final construction plans which will be in accordance with the Baltimore County Code and the policies and procedures established by the Department of Environmental Protection and Resource Management (DEPRM) and the Department of Public Works (DPW).
34. All buildings will meet applicable building and fire codes.
35. Buildings within the BL zone will meet the requirements of the BCZR and may be structurally connected if necessary.
36. This property lies within the Metropolitan District Boundary, application shall be submitted to amend the Baltimore County Master Water and Sewer Plan upon the resolution of the zoning issues.
37. Buildings numbered 7,9 through 16, 55 and 56 may require individual booster pumps for the sprinkler fire protection system. Until the design of the water distribution system, location and size of water meters and the size of the service lines are established, the precise requirements will not be established. The number of units that will require booster pumps will be determined once the design of the water distribution system is complete.
38. Storm water management facilities shown herein are conceptual and schematic. The final type, size and location will be determined upon resolution of zoning and Development Plan issues. These facilities will be designed to the standards and provisions established by the DEPRM and the DPW.
39. Future Actions/Flexibility
    A). Once zoning issues are resolved, this documented site plan and any future special exceptions as may be necessary in connection with the housing facility for the elderly must be reviewed and approved as required by the development and zoning regulations. Such review of plan, building, site development, or engineering details may require modification of this plan. In accordance with the Baltimore County Code (BCC) Section 2-356 (I), such modification is permissable if the number of dwelling units set forth on this plan is not exceeded, if they are in accordance with the terms of any counterpart special exceptions and if they are in accordance with all applicable standards and requirements.
    B). The mix of dwelling unit types is illustrative of intent and is based on expected demand based on current trends. This mix may be modified if the total number of dwelling units does not exceed the 1502 maximum units permitted by the requested zoning.
    C). Similarly, Hardscape items such as walkways, walls sidewalks, pedestrian areas, and other amenities, architectural plans and elevations are preliminary, conceptual and illustrative of intent to create quality development at Colvista. The final layout of buildings and of building types may be modified if they fit within the maximum building envelope shown and are in accordance with all other applicable standards and requirements. Final Hardscape architectural plans and elevations shall comply with Baltimore County Standards.
40. Phasing of Development - Development of Colvista will take place in a series of coherent phases. Section, parcel, condominium or mortgage lines may be established to facilitate development phasing.
41. Utilization - Utilization of this documented site plan shall occur in accordance with the provisions of the BCC Section 2-356 (n) if the development is initiated within three years of the date of a final order granting the requested reclassification and if, thereafter, development is diligently pursued to completion.

COLVISTA PROFFER NOTES :

This Documented Site Plan falls within a process established within the Baltimore County Code providing for reasonable regulation of development of a specific property. Since development of the Colvista project will have impacts on public infrastructure, the following conditions are proffered through the Documented Site Plan:

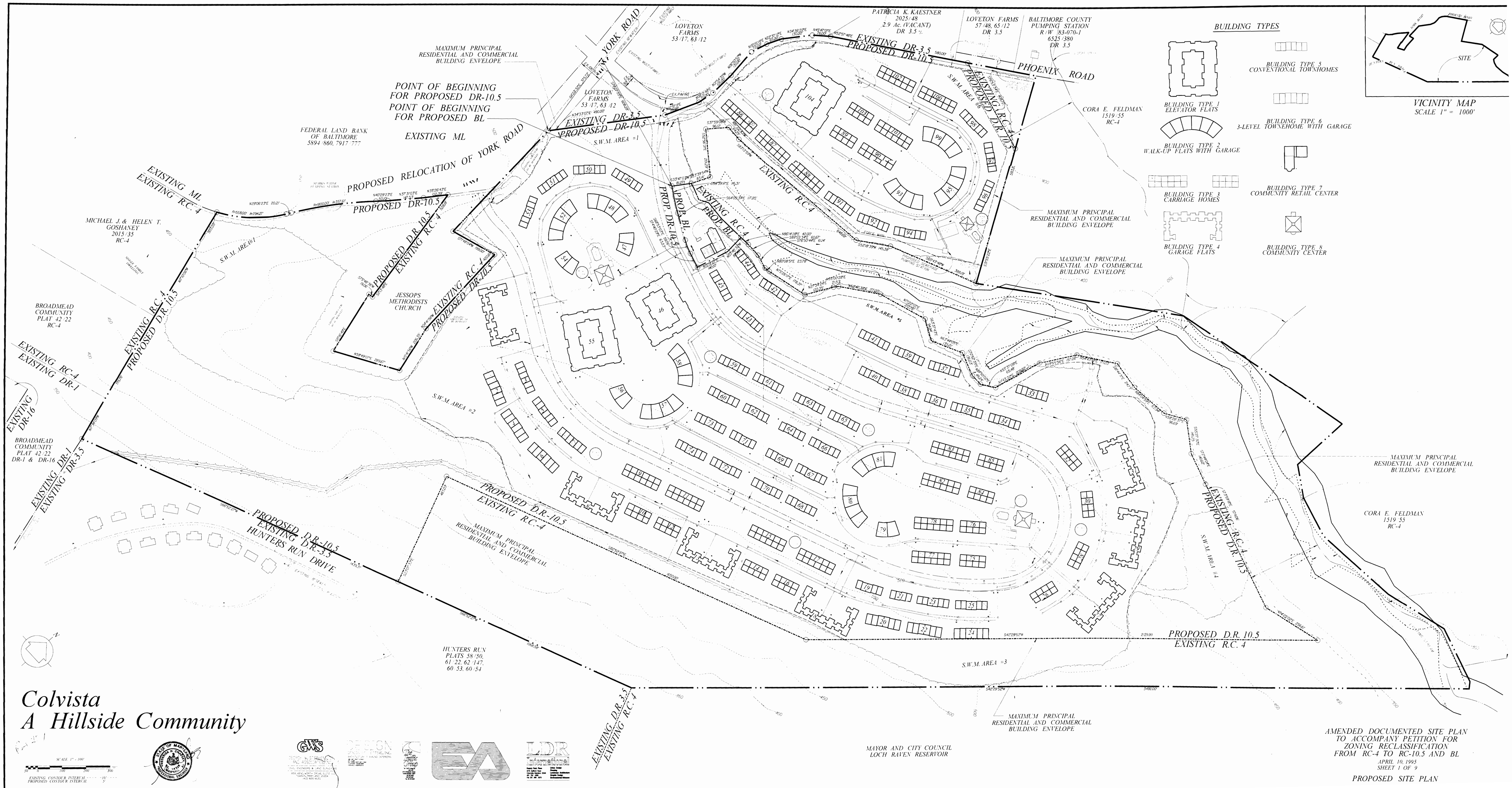
1. School Impacts. Baltimore County Code currently establishes requirements for the adequacy of elementary school facilities. This Documented Site Plan proffers that requirements similar to these for elementary schools will also be imposed by Baltimore County on the construction of middle and high schools associated with the project. However, in the event that such an imposition of public facility inadequacy for middle or high schools upon the Colvista project would prohibit the construction of dwellings, the developer will be permitted to pay an impact fee which provides for financial contributions to the Board of Education or to Baltimore County providing a reasonable and equitable share of the capital costs of middle or high school facilities attributable to the Colvista development as the project proceeds in its phases. The details and amount of such financial contributions shall be negotiated between the property owner and Baltimore County during the building permit review process.
2. Road Impacts. Baltimore County Basic Services Legislation will govern this site relative to the intersection at York and Shawan Roads. Traffic studies show that the intersection can be upgraded to permit the proposed project. In addition to the Basic Services Map Regulations regarding traffic intersections, the Colvista project will also be governed by the capacity of the roadway link between Phoenix Road and Shawan Road in accordance with the Highway Capacity Manual methodology. In the event that the roadway link is operating at a failing level of service, the developer will be permitted to proceed with building permits after having paid an impact fee to be negotiated between the landowner and the State Highway Administration at the building permit stage. The impact fee will be based upon the reasonable and equitable share of the capital costs of the road improvements which are attributable to the Colvista development. Additionally, the petitioner agrees to pay the actual cost to the State Highway Administration of performing the engineering studies and design studies for the construction of the realigned York Road between Phoenix and Shawan Roads, not to exceed $3,000,000.00.
3. Fire and Emergency Medical Services. During the existence of the Cockeysville Volunteer Fire Department, the petitioner agrees to provide financial support to the Cockeysville Volunteer Fire Department to assist with emergency medical services and fire suppression activities. This will be based upon an annual assessment of each condominium or lot owner in a minimum amount of $10.00 per year per unit. The community association and/or condominium association will have the power to increase, but not decrease, this annual assessment.
4. Public Water. The petitioner will assume one hundred percent of the cost of linking the Colvista project with the existing public water distribution system.
5. Public Sewer. The developer will assume one hundred percent of the cost of linking the Colvista project with the public sewerage system.
6. Water Quality Enhancement. The developer will enhance the water quality by retrofitting the existing storm water management facilities at Hunters Run to establish water control features in accordance with the Environmental Impact Statement. To further minimize water quality impacts the developer will utilize state-of-the-art sediment control measures in addition to the sediment control measures required by the County and State. Further the developer will retain a full-time sediment control inspector to inspect and monitor sediment control plan implementation and over see the efforts of the contractors.
7. Mass Transit/Transportation Services. In the event that the Mass Transit Administration does not provide public transportation through the Colvista community, the petitioner will provide shuttle service through the Colvista development which will link surface transportation routes and interface with the light rail extension into Hunt Valley.
8. Recreational Features. Many areas within the Colvista project are planned for sports fields and related recreational activities and facilities. The petitioner shall grade the areas and construct the required facilities in accordance with the phases of the project, providing site lighting for evening use of the sports fields. If approved by Baltimore County, if Baltimore County desires, it shall convey to Baltimore County the right to use the sports fields for operation by the Department of Recreation and Parks.
9. Pathways. The developer shall provide the internal pathways linking residents to one another and provide access to internal open spaces and recreational facilities.
10. Trail System. The developer shall provide a trail system linking component areas of Colvista, provide hiking and biking opportunities within retained open and natural areas and, if desired by the Baltimore County Department of Recreation and Parks, will connect to the Gunpowder Falls State Park.
11. Affordable Housing. The developer shall provide housing units through each phase of the development which represents 15% of the total number of units as affordable housing. Affordable housing is proposed to be defined as housing which would be affordable to families earning 80% of the average family income for the Baltimore Metropolitan areas at the time of sale.
12. Greenway System. If Baltimore County desires, the developer will dedicate a greenway easement containing the forest buffer easements and appropriate access easements to the Department of Recreation and Parks to be utilized as a part of the Baltimore County Greenway System.

Colvista
A Hillside Community

GWS
JESSE A. BERMAN, JR.
CIVIL ENGINEER & LAND SURVEYOR
606 BOSLEY AVENUE, SUITE 3C
TOWSON, MARYLAND 21204
(301) 823-8077
DESIGN
DESIGN ASSOCIATES, INC.
LANDSCAPE PLANNING ARCHITECTS
EA
LDR
Land Development Resources

AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
APRIL 10, 1995
SHEET 2 OF 9

SITE DATA AND GENERAL NOTES


NEW YORK ROAD
PHOENIX ROAD
PROPOSED RELOCATION OF YORK ROAD
POINT OF BEGINNING FOR PROPOSED DR-10.5
POINT OF BEGINNING FOR PROPOSED BL
EXISTING ML
EXISTING ML
EXISTING R.C.4
PROPOSED DR-10.5
EXISTING DR-3.5
PROPOSED DR-10.5
EXISTING R.C.4
PROPOSED D.R.10.5
EXISTING R.C.4
PROP. BL.
PROP. DR-10.5
EXISTING R.C.4
EXISTING R.C.4
PROPOSED DR-10.5
EXISTING R.C.4
EXISTING DR-1
EXISTING DR-16
EXISTING DR-1
EXISTING DR-3.5
PROPOSED D.R.10.5
EXISTING R.C.4
PROPOSED D.R.-10.5
EXISTING DR-3.5
HUNTERS RUN DRIVE
PROPOSED D.R.10.5
EXISTING R.C.4
EXISTING DR-3.5
EXISTING R.C.4
EXISTING R.C.4
PROPOSED DR-10.5
S.W.M. AREA #1
S.W.M. AREA #2
S.W.M. AREA #3
S.W.M. AREA #4
S.W.M. AREA #5
LOVETON FARMS 53/17, 63/12
LOVETON FARMS 53/17, 63/12
LOVETON FARMS 57/48, 65/12 DR 3.5
PATRICIA K. KAESTNER 2025/48 2.9 Ac.(VACANT) DR 3.5
BALTIMORE COUNTY PUMPING STATION R.W. 883-070-1 6525/380 DR 3.5
CORA E. FELDMAN 1519/55 RC-4
CORA E. FELDMAN 1519/55 RC-4
FEDERAL LAND BANK OF BALTIMORE 5894/860, 7917/777
MICHAEL J. & HELEN T. GOSHANEY 2015/35 RC-4
BROADMEAD COMMUNITY PLAT 42/22 RC-4
BROADMEAD COMMUNITY PLAT 42/22 DR-1 & DR-16
JESSOPS METHODISTS CHURCH
HUNTERS RUN PLATS 58/50, 61/22, 62/147, 60/53, 60/54
MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE
MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE
MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE
MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE
MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE
MAXIMUM PRINCIPAL RESIDENTIAL AND COMMERCIAL BUILDING ENVELOPE
MAYOR AND CITY COUNCIL LOCH RAVEN RESERVOIR
BUILDING TYPES
BUILDING TYPE 1 ELEVATOR FLATS
BUILDING TYPE 2 WALK-UP FLATS WITH GARAGE
BUILDING TYPE 3 CARRIAGE HOMES
BUILDING TYPE 4 GARAGE FLATS
BUILDING TYPE 5 CONVENTIONAL TOWNHOMES
BUILDING TYPE 6 3-LEVEL TOWNEHOME WITH GARAGE
BUILDING TYPE 7 COMMUNITY RETAIL CENTER
BUILDING TYPE 8 COMMUNITY CENTER
SITE
VICINITY MAP
SCALE 1" = 1000'
Colvista
A Hillside Community
AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
APRIL 10, 1995
SHEET 1 OF 9
PROPOSED SITE PLAN

AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
DATE: APRIL 10,1995
SHEET 9 OF 9

ZONING MAP @ 1" = 200'

SECURITY MANAGEMENT CORP.
OWNER

COLUMBIA DESIGN COLLECTIVE
ARCHITECTS AND SITE DESIGNERS

LDR INTERNATIONAL
PLANNERS AND LANDSCAPE ARCHITECTS

GEORGE WILLIAM STEPHENS, JR.
CIVIL ENGINEERS

EA ENGINEERING, SCIENCE AND TECHNOLOGY
ENVIRONMENTAL ENGINEERS

THE TRAFFIC GROUP, INC.
TRAFFIC ENGINEERS

WHITEFORD, TAYLOR AND PRESTON
LAND USE ATTORNEYS

LEGG MASON REALTY GROUP, INC.
ECONOMIC CONSULTANTS

error, with its legal consequences, to an affirmance of the judgment below, with its legal consequences, and not an error of mere form, or a clerical error, or a misprision of the clerk, or the like. *Jackson* v. *Ashton*, 10 Pet. 480; *Bank U. S.* v. *Moss*, 6 How. 31, 38.

The applications are denied.

(108 U. S. 526)

RUGGLES *v.* PEOPLE OF THE STATE OF ILLINOIS.

(May 7, 1883.

RAILROADS—REGULATION OF FARES AND FREIGHTS BY STATE—RAILROAD INCORPORATION ACT OF ILLINOIS—CENTRAL MILITARY TRACT RAILROAD COMPANY—AMENDED CHARTER—REPEAL—GRANT OF IMMUNITY FROM LEGISLATIVE CONTROL—CONSTRUCTION OF WRITTEN INSTRUMENT.

The act passed by the general assembly of Illinois, on the fifth of November, 1849, "to provide for a general system of railroad incorporation," contained the following provisions:

"Sec. 12. The directors of such company shall have power to make by-laws for the management and disposition of stock, property, and business affairs of such company, not inconsistent with the laws of this state, and prescribing the duties of officers, artificers, and servants that may be employed, for the appointment of all officers for carrying on all the business within the object and purposes of such company.

"Sec. 21. Every such corporation shall possess the general powers, and be subject to the general liabilities and restrictions, expressed in the special powers following; that is to say:

* * * * * * * * * *

"(8) To take, transport, carry, and convey persons and property on their railroad, by the force and power of steam, of animals, or any mechanical powers, or by any combination of them, and receive tolls or compensation therefor.

* * * * * * * * * *

"(10) To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for any passenger and his ordinary baggage shall not exceed three cents a mile, unless by special act of the legislature, and shall be subject to alteration as hereinafter provided.

* * * * * * * * * *

"Sec. 32. The legislature may, when any such railroad shall be opened for use, from time to time, alter or reduce the rates of toll, fare, freight, or other profits upon such road; but the same shall not, without the consent of the corporation, be so reduced as to produce with said profits less than 15 per cent. per annum on the capital actually paid in; nor unless, on an examination of the amounts received and expended, to be made by the secretary of state, he shall ascertain that the net income divided by the company from all sources for the year then last past shall have exceeded an annual income of 15 per cent. upon the capital of the corporation actually paid in."

The act to incorporate the Central Military Tract Railroad Company, passed February 15, 1851, provided that such railroad "in all things should be governed by the provisions" of the act of November 5, 1849, and "entitled to have and exercise the powers and privileges, and be subject to the liabilities, therein enumerated."

On the nineteenth of June, 1852, the charter of the railroad was amended by an act containing the following sections:

"Sec. 5. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they shall appoint. * * *

"Sec. 6. The said company shall have power to make, ordain, and establish all such by-laws, rules, and regulations as may be deemed expedient and necessary to fulfill the purposes and carry into effect the provisions of this act, and for the well-ordering, regulating, and securing the affairs, business, and interest of the company: provided, that the same be not repugnant to the constitution and laws of the United States or of this state, or repugnant to this act. The board of directors shall have power to establish such rates of toll for the conveyance of persons or property upon the same as they shall from time to time, by their by-laws, determine, and to levy and collect the same for the use of the said company. The transportation of persons and property, the width of track, and all other matters and things respecting the use of said road, shall be in conformity to such rules and regulations as the said board of directors shall from time to time determine."

Held, that the tenth clause of section 21 and section 32 of the general railroad law, so far as they were applicable to the Central Military Tract Railroad Company, were not repealed by the amending act, and that section 6 of such act did not give the directors absolute control of rates of fare and freight, free of legislative interference; that their power was in express terms subjected to the legislative control of the state; and that while they could, by their by-laws, regulate the rates of fare and freight, such by-laws must conform to the laws of the state, whether the laws were in force when the amended charter was granted or came into operation afterwards.

Grants of immunity from legislative control are never to be presumed, and unless an exemption is clearly established, the legislature is free to act on all subjects within its general jurisdiction, as the public interests may seem to require.

A state may limit the amount of charges by railroad companies for fares and freights, unless restrained by some contract in the charter.

When a written instrument is worded in clear and precise terms,—when its meaning is evident, and leads to no absurd conclusion,—there can be no reason for refusing to admit the meaning which such instrument naturally presents. To go elsewhere in search of conjectures, in order to restrict or extend it, is but to elude it.

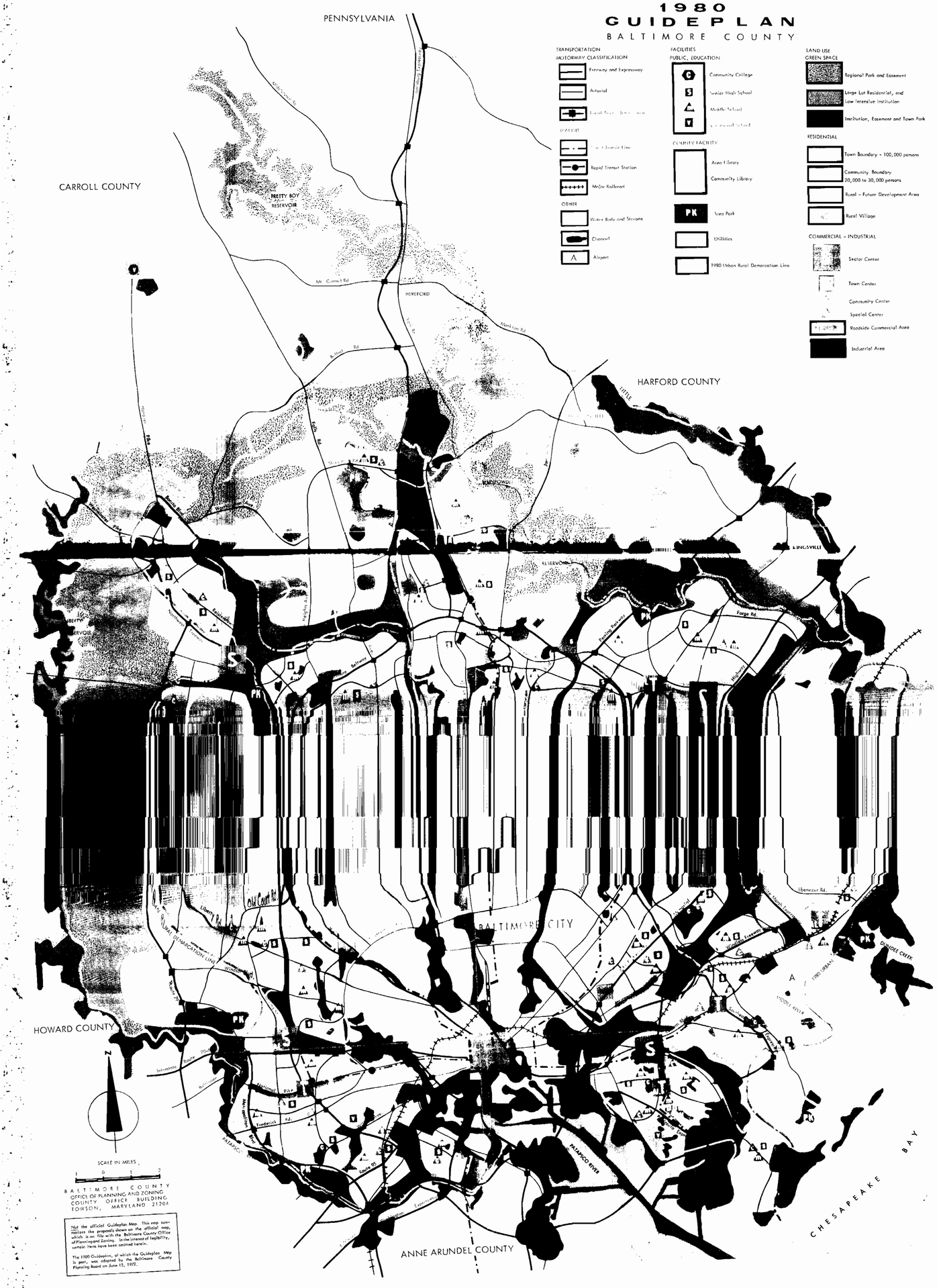
In Error to the Supreme Court of the State of Illinois.

Wirt Dexter and *Sidney Bartlett*, for plaintiff in error.

J. K. Edsall and *Jas. McCartney*, for defendant in error.

*528 WAITE, C. J. In the view we take of this case the only question that need be considered is whether the charter of the Central Military Tract Railroad Company, one of the Illinois corporations

1980 GUIDEPLAN
BALTIMORE COUNTY



TRANSPORTATION
MOTORWAY CLASSIFICATION
Freeway and Expressway
Arterial
Transit
OTHER
Water Body and Streams
Channel
Airport

FACILITIES
PUBLIC, EDUCATION
Community College
Senior High School
Middle School
COUNTY FACILITY
Area Library
Community Library
Area Park
Utilities
1980 Urban Rural Demarcation Line

LAND USE
GREEN SPACE
Regional Park and Easement
Large Lot Residential, and Low Intensive Institution
Institution, Easement and Town Park
RESIDENTIAL
Town Boundary - 100,000 persons
Community Boundary 20,000 to 30,000 persons
Rural - Future Development Area
Rural Village
COMMERCIAL - INDUSTRIAL
Sector Center
Town Center
Community Center
Special Center
Roadside Commercial Area
Industrial Area

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Not the official Guideplan Map. This map summarizes the proposals shown on the official map, which is on file with the Baltimore County Office of Planning and Zoning. In the interest of legibility, certain items have been omitted herein.

The 1980 Guideplan, of which the Guideplan Map is part, was adopted by the Baltimore County Planning Board on June 15, 1972.

COLVISTA

PLAN TO ACCOMPANY PETITION
FOR ZONING RECLASSIFICATION
SPECIAL HEARING, SPECIAL EXCEPTIONS
AND VARIANCES
FEBRUARY 24, 1993 REVISED : MARCH 5, 1993
SCALE : 1" = 200'
ZONING MAP
7 OF 7

CR-93-307-SPHXA

MANAGEMENT CORP.
ER

DESIGN COLLECTIVE
HITECTS AND SITE DESIGNERS

NATIONAL
INEERS AND LANDSCAPE ARCHITECTS

ILLIAM STEPHENS, JR.
ENGINEERS

EA ENGINEERING, SCIENCE AND TECHNOLOGY
ENVIRONMENTAL ENGINEERS

THE TRAFFIC GROUP, INC.
TRAFFIC ENGINEERS

WHITEFORD, TAYLOR AND PRESTON
LAND USE ATTORNEYS

LEGG MASON REALTY GROUP, INC.
ECONOMIC CONSULTANTS

STATE OF MARYLAND — JOHN S. RENCH — No. 3000 — REGISTERED PROFESSIONAL ENGINEER

AREAL DESIGNATIONS

S-1	S-3	S-5	S-6	S-7
EXISTING SERVICE AREA	CAPITAL FACILITIES AREA	MASTER PLAN AREA	AREA FOR FUTURE CONSIDERATION	NO PLANNED SERVICE (COMMUNITY OR MULTI-USE)

NORTH

SCALE

MAP - 4B

890 900 910

640 630 620 610 600

MAP- 10A

MAP- 11A

MAP- 16B

890 900 910

GUNPOWDER FALLS STATE PARK

GUNPOWDER YOUTH CAMP

BLUE MOUNT

FERN VALLEY

WESLEY WOODS

BRANDY SPRINGS

EVNA

HEREFORD

HOPE MEADOWS

TUCKERWOOD

MATTHEWS WOODS

WESLEY CHAPEL MANOR

MAJOR BROOK

BACON HALL

PINE HILL

CORBETT

WOODCREST FARMS

HERITAGE FARMS

BELFAST

BELFAST VALLEY

PRICEVILLE

GLENCOE

SPARKS

WESTERN RUN

GLENVILLE

BROADMEAD

LOCH RAVEN RESERVOIR

PHOENIX

HUNT VALLEY INN GOLF CLUB

OREGON RIDGE PARK

SHAWAN

IVY HILL

HUNT VALLEY BUSINESS COMMUNITY

BOARD OF EDUCATION

METROPOLITAN INDUSTRIAL PARK

BROADMOOR

ASHLAND

KNOLL BROOK

COCKEYSVILLE

IRELAND HILLS

LOCH RAVEN RESERVOIR

DUN ROVIN

WARREN

GREENTOP MANOR

WESTONE MANOR

DULANEY GATE

SPRINGDALE

ADOPTED BALTIMORE COUNTY COUNCIL RESOLUTION 45-85

S-10B

17" 22" 8.5" 11" 8.5' 11' 17" 22"

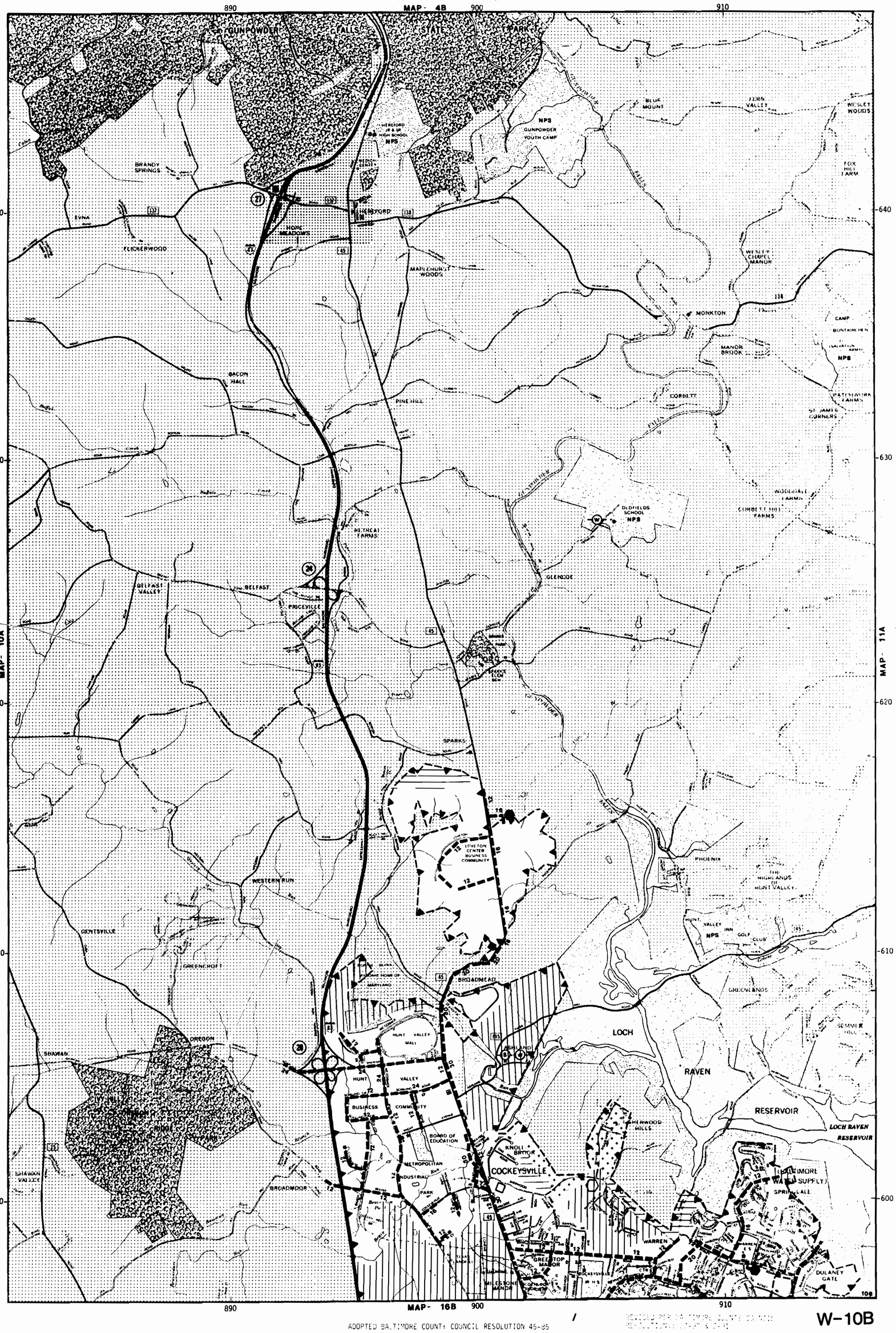
AREAL DESIGNATIONS

W-1	W-3	W-5	W-6	W-7
EXISTING SERVICE AREA	CAPITAL FACILITIES AREA	MASTER PLAN AREA	AREA FOR FUTURE CONSIDERATION	NO PLANNED SERVICE (COMMUNITY OR MULTI-USE)

NORTH

SCALE

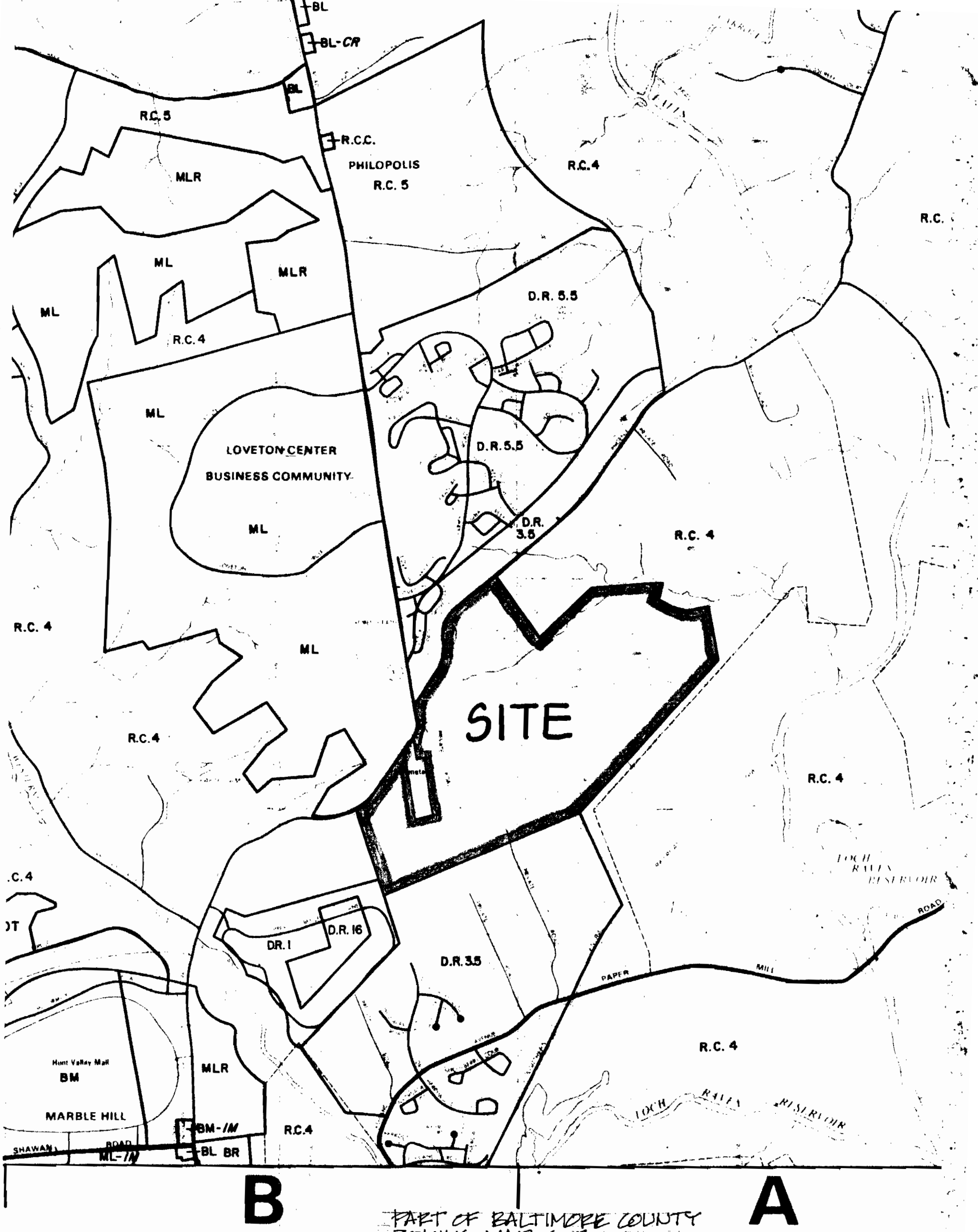
MAP- 4B



ADOPTED BALTIMORE COUNTY COUNCIL RESOLUTION 45-85

W-10B

OCTOBER 30, 1991



PART OF BALTIMORE COUNTY
ZONING MAP C-2

SHOWING

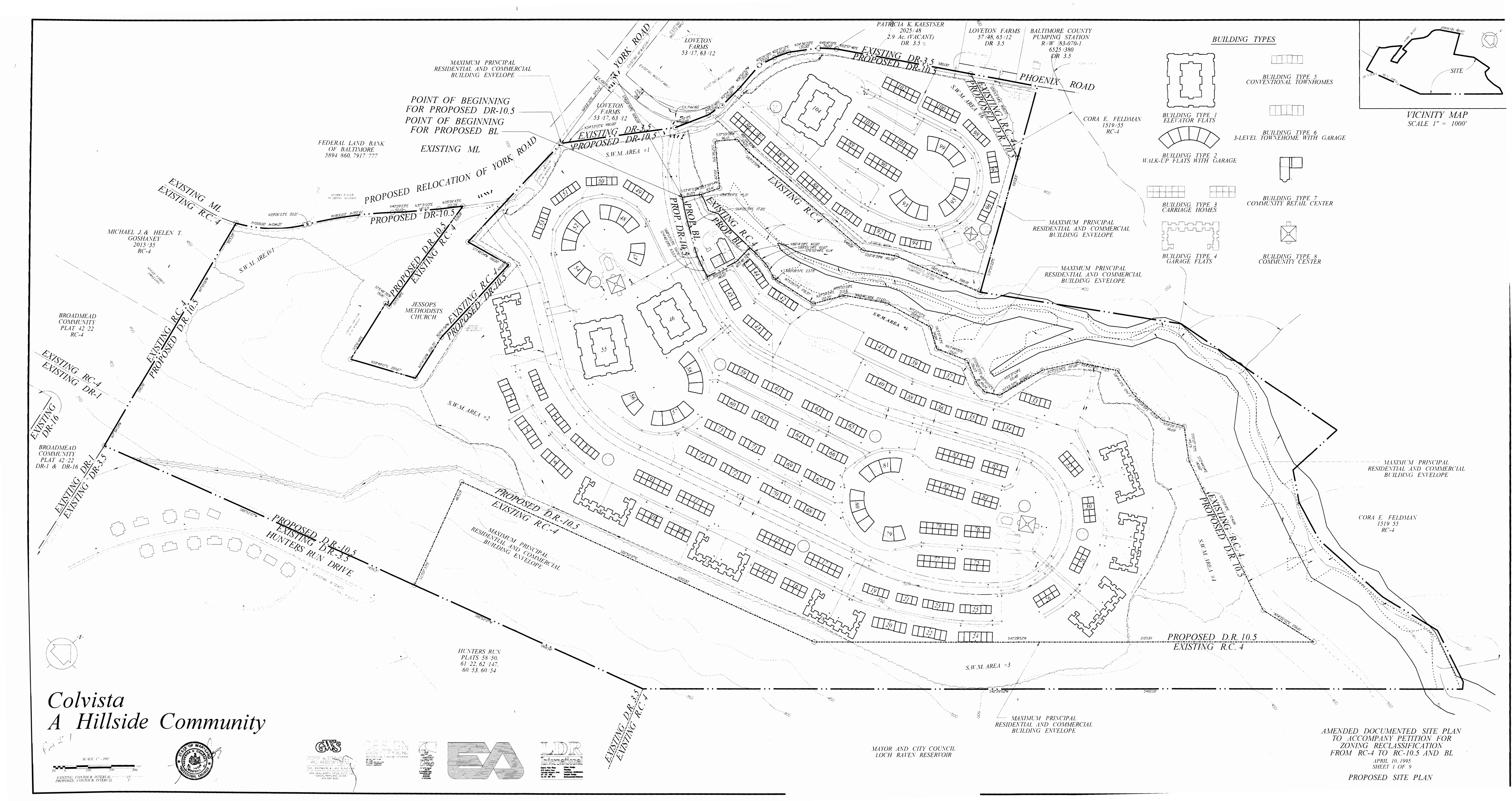
COLVISTA

ZONING RECLASSIFICATION SITE

SCALE : 1" = 1000'

DATE : FEBRUARY 24, 1993

CR - 93-300-SPHXA



Colvista
A Hillside Community

AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
APRIL 10, 1995
SHEET 1 OF 9

PROPOSED SITE PLAN

GENERAL NOTES :

1. SITE ACREAGE = 214.806 ACRES
2. EXISTING ZONING = RC-4
3. PROPOSED ZONING : RC-4 = 58.64 ACRES (NOT RECLASSIFIED)
   DR-10.5 = 156.01 ACRES
   BL = 1.16 ACRES
4. EXISTING USE = VACANT
5. PROPOSED USE = RESIDENTIAL HOUSING, COMMERCIAL
6. ELECTION DISTRICT = 6
7. COUNCILMANIC DISTRICT = 3
8. SITE DATA UNITS PERMITTED:
   RC-4 = 58.64 ACRES X 0.3 = 17.7 UNITS
   DR-10.5 = 155.01 ACRES X 10.5 = 1627.6 UNITS
   BL = AA = 3.0 + 1.16 ACRES = 4.16 ACRES X 160 (50X30 S.F.)X 3 = 151,590 S.F.
   UNITS PROPOSED :
   RC-4 = 0
   DR-10.5 =
   ELEVATOR FLATS = 372 UNITS
   WALK-UP FLATS = 864 UNITS
   GARAGE FLATS = 126 UNITS (GARDEN WITH GARAGE) = 176 UNITS
   CARRIAGE HOMES = 292 UNITS
   TOWNHOME WITH GARAGE = 292 UNITS
   CONVENTIONAL = 6 UNITS
   OWNHOME = 227 UNITS
   SUBTOTAL DWELLING UNITS = 1268 UNITS
   FUTURE HOUSING FOR THE ELDERLY OPPORTUNITY = 234 UNITS
   TOTAL DWELLING UNITS = 1502 UNITS
   BL = 5000 S.F. OF RETAIL = 116.6 ACRES
9. PARKING TABULATION :
   ELEVATOR FLATS
   372 UNITS @ 2.3 SPACES PER UNIT
   SPACES REQUIRED = 856 SPACES
   GARAGES PROVIDED = 856 SPACES
   WALK-UP FLATS WITH GARAGE
   176 UNITS @ 2.3 SPACES PER UNIT
   SPACES REQUIRED = 405 SPACES
   GARAGES PROVIDED = 405 SPACES
   SURFACE SPACES PROVIDED = 112 SPACES
   TOTAL SPACES PROVIDED = 517 SPACES
   GARAGE FLATS
   126 UNITS @ 2.3 SPACES PER UNIT
   SPACES REQUIRED = 290 SPACES
   GARAGES REQUIRED = 290 SPACES
   SURFACE SPACES PROVIDED = 109 SPACES
   TOTAL SPACES PROVIDED = 399 SPACES
   CARRIAGE HOMES
   292 UNITS @ 2.3 SPACES PER UNIT
   SPACES REQUIRED = 672 SPACES
   GARAGES PROVIDED = 584 SPACES
   SURFACE SPACES PROVIDED = 48 SPACES
   TOTAL SPACES PROVIDED = 632 SPACES
   TOWNHOME WITH GARAGE
   75 UNITS @ 2.3 SPACES PER UNIT
   SPACES REQUIRED = 173 SPACES
   GARAGES PROVIDED = 150 SPACES
   SURFACE SPACES PROVIDED = 23 SPACES
   TOTAL SPACES PROVIDED = 173 SPACES
   CONVENTIONAL TOWNHOUSES
   227 UNITS @ 2.3 SPACES PER UNIT
   522 SPACES REQUIRED
   689 SURFACE SPACES PROVIDED
   RETAIL 5,000 S.F. @ 1/1000
   25 SPACES REQUIRED
   30 SPACES PROVIDED
   RECREATION BUILDINGS
   LARGE BUILDING
   OFFICE: 864 S.F.@ 1/1000 =7 SPACES
   EXERCISE ROOM: 1,536 S.F.@ 1/1000 = 2 SPACES
   POOL: 2400 S.F. = 200 BATHERS
   1 PER 9 BATHERS = 29 SPACES REQ.
   TOTAL REQ PER BUILDING = 44 SPACES
   SMALL BUILDING : 2 BUILDINGS = 88 SPACES
   OFFICE:128 S.F.@ 1/1000 =2 SPACES
   EXERCISE ROOM: 128 S.F.@ 1/1000 = 1 SPACES
   POOL: 1600 S.F. = 126 BATHERS
   1 PER 9 BATHERS = 14 SPACES REQ.
   TOTAL REQ PER BUILDING = 23 SPACES
   23 SPACES X 1 BUILDING = 23 SPACES
   TOTAL REQ FOR THE RECREATION BUILDINGS = 111 SPACES
   TOTAL PROVIDED FOR THE RECREATION BUILDINGS = 121 SPACES
   RECREATIONAL COURTS AND FIELDS
   NO SPECIFIC NUMBER REQUIRED
   30 SPACES PROVIDED

FUTURE HOUSING FOR THE ELDERLY OPPORTUNITY - 234 UNITS
211 SPACES REQUIRED (CLASS B)
211 SPACES PROVIDED - ALL STRUCTURAL
TOTAL REQUIRED 1294 SPACES
TOTAL PROVIDED - 3410 SPACES

10. OWNER:
    SECURITY MANAGEMENT CORP.
    2401 HOOKS LANE
    BALTIMORE, MARYLAND 21220
11. DEED REFERENCE: L.6173/0040
12. TAX ACCOUNT NO. 6127000
13. BUILDING HEIGHTS:
    RESIDENTIAL - 3 STORIES
    NON-RESIDENTIAL - MAXIMUM 2 STORIES
    (SPECIFIC LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY)
14. THE TENANTS OF THE ELDERLY HOUSING BUILDING SHALL BE AT LEAST 62 YEARS OF AGE AND/OR HANDICAPPED SUCH CRITERIA ARE ESTABLISHED BY THE FEDERAL GOVERNMENT.
15. THERE ARE NO KNOWN HISTORIC, AGRICULTURE OR SCENIC RESOURCES ON THIS SITE.
16. HOURS OF OPERATION FOR COMMUNITY BUILDING - 24 HOURS PER DAY, 7 DAYS PER WEEK.
17. ZONING HISTORY:
    1992 - REQUEST FOR RECLASSIFICATION FROM RC-4 TO RC-5 WITH THE TYPE OF USES AS PERMITTED IN RC-5 ZONE. CASE NO. 92-332-A
    1984 - ZONING RECLASSIFICATION - RC-4
    SITE ZONED RC-4 AND DR-3.5
    1980 - ZONING RECLASSIFICATION - RC-4
    SITE ZONED RC-4 AND DR 3.5
    FINAL DECISION - RC-4 TO RC-4
    1976 - ZONING RECLASSIFICATION - RC-4
    53 ACRES DR-3.5 AND 192 ACRES RDP TO DR-3.5
    1971 - ZONING RECLASSIFICATION - RDP
    COMPREHENSIVE MAP ESTABLISHED
    53 ACRES DR-1 AND 192 ACRES RDP TO RC-4

18. This property is not within the Chesapeake Bay Critical Area (CBCA).
19. None of the site area to be reclassified is within the 100 year flood plain. The approximate limit of the 100 year flood plain is shown in this plan.
20. Failure does not currently exist pursuant to the Baltimore County Basic Services Maps for traffic, sanitary sewer or water.
21. As of October 1, 1994, Baltimore County Controls for Elementary School Enrollment Capacity Controls School Map indicate that Colvista is not within a moratorium area.
22. No existing structures on-site are to be retained. For type, size, location, materials, floor areas, heights, dimensions and character of the proposed structures see sheet 1 and the attached architectural drawings sheets 4 through 8 of 9.
23. Hours of operations, the maximum number of employees, the maximum levels of emanations for the BL uses and the residential areas including the community facilities will be within acceptable levels consistent with normal activities associated with these types of developments.
24. Timing is for the construction of the public sanitary sewer to run to the northern most parcel adjacent (buildings nos. 96 through 104). At the time of final engineering design a determination will be made as to the capacity of the Loveton pumping station and if there is capacity available to serve this portion of the site. Provided all Baltimore County standards are met, other alternatives may be implemented during future development stages
25. See the Amended Environmental Impact Statement for details on the existing vegetative and tree cover.
26. The alignment of York Road shown on this plan meets the existing State Highway Administration (SHA) alignment. The existing alignment and the Main Loop Road has been designed in a manner as to meet the SHA requirements for the existing alignment and Alternatives 2, 3 and 5 as currently proposed by SHA.
27. All roads are intended to be two-way streets except where medians are utilized to directionalize traffic. All roads with the exception of the Main Loop Road are intended to be private roads.
28. Loading for the BL area will be performed from the proposed parking lot area.
29. The housing facility for the elderly footprint shown herein is conceptual and schematic and is subject to modification as the final plan details are resolved. The appropriate zoning appeals (i.e. The Petition for Special Exception) will be filed during Future Development Stages and prior to permitting.
30. The landscaping shown herein is conceptual, schematic, and shown for compliance with minimum standards. Future plans will exceed the minimum standards required. Resolution of the zoning and Development Plan issues will result in a final landscape plan which shall be in compliance with the provisions of the Baltimore County Landscape Manual.
31. Topography shown herein is based on Baltimore County photogrammetric mapping. Grading on this site are shown conceptually and are subject to modification as subsequent field run topography and materials are secured and final plan details resolved.
32. Signage will be in accordance with the provisions of the Baltimore County Zoning Regulations. See sheet 6 of 9 for the preliminary signage concepts. The size and locations are shown herein are conceptual and may be subject to modification.
33. Grading and utility locations shown herein are conceptual and schematic. Resolution of the Zoning and Development Plan issues will result in a final landscape plan which will be in compliance with the Baltimore County Code and the policies and procedures established by the Department of Environmental Protection and Resource Management (DEPRM) and the Department of Public Works (DPW).
34. All buildings will meet applicable building and fire codes.
35. Buildings within the BL zone will meet the requirements of the BCZR and may be structurally connected if necessary.
36. This property lies within the Metropolitan District Boundary, application shall be submitted to the Baltimore County Master Water and Sewer Plan for the resolution of the zoning issues.
37. Buildings numbered 7,9 through 16, 56, 55 and 66 may require individual booster pumps for the sprinkler fire protection system. Until the design of the water distribution system, location and size of water meters and the size of the service lines are established, the precise requirements will not be established. The number of units that will require booster pumps will be determined once the design of the water distribution system is complete.
38. Storm water management facilities shown herein are conceptual and schematic. The final type, size and location will be determined upon resolution of the Zoning and Development Plan issues. Such facilities will be designed to the standards and provisions established by the DEPRM and the DPW.
39. Future Actions/Flexibility.
    A). Once zoning issues are resolved, this documented site plan and any future special exceptions as may be necessary in connection with the housing facility for the elderly must be reviewed and approved as required by the development and zoning regulations. Such review of plan, building, site development or engineering plans shall be in accordance with the BCZR (specifically ordains with the Baltimore County Code (BCC) Section 2-366 (i), such modification is permissible if the maximum number of dwelling units set forth on this plan is not exceeded, if they are in accordance with the terms of any counterpart special exception, and if they are in accordance with all applicable standards and requirements.
    B). The mix of dwelling unit types is illustrative of intent and is based on expected demand based on current trends. This mix may be modified if the total number of units does not exceed the 1502 maximum units permitted by the requested zoning.
    C). Similarly, Hardscape items such as walkways, walls sidewalks, pedestrian areas and other amenities, architectural plans and elevations are preliminary, conceptual and illustrative of intent to create quality development at Colvista. The final layout of buildings and of building types may be modified if they fit within the maximum building envelope shown and are in accordance with all other applicable standards and requirements. Final Hardscape architectural plans and elevations shall comply with Baltimore County requirements.
40. Phasing of Development - Development of Colvista will take place in a series of coherent phases. Section, parcel, condominium or mortgage lines may be established to facilitate development phasing.
41. Utilization - Utilization of this documented site plan shall occur in accordance with the provisions of the BCC Section 2-366 (n) if the development is initiated within three years of the date of a final order granting the requested reclassification and if, thereafter, development is diligently pursued to completion.

COLVISTA PROFFER NOTES :

This Documented Site Plan falls within a process established within the Baltimore County Code providing for responsible yet flexible development of a specific property. Since development of the Colvista project will have impacts on public infrastructure, the following conditions are proffered through the Documented Site Plan:

1. School Impacts. Baltimore County Code currently establishes requirements for the adequacy of elementary school facilities. This Documented Site Plan proffers that adequacy requirements for elementary schools will also be imposed based upon the capacity of the middle and high schools servicing the Colvista project. However, in the event that such an imposition of public facility adequacy for middle and high schools upon the Colvista project would prohibit the construction of dwellings, the developer will be permitted to pay an impact fee which provides for financial contributions to the Board of Education or to Baltimore County providing a reasonable and equitable share of the capital costs of the road improvements and facilities attributable to the Colvista development as the project proceeds in its phases. The details and amount of such financial contributions shall be negotiated between the property owner and Baltimore County during the building permit review process.
2. Road Impacts. Baltimore County Basic Services Legislation will govern this site relative to the intersection at York and Shawan Roads. Traffic studies show that the intersection can be upgraded to permit the proposed project in addition to the Basic Services Map requirements. Development of the Colvista project will also be governed by the capacity of the roadway link between Phoenix Road and Shawan Road in accordance with the Highway Capacity Manual methodology. In the event that the roadway link is operating at a failing level of service, the developer will be permitted to proceed with building permits after having paid an impact fee to be negotiated between the landowner and the State Highway Administration at the building permit stage. The impact fee will be based upon the reasonable and equitable share of the capital costs of the road improvements and facilities attributable to the Colvista development. Additionally, the petitioner agrees to pay the actual cost to the State Highway Administration of performing the engineering studies and design studies for the construction of the realigned York Road between Phoenix and Shawan Roads, not to exceed $1,000,000.00.
3. Fire and Emergency Medical Services. During the existence of the Cockeysville Volunteer Fire Department, the petitioner agrees to provide financial support to the Cockeysville Volunteer Fire Department to assist with emergency medical services and fire suppression services. This support will be in the form of a contribution of each condominium or lot owner in a minimum amount of $10.00 per year per unit. The community association and/or condominium association will have the power to increase, but not decrease, this annual assessment.
4. Public Water. The petitioner will assume one hundred percent of the cost of linking the Colvista project with the existing public water distribution system.
5. Public Sewer. The developer will assume one hundred percent of the cost of linking the Colvista project with the existing public sewer system.
6. Water Quality Enhancement. The developer will enhance the water quality by retrofitting the existing storm water management facilities at Hunters Run to establish water control features in accordance with the Environmental Impact Statement. To further minimize water quality impacts the developer will utilize state-of-the-art sediment control measures in addition to the sediment control measures required by the County and State. Further the developer will retain a full-time sediment control inspector to monitor the sediment control measures during implementation and over see the efforts of the contractors.
7. Shuttle Service/Transportation Services. In the event that the Mass Transit Administration does not provide public transportation through the Colvista community, the petitioner will provide a shuttle service through the Colvista development which will link surface transportation routes and interface with the light rail extension into Hunt Valley.
8. Recreational Features. Many areas within the Colvista project are planned for sports fields and related recreational facilities. The developer shall grade the areas and construct the required facilities in accordance with the phases of the project, providing site lighting for evening use of the sports fields, if approved by Baltimore County. If Baltimore County desires, it shall convey to Baltimore County the right to use the sports fields for operation by the Department of Recreation and Parks.
9. Pathways. The developer shall provide the internal pathways linking residents to one another and provide access to internal open spaces and recreational facilities.
10. Trail System. The developer shall provide a trail system linking component areas of Colvista, provide hiking and biking opportunities within retained open and natural areas and, if desired by the Baltimore County Department of Recreation and Parks, will connect to the Gunpowder Falls State Park.
11. Affordable Housing. The developer shall provide housing units through each phase of the development which represents 15% of the total number of units as affordable housing. Affordable housing is proposed to be defined as housing which is affordable to households earning 80% of the median family income for the Baltimore Metropolitan area at the time of sale.
12. Greenway System. If Baltimore County desires, the developer will dedicate a greenway easement containing the forest buffer easements and appropriate access easements to the Department of Recreation and Parks to be utilized as a part of the Baltimore County Greenway System.

AMENDED DOCUMENTED SITE PLAN TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION FROM RC-4 TO RC-10.5 AND BL
APRIL 10, 1995
SHEET 2 OF 9

SITE DATA AND GENERAL NOTES

vista
Hillside Community

GWS
GWS ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS
DESIGN
DESIGN ASSOCIATES, INC.
LANDSCAPE ARCHITECTURAL PLANNING
EDR
EDR Enterprises

Minimum Landscape Requirements	Planting Units Required	Planting Units Shown	Proposed Planting Units Types
I. Street Tree Calculations			
A. Interior Roads			
Public Loop Road (6,050 L.F. ÷ 20')	302	302	One 2-2 1/2" cal. Deciduous Tree
Private Road (15,780 L.F. ÷ 20')	794	794	One 2-2 1/2" cal. Deciduous Tree
B. Adjacent Roads			
York Road ÷ 1,480 L.F. (650' credit of existing trees = 830 L.F. ÷ 40')	21	21	One 2-2 1/2" cal. Deciduous Tree
Phoenix Road ÷ 1,670 L.F. (170' credit of existing trees = 1500 L.F. ÷ 40')	38	38	One 2-2 1/2" cal. Deciduous Tree
II. Screening Calculations			
A. Class A Screen			
Buffer Between Residential/Commercial (200 L.F. ÷ 15')	13	13	Two 5 - 6' ht. Evergreen Trees
Sidevear of Units from Public R.O.W. (6,190 L.F. ÷ 15')	413	413	Two 30" ht. Evergreen Shrubs
Stormwater Management Planing (4,250 L.F. ÷ 15')	284	284	Five 30" ht. Evergreen Shrubs
B. Class B Screen			
Retail and Clubhouse Parking Adjacent to Public R.O.W. (460 L.F. ÷ 15')	31	31	Five 18" ht. Evergreen Shrubs
III. Parking Lot Requirements			
Retail and Clubhouse Parking 1 Planting Unit per 12 Parking Spaces (139 Spaces ÷ 12)	12	12	One 2-2 1/2" cal. Deciduous Tree

Note :
The proposed developement is in full compliance with the October 1, 1990, Baltimore County, Maryland Landscape Manual. In addition to the minimum landscape requirements identified above, all dumpsters shall be screened as required.

Additional plantings will be provided around all units, court yards and common spaces

Colvista
A Hillside Community

GWS
GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
606 BOSLEY AVE., SUITE 1D
TOWSON, MARYLAND 21204
(410) 825-8120

DESIGN COLLECTIVE, INC.
ARCHITECTURE PLANNING INTERIORS

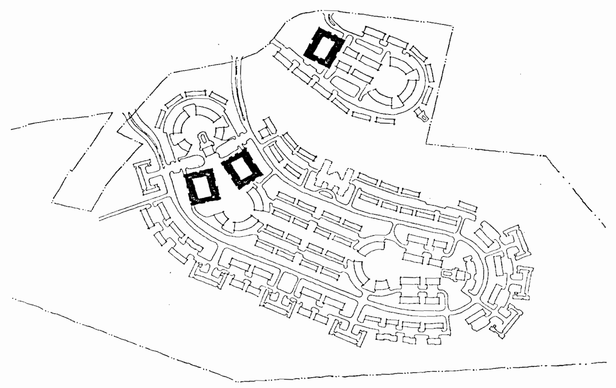
The Traffic Group

EA

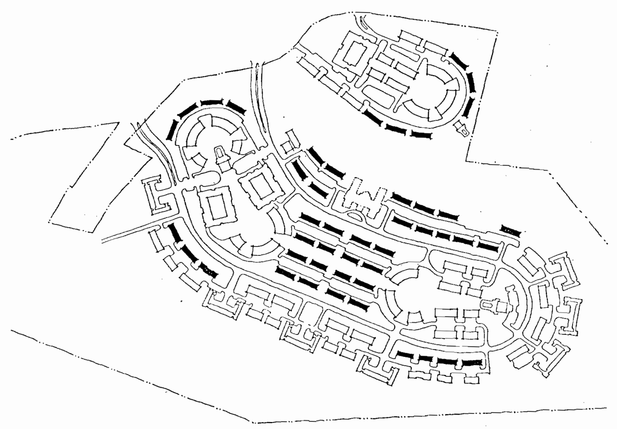
LDR International

AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
APRIL 10, 1995
SHEET 3 OF 9

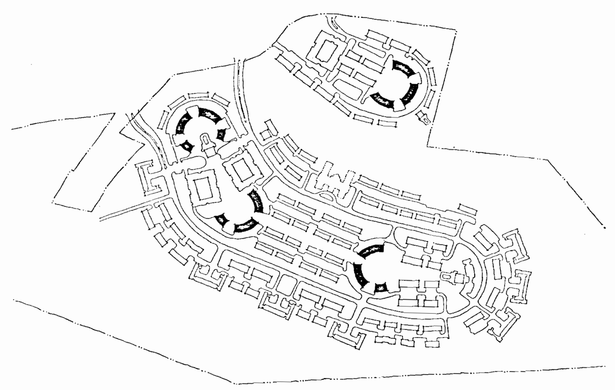
SCHEMATIC LANDSCAPE AND RECREATION PLAN



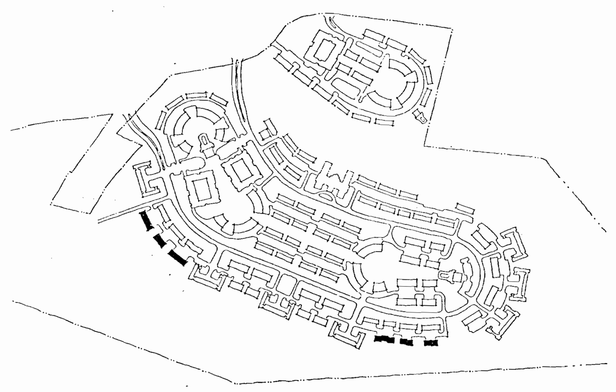
KEY PLAN– BUILDING TYPE 1



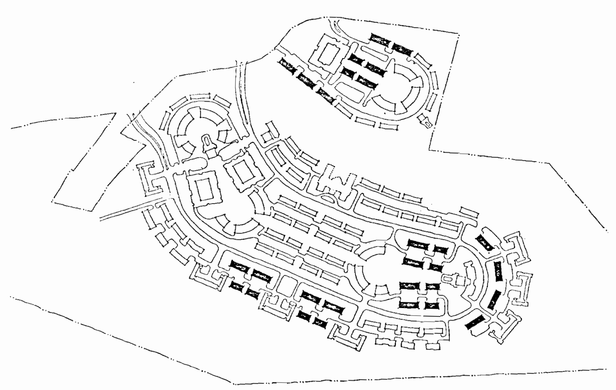
KEY PLAN – BUILDING TYPE 5



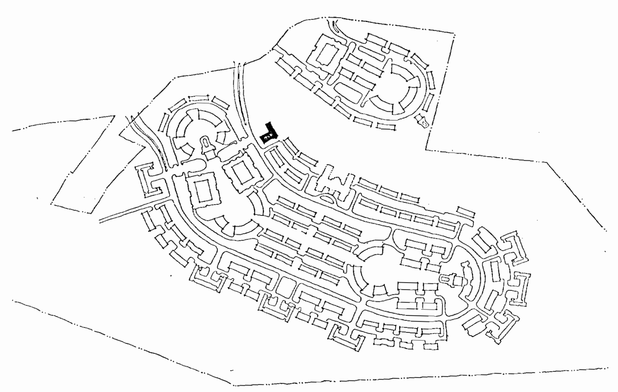
KEY PLAN – BUILDING TYPE 2



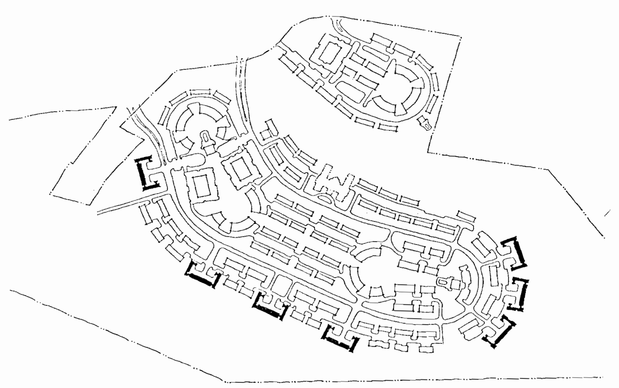
KEY PLAN – BUILDING TYPE 6



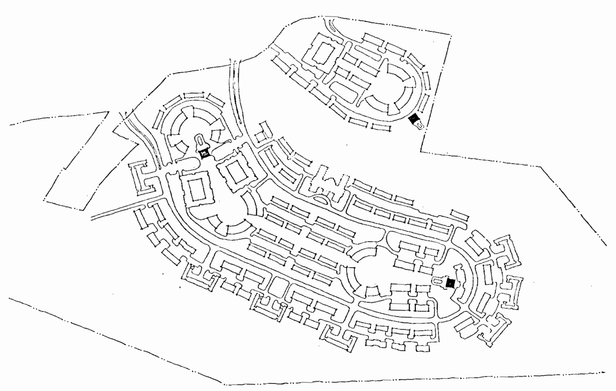
KEY PLAN – BUILDING TYPE 3



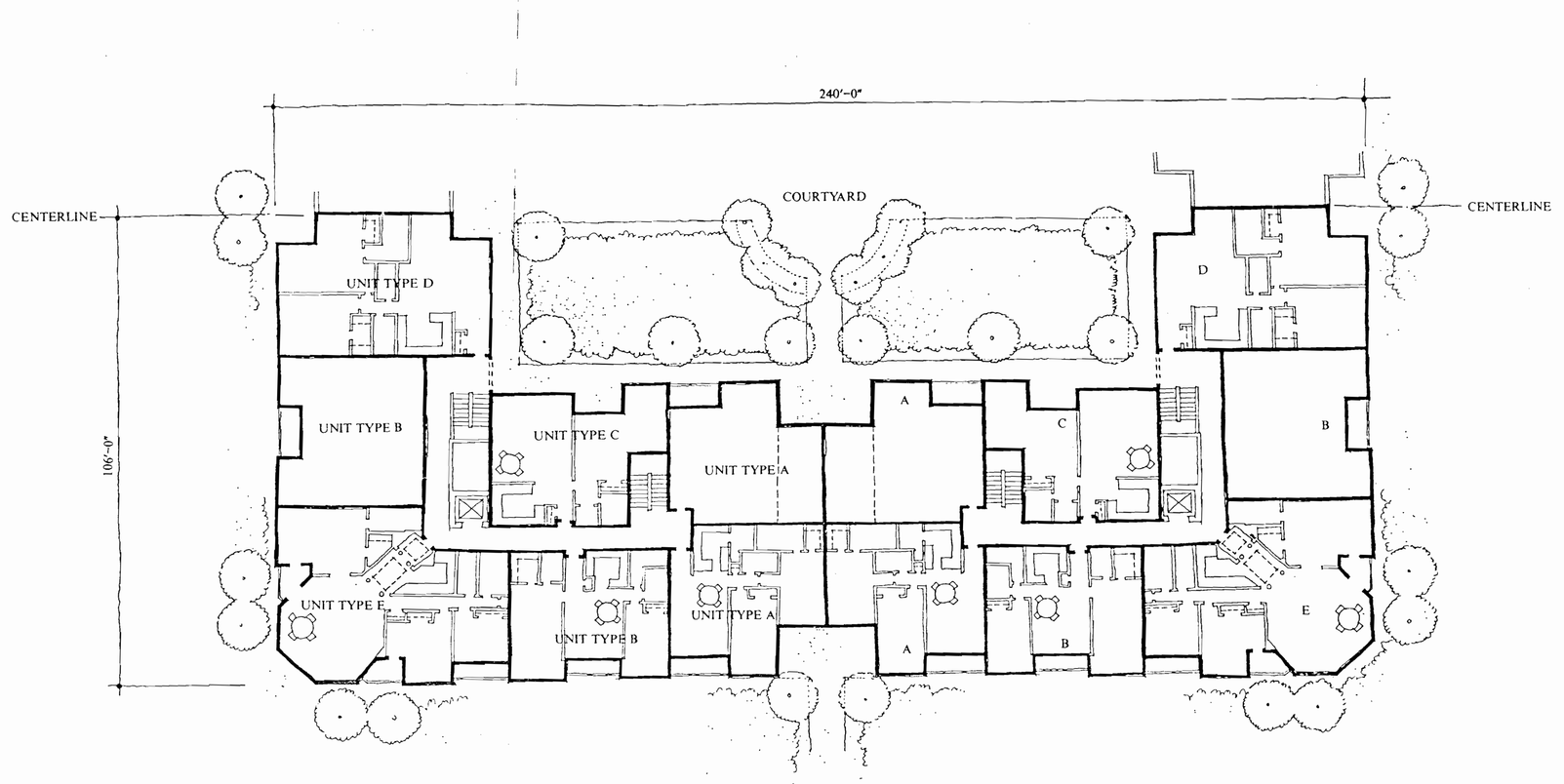
KEY PLAN – BUILDING TYPE 7



KEY PLAN – BUILDING TYPE 4

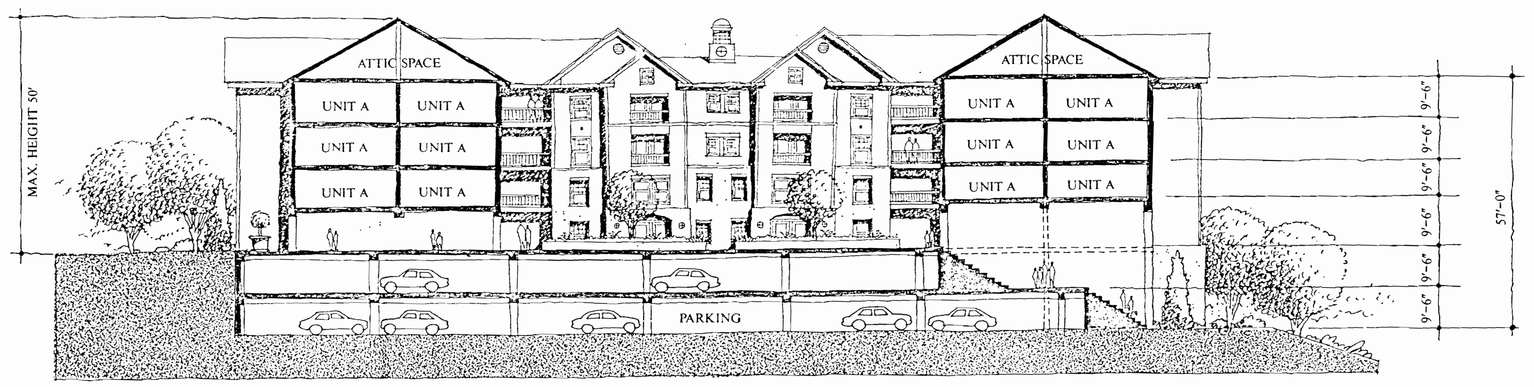


KEY PLAN – BUILDING TYPE 8

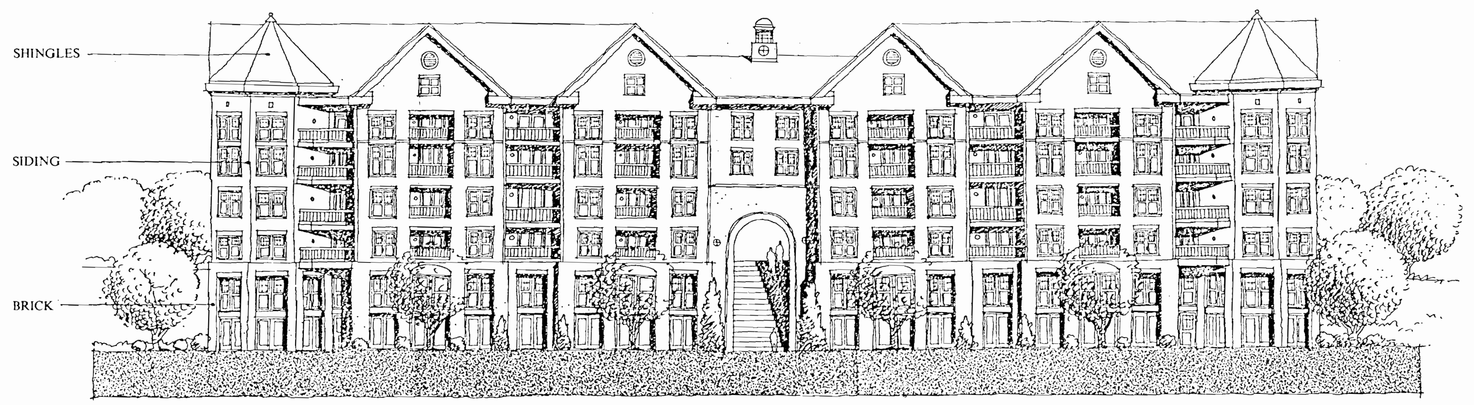


TYPICAL FLOOR PLAN

0 8 16 32



SECTION



ELEVATION

Colvista
A Hillside Community

ELEVATOR FLATS BUILDING TYPE 1

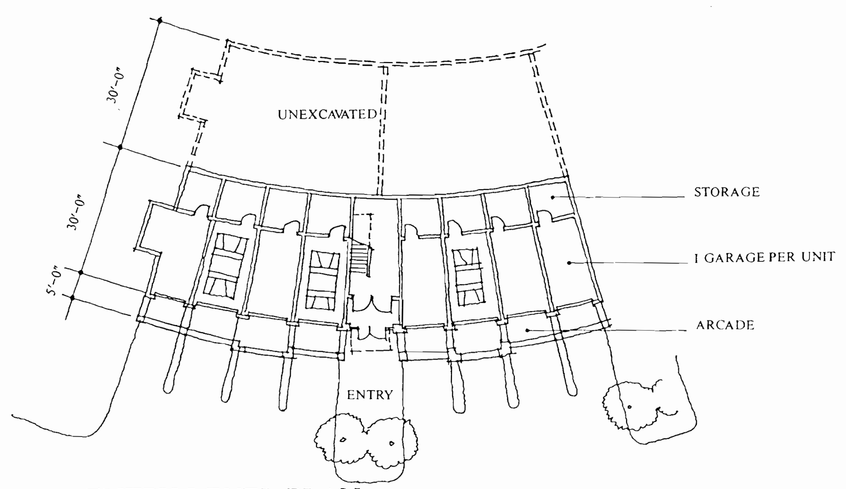
AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
DATE : APRIL 10,1995
SHEET 4 OF 9

***ARCHITECTURE** - TYPICAL FLOOR PLANS, SECTIONS, & ELEVATIONS*

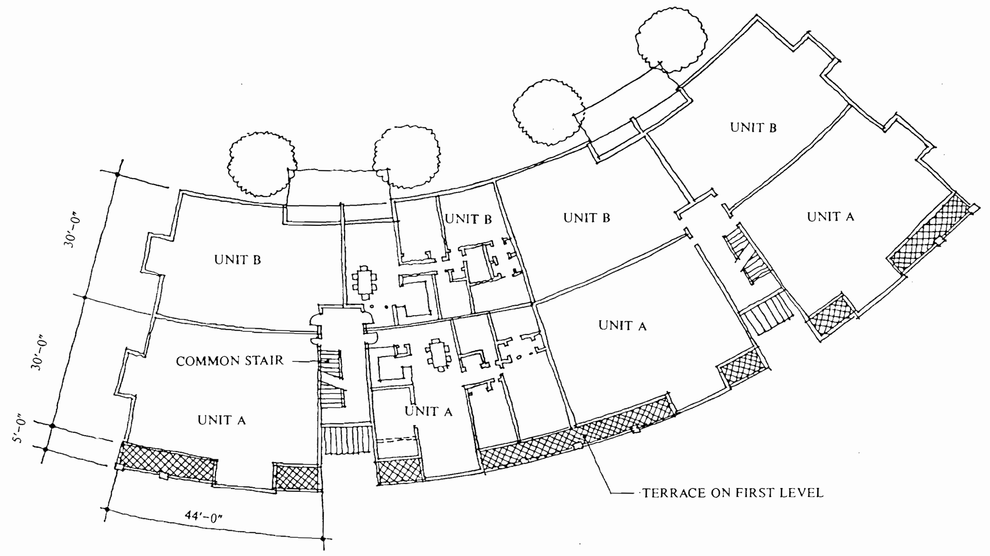
SCALE 1" = 100'

CONTOUR INTERVAL 5'

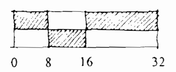
GEORGE W. STEPHENS, JR.
CIVIL ENGINEERS & LAND SURVEYORS
618 HIGHLANDS DRIVE, SUITE 100
TAHLEQUAH, OKLAHOMA
(405) 456-5520

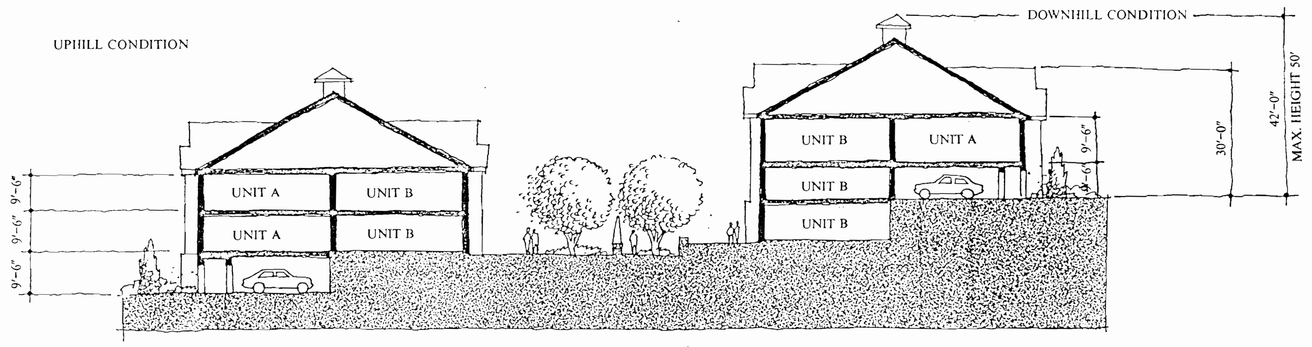


ENTRY LEVEL PLAN

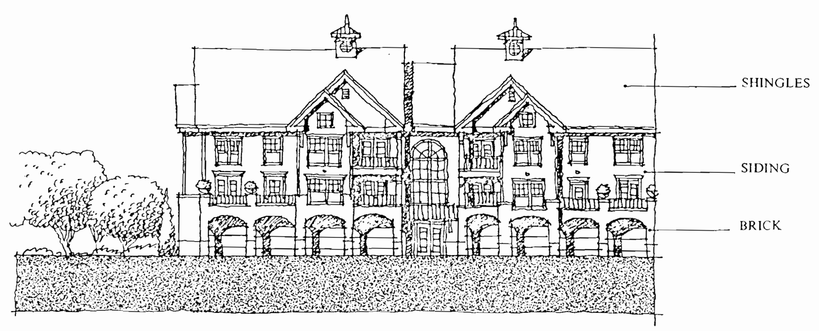


TYPICAL FIRST AND SECOND LEVEL PLAN – UPHILL CONDITION



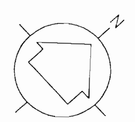


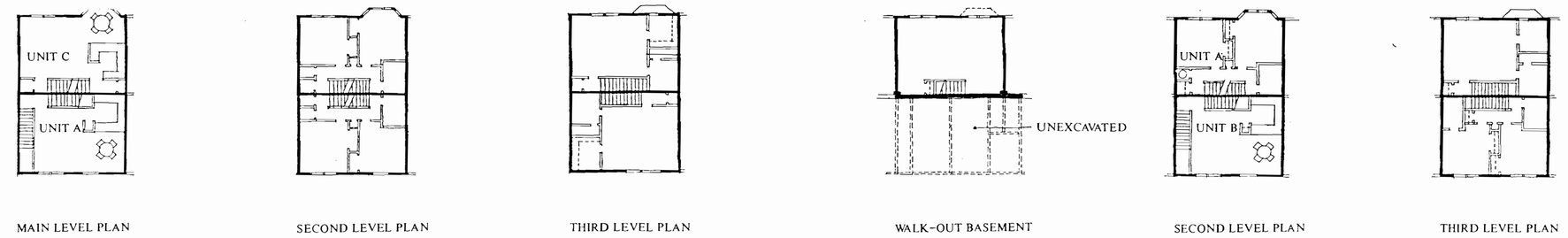
SECTION



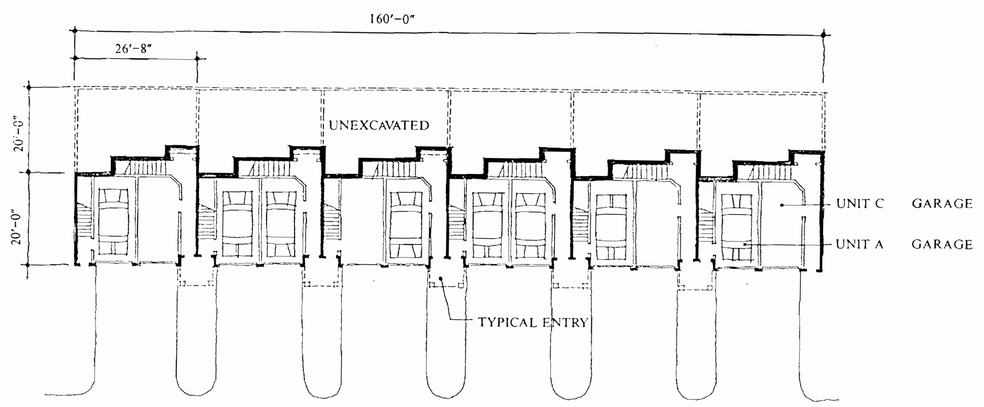
ELEVATION

WALK-UP FLATS WITH GARAGE
BUILDING TYPE 2

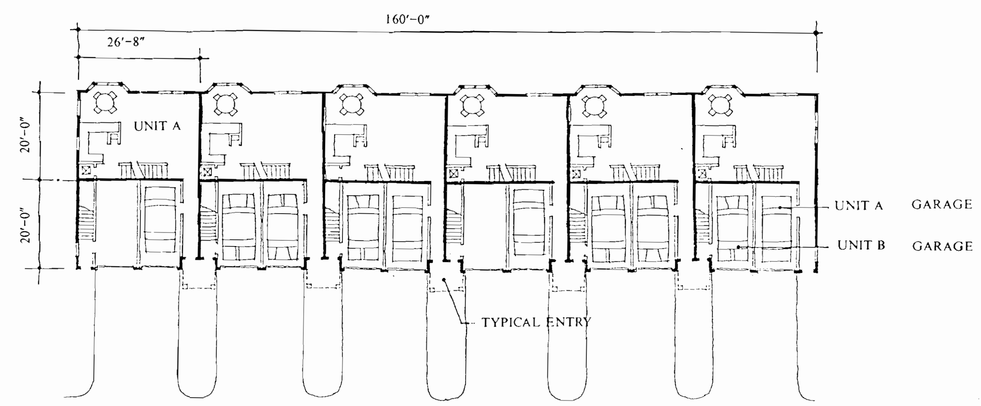




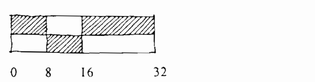
MAIN LEVEL PLAN | SECOND LEVEL PLAN | THIRD LEVEL PLAN | WALK-OUT BASEMENT | SECOND LEVEL PLAN | THIRD LEVEL PLAN

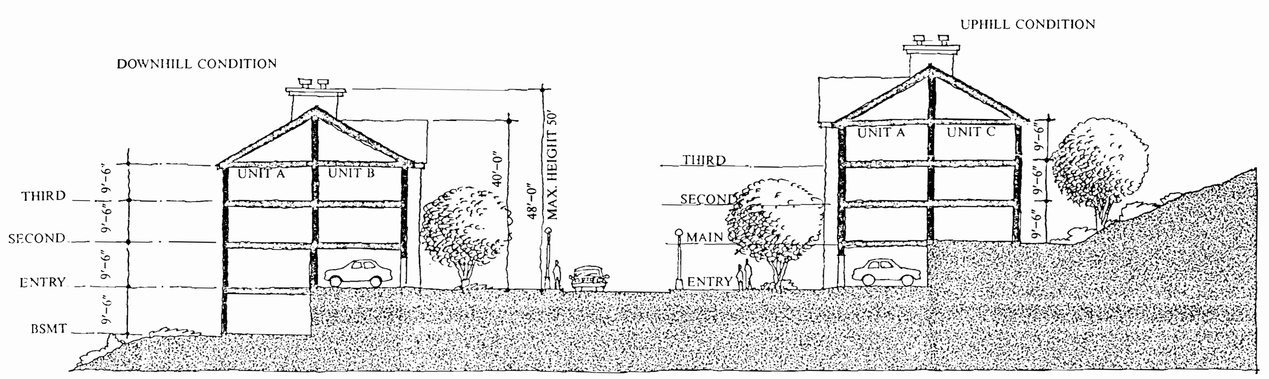


ENTRY LEVEL PLAN – UPHILL CONDITION

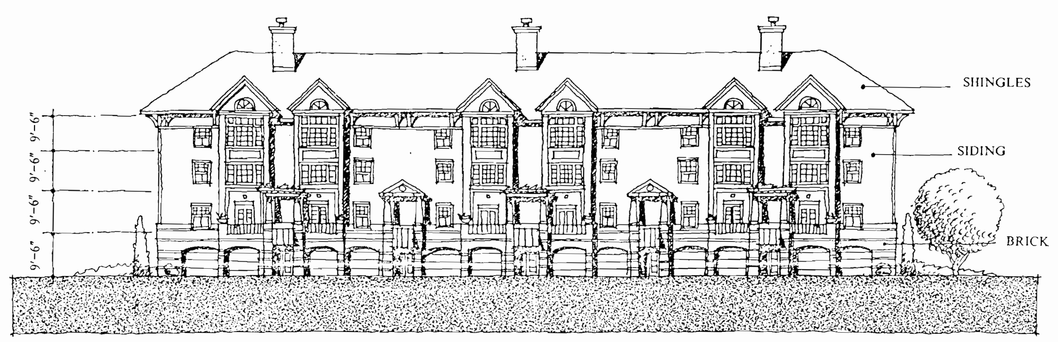


ENTRY LEVEL PLAN – DOWNHILL CONDITION





SECTION



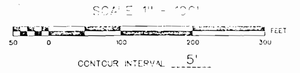
ELEVATION

CARRIAGE HOMES
BUILDING TYPE 3

Colvista
A Hillside Community

EA | DESIGN | LDR | GWS

GEORGE W. STEPHENS, JR.



AMENDED DOCUMENTED SITE PLAN
TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION
FROM RC-4 TO RC-10.5 AND BL
DATE: APRIL 10,1995
SHEET 5 OF 9

***ARCHITECTURE** - TYPICAL FLOOR PLANS, SECTIONS, & ELEVATIONS*

which, through agreements of consolidation, are now represented by the Chicago, Burlington & Quincy Railroad Company, purports on its face to grant to the company the right to fix the rates of fare and freight to be charged for the conveyance of persons and property on its railroad free of all control by the state. If, on examination, we find that no such grant was intended, it will be unnecessary to decide whether one legislature has the power to bind succeeding legislatures by a contract to that effect.

*529 *The provisions of the charter relied on to establish such a grant may be stated as follows:

On the fifth of November, 1849, an act was passed by the general assembly of Illinois "to provide for a general system of railroad incorporations." That act contained the following provisions:

"Sec. 12. The directors of such company shall have power to make by-laws for the management and disposition of stock, property, and business affairs of such company, not inconsistent with the laws of this state, and prescribing the duties of officers, artificers, and servants that may be employed, for the appointment of all officers for carrying on all the business within the object and purposes of such company.

"Sec. 21. Every such corporation shall possess the general powers, and be subject to the general liabilities and restrictions, expressed in the special powers following; that is to say:

* * * * * * * * *

"(8) To take, transport, carry, and convey persons and property on their railroad, by the force and power of steam, of animals, or any mechanical powers, or by any combination of them, and receive tolls or compensation therefor.

* * * * * * * * *

"(10) To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for any passenger and his ordinary baggage shall not exceed three cents a mile, unless by special act of the legislature, and shall be subject to alteration as hereinafter provided.

* * * * * * * * *

"Sec. 32. The legislature may, when any such railroad shall be opened for use, from time to time, alter or reduce the rates of toll, fare, freight, or other profits upon such road; but the same shall not, without the consent of the corporation, be so reduced as to produce with said profits less than 15 per cent. per annum on the capital actually paid in; nor unless, on an examination of the amounts received and expended, to be made by the secretary of state, he shall ascertain that the net income divided by the *company from all sources for the year then last past shall have exceeded an annual income of 15 per cent. upon the capital of the corporation actually paid in."

*530

On the fifteenth of February, 1851, another act was passed to incorporate the Central Military Tract Railroad Company, for the purpose of building and using a railroad between certain designated points. Section 3 of that act is as follows:

"Sec. 3. The said company is hereby created and incorporated for the purpose of organizing under an act entitled 'An act to provide for a general system of railroad incorporations,' in force November 5, 1849, and in all things shall be governed by the provisions thereof, and shall be entitled to have and exercise the powers and privileges and be subject to the liabilities therein enumerated: provided, that the foregoing corporation may attach themselves to and form a part of the Northern Cross Railroad Company, in such manner or on such terms as said companies shall agree."

On the nineteenth of June, 1852, another act was passed "to amend an act entitled 'An act to incorporate the Central Military Tract Railroad Company.'" The following are the parts of this amending act on which, in our opinion, the case depends:

"Sec. 5. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they shall appoint. * * *

"Sec. 6. The said company shall have power to make, ordain, and establish all such by-laws, rules, and regulations as may be deemed expedient and necessary to fulfill the purposes and carry into effect the provisions of this act, and for the well-ordering, regulating, and securing the affairs, business, and interest of the company: provided, that the same be not repugnant to the constitution and laws of the United States or of this state, or repugnant to this act. The board of directors shall have power to establish such rates of toll for the conveyance of persons or property upon the same, as they shall from time to time, by their by-laws, determine, and to levy and collect the same for the use of the said company. The transportation of persons and property, the *531 width of track, and all other matters and things *respecting the use of said road, shall be in conformity to such rules and regulations as the said board of directors shall from time to time determine."

It is contended on the part of the company that this amending act repeals clause 10 of section 21 as well as section 32 of the general railroad law, so far as they are applicable to the Central Military Tract Company, and that under section 6 of the amending act the directors have absolute control of rates of fare and freight free of legislative interference. We deem it unnecessary to determine the question of repeal, because on full consideration we are satisfied that section 6 does not have the effect that is claimed for it.

Grants of immunity from legitimate governmental control are never to be presumed. On the contrary, the presumptions are all the other way, and unless an exemption is clearly established the legislature is free to act on all subjects within its general jurisdiction, as the

public interest may seem to require. As was said by Chief Justice TANEY, speaking for the court, in *Charles River Bridge* v. *Warren Bridge*, 11 Pet. 547: "It can never be assumed that the government intended to diminish its power of accomplishing the end for which it was created." This is an elementary principle.

In *Chicago, B. & Q. R. Co.* v. *Iowa*, 94 U. S. 155; *Peik* v. *Chicago & N. W. Ry. Co.* Id. 176; and *Winona & St. P. R. Co.* v. *Blake*, Id. 180, it was determined that "a state may limit the amount of charges by railroad companies for fares and freights, unless restrained by some contract in the charter." The right to a reversal of the present judgment rests on the question whether this company has any such restraining contract, and that depends on the effect to be given the amending section 6.

The company by its original charter was authorized to transport passengers and property, and to receive compensation therefor. This, if there had been nothing more, would, under the rules stated in *Munn* v. *Illinois*, 94 U. S. 113, and the several railroad cases decided at the same time, require the company to carry at reasonable rates, and leave the legislature at liberty to fix the maximum of what would be reasonable. So that, laying aside the limitations of the old charter, the question here is whether the amending section relied on has the effect of taking away from the state this power of legislative regulation.

The amending section provides that the company "shall have power to make, ordain, and establish all such by-laws, rules, and regulations as may be deemed expedient and necessary to fulfill the purposes and carry into effect the provisions of this act, and for the well-ordering, regulating, and securing the affairs, business, and interest of the company: provided, that the same be not repugnant to the constitution and laws of the United States, or of this state, or repugnant to this act." By section 5, all the powers of the company were vested in and could be exercised by the directors. Clearly, under this authority, no by-law can be established by the directors that does not conform to the laws of the state, and this, whether the laws were in force when the amended charter was granted or came into operation afterwards. The power of the company for the regulation of its own affairs was thus in express terms subjected to the legislative control of the state. The corporate power was a continuing one, and intended for the ordering of the affairs of the company as circumstances might from time to time require. The reserved control by the state was also continuing in its nature, and manifestly intended for the

protection of the public whenever in the judgment of the legislative department of the government the necessity should arise.

Then follows the special provision on which the claim of a contract is predicated. It is as follows:

"The board of directors shall have power to establish such rates of toll for the conveyance of persons or property upon the same as they shall from time, *by their by-laws, determine*, and to levy and collect the same for the use of the company."

This is the form in which the power to charge and collect compensation for the carriage of persons and property was granted by the amended charter. The rates must be fixed by by-laws, and no by-law can be made that is at all repugnant to the laws of the state. The first paragraph of the section, with its proviso, prescribes generally what is necessary to the validity of a by-law, and the second allows the directors to fix rates by by-laws. It is undoubtedly true that the first paragraph neither adds to nor takes from the inherent power of a corporation to make by-laws for the regulation of its affairs, and that the proviso is nothing more than a legislative declaration of the principle of the common law that all by-laws must be reasonable, and not in conflict with the laws of the state. But the very fact that such a provision would have been implied, adds to the significance of its incorporation in express terms into the charter, and manifests a determination not to leave room for doubt as to the right of the state to use its legislative power, if necessary, for the regulation of the affairs of the corporation, at least by the enactment of general laws applicable to all corporations of a like character, and engaged in a like business. There is nothing which even in the remotest degree indicates that a by-law fixing rates is to be of a different character from those regulating the other business of the company. When, therefore, in a section of the charter which expressly declares that no by-law shall be made that is in conflict with the laws of the state, we find that the rates of charge to be levied and collected for the conveyance of persons and property are to be regulated by by-laws, the conclusion is irresistible that only such charges can be collected as are allowed by the laws of the state. This implies that, in the absence of direct legislation on the subject, the power of the directors over the rates is subject only to the common-law limitation of reasonableness, for in the absence of a statute, or other appropriate indication of the legislative will, the common law forms part of the laws of the state, to which the corporate by-laws must conform. But since, in the absence of some restraining contract, the state may

establish a maximum of rates to be charged by railroad companies for the transportation of persons and property, it follows that when a maximum is so established, the rates fixed by the directors must conform to its requirements, otherwise the by-laws will be repugnant to the laws.

It is argued, however, that this cannot be the meaning of the amending act, because if the company had, under its old charter, the absolute right of fixing rates, subject only to a limit of three cents a mile on passengers, and the state had no power to interfere, except to keep the annual profits down to 15 per cent. per annum on the paid-up capital, no one can believe it would have surrendered such a privilege and taken in lieu another so unfavorable as this. It is undoubtedly true, as was claimed in argument, and has been often said from the bench, that amendments to the charters of corporations are usually made at the solicitation of the corporations themselves, who cause the bills to be prepared and submitted to the legislatures for enactment, and that, if there is doubt as to the construction of what is enacted, this fact may be resorted to in aid of interpretation. But Vattel's first general maxim of interpretation is that "it is not allowable to interpret what has no need of interpretation," and he continues: "When a deed is worded in clear and precise terms,—when its meaning is evident and leads to no absurd conclusion,—there can be no reason for refusing to admit the meaning which such deed naturally presents. To go elsewhere in search of conjectures, in order to restrict or extend it, is but to elude it." Vattel, Law Nat. 244. Here the words are plain and interpret themselves. The directors may establish such by-laws as they please, provided they are not repugnant to the constitution and laws, and they may by their by-laws regulate the rates of fare and freight. As their by-laws must conform to the laws of the state, so must their rates. If the state had not the legislative power to regulate the charges of carriers for hire, the case would be different. But that question has been settled, and the amended charter which this company secured from the legislature must be construed in the light of that established power.

Without, therefore, undertaking to determine what rights as to fares and freights were secured to the company under the old charter, nor whether more was gained by the other provisions of the new charter than was lost by the acceptance of section 6 as it was enacted, we affirm the judgment.

BLATCHFORD, J., did not sit in this case.

(108 U. S. 541)

ILLINOIS CENT. R. CO. v. PEOPLE OF THE STATE OF ILLINOIS.

May 7, 1883.

RAILROADS—LEGISLATIVE POWER TO REGULATE FARES AND FREIGHTS—CHARTER ILLINOIS CENTRAL RAILROAD COMPANY CONSTRUED.

Ruggles v. *Illinois*, *ante*, 832, followed, and judgment of supreme court of Illinois affirmed.

In Error to the Supreme Court of the State of Illinois.

John N. Jewett and *John A. Campbell*, for plaintiff in error.

J. K. Edsall and *Jas. McCartney*, for defendant in error.

WAITE, C. J. This case, like that of *Ruggles* v. *Illinois*, just decided, [*ante*, 832,] presents the question whether the state of Illinois has entered into a contract with a railroad corporation not to exercise the legislative power to regulate charges for the carriage of persons and property upon the railroad of the corporation. It is not necessary in this case, any more than it was in the other, to inquire whether the power of legislative regulation, in this particular, is one that can be bargained away, because here, as there, we are of opinion that no such thing was intended. The provision of the charter of the Illinois Central Railroad Company relied on, as showing a contract, is almost identical with that of the Central Military Tract Company considered in the *Ruggles Case*, and in the following words:

"Sec. 8. The said company shall have power to make, ordain, and establish all such by-laws, rules, and regulations as may be deemed expedient and necessary to fulfill the purposes and carry into effect the provisions of this act, and for the well-ordering, regulating, and securing the affairs, business, and interests of the company: provided, that the same be not repugnant to the constitution and laws of the United States or of this state, or repugnant to this act. The board of directors shall have power to establish such rates of toll for the conveyance of persons and property upon the same as they shall from time to time by their by-laws direct and determine, and to levy and collect the same for the use of said company. The transportation of persons and property, the width of track, the construction of wheels, the form and size of cars, the weight of loads, and all other matters and things respecting the use of said road and the conveyance of passengers and property, shall be in conformity to such rules and regulations as said board of directors shall from time to time determine. Nothing in this act contained shall authorize said corporation to make a location of their track within any city without the consent of common council of said city."

CASE NO. CR-93-307-SPHXA CYCLE I, ITEM 5

PETITIONER:

Security Management Corporation

REQUESTED ACTION:

Reclassification to D.R. 10.5 and B.L. (Density Residential and Business Local).

EXISTING ZONING:

R.C. 4

LOCATION:

Southeast corner of the intersection of York Road and Phoenix Road

AREA OF SITE:

156 acres ±

ZONING OF ADJACENT PROPERTY/USE:

North:	R.C. 4 -	Single family dwellings situated on large lots
	D.R. 5.5 -	Loveton Farms
East:	R.C. 4 -	Parkland and North Central Railroad Hike/Bike Trail
South:	D.R. 3.5 -	Single family dwellings (attached and detached)
West:	M.L. -	Corporate Offices/Unimproved land

SITE DESCRIPTION:

The site is primarily comprised of mixed woodlands, areas of scrub vegetation and abandoned nursery stock. The applicant's property is essentially unimproved; however, dilapidated structures utilized in the former nursery operation are present in various locations. Topography on site ranges from relatively level areas to steep slopes.

PROPERTIES IN THE VICINITY:

The Loveton Farms development is located immediately to the north of the property. The Loveton Business Center is located approximately one mile to the northwest. The Hunters Run

residential development is located directly south of the site and watershed property and the Northern Central Railroad Hike/Bike Trail are located to the east of the site. Unimproved land lies just west of the site.

WATER AND SEWERAGE:

The site is located within a "no-planned water and sewer service" area, and is designated W-7, S-7 on the Master Water and Sewer Plan.

On March 11, 1992, in a memo directed to the Office of Planning and Zoning regarding this property, Mr. Paul L. Hudson, Chief, Bureau of Engineering, Baltimore County Department of Public Works provided the following information regarding sewers.

> "The Department of Public Works should oppose the rezoning of the Towson Nurseries Site at this time based on two issues. The first issue involves the limited capacity of the Back River Waste Water Treatment Plant. What limited capacity there is should be reserved for those areas within the Back River Sewer Shed which have already been zoned for dense development, but have not, as yet, been developed.
>
> The second issue involves the six pumping stations and the conveyance system through which flow from the Towson Nurseries Site would be routed to the Back River Waste Water Treatment Plant. This conveyance system shows signs of stress at this time and, again, any reserve capacity needs to be held for those areas already zoned for dense development."

TRAFFIC AND ROADS:

Under the heading of Infrastructure on page 24 of the Baltimore County Master Plan, the following policy is outlined:

"The preferred structure of the County will be based on the retention and reinforcement of the current one-third/two-thirds division between urban and rural areas. Proposed transportation studies and various transportation alternatives will be measured not only in terms of environmental impacts and funding but also in terms of their conformance with the overall structural policies of the County. This will ensure the continued viability of the character and landscape of the rural County and encourage the revitalization, redevelopment and conservation of the older urban areas, including Baltimore City."

jurisdictions by preventing contamination through undesirable development. The use regulations for the R.C. 4 zone are outlined in Section 1A03.3 of the Baltimore County Zoning Regulations. No petition for reclassification of R.C. 4 zoned property may be granted unless professional certification is provided to insure that strict environmental criteria can be met.

The B.L. zone allows a wide range of uses in addition to those permitted in the residential zone immediately adjoining the property.

Regulations governing the D.R. zones may be found in Section 1B01 of the Baltimore County Zoning Regulations. D.R. 10.5 would permit a density of 10.5 dwelling units per acre.

DOCUMENTED SITE PLAN:

The documented site plan indicates a total of 1502 units, which would be comprised of housing for the elderly (234 units), elevator flats (372 units), walk-up flats (176 units), garage flats (126), carriage homes (292 units), townhome with garage (75 units), conventional townhomes (227 units).

The plan also proposes a 6,000 sq. ft. retail building, two other buildings devoted to recreational use and recreational courts and fields.

A note on the documented site plan indicates that "The landscaping shown herein is conceptual, scematic and shown for compliance with minimum standards required." Further indication is given that "Future plans will exceed the minimum standards required."

Architectural typical floor plans, sections and elevations for all building types are also indicated on the plan.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

This site was the subject of a request for a zoning change in the 1992 Comprehensive Zoning Map Process. County agencies, in reviewing this request, found that the proposed change was contrary to the spirit and intent of the Baltimore County Master Plan, and the Regional Watershed Management agreement. In addition, the County determined that it could not fund the roads, sewers, schools and other County facilities needed to adequately serve the proposed additional population, which would result from the intense development of this site.

Security Management Corporation
Case No. CR-93-307-SPHXA, Cycle I, Item 5

The subject property was extensively reviewed and denied as part of the 1992 Comprehensive Zoning Map Process (CZMP), and staff can find no basis for error. In addition, there has not been a change in the character of the neighborhood since the last CZMP.

Therefore, based upon the information provided and analysis conducted, the Office of Planning recommends that the applicant's request be DENIED.

CYCZ93.307/PZONE/CYCLE

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

RECEIVED
MAY 3 1995
OFFICE OF
PLANNING & ZONING

February 13, 1995

Dear MD 45 (York Road) Project Planning Study participant:

On behalf of the study team, I would like to thank you for your participation in our studies to improve the MD 45 (York Road) corridor between MD 145 and Belfast Road. As you may remember, the State Highway Administration (SHA) began these studies in 1988. The components of the study included proposed widening of mainline York Road between MD 145 and Belfast Road, a new interchange with I-83 in the vicinity of its' crossing of Thornton Mill Road and a realignment of MD 145 to intersect MD 45 opposite Shawan Road. An Alternates Public Meeting was held in June 1989, and a Location/Design Public Hearing was held in May 1992.

Since the time that the environmental documentation was prepared and the public hearing was held, Baltimore County has communicated to the SHA that many of the development related needs for portions of the project have diminished. Because of this shift, the SHA Administrator has decided to defer the decision on major improvements to MD 45 and the proposed interchange with I-83. There may be opportunities for the SHA to pursue small safety oriented improvements to the MD 45 corridor in the future.

However, the SHA and Baltimore County are committed to pursuing a realignment of MD 145 (Paper Mill Road) to intersect MD 45 opposite Shawan Road. The new roadway would directly connect Paper Mill Road with Shawan Road, and not require motorists to travel through Ashland. In addition, the SHA is working with the Maryland Department of Natural Resources (DNR) to incorporate an extension of the widely utilized North Central Railroad (NCRR) Trail. The NCRR trail extension would be adjacent to the new roadway and would connect to the parking facilities at the Hunt Valley Mall.

The study team hopes to complete these supplemental analyses in the near future and to prepare final environmental documentation. When this document is completed, you, as a participant in the study process, will be notified by mail as to its availability. An advertisement will also be placed in area newspapers and other public service announcements will be made to notify the general public.

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Address: 707 North Calvert Street • Baltimore, Maryland 21202

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

Resolved: That the position of the Greater Sparks-Glencoe Community Council Inc. as adopted by the Zoning Committee and approved by the board of the GSGCC on the zoning matter known as:

CR-93-307 Security Management Corp. -Towson Nursery
a.k.a- Colvista

is that:

The GSGCC is in opposition to the reclassification of this RC4 zoned property to either DR or B zones as stated in the GSGCC 1992 CZMP handout, County Council Edition, September 8, 1992. The GSGCC support the Planning Staff and the Planning Board recommendations of not changing the zoning on the subject property. J. Carroll Holzer is retained as council to represent the GSGCC before the Board of Appeals of Baltimore County on this matter.

Attest:

Wendy McIver
Mrs. Wendy McIver
Secretary

Lyle Brecht
Lyle Brecht
President

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

RESOLVED: That at the annual-Officers election meeting of the Greater Sparks-Glencoe Community Council Inc. it was decided by the community council that the responsibility for the review and action on all zoning matters be placed in the Zoning Committee. This committee consisting of the following members:

Mr. Paul Hupfer	Chairman
Mrs.Kathy McAllister	
Mr. George McCeney	
Mrs. Wendy McIver	
Mr. Willis Gore	
Mr. Lee Riley	

AS WITNESS OUR HANDS AND SEAL THIS 15 DAY OF AUGUST 1995

Attest:

Wendy McIver

Mrs. Wendy McIver
Secretary

Lyle Brecht

Lyle Brecht
President

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

AFFIDAVIT

State of Maryland
Baltimore County,

TO WIT:

I hereby swear under penalty of perjury that I am a currently a appointed member of the Zoning Committee for the Greater Sparks-Glencoe Community Council Inc.

Paul A. Hupfer

Attest:

Mrs. Wendy McIver
Secretary

Lyle Brecht
President

RECEIVED
JUL 18 1995
BALTIMORE COUNTY CIRCUIT
COURT LAW LIBRARY

IN THE COURT OF APPEALS OF MARYLAND

No. 129

September Term, 1994

HALLE COMPANIES et al.

v.

CROFTON CIVIC ASSOCIATION et al.

Murphy, C.J.
Eldridge
Rodowsky
Chasanow
Karwacki
Bell
Raker

JJ.

Opinion by Karwacki, J.

Filed: July 17, 1995

In this case, we shall analyze the authority of the Anne Arundel County Board of Appeals to impose a condition upon the grant of a special exception when that condition was not sought during earlier proceedings before the county administrative hearing officer.

I

This case originated from applications filed with the Anne Arundel County Department of Planning and Code Enforcement by the Halle Companies and its totally owned enterprise, Chesapeake Terrace (referred to collectively hereafter as "Halle"). Specifically, in 1990, Halle sought administrative approval for sand and gravel landfill operations. Those operations were to be conducted on approximately 108 acres of land located near the intersection of Routes 3 and 424, in Odenton, Maryland.[1] Of the 108 acres subject to the special exception request, only 35 acres of previously cleared property was proposed for sand and gravel extraction. Halle also sought approval for rubble landfill operations to be conducted at that same location on approximately 482 acres (including the 108 acres for the sand and gravel landfill). Of the 482 acres, only 150 acres of previously cleared property was contemplated for landfill use, to be accomplished through the sequential filling of a number of small cells on the property. Halle's applications for special exception and variance approval were denied by Anne Arundel County's administrative

---

[1] The property in question is located nearly two miles northwest of the intersection of Maryland Routes 3 and 424, along Conway Road. It is bordered on the north by the Little Patuxent River and to the west by the Conrail railroad tracks.

hearing officer.

Halle appealed that decision to the Anne Arundel County Board of Appeals ("the Board"), which heard the appeal *de novo*, pursuant to § 603 of the Anne Arundel County Charter.[2] Evidence produced at the sixteen administrative hearings held over seventeen months demonstrated that the site was within a resource extraction area on the master plan of the County, was the subject of an existing special exception granted for a sand and gravel operation, and that the subject property had been mined off and on for 40 years. The site was likened to a moonscape, and photographs of the site showed debris, deep ravines, and erosion on the property.

Photographs of the property showed trees falling into eroding ravines which were 30-45 feet deep, abandoned sediment basins, and unclaimed excavation pits. Illegal dumping, target shooting, and hunting regularly occurred on the property. After its site inspection, the Board observed that "because of previous mining which has occurred on this property, the land is cratered virtually up to the property line."

Halle offered expert testimony on subjects including traffic impact and road improvements, environmental protection and wetland preservation, hydrology and ground water contamination, land use planning and development, civil and environmental engineering related to landfill development, and acoustical engineering. Each xpert testified at length and addressed the impact of the landfill

---

[2] Anne Arundel County Charter, § 603 provides, *inter alia*, that "[a]ll decisions by the County Board of Appeals shall be made after notice and hearing *de novo* upon the issu s before said Board."

and sand and gravel operations at the site upon vicinal properties. The County and the protestants claimed that harsh environmental impact on the Patuxent River and the surrounding wetlands and floodplain would result, and further asserted that their primary concern was traffic. Patuxent Road access required truck travel along "a bad curve . . . referred to as a reverse horizontal curve," and also "would require disturbing major wetlands." Questions were raised as to "the relationship of the landfill to the 100 year flood plain on Patuxent Road," and the potential threat of Patuxent Road access to residential communities north and west of the site.

Due to these concerns, Halle suggested an alternate access to the site from Conway Road at the first of the Board's sixteen hearings. Conway Road access would alleviate both the wetlands and traffic problems raised by the County and the protestants. It was also a shorter access route, would affect fewer people overall, and would direct the traffic further from the Patuxent River. The County Department of Public Works evaluated the proposed Conway Road access and concluded that such access was preferable because it addressed the traffic and environmental concerns.

The County argued that the Board could not consider the access from Conway Road because Halle could not propose an alternative entrance after having filed the initial appeal. The Board rejected the County's argument:

> "Although the County argues that the Petitioners could not suggest this alternative entrance after filing the initial appeal (an argument which this Board rejects), the County

> also indicated in its closing argument that the Conway Road entrance is a much better choice because it avoids the wetlands and the heavier traffic on Patuxent Road as well as directing the traffic further from the Patuxent River. This Board has often accepted modifications to an initial plan when the modifications were offered during the hearing process. There does not appear to be any reason that the proposed use of the Conway Road entrance must be rejected by this Board."

After three months of deliberation, an on-site visit by the members of the Board to the property, and a review of the record taken as a whole — consisting of more than 2,000 pages of transcribed testimony and voluminous documents — the Board determined that the landfill would advance the public welfare of the County. It recognized the need for the landfill, concluded that its location was well suited to the use, and determined that the special exception and variance proposals would benefit the vicinal community by reclaiming and restoring previously mined ravines and properties "cratered" up to the property line. Accordingly, the Board granted the special exception and variance requests, subject to eight specific conditions.[3]

---

[3] Two of the Board's conditions addressed the access issue:

> "The special exceptions for a sand and gravel operation and rubble landfill operation are granted with the following conditions:
>
> "1. Patuxent Road shall not be used as an entrance to the operation.
>
> "2. Conway Road is to be used as the entrance to the operations, with the following conditions:
>
> "a. A right turn lane shall be constructed on eastbound Conway Road at

Petitioners, several community associations led by the Crofton Civic Association and eighteen individual property owners, sought judicial review of the decision of the Board in the Circuit Court for Anne Arundel County. The circuit court granted Anne Arundel County's motion to intervene and, after oral argument, reversed the decision of the Board, holding that the Board exceeded its *de novo* authority by imposing the Conway Road access as a condition of its special exception and variance approvals, as the Conway Road access went beyond the scope of the original application.

The circuit court concluded that the condition of access from Conway Road was a "so-called" condition and not a proper one, because it in effect substantially augmented the property "touched"

> Maryland Route 3 to a minimum length of 500 feet.
>
> "b. From the intersection of Patuxent Road and Conway Road to the entrance of the site, the road shall be improved with 12 foot travel lanes and 8 foot shoulders improved to county standards (pursuant to Article 26, Section 3-202(d), Anne Arundel County Code) where the county right-of-way exists. Additionally, the Petitioners shall pursue a diligent course to obtain the right-of-way from private property owners where possible.
>
> "c. The Road improvements on Conway Road from Route 3 to Patuxent Road shall be constructed before any rubble landfill or sand and gravel operation begins; road improvements from the intersection of Conway Road and Patuxent Road to the entrance of the site are to be completed within one year of the start of operations.
>
> "d. The access obtained to the site from Conway Road shall be through a fee-simple right-of-way, not through an easement."

by Halle's application:

> "The central question, then, which this Court must resolve is whether the Board had the authority under its "de novo" power to address the Conway Road access even though it was not part of the original application.
>
> * * *
>
> "[Halle] argues that the introduction of the Conway Road access was simply a new issue which the Board had every right to consider. The Court agrees with [Halle] that the Board, pursuant to its de novo power, can address new issues. Boehm [v. Anne Arundel County, 54 Md. App. 497, 459 A.2d 590 (1982)]. It cannot, however, indiscriminately entertain matters which in effect change the nature of the original controversy or application. In this case, the Board's entertainment of the Conway Road access was not a mere consideration of a new issue. It was much more. Indeed, given the amount of property affected by the Conway Road access and the intensity of the ancillary activities possibly to be performed thereon, the Board's decision impermissibly enlarged the substance of [Halle's] application. Therefore, it is the opinion of this Court that under the circumstances, the Board, in entertaining the Conway Road issue, expanded the scope of its inquiry to such a degree that the nature of the original application was significantly altered. In so doing, the Board exceeded the bounds of its de novo authority.
>
> "For the reasons aforementioned, this Court finds that the Board erred as a matter of law when it granted the special exceptions and variance beyond the scope of [Halle's] original application." (footnotes omitted).

Halle noted an appeal to the Court of Special Appeals and then filed a petition for a writ of certiorari in this Court prior to consideration of the case by the intermediate appellate court. We granted certiorari to determine whether the Board exceeded its *de novo* authority in requiring the Conway Road access as a condition

to the grant of the special exceptions and variance.

II

Petitioners first point out that the Board has the authority to impose conditions to the grant of special exceptions or variances to preserve the health, safety, and welfare of the community. Further, petitioners stress that the proceedings before the Board were conducted *de novo*, or as if the proceedings before the administrative hearing officer had never occurred. As the broad issue of access was before the administrative hearing officer, petitioners conclude that, pursuant to its *de novo* power, the Board had the authority to address the alternative access to the site.

Respondents argue that Halle modified its application before the Board by proposing the alternative Conway Road access and thereby impermissibly expanded the scope of its original application. Further, respondents point out that the "amendment" for the new access road was not included in the notice of the public hearing and that Halle had not yet obtained ownership of the private access road intersecting with Conway Road. Consequently, respondents conclude that the circuit court was correct in reasoning that the proceedings before the Board of Appeals constituted an original rather than appellate proceeding regarding what was, in essence, a new application.

III

Under the Express Powers Act, Md. Code (1957, 1994 Repl. Vol.), Art. 25A, § 5(U), each county is authorized to create a

board of appeals. Anne Arundel County, by its charter, created the Board of Appeals as an independent unit of county government and vested the Board with the power to hear *de novo* all appeals authorized by the Express Powers Act.[4] Anne Arundel County provides for initial action upon a special exception or variance request by an administrative hearing officer. Thereafter, appeal may be taken from the decision of the hearing officer to the Board of Appeals. Anne Arundel County Charter § 603 mandates that "[a]ll decisions by the County Board of Appeals shall be made after notice and hearing *de novo* upon the issues before said Board." The Board is purely a statutory creature and may exercise only those powers expressly granted to it by law or those which can be fairly implied. *Baylis v. Mayor & City Council of Baltimore*, 219 Md. 164, 168, 148 A.2d 429, 432 (1959).

---

[4] The Express Powers Act, Md. Code (1957, 1994 Repl. Vol.), Art. 25A, § 5(U) provides that a county board of appeals may make a decision

> "on petition by any interested person and after notice and opportunity for hearing and on the basis of the record before the board, of such of the following matters arising (either originally or on review of the action of an administrative officer or agency) under any law, ordinance, or regulation of, or subject to amendment or repeal by, the county council, as shall be specified from time to time by such local laws enacted under this subsection: An application for a zoning variation or exception or amendment of a zoning ordinance map; the issuance, renewal, denial, revocation, suspension, annulment, or modification of any license, permit, approval, exemption, waiver, certificate, registration, or other form of permission or of any adjudicatory order; . . ."

The power to impose conditions upon the grant of a variance or special exception is one which is implicit in the power to grant a variance or special exception. "This is so because the whole basis for the exception is the peculiar hardship to the applicant, and the Board is justified in limiting the exception in such a way as to mitigate the effect upon neighboring property and the community at large." *Id.* at 169, 148 A.2d at 432. *See also Skipjack Cove Marina, Inc. v. Board of County Comm'rs of Cecil County*, 264 Md. 381, 287 A.2d 49 (1972); 3 Yokley, *Zoning Law and Practice*, § 21-12. Both a variance and a special exception authorize uses which otherwise would not be permitted. Having been given the power to authorize such unusual uses, the Board must also have the power to limit those uses to protect the health, safety, and welfare of the community. *See Skipjack Cove Marina, Inc.*, 264 Md. at 386, 287 A.2d at 51 (The board is justified in limiting the special exception in such a way as to mitigate its effect upon neighboring property and the community at large.); 3 Rathkopf, *The Law of Zoning and Planning*, § 40.02[3] ("Even in the absence of any specific provision therefor in the ordinance, the board would thus have inherent power to condition a variance. If this were not so, the board, for lack of such right, might be forced, at times, to deny a variance and thus perpetuate the hardship which the restrictions have imposed upon the landowner.").

IV

Respondents cite the three cases in which we have previously addressed *de novo* review by a county board of appeals, *United*

Parcel Serv., Inc. v. People's Counsel for Baltimore County, 336 Md. 569, 650 A.2d 226 (1994) ("*UPS*"); *County Fed. Sav. & Loan Assoc. v. Equitable Sav. & Loan Assoc., Inc.*, 261 Md. 246, 274 A.2d 363 (1971), and *Daihl v. County Bd. of Appeals*, 258 Md. 157, 265 A.2d 227 (1970). In the latter two of those cases, however, we addressed the Board's jurisdiction rather than the scope of *de novo* review. In *Daihl*, we held that a board of appeals cannot review actions which were not appealed specifically:

> "We think that the context in which the term *de novo* is used in Section 501.6 and 501.3 . . . means that on appeal there shall be a *de novo* hearing on those issues which have been appealed and not on every matter covered in the application. In this sense *de novo* means that the Board of Appeals may hear testimony and consider additional evidence pertaining to the issue or issues presented on appeal. See Vol. 2, *The Law of Zoning and Planning*, Rathkopf, ch. 65-30, § 7. The original nature of a *de novo* hearing with its quality of newness is in contra-distinction to a review upon the record as exists where matters are heard on certiorari. 73 C.J.S. *Public Administrative Bodies and Procedure*, § 204."

Daihl, 258 Md. at 162, 265 A.2d at 229. We made a similar holding in *County Federal*, quoting the above language from *Daihl*. *County Federal*, 261 Md. at 253-54, 274 A.2d at 367. Contrary to respondents' assertions, neither of these holdings affects the disposition in this case, as they show that we have consistently treated *de novo* appeals as wholly original proceedings, with the word "appeal" meaning simply that the proceedings are new and independent rather than strict review of prior proceedings. *See also Lohrmann v. Arundel Corp.*, 65 Md. App. 309, 318, 500 A.2d 344, 348 (1985) ("the use of the word 'appeal,' to the extent it denotes

review of the action of a lower tribunal, is a misnomer, for there is no review."); *Hardy v. State*, 279 Md. 489, 369 A.2d 1043 (1977); *Travelers Indemnity Co. v. Nationwide Construction Corp.*, 244 Md. 401, 224 A.2d 285 (1966). Although the issues to be addressed on review by the Board may be limited, new and additional evidence is permitted. The proceedings, therefore, are wholly original with regard to all issues properly raised.

In *UPS*, we interpreted the power granted by the Express Powers Act as providing charter counties the option to vest the board of appeals with either original jurisdiction or appellate jurisdiction over any subject matter set forth therein. *UPS*, 336 Md. at 588, 650 A.2d at 236. We concluded that it was the intent of the General Assembly that "[u]nder the Express Powers Act, a board of appeals is primarily an appellate tribunal, having only such original jurisdiction as a county's charter and ordinances expressly grant[.]" *Id.* at 591, 650 A.2d at 237.

> "The protestants also rely upon *People's Counsel v. Crown Development*, 328 Md. 303, 316, 614 A.2d 553, 559 (1992), where this Court held, *inter alia*, that on an appeal from the decision of administrative officials granting final approval of a development plan, the Baltimore County Board of Appeals was authorized under the Express Powers Act and local law to receive and consider evidence in addition to that contained in the record before the administrative officials. The *Crown Development* case, like the *Hope* [*v. Baltimore County*, 288 Md. 656, 421 A.2d 576 (1980)] case, was concerned only with the appellate jurisdiction of the Board of Appeals. Our holding with regard to additional or *de novo* evidence before the Board of Appeals does not support the view that the Board has original jurisdiction over all subjects delineated in § 5(U). The fact

> that an appellate tribunal may be authorized to receive additional evidence or hear a case *de novo* does not mean that it is exercising original jurisdiction. A *de novo* appeal is nevertheless an exercise of appellate jurisdiction rather than original jurisdiction. *See Hardy v. State*, 279 Md. 489, 492, 369 A.2d 1043, 1046 (1977). Whether a tribunal's exercise of jurisdiction is appellate or original does not depend on whether the tribunal is authorized to receive additional evidence. Instead, as Chief Justice Marshall explained, '[i]t is the essential criterion of appellate jurisdiction that it revises and corrects the proceedings in a cause already instituted, and does not create that cause. . . .' *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 175, 2 L.Ed. 60, 73 (1803)."

Id. at 589-90, 650 A.2d at 236. That decision, however, does not conflict with our prior interpretation of *de novo* proceedings. The Anne Arundel County Board of Appeals may not entertain a truly original petition for variance or special exception, but it may review the actions of the administrative hearing officer and take any action which that officer could have taken in the original proceeding. *See Soothcage v. King*, 227 Md. 142, 152-53, 176 A.2d 221, 227 (1961). Additional evidence may be presented in the *de novo* proceedings, and the Board may impose any conditions it feels necessary to protect the public health, safety, and welfare. It is appellate review mainly in the sense that a decision by the administrative hearing officer is a prerequisite to proceedings before the Board and not in the sense that the Board is restricted to the record made before the administrative hearing officer. *See also* 3 Rathkopf, *The Law of Zoning and Planning*, § 37.01[7][a] ("A person aggrieved by the decision [of the administrative hearing

officer] appeals to the board of appeals, asking it to rule upon the correctness of the administrative officer's determination; the board may reverse or affirm, wholly or partly, or may modify the order requirement, decision, or determination appealed from, and make such order, requirement, decision, or determination as, in its opinion, ought to be made in the case.").

We are left, therefore, with a question of first impression in this state regarding the scope of a board of appeals' *de novo* review. We shall first determine whether the Board had the authority under its *de novo* power to address the Conway Road access in the first instance, as it was not part of the original application. Then we shall address whether the conditions imposed by the Board were proper.

V

The circuit court concluded that, although the Board could address issues not raised before the administrative hearing officer, it could not "indiscriminately entertain matters which in effect change the nature of the original controversy or application. . . . [T]he Board, in entertaining the Conway Road issue, expanded the scope of its inquiry to such a degree that the nature of the original application was significantly altered."

As acknowledged by the County in this case, and as noted by the Court of Special Appeals in *Lohrmann v. Arundel Corp.*, 65 Md. App. 309, 319, 500 A.2d 344, 349 (1985)(quoting *Boehm v. Anne Arundel County*, 54 Md. App. 497, 511, 459 A.2d 590, 599):

> "[T]he *de novo* hearing contemplated by section 603 . . . 'is an entirely new hearing at which

> time *all aspects of the case should be heard anew, as if no decision has been previously rendered*[.]" (emphasis added).

Acting *de novo*, the Board exercises jurisdiction akin to original jurisdiction. *See Kaouris v. Kaouris*, 324 Md. 687, 714-15, 598 A.2d 1193, 1206 (1991); *Volz v. State Roads Comm'n*, 221 Md. 209, 214-15, 156 A.2d 671, 673 (1959).

In *Kaouris*, we held that on appeal *de novo* from the orphans' court, a circuit court could consider issues not raised or decided below:

> "A party is foreclosed from challenging for the first time on appeal, the propriety of the exercise by a court of its power to act. Where, however, the appeal is from an orphans' court to a circuit court pursuant to Courts Article § 12-502, the exercise of that orphans' court's power may be challenged in the circuit court even though the issue was not raised in the orphans' court. This is so because the matter is heard *de novo*."

324 Md. at 715-16, 598 A.2d at 1207; *see also Barbee v. Barbee*, 311 Md. 620, 537 A.2d 224 (1988) (directing the circuit court hearing a case *de novo* to determine issues not raised in the district court).

As discussed in Part IV, *supra*, the Board conducts wholly original proceedings with regard to all issues properly before it, and may consider new and additional evidence beyond that introduced before the administrative hearing officer. The issue appealed to the Board was whether the sand and gravel and rubble landfill operations would be in the best interest of the public health, safety, and welfare. The main reasons for the administrative hearing officer's denial of Halle's application were the traffic

and environmental impacts the Patuxent Road access would produce. Although the Conway Road access was not specifically discussed in the prior proceedings, the broad issue of access was addressed. The same issue of how access to the site would affect the public health, safety, and welfare was raised before the Board, but, in essence, different evidence was used to prove Halle's position that the public safety would not be in danger. In a *de novo* hearing before a board of appeals, new or different evidence beyond that presented during the original proceeding may be used concerning any issue properly before the tribunal. *See Daihl* and *UPS*, *supra*.

We reject an interpretation of the County's two-tier process that would preclude the Board from addressing by condition any aspect of a zoning proposal which might affect the public welfare. The access issue was so inextricably intertwined with the administrative hearing officer's decision that it was an issue properly before the Board which could be addressed.

VI

Although we have never clearly defined the scope of the *de novo* powers of a county board of appeals in zoning cases, we have made it clear that a board of appeals can, and should in many cases, impose conditions when granting a special exception or variance to protect the public welfare. *See, e.g., Rohde v. County Board of Appeals*, 234 Md. 259, 199 A.2d 216 (1964); *Montgomery County v. Mossburg*, 228 Md. 555, 180 A.2d 851 (1962); *Oursler v. Board of Zoning Appeals*, 204 Md. 397, 104 A.2d 568 (1954). "It has long been held and is firmly established that it is not only proper

but desirable to attach to the grant of a special exception conditions which do not violate or go beyond the law and are appropriate and reasonable." *Mossburg*, 228 Md. at 558, 180 A.2d at 852.

The power of the Board to address all issues properly before it by condition goes hand-in-hand with the authority to take whatever action the administrative hearing officer could take if presented with the same evidence. After determining that permitting the proposed operations would be in the best interest of the public, therefore, the Board had the authority to address the access issue by imposing conditions as part of its *de novo* power.

Respondents contend that the condition imposed by the Board of Appeals was only a "so-called" condition rather than a true condition. In support of this conclusion, respondents point to the circuit court's reasoning:

> "The Court of Appeals, in *Baylis v. City of Baltimore*, 219 Md. 164 (1959), summarized the nature and scope of conditions imposed upon special exceptions: '[T]he Board is justified in limiting the [special] exception in such a way as to mitigate the effect upon neighboring property and the community at large.' *Baylis*, 219 Md. at 169 (emphasis added). A review of the circumstances in this case reveal that the Board's 'condition' of the Conway Road access is contrary to the characterization of the term as described by the *Baylis* court."

This analysis, however, ignores the findings by the Board that the Conway Road access would alleviate the wetland and traffic problems associated with the landfill and "mitigate the effect upon neighboring property and the community at large." The main difficulty with which the circuit court seems to have struggled is

the fact that Halle did not own the property across which the Conway Road access would be built. The circuit court believed that a separate administrative proceeding was necessary for approval of such access:

> "[I]t seems logical to this Court that an access road of the significance as the one here must also be authorized by a special exception. To authorize such a substantial use as a 'condition' of the special exception, rather than authorizing the use of the access pursuant to a specific special exception grant, is contrary to reason and adverse to the plain reading and spirit of the zoning statute."

In *Rohde*, *supra*, we upheld a special exception to which a board of appeals had imposed a condition similar to the one at issue in this case. There, we upheld a condition that access be acquired over property owned by third parties. The developer proposed to reclassify 37 acres of undeveloped land to a zoning classification which permitted apartment development, and sought a special exception permitting two high rise apartment buildings on the tract. The reclassification allowed 592 apartment units, and the special exception would add 240 more. The court noted:

> "A proposal . . . [had] been pending for some time, to extend a substantial highway known as Goucher Boulevard so as to run southeast from Taylor Avenue and connect with Loch Raven Boulevard. As planned, it would pass close to the northeast side of the Ortel land, but would not actually touch that tract. A small strip of land, now zoned R-6 would be left between, but would be useless for development purposes."

Rohde, 234 Md. at 263, 199 A.2d at 218. The board of appeals granted both the reclassification and the special exception

conditioned upon the extension of Goucher Boulevard for access. We addressed the contention that the special exception could not be granted due to the uncertainty of the completion of the Goucher Boulevard extension in our holding:

> "In reaching this conclusion, we have not overlooked *Bonhage v. Cruse, supra*, [233 Md. 10, 194 A.2d 803 (1963)], which involved the same provision of the Baltimore County Zoning Regulations. There, we found that there was no assurance that a side street which led into a development behind the subject property would be widened, and that unless this street were widened it could not be shown that congestion would not result. Consequently Section 502.1 b was not satisfied. The situation here presented is different in that the extension of Goucher Boulevard is required as a condition precedent to construction and access to that new road is implicitly required, so that we think the Board could find that with the new road built and with access to it provided, it appeared that traffic congestion would not result from the grant of the exception."

Id. at 265, 199 A.2d at 219-20. Similarly, Halle must obtain a fee simple estate rather than an easement in the Conway Road access land before the landfill operations may proceed. That was explicitly made a condition of the Board's grant of the exception and variance. The uncertainty of a prerequisite's occurrence is irrelevant if the Board is satisfied that, once that prerequisite occurs, the approved activities would be appropriate. *See also Gulick v. Board of Environmental Protection*, 452 A.2d 1202, 1210 (Me. 1982) ("The Board is free to set any conditions that fall within the range of its statutory authority. If any of those conditions require action by someone other than the applicant itself, it is up to that applicant to get whatever agr ements or

guarantees it needs."). The Board here imposed a true condition, not an illusory one. Contrary to the circuit court's conclusion, the condition imposed does in fact restrict Halle's use of the property. We shall uphold that condition, as it is justifiable in terms relating to the public health, safety and welfare. *See* 3 Yokley, *Zoning Law and Practice*, § 21-12; *Exxon, Inc. v. City of Frederick*, 36 Md. App. 703, 375 A.2d 34 (1977) (special exception conditioned upon entrance to and exit from gas station being positioned at a specific location).

VII

The circuit court also determined that because of the "intensity of the ancillary activities possibly to be performed, the Board's decision impermissibly enlarged the substance of respondents application." Petitioners contend that this conclusion was erroneous, and that "the 'fundamental flaw' in the court's reasoning was that on its face, neither the Board's opinion nor the condition at issue authorized these facilities along the access road." Petitioners are correct, as the Board's order merely grants landfill and sand and gravel approval for the property; it does not mention off-site support facilities.

It is true that at the first hearing before the Board, Halle submitted an exhibit depicting support facilities along the alternative access and off of the 482 acres. After inquiry by the Board, however, Halle agreed to locate the support facilities within the 482 acres and submitted exhibits specifically locating them in that area. Halle stated that it could seek a subsequent

special exception if it later desired to locate those facilities along the access road.

The Board recognized that the scope of Halle's application was limited to the 482 acre tract and appropriate access. Uses outside that tract were a question to be resolved in a separate application; hence, Halle agreed to keep the facilities within the acreage at issue. Nowhere in its opinion did the Board authorize support facilities along the access road, and the circuit court incorrectly concluded otherwise.

JUDGMENT OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY REVERSED. COSTS TO BE PAID BY RESPONDENTS IN EQUAL SHARES.

BALTIMORE COUNTY CIRCUIT COURT
LAW LIBRARY
401 BOSLEY AVENUE
TOWSON, MARYLAND 21204

IN THE MATTER OF THE APPLICATION OF NELSON L. BOND, JR., ET AL RE: PETITION FOR RECLASSIFICATION - 3 PARCELS SITUATED ON THE EAST SIDE OF OLD HANOVER RD., CONTAINING 1.4, .96 and 3.3 ACRES RESPECTIVELY, AND BEING SITUATED 1720', 996' and 2121' RESPECTIVELY NORTH BUTLER RD. 4th DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. R-86-109

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

O P I N I O N

This case comes before this Board on Petition for a Reclassification of property from R.C. 5 to B.R. There are three parcels containing 3.3 acres, 1.4 acres and .96 acres, for a total of 5.66 acres covered under proper petition.

Petitioner presented two witnesses in this case, Mr. Nelson L. Bond, Jr., property owner, testifying for the entire 5.66 acre parcel and William Kirwin, Professional Land Planner. People's Counsel representing Baltimore County, presented one witness, Mr. James Hoswell, Planner for Baltimore County. Mr. Bond testified as to the local changes in the character of the area since his purchase in 1977 and described these changes in detail. He also testified that he requested a change in zoning before the Baltimore County Council following the requested change to B.R. by the Reisterstown Lumber Company. He especially noted the fact that these subject properties are bordered on the south and east by a 400 ft. wide (B.G.&E.) right-of-way for power transmission towers and power line. Mr. William Kirwin testified as to the abutting and surrounding commercial zones and uses. He also testified that the sewer and water lines end approximately 2000 feet south of these properties and that while no plans exist to extend these services, the properties are located within the Metropolitan District and that this area is designated as a fringe development area. He also noted that one of the individual properties is less than the minimum lot size required under the R.C. 5 zoning classification.

Mr. James Hoswell testified that all three individual properties were issues in the Comprehensive Map Process and since there was no plan to extend water and sewer services, the R.C. 5 was the most appropriate classification. On cross examination, he testified that in the 1984 map process on the Reisterstown Lumber Company's property, the B.R. zoning was increased by some 11 acres, this property directly abutting the subject site to the north. This concluded the direct testimony in this case and this very brief synopsis of the testimony in no way purports to be complete, but the record produced during this hearing will speak for itself.

Memorandums in this case were received from both parties and were carefully considered. Mr. Zimmerman's memo leans heavily upon the wording in the Baltimore County Zoning Regulations (BCZR) Section 1A00.3.A.1, which clearly states that no petition may be accepted to reclassify any R.C. zone to other than some other R.C. zone unless water and sewer are planned within two years as are not planned in this case. Section 2-58.1.J(1) states that before any property is reclassified, the Board must find that the last classification of the property was established in error. It is the opinion of this Board, that Section 2-58.1 of the Baltimore County Code must be considered prior to consideration of the BCZR, Section 1A00.3.A.1. The Board notes that this R.C. classification of the subject site is not one of long standing but a classification awarded during the 1984 map process. During this same process, 11 acres were reclassified to B.R. directly abutting the subject site. In the consideration of this 11 acres, it would seem impossible not to note the B.L. zoning directly across Hanover Pike, the existence of the 400' wide transmission line and the proximity of the large business of Reisterstown Lumber Company.

To reclassify this small parcel, well defined by this transmission line, in the midst of all this business zoning as R.C. 5 would be arbitrary and thus in error. Having established that the R.C. 5 zoning, in this Board's opinion, is in error, Section 602 of the Baltimore County Charter grants this Board jurisdiction over all petitions for reclassification. Section 2-58-1J(2) states that the prospective reclassification of the property is warranted by that change or error. The Board finds in this case that such reclassification is warranted by that error. To confine forever the use of this 5.66 acres as strictly residential in the center of all the business zoning is unreasonable. Section 2-58.1J(2) further states that any finding of such change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors relating to the purposes of the zoning regulations and maps including but not limited to all of the following, one of which is compatability of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area. Residential use is, in the opinion of this Board, not compatible with the business use already afforded adjacent properties, but the request for B.R. classification is somewhat suspect. Ample B.R. zoning with the addition of the 11 acres granted Reisterstown Lumber appears provided. A more logical classification for the subject site would be B.L. allowing for less extensive business use. It is the opinion of this Board that the County Council erred in assigning the R.C. 5 designation to this property, so therefore, Section 1A003.A.1 does not prevail. Section 602 of the Baltimore County Charter and Baltimore County Code Section 2-58.1 authorize the Baltimore County Board of Appeals the right to reclassify property under the petition process. It is the opinion of this Board that the R.C. 5 classification is in error and that the proper classification for the subject petitions should be B.L. and will so Order.

O R D E R

For the reasons set forth in the aforegoing Opinion, it is this 12th day of February, 1986, by the County Board of Appeals, ORDERED that the requested petitions for reclassification of the subject sites from R.C. 5 to B.R., be DENIED, but that reclassification from R.C. 5 to B.L. be and the same is GRANTED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

LeRoy B. Spurrier

LeRoy B. Spurrier

IN THE MATTER OF THE APPLICATION OF NELSON L. BOND, JR., ET AL RE: PETITION FOR RECLASSIFICATION - 3 PARCELS SITUATED ON THE EAST SIDE OF OLD HANOVER RD., CONTAINING 1.4, .96 and 3.3 ACRES RESPECTIVELY, AND BEING SITUATED 1720', 996' and 2121' RESPECTIVELY NORTH BUTLER RD. 4th DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. R-86-109

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

CONCURRING OPINION

Although I concur with the result reached by the majority, I arrive at that finding differently.

The majority does not consider the impact of Baltimore County Zoning Regulation (BCZR) Section 1 A00.3.A.1 in its Opinion. Rather, the majority holds that "Section 2-58.1 of the Baltimore County Code must be considered prior to consideration of the BCZR, Section 1 A00.3.A.1". After reaching the conclusion that this property was improperly classified, the majority finds it unnecessary to address BCZR 1 A00.3.A.1 as the property's proper classification is B.L.

I believe that BCZR 1 A00.3.A.1 must be addressed prior to consideration of the classification. This Section provides in essence, that a petition to reclassify an R.C. zone cannot be filed unless the property under petition is to be served by public water and sewer within two (2) years from the date of the petition.

People's Counsel argues that this regulation is constitutional as a lawful extension of the County's police power. Conversely, the Petitioner asserts that the regulation is unconstitutional as a violation of procedural due process, substantive due process and equal protection.

Consideration of the interpretation of 1 A00.3.A.1 is a case of first impression before this Board. Although the matter was considered in D & R Joint Venture & Isaac Jones (R-83-189), a reconsideration of the Board's Memorandum of Opinion was granted. Thereafter, that case was never resolved on its merits.

In evaluating the constitutionality of 1 A00.3.A.1, I note particularly the holding of Hope vs. Baltimore Co. 288 MD 656, 41 A2d 576, (1980). This case held that the Board of Appeals is the exclusive remedy in the appellate process from an appeal from the approval or disapproval of a subdivision plat. The Court also noted that when a section of the Code is contrary to the provisions of the County Charter, that section is a nullity.

Based upon the holding in Hope, in addition to Petitioner's other arguments, I believe 1 A00.3.A.1 is unconstitutional. If this regulation were valid, its effect would be to deny relief to any property owner who alleged error in zoning the property R.C., if sewer and water facilities were not available within two (2) years. This prohibition would conflict with the Board's authority, under Section 602 of the Charter, of "original and exclusive jurisdiction over all petitions for reclassification", Baltimore Co. Charter, Section 602, (e).

Therefore, I would hold that BCZR 1 A00.3.A.1 is unconstitutional.

Turning to the reclassification itself, I agree with the majority's rationale and their result of zoning for this property of B.L. Thus, I join in the reclassification of this property from R.C. 5 to B.L.

Lawrence E. Schmidt

Date: February 12, 1986

THE PROSSER COMPANY, INC.
12107 and 12109 Long Green Pike and 5328 Glen Arm Road
Case No.:CR-94-143

* BEFORE THE
* BALTIMORE COUNTY
* BOARD OF APPEALS
* April 6, 1994

* * * * *

The above-entitled matter came on for hearing before the Baltimore County Board of Appeals at the Old Courthouse, Room 49, Towson, Maryland 21204 at 10:05 a.m., April 6, 1994.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
ROBERT O. SCHUETZ

APPEARANCES:

MICHAEL P. TANCZYN, Esquire
On behalf of Glen Arm Association

G. SCOTT BARHIGHT, Esquire
On behalf of Petitioner

CAROLE DEMILIO, Esquire
PETER MAX ZIMMERMAN, Esquire
People's Counsel

Reported by:
Marsha Donnelly, CSR

THE CHAIRMAN: Mr. Tanczyn or Mr. Zimmerman or Ms. Demilio?

MR. TANCZYN: Could I go first, please? Good morning, Mr. Chairman, members of the board, and those assembled here. I do represent Glen Arm Community Association, and the first thing I would like to bring up to the board is what I think may be a hurdle too high for the petitioner to jump. And it ought to be brought up in the beginning, because if the petitioner looks at it, agrees, and if the board agrees with what I'm about to say is the law, the hearing may be a waste of everybody's time. Now, it doesn't happen all the time, but every once in a while it happens and sometimes even when I suggest it.

The problem is this. If you look at Bill 98-75 which created the R.C. zones -- and I believe it's on page 1A-2A of the zoning regulations, and I've checked and I believe it has not been amended or modified or updated -- that clearly says in A1 of -- the subsection is 1A00.3, and we start with a big A and then the 1. It says, "Filing of Rezoning Petitions." Further, Bill 98-75-1975

says, "No petition to reclassify an R.C. zone or portion thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner" -- which, of course, has been modified subsequently -- "unless" -- and sub A is the one that I think causes the issue to arise. And that subsection -- not going to read it to you verbatim, you can read it for yourself.

Essentially it says unless basic services of sewer -- public sewer and metropolitan water are at the site or will be brought to the site and it's proven that it will within two years of the filing of the petition, you can't file this reclass. Zoning shouldn't have taken it, the County shouldn't have taken it, the Planning Board shouldn't have considered it. The law is clear. But everything that's happened up till now has been in what you must consider disregard of that provision of law.

And I think it ought to be brought up at the outset before we get into the other issues because that's not the only issue, but I think that ought to be responded to as a preliminary matter. And if you'd like me to stop at this point to allow Mr. Barhight to do that, I'll be

happy to do that. I really think that stops this board from having jurisdiction because I believe it is -- there is no dispute that this area is not presently served by metropolitan water or sewer -- public metropolitan water or sewer, nor will it be, according to Rob Powell who is subpoenaed by the petitioner and on call and may not be here right now, from DEPRM. Rob says it's not in the basic services planned, it's not projected. I don't know how old he is, but he says it isn't going to happen in his lifetime. Because to extend the present services, you got to cross the Gunpowder, and it hasn't happened, it's not proposed, it's just -- why is that law there?

The law is there because of the purpose for which R.C. zones were created, and that was to protect what were considered to be areas which needed protecting. And I think -- if I could stop at this point. I have other comments, but if we can -- if you think we can get over that hurdle, I'd be happy to continue with my comments, but I think that is a stopper. I have copies of that for the board.

MR. CLARK: I'd like to hear what other counsel

have to say about it.

MR. TANCZYN: I have a copy for the board if you'd like me to give it to you. Here's the section I refer to.

THE CHAIRMAN: Mr. Barhight?

MR. BARHIGHT: I appreciate the opportunity to address the board at this time. Obviously I'm somewhat out of turn in the sense that this is Mr. Tanczyn's opening, so I appreciate the opportunity he's given me to respond to this preliminary issue. Succinctly stated, I believe that the Baltimore County zoning regulations cannot and do not override the authority of this board to determine how to reclassify property in Baltimore County. The charter clearly indicates that the power to reclassify property during the interim between the comprehensive zoning map process rests, and rests solely, in the Board of Appeals.

In a similar case before the board, this same issue came up, and the board decided in a way that was favorable to my client's position, the Nelson Bond case decided several years ago of which I am aware. The board

decided exactly as I'm suggesting, that the Baltimore County Council, whether through the zoning regulations or any other law, cannot limit in any way the jurisdiction and power of the Board of Appeals in a reclassification case to decide how to zone or rezone property. And I believe that that fully answers Mr. Tanczyn's suggestion, because this section of law attempts to take away from the Board of Appeals powers that were granted to it by the citizens of Baltimore County in adopting the Baltimore County charter.

THE CHAIRMAN: Mr. Zimmerman?

MR. ZIMMERMAN: Yes. This type of issue has come up over the years from time to time, so I think I have to candidly state what our view has been and our understanding of how it's been handled. I think the question is not entirely free from doubt, but we have taken the position in the past that the better view is that the Board of Appeals does have jurisdiction over zoning reclassifications, so we have not insisted that petitions be dismissed by the board on that ground alone.

We have taken the view that the lack of public

facilities of the type mentioned in the statute is a very negative factor that must be considered heavily in determining the merits of the reclassification, so we don't think that the statute is entirely irrelevant. But we have taken the position that the board can go ahead and hear this type of case.

MR. TANCZYN: I'll -- can I just clarify one point based on what you just heard?

THE CHAIRMAN: Sure.

MR. TANCZYN: Our position is not that this board lacks jurisdiction to hear reclasses. In fact, a mandate is that only this board can hear reclass petitions. That law doesn't say you don't have authority to hear reclass petitions. It merely says for any particular zone, which was only created in nineteen seventy -- by bill in '75 and enacted in 1976, just in time, coincidentally or not, for the '76 maps, in which that zone was first in place on property in Baltimore County and on which the portion of this property which was zoned R.C. 5 was first zoned R.C. 5 on that initial map back in 1976 when it was first possible to do so.

And so while Mr. Zimmerman has told you his position, Mr. Barhight has told you his position, the law remains that we can go through and -- if you deem it appropriate, go through and have a complete hearing, but that's not going to change the law saying, What are they asking for. They're asking for something other than R.C, and the law says and enacted by the County Council never amended, never changed with all these cases decided over the years, that in that situation you've got to have or will have within two years these public services.

And the -- we can -- I could go into a very long rationale by way of defense or explanation for why the County Council would think that was a good thing to do in resource conservation zones, but I think the preamble to the R.C. zone states why it was created in the first place, to protect rural areas from urban sprawl and willy-nilly development in advance of basic services. That's what it boils down to. Now -- and I'll rest on that and let the board decide whether or not you want to go further or whether you want to remand this to the planning board for them to consider that very issue which

everybody ignored.

MR. CLARK: I take it that in actuality you're making a motion to dismiss the petition?

MR. TANCZYN: Yes, sir. For the reasons stated.

MR. CLARK: I understand.

(A recess was taken by the board.)

THE CHAIRMAN: We're going to reserve on the ruling on the motion, and go ahead with the --

MR. TANCZYN: The rest of the opening?

THE CHAIRMAN: The rest of your opening remarks.

MR. TANCZYN: Thank you, Mr. Chairman, members of the board. In quick summary, if we could, this property was owned historically, and I think back at the time when the R.C. zone was put on, at the time by the Grumman Aerospace Corporation. Their real estate arm is called Panama (phonetic) Development or something. I can't -- I could spell it if I was looking at it, but I can't otherwise. And, of course, we know what Grumman does, and we know that Grumman has some space available with the defense cutbacks; and, of course, I mention that to show their historical ownership.

STATE OF MARYLAND)
) ss
COUNTY OF BALTIMORE)

I, Marsha Donnelly, a Notary Public in and for the State and County aforesaid, do hereby certify that the aforegoing is a true and accurate transcription of the proceedings indicated.

I certify that I am not of counsel, attorney, or relative of any party, or otherwise interested in the event of this suit.

In witness whereof, I have hereunto set my hand and affixed my notarial seal this 16th day of ~~February~~ May, 1995.

Marsha Donnelly, CSR
Notary Public

My commission expires February 1, 1998.

MARSHA DONNELLY CSR NOTARY PUBLIC BALTIMORE COUNTY

COPY

THE PROSSER COMPANY, INC. 12107 and 12109 Long Green Pike and 5328 Glen Arm Road R.O. & R.C. 5 to M.L.	* BEFORE THE * BALTIMORE COUNTY * BOARD OF APPEALS * Case No.:CR-94-143 * July 19, 1994

* * * * *

The above-entitled matter came on for hearing before the Baltimore County Board of Appeals at the Old Courthouse, Room 49, Towson, Maryland 21204 at 10:00 a.m., July 19, 1994.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
ROBERT O. SCHUETZ

APPEARANCES:

MICHAEL P. TANCZYN, Esquire
On behalf of Glen Arm Association

G. SCOTT BARHIGHT, Esquire
On behalf of Petitioner

PETER MAX ZIMMERMAN, Esquire
People's Counsel

Reported by:
C.E. Peatt

petition in between maps, you come to this Board. That's not the issue.

This law, this part of the law which has been the law since 1975, Bill No. 98, has been the law for a long time.

That bill says in another bill your jurisdiction and authority to hear zoning cases on reclass is clearly established. That's not what this says. This doesn't take that away.

This just says in the circumstances where a property won't make it to public water and sewer, isn't presently served, and won't make it within two years in R.C., limited only to R.C. zoned calculations for property so zoned, you shall not accept for filing a petition.

Now, if you can't accept it for filing, it follows, I think, this Board should not hear it. It shouldn't have gotten this far, is what the law is saying.

And the good reason the public policy consideration that's readily apparent is R.C. successor to what was R.D.P., rural deferred planning, and other type zones when the R.C. zones were enacted in 1975, and first

on the '76 maps, for property which is out in the boonies, let's say, past the ERDL, call that the boonies, if you're not going to be serviced by water and sewer, what the Counsil was clearly saying when they passed this bill, clearly to me, anyhow, was that we caution, we warn people, not to accept a reclass petition that says you can't do this out there until we are going to get water and sewer to them.

It's an expression of legislative intent that infrastructure be in place and what intrastructure to be in place to support a reclass from an R.C. zone.

Now, between R.C. zones, the petitioner could go, if he wanted to, from R.C. 5 to any of the other R.C.'s, but you can't reclass from R.C., from a rural conservation zone, until the infrastructure comes out and catches up, because the avowed purpose throughout the R.C. zone created was to protect the natural resources and to protect the land and farmland in particular under R.C. 2 which is out there from destruction, devastation, pollution, all those terrible things that can be visited by other zones or other uses permitted by other zones be

thrown in the midst of an R.C. zone.

Now you have in this case, Grumman, just north of this property, which is M.L. No two ways about it. And you have all the way around Grumman R.C. land. Now it is clear that to expand as Grumman tried to do in the 1980 maps, which was the first map after this was enacted and they got turned down, it's clear that the Council was adhering to the tenure of Bill No. 98 that was passed in 1975. And I will submit on that.

I think it's just an open and absolute issue. It's a policy decision expressed by the County Council, and they are not saying you can't. They are not foreclosing a property owner from ever getting his land reclassied, as long as you meet this public policy consideration and show now we are going to extend infrastructure to you or it will be there within a two-year period.

So it's a flat out line drawn.

MR. ZIMMERMAN: So our office's position is not misunderstood, I think I said at the beginning of the case that we felt that the issue was not free from doubt, but

we have on balance, whether right or wrong, suggested that the Board ought to go ahead and hear these cases.

The issue may not be so much jurisdction. The County Board of Appeals clearly has jurisdiction in zoning reclassification cases.

The question, rather, is whether this specific specific legislation that Mr. Tanczyn has cited precluded acceptance of rezoning in certain situations such as the present one, is somehow preempted or superseded by the general legislation giving the Board the authority to grant reclassifications, whether or not somehow it's in conflict with the Express Powers Act, the Charter, or whether it's reconcilable.

And we never thought that issue was very clear, but we have leaned on the side of having the Board going ahead and hearing these cases, still recognizing that, at the very least, that the Board has to give strong consideration to this expression of legislative intent about rezonings and this type of location.

So that I felt I had to say that, since our position was characterized briefly by Mr. Barhight, I

thought I better --

MR. BARHIGHT: If I mischaracterized, I apologize.

MR. ZIMMERMAN: I am sure there was no intent to mischaracterize it, but it's a somewhat complicated position we have on this.

MR. BARHIGHT: I feel compelled to spend at least thirty seconds responding to some degree. It is a jurisdictional issue. And this issue has been before this body before, specifically in the Nelson Bond case, and notwithstanding the fact this People's Counsel believes it is unclear, I believe it is very clear.

There is a statute adopted by the County Council. The Charter controls. The Charter gave you your jurisdiction. This is an inappropriate attempt on the part of the County Council to limit the powers given to you by the people of Baltimore County through the Charter, and an argument that is held today in the Nelson Bond case before you and is the argument that should hold again today and we should be allowed to proceed with this case.

Mr. Tanczyn and Mr. Zimmerman should be allowed

to proceed with their witnesses and you should be allowed to make your decision based on the merits of the witnesses and the testimony before you.

MR. CLARK: What, chiefly, was the Nelson Bond case?

MR. BARHIGHT: The Board of Appeals, this body, made that decision before.

THE CHAIRMAN: The Board is going to deny your motion, Mr. Tanczyn, and take testimony from you as to your objection.

MR. TANCZYN: Okay. We would call Michael Rier, please.

T. M I C H A E L R E I E R,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. TANCZYN:

Q. Mr. Reier, you have been sworn. Please state your name and address.

A. T. Michael Reier, 11909 Long Green Pike, Glen.

Q. Is that your residence address?

IN THE MATTER OF	*	BEFORE
SECURITY MANAGEMENT CORPORATION	*	COUNTY BOARD OF APPEALS
S.E. INTERSECTION OF YORK AND PHOENIX RD.	*	OF
8th ELECTION DISTRICT	*	BALTIMORE COUNTY
3RD COUNCILMANIC DISTRICT	*	CASE NO. CR-93-307-SPHXA
	*	Item #5, Cycle I, 1993.

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on September 9th 1995, I effected service of process by personally serving a Subpoena upon EASTER McCLEAN ACCEPTING FOR BALTIMORE METROPOLITAN COUNCIL at 601 N HOWARD ST _____, to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

Joseph A Gast
(signature)

Name: Joseph Gast

Firm: EXECUTIVE PROCESS SERVICE

Address: P.O. BOX 7433
BALTIMORE MD 21227

95 SEP 28 PM 1:10

IN THE MATTER OF	*	BEFORE
Security Management Corp.	*	COUNTY BOARD OF APPEALS
S.E. Intersection of Gunpowder & Phoenix	*	OF
8th Election	*	BALTIMORE COUNTY
3rd Councilmanic	*	CASE NO. CR-93-307-SPHXA
	*	Item #5, Cycle I, 1993

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on Sept. 8, 1995, I effected service of process by personally serving a Subpoena upon Gary Ives at Towson Branch of The Baltimore County Library, to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

David K. Gildea
(signature)

Name: David K. Gildea
Firm: Whiteford Taylor & Preston
Address: 210 W. Penn. Ave.
Towson, MD. 21204

95 SEP 11 PM 12:22

IN THE MATTER OF	*	BEFORE
Security Management Corp.	*	COUNTY BOARD OF APPEALS
S.E. Intersection of York & Phoenix	*	OF
8th Election	*	BALTIMORE COUNTY
3rd Councilmanic	*	CASE NO. CR-93-307-SPHXA
	*	Item #5, Cycle I, 1993

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on Sept. 8, 1995, I effected service of process by personally serving a Subpoena upon Kevin Roddy at Office of Community Conservation, to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

David K. Gildea
(signature) David K. Gildea
Name: Whiteford Taylor & Preston
Firm:
Address: 210 W. Penn. Ave
Towson, Md. 21204

95 SEP 11 P1:12:22

IN THE MATTER OF	*	BEFORE
Security Management Corp.	*	COUNTY BOARD OF APPEALS
S. E. Intersection of Oak + Phoenix	*	OF
8th Election	*	BALTIMORE COUNTY
3rd Councilmanic	*	CASE NO. CR-93-307-SPHxA
	*	

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on Sept. 8, 1995, I effected service of process by personally serving a Subpoena upon Kevin Roddy at Office of Community Conservation,

to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

David K. Golden
(signature)

Name: David K Golden
Firm: Whiteford Taylor & Preston
Address: 210 W. Penn Ave
Towson, Md. 21204

95 SEP 11 PM 12:22

IN THE MATTER OF	*	BEFORE
Security Management Corp.	*	COUNTY BOARD OF APPEALS
S.E. Intersection of York & Phoenix Rds	*	OF
8th Election	*	BALTIMORE COUNTY
3rd Council mm.	*	CASE NO. CR-307-SPHXA
	*	Item #5, Cycle 1, 1993

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on Sept. 7, 1995, I effected service of process by personally serving a Subpoena upon Yevin M. Roddy at Balt. Co. Depart. of Community Development Towson, Md. 21204, to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

David K. Gildea
(signature)

Name: David K. Gildea
Firm: Whiteford, Taylor & Preston
Address: 210 W. Penn. Ave Suite 400
Towson, Md. 21204

IN THE MATTER OF	*	BEFORE
Security Management Corp.	*	COUNTY BOARD OF APPEALS
S.E. Intersection of York & Phoenix Rd.	*	OF
8th Election	*	BALTIMORE COUNTY
3rd Councilmanic	*	CASE NO. CR-93-SPH*A
	*	Item #5, Cycle 1, 1993

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on Sept 7, 1995, I effected service of process by personally serving a Subpoena upon Kevin M. Reddy at Balt. Co. Department of Community Development, Towson, Md. 21204, to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

David K. Gildea
(signature)

Name: David K. Gildea
Firm: Whiteford, Taylor & Preston
Address: 210 W. Pennsylvania Ave. Suite 400
Towson, Md. 21204

IN THE MATTER OF	*	BEFORE
Security Management Corp.	*	COUNTY BOARD OF APPEALS
S.E. Intersection of York + Phoenix	*	OF
8th Election	*	BALTIMORE COUNTY
3rd Councilmanic	*	CASE NO. CR-93-307-SPHXA
	*	Item #5, Cycle I, 1993

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on Sept. 8, 1995, I effected service of process by personally serving a Subpoena upon Kevin Roddy at Office of Community Conservation, to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

David K. Gildea
(signature)

Name: David K. Gildea

Firm: ~~Dor~~ ~~Penn~~ Ave Litigation Group

Address: 210 W. Penn. Ave Suite 401
Towson, MD. 21204

95 SEP 11 PM 12:21

IN THE MATTER OF	*	BEFORE
SECURITY MANAGEMENT CORPORATION	*	COUNTY BOARD OF APPEALS
S.E. intersection of York and Phoenix Rds.	*	OF
(Colvista)	*	CASE NO.: CR-93-307-SPHXA
8th Election District	*	Item #5, Cycle 1, 1993
3rd Councilmanic District	*	

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

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: **(Name, Address, County)** Custodian of Records
Office of Community Conservation
1 Investment Place, Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; (X) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects;

in **Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204** on the 13th day of September, 1995, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all documents relating to "The Zoning and Planning Process in Baltimore County and its effect on Minority Group Residents: Report of the Maryland State Advisory Committee to the U.S. Commission on Civil Rights dated March 1971", including, but not limited to, the document itself, any document, correspondence and memoranda used as the basis for the document, and any amendments, updates or revisions of the documents, and any responses by Baltimore County to the Document.

Subpoena requested by:

G. Scott Barhight, Esq., Whiteford, Taylor & Preston
(Name of Party or Attorney, Address and Phone Number)

210 W. Pennsylvania Avenue, Towson, MD 21204 (410) 832-2000

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.

Charlotte Ruhl
County Board of Appeals of
Baltimore County

57641

IN THE MATTER OF	*	BEFORE
SECURITY MANAGEMENT CORPORATION	*	COUNTY BOARD OF APPEALS
S.E. intersection of York and Phoenix Rds.	*	OF
(Colvista)	*	CASE NO.: CR-93-307-SPHXA
8th Election District	*	Item #5, Cycle 1, 1993
3rd Councilmanic District	*	

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

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: **(Name, Address, County)** Custodian of Records
Office of Community Conservation
1 Investment Place, Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; (X) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on the 13th day of September, 1995, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all documents relating to "United States Commission on Civil Rights Staff Report: Demographic, Economic, Social and Political Characteristics of Baltimore City And Baltimore County dated August 1970", including, but not limited to, the document itself, any document, correspondence and memoranda used as the basis for the document, and any amendments, updates or revisions of the documents, and any responses by Baltimore County to the document.

Subpoena requested by:

G. Scott Barhight, Esq., Whiteford, Taylor & Preston
(Name of Party or Attorney, Address and Phone Number)

210 W. Pennsylvania Avenue, Towson, MD 21204 (410) 832-2000

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.

Charlotte L. Daly Jr.
County Board of Appeals of
Baltimore County

57641

IN THE MATTER OF	*	BEFORE
SECURITY MANAGEMENT CORPORATION	*	COUNTY BOARD OF APPEALS
S.E. intersection of York and Phoenix Rds.	*	OF
(Colvista)	*	CASE NO.: CR-93-307-SPHXA
8th Election District	*	Item #5, Cycle I, 1993
3rd Councilmanic District	*	

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

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: **(Name, Address, County)** Mr. David Fields
Department of Community Conservation
1 Investment Place, Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and/or objects only; (X) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on the 13th day of September, 1995, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all documents relating to the Comprehensive Housing Affordability Strategy dated April 1992 for Baltimore County, including, but not limited to, the document itself, any document, correspondence and memoranda used as the basis for the Plan, and any amendments, updates or revisions of the documents.

Subpoena requested by:

G. Scott Barhight, Esq., Whiteford, Taylor & Preston
(Name of Party or Attorney, Address and Phone Number)

210 W. Pennsylvania Avenue, Towson, MD 21204 (410) 832-2000

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

57641

FINAL

ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED COLVISTA COMMUNITY SITE HUNT VALLEY, MARYLAND

Prepared for:

Security Management Corp.
Baltimore, Maryland

Prepared by:

EA Engineering, Science, and Technology, Inc.
11019 McCormick Road
Hunt Valley, Maryland 21031

April 1995 Project 12140.01

ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED COLVISTA COMMUNITY SITE HUNT VALLEY, MARYLAND

Prepared for:

Security Management Corp.
Baltimore, Maryland

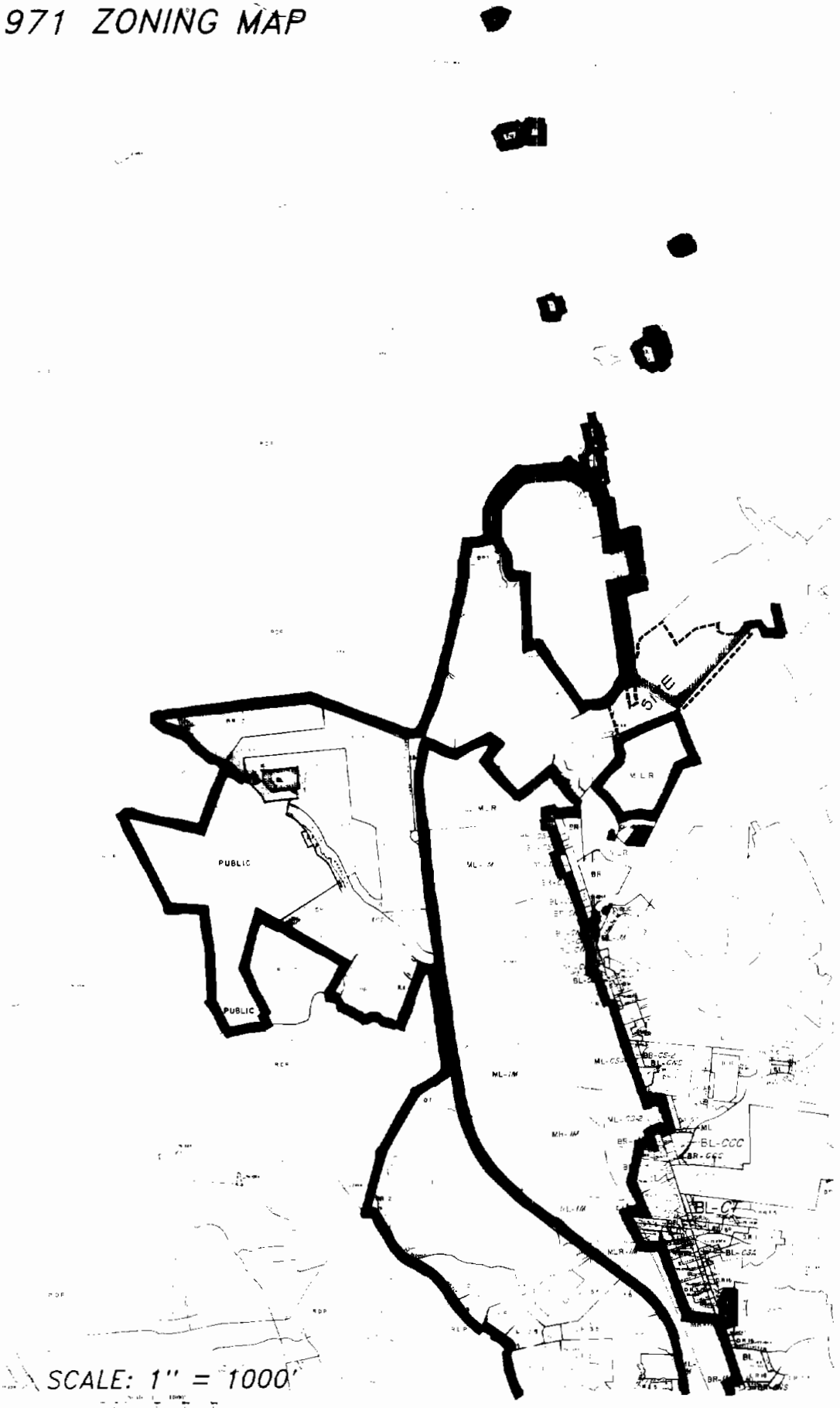
Prepared by:

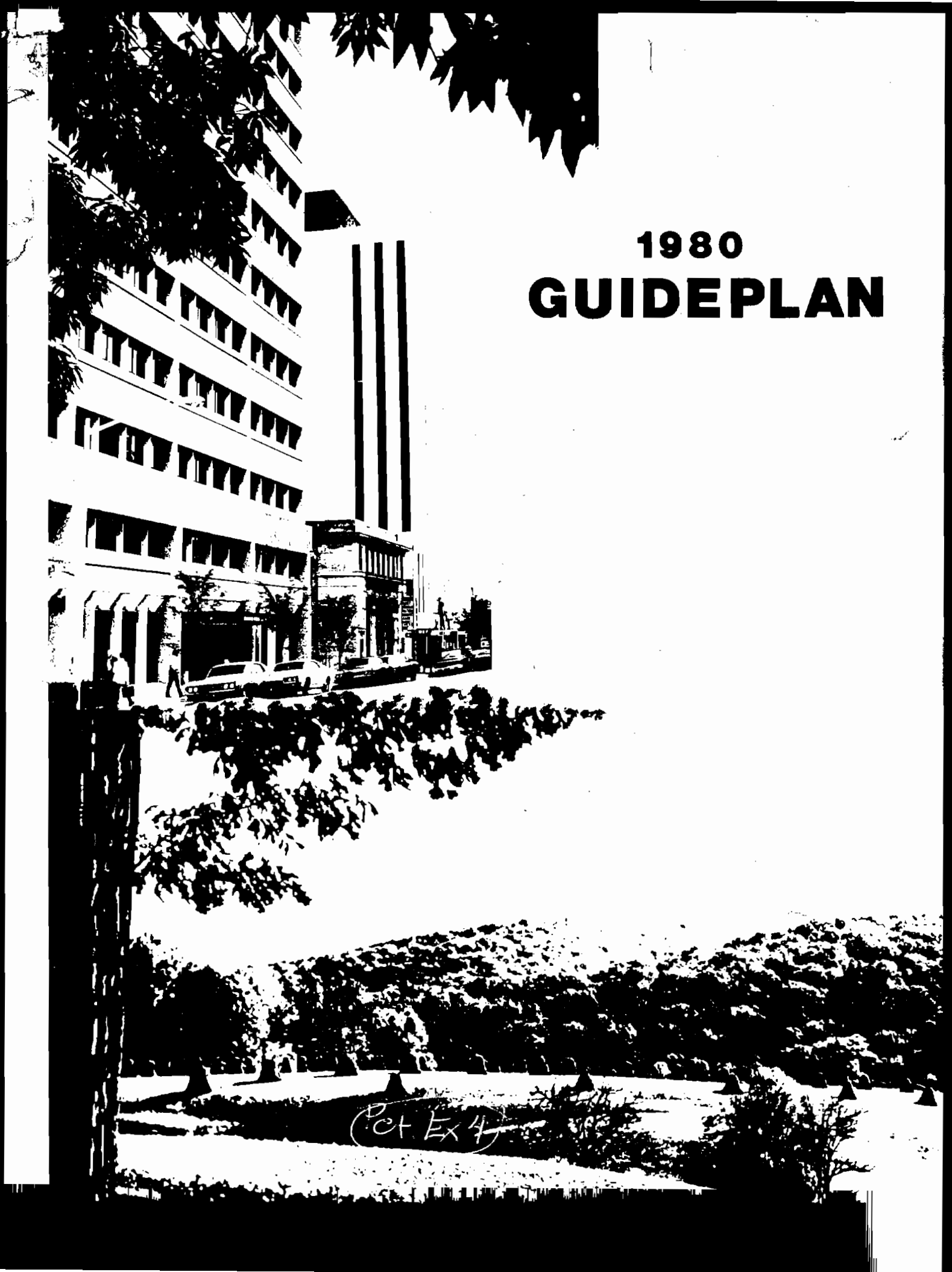
EA Mid-Atlantic Regional Operations
EA Engineering, Science, and Technology, Inc.
15 Loveton Circle
Sparks, Maryland 21152

February 1993

EA Project 12140.01

1971 ZONING MAP



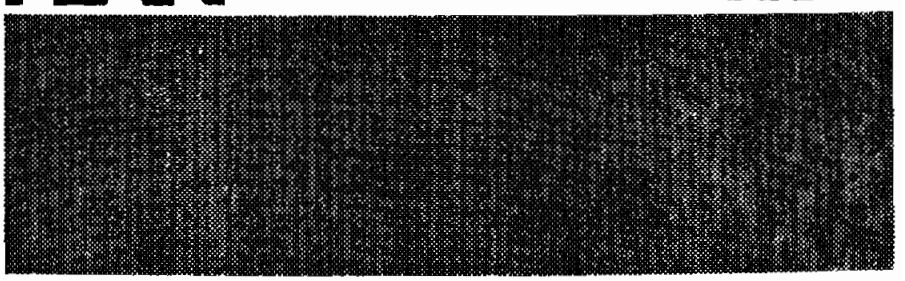


1980
GUIDEPLAN

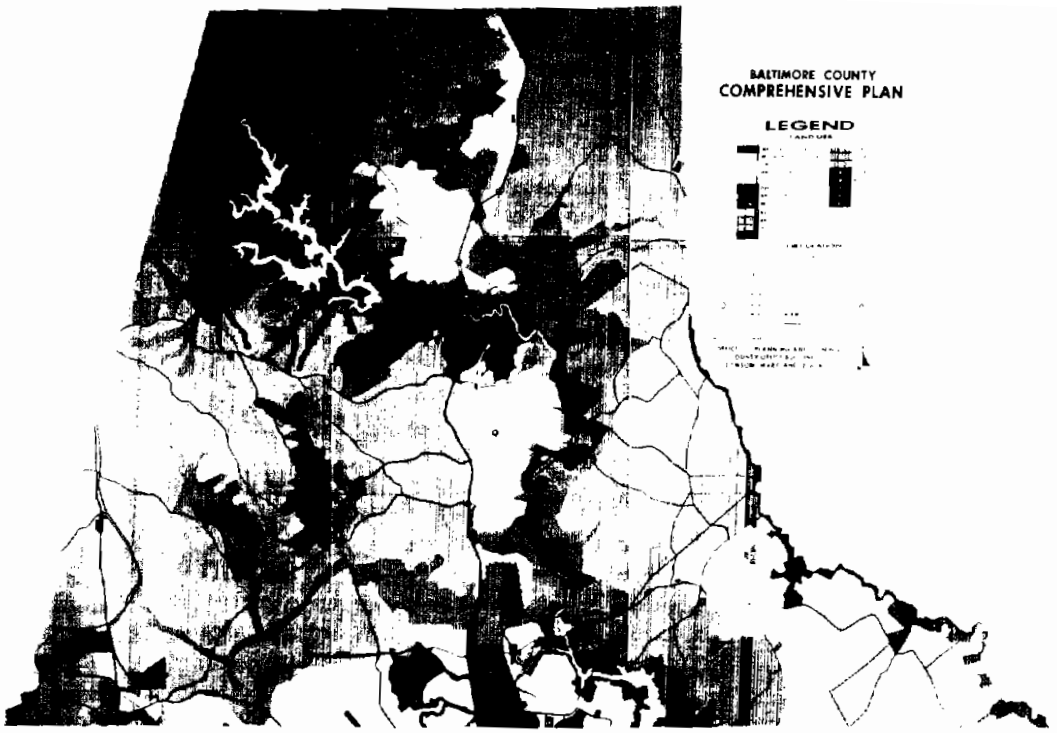
Pet Ex 4

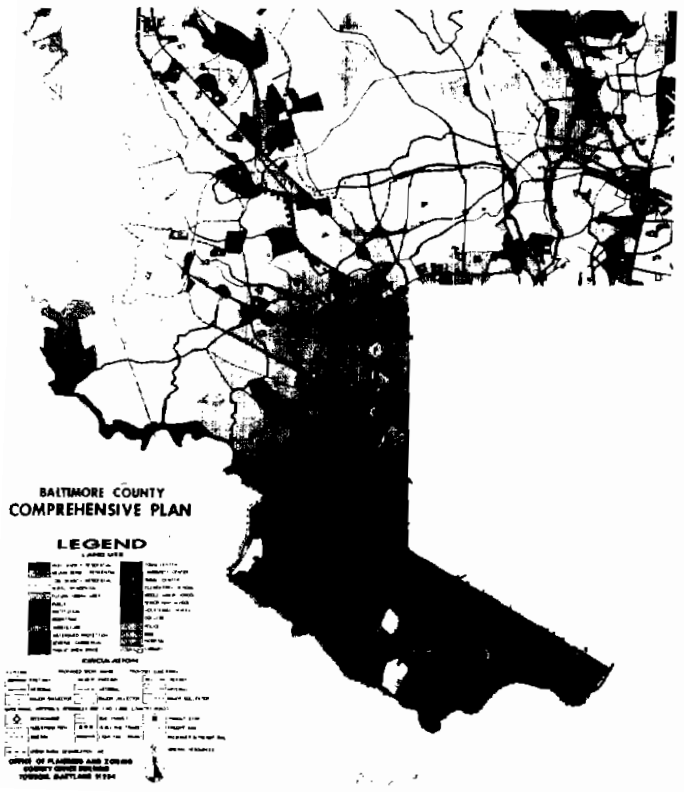
Pet. Ex. 5

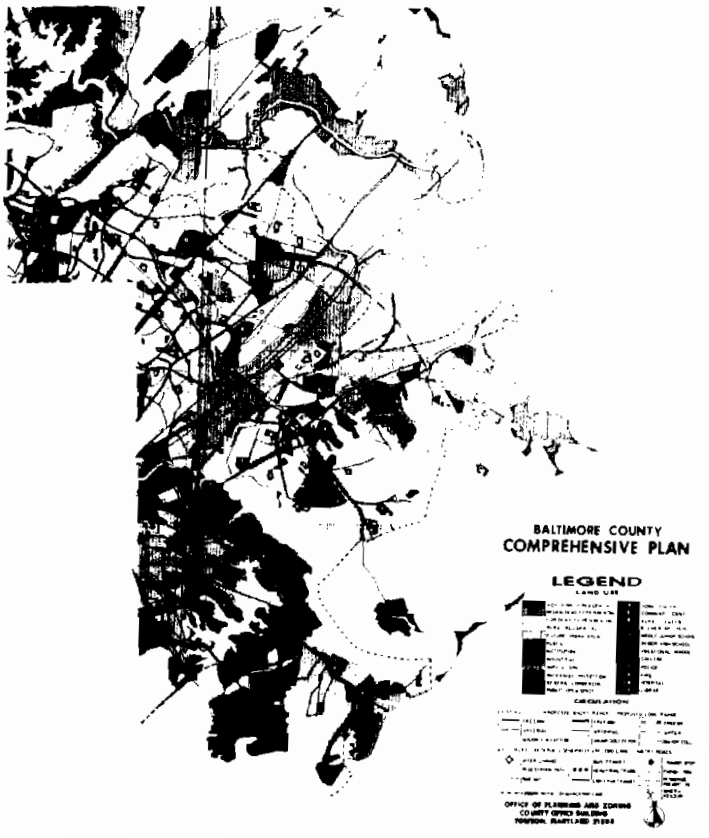
BALTIMORE COUNTY COMPREHENSIVE PLAN 1975



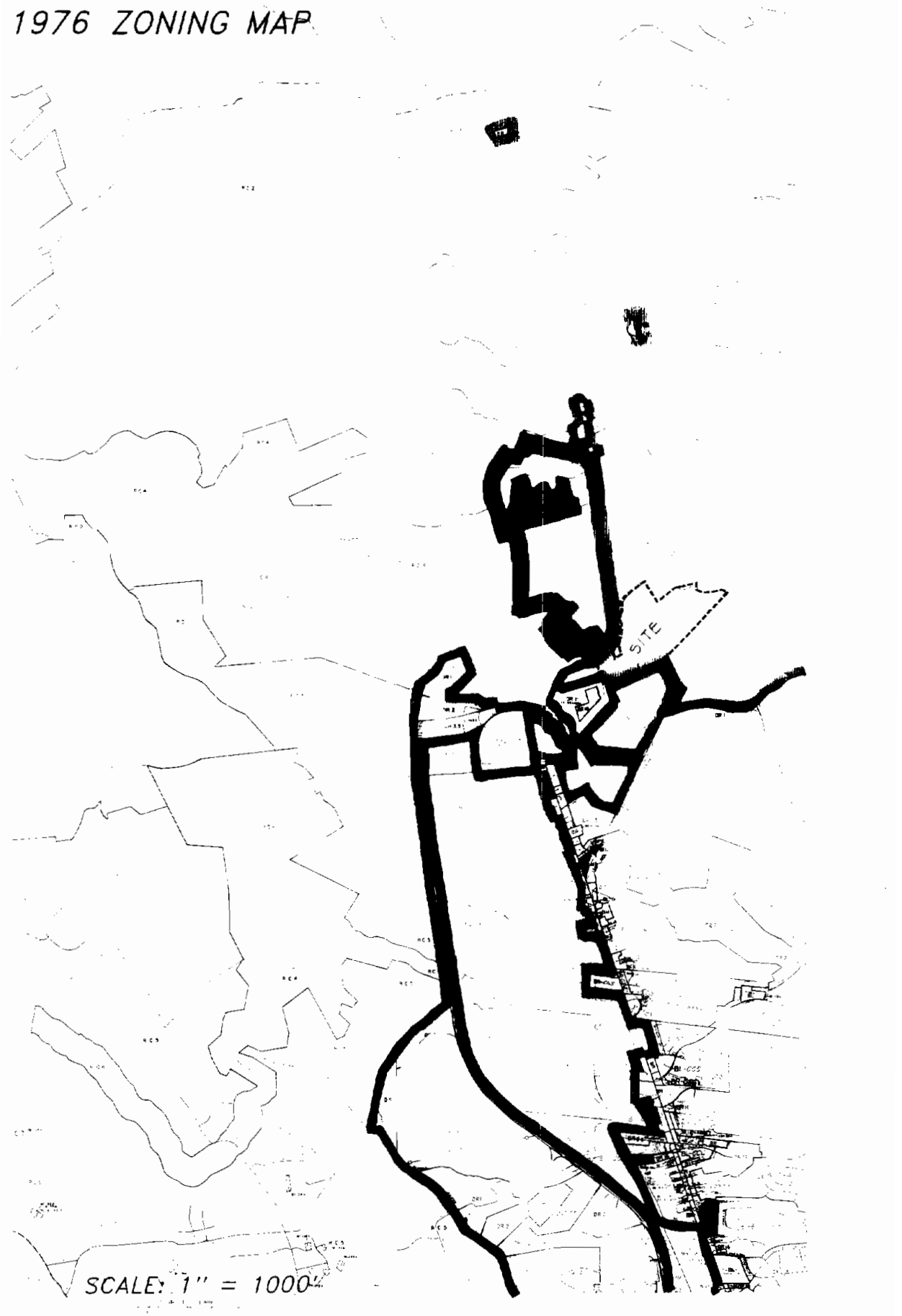
Adopted October 13, 1975
Baltimore County Planning Board

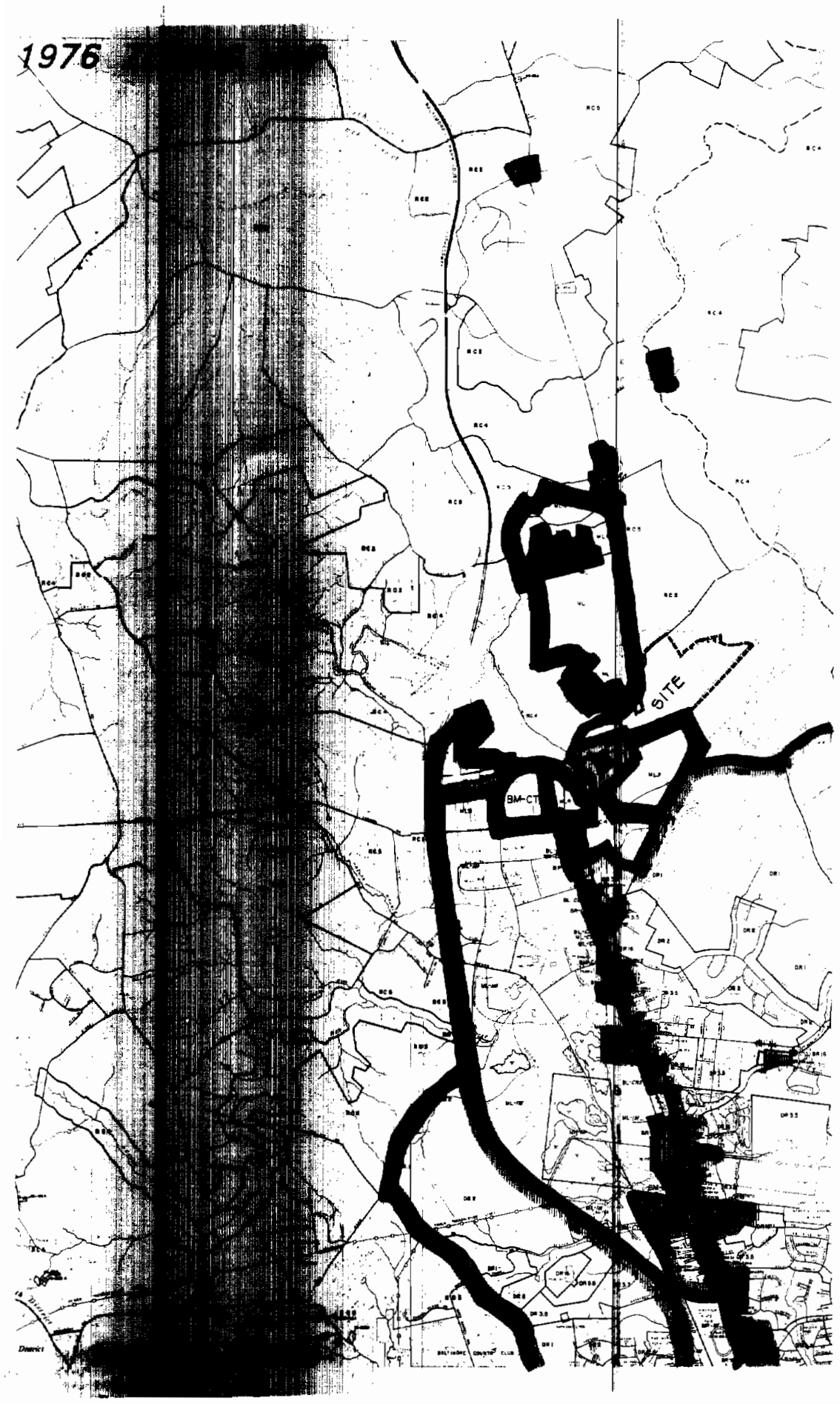

BALTIMORE COUNTY
COMPREHENSIVE PLAN
LEGEND


BALTIMORE COUNTY
COMPREHENSIVE PLAN
LEGEND


BALTIMORE COUNTY
COMPREHENSIVE PLAN
LEGEND

1976 ZONING MAP




1976
SITE
BM-CT

BALTIMORE COUNTY GROWTH MANAGEMENT PROGRAM 1979 - 1995

Pet. Ex. 8

Baltimore County, Maryland

INTRODUCTION

This single page document sets out a summary of the findings and recommendations of the Baltimore County Growth Management Plan, in text and maps, on this side of the page and, on the other side of the page, text and a single map at a scale of one inch equals one mile presenting the central elements of the Growth Management Land Use Plan.

Th Purpose of Gr wth Management

In counties and municipalities across the United States, it has become evident that growth in and of itself is not necessarily good. While in the interests of equity, growth must be accommodated, it must be managed in order to prevent inefficient use of costly utility, road and community service systems and to safeguard the urban and natural resources that determine the quality of life.

The management of growth is achieved through coordination of government development policies, procedures and actions. The Baltimore County Growth Management Program is designed to show how this coordination can be achieved in the County.

Th Current Study

Growth has been managed in the County by one means or another since settlement of the Baltimore area first occurred. It is only in recent decades that the complexity of the patterns and rates of growth and of the government agencies necessary to provide services to and to regulate this growth has increased to the point that a distinct coordinative function has become necessary.

The purpose of the current eighteen month study has been to define and recommend the form of that coordinative function for Baltimore County and to identify recommended actions by various County departments and agencies to achieve the recommended County land use development pattern and to achieve the major objectives of preserving natural resources and of balancing County investment in providing for new development as against County investment in improving and stimulating improvement of existing development and older commercial centers.

It should be emphasized that completion of the eighteen month study signals not the completion but rather the beginning of Growth Management in Baltimore County. This summary outlines recommended next steps for the County to take. The outline presented here is detailed in the Technical Reports and Growth Management Plan Reports listed at the end of this summary, which are available for review in the County Growth Management Office.

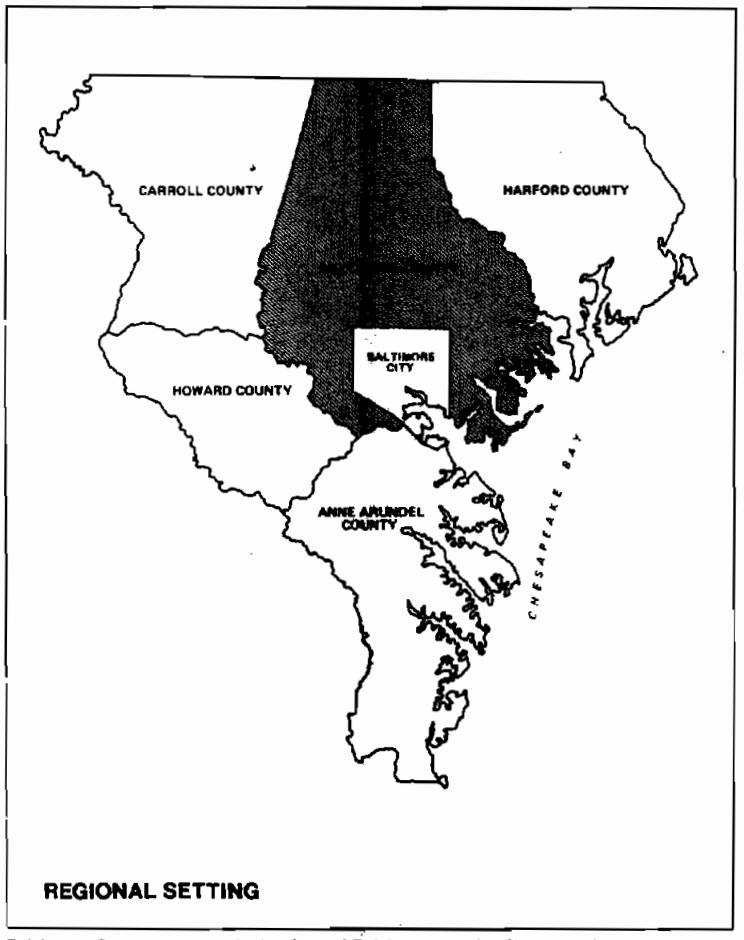
Population Growth Polici s

The idea of control of growth is, of course, central to growth management. At present, the County does not have a formalized population growth policy.

Projections of likely future population have been made by the Growth Management consultants.

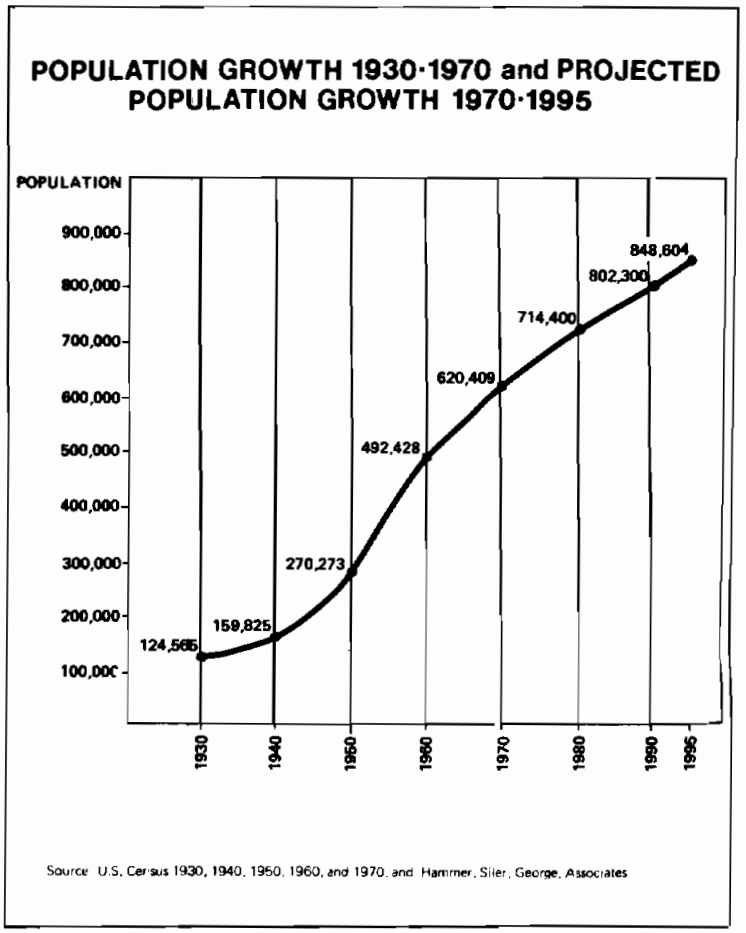
During the Growth Management studies, it has been determined that:

- County-wide population capacity is not an issue in formulating a population growth policy for the County because the undeveloped part of the County is so large and projected growth is relatively modest;
- Considerations of equity suggest that projected population should be accommodated;
- The rate and location of population growth will be subject to policy influence by the rate and locations at which the County provides public services, grants zoning changes, and encourages or discourages investment;
- Certain areas of the County are particularly well suited for development by their location in relation to major transportation links and utility extensions and by environmental and community structural conditions to development, while other areas are less well suited, and



REGIONAL SETTING

Baltimore County surrounds the City of Baltimore on the City's north, west and eastern sides.

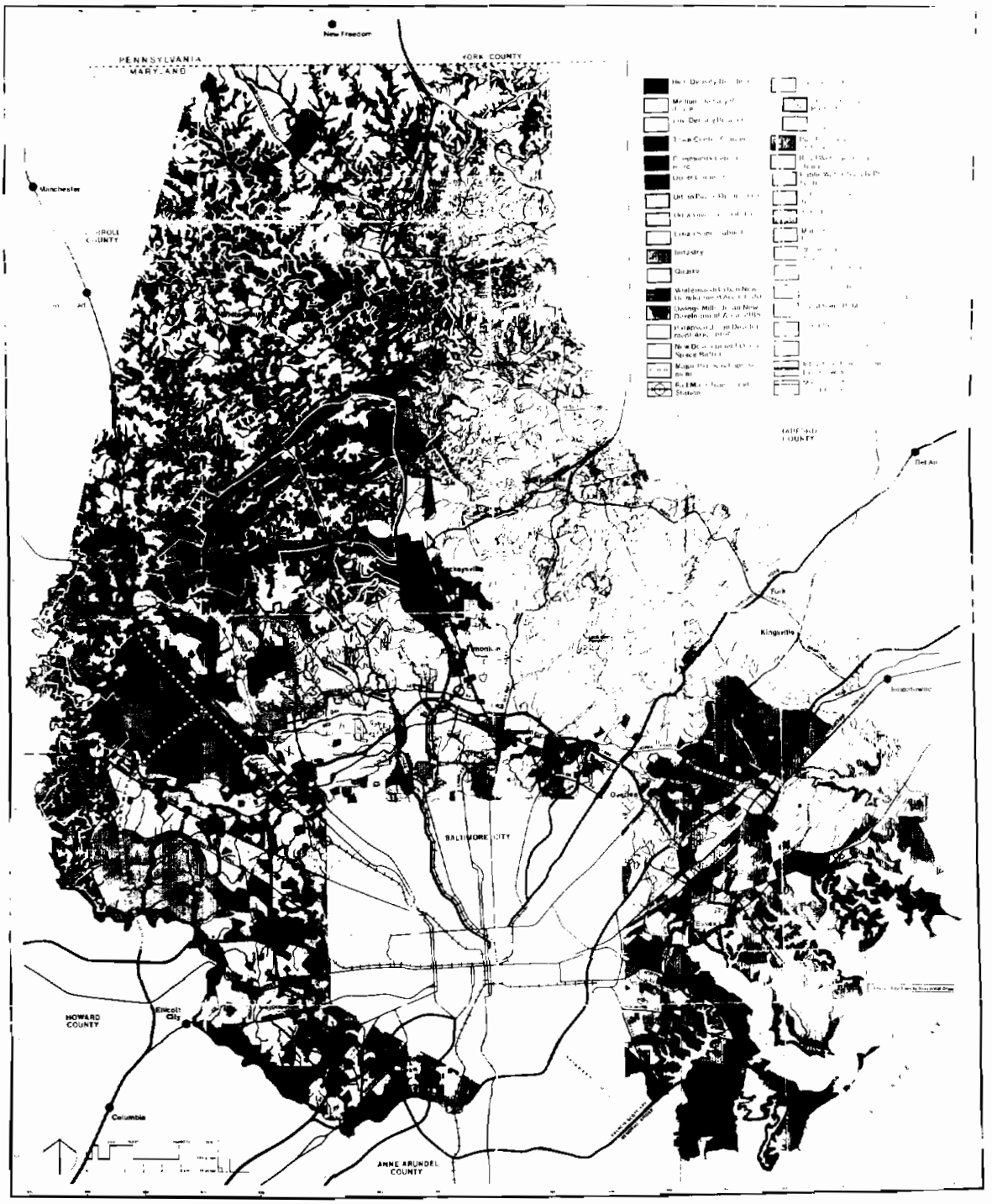


Source: U.S. Census 1930, 1940, 1950, 1960, and 1970, and Hammer, Siler, George, Associates

Projections of future County growth through 1995 allow the County to plan for how this growth can be accommodated in an orderly manner.

TY GROWTH MANAGEMENT PLAN
re County, Maryland

BALTIMORE COUNTY GROWTH MANAGEMENT PLAN
Baltimor C unty, Maryland



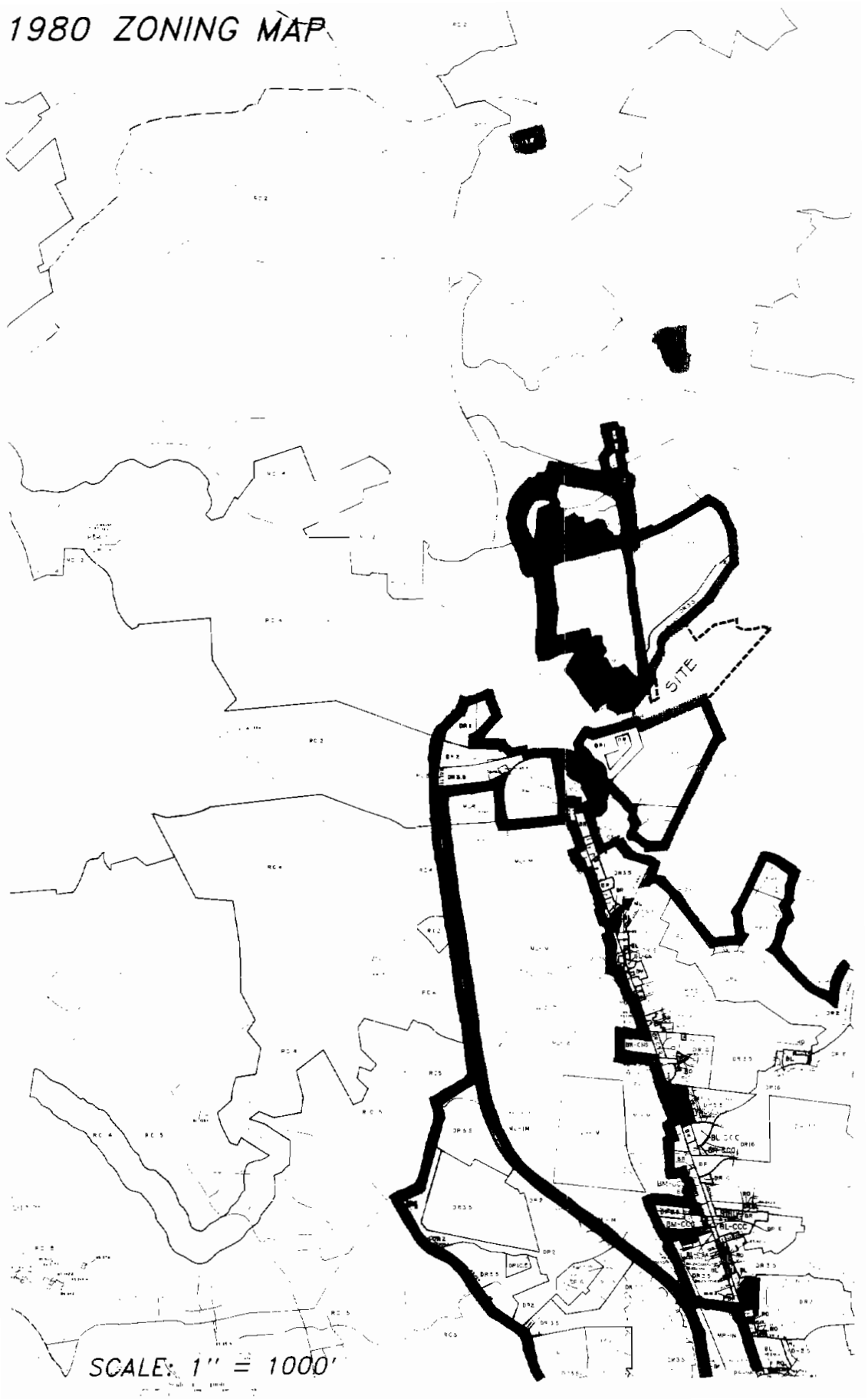
Pet. Ex. 10

BALTIMORE COUNTY MASTER PLAN 1979-1990

land us l m nt

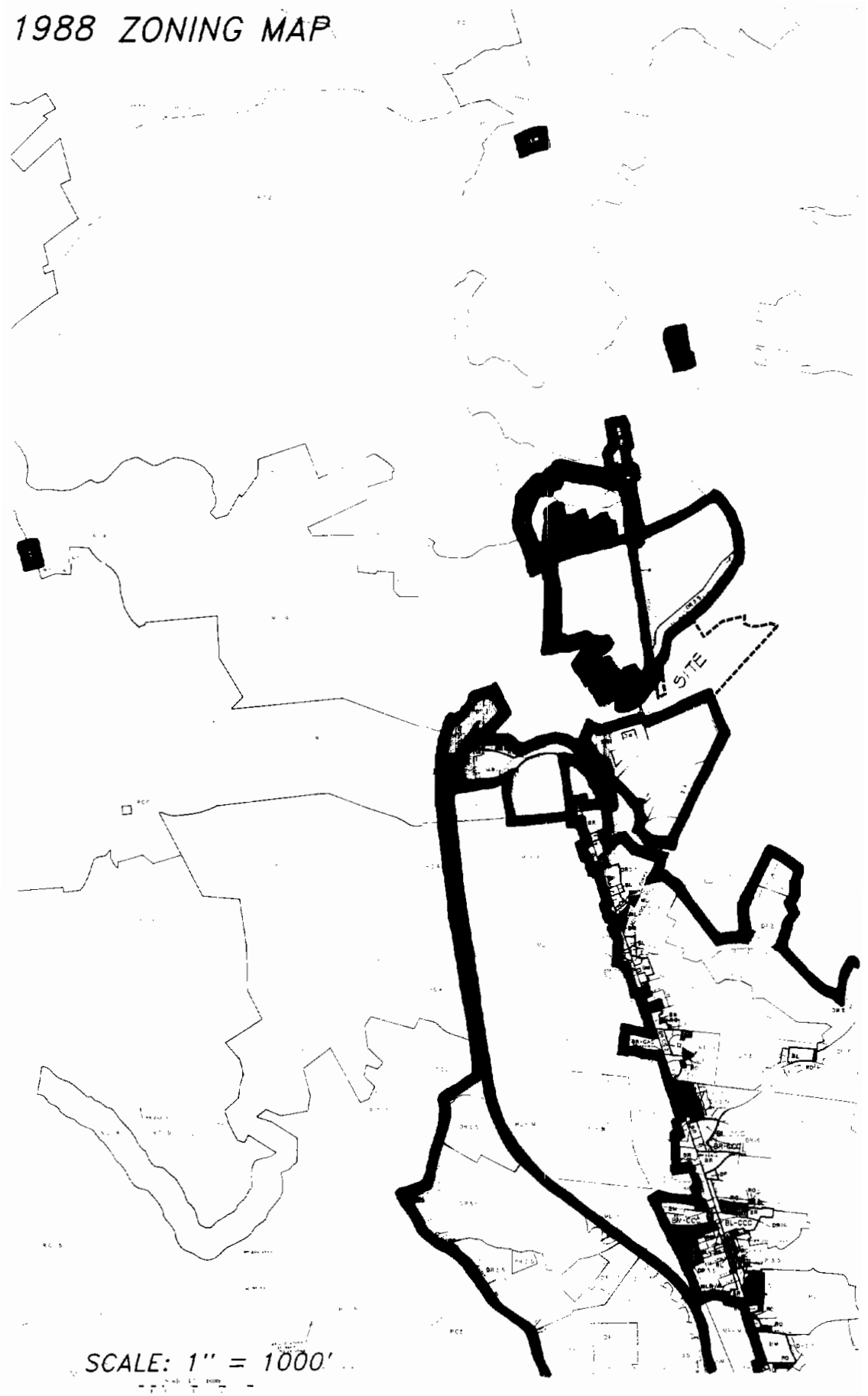
1

1980 ZONING MAP



1984 ZONING MAP

1988 ZONING MAP



1992 ZONING MAP

Petitioners # 15

Robert Burke Cervero

May, 1995

U.S. Office:
Correspondence:
228 Wurster Hall #1850
Department of City and Regional
Planning University of California
Berkeley, California 94720-1850
Phone: 510-642-1695
Fax: 510-643-9576
Internet: ROB@CED.BERKELEY.EDU

Birth Date: May 8, 1951
Social Security No.: 230-78-5023

U.S. Residence:
1049 Ashmount Avenue
Oakland, California 94610
Phone/Fax: 510-832-0213

Foreign Residence:
Jalan Natuna 29, Block G
Cinere Megapolitan
Jakarta, Indonesia
Phone: 62-21-754-3929

Education:

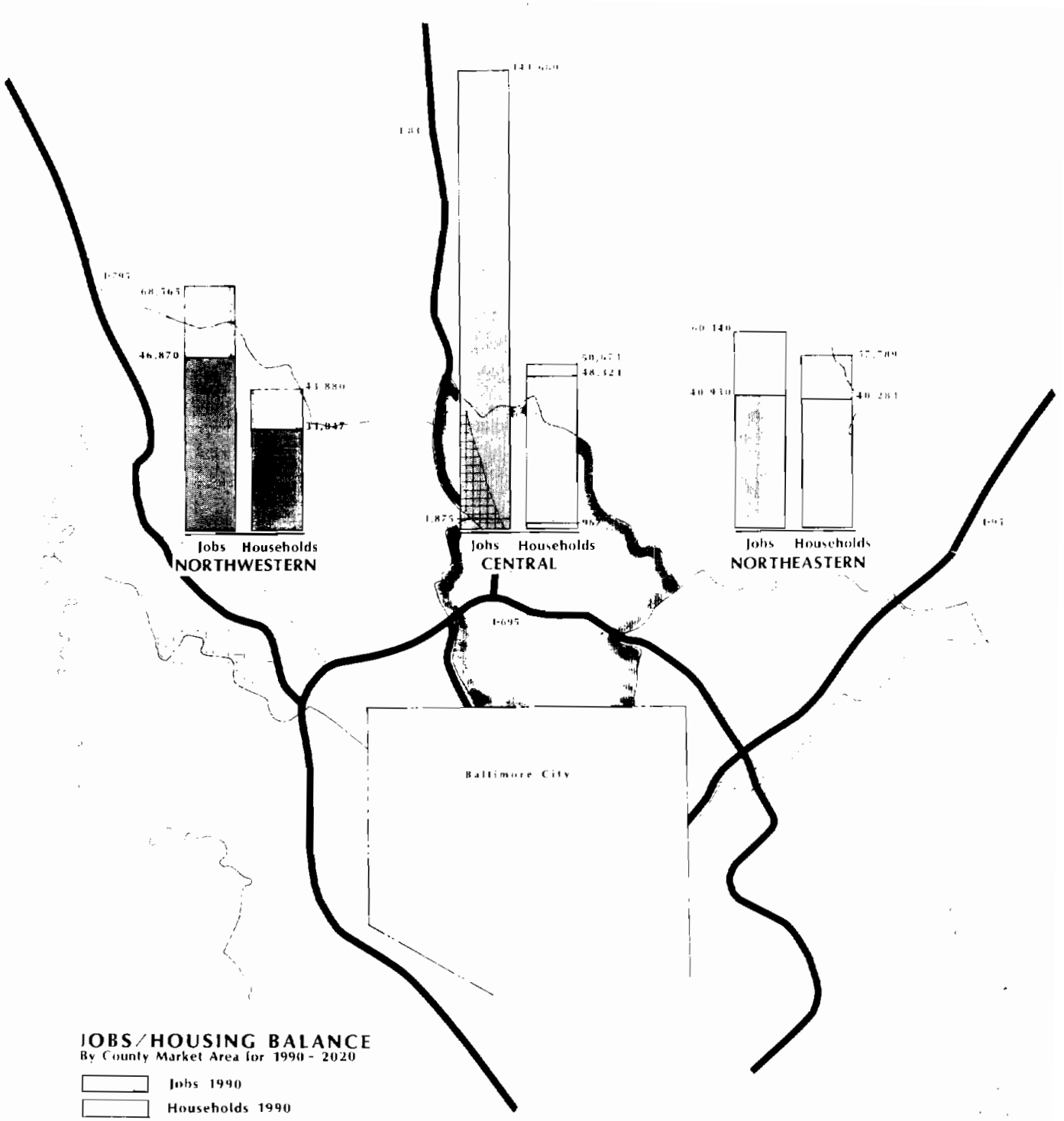
Ph.D., Urban Planning and Management Program
Graduate School of Architecture and Urban Planning,
University of California, Los Angeles, 1977-80.

Master of Science in Civil Engineering (M.S.) and
Master of City Planning (M.C.P.), Departments of Civil
Engineering and City Planning,
Georgia Institute of Technology, Atlanta, 1973-1975.

A.B., Geography and Economics, University of North Carolina,
Chapel Hill, 1969-73.

Employment:

1992-present	Professor, Department of City and Regional Planning; Associate Dean, College of Environmental Design (1992-95), University of California, Berkeley. Teaching: Transportation Planning, Quantitative Methods, Land Use Planning, Spatial Modeling, and Research Design.
1986-1992	Associate Professor, Department of City and Regional Planning, University of California, Berkeley.
1990-1991	Resident Advisor and Project Associate, Harvard Institute for International Development, Urban Development Policy and Finance Project, Jakarta, Indonesia.
1980-1986	Assistant Professor, Department of City and Regional Planning, University of California, Berkeley.



JOBS/HOUSING BALANCE

By County Market Area for 1990 - 2020

Jobs 1990

Households 1990

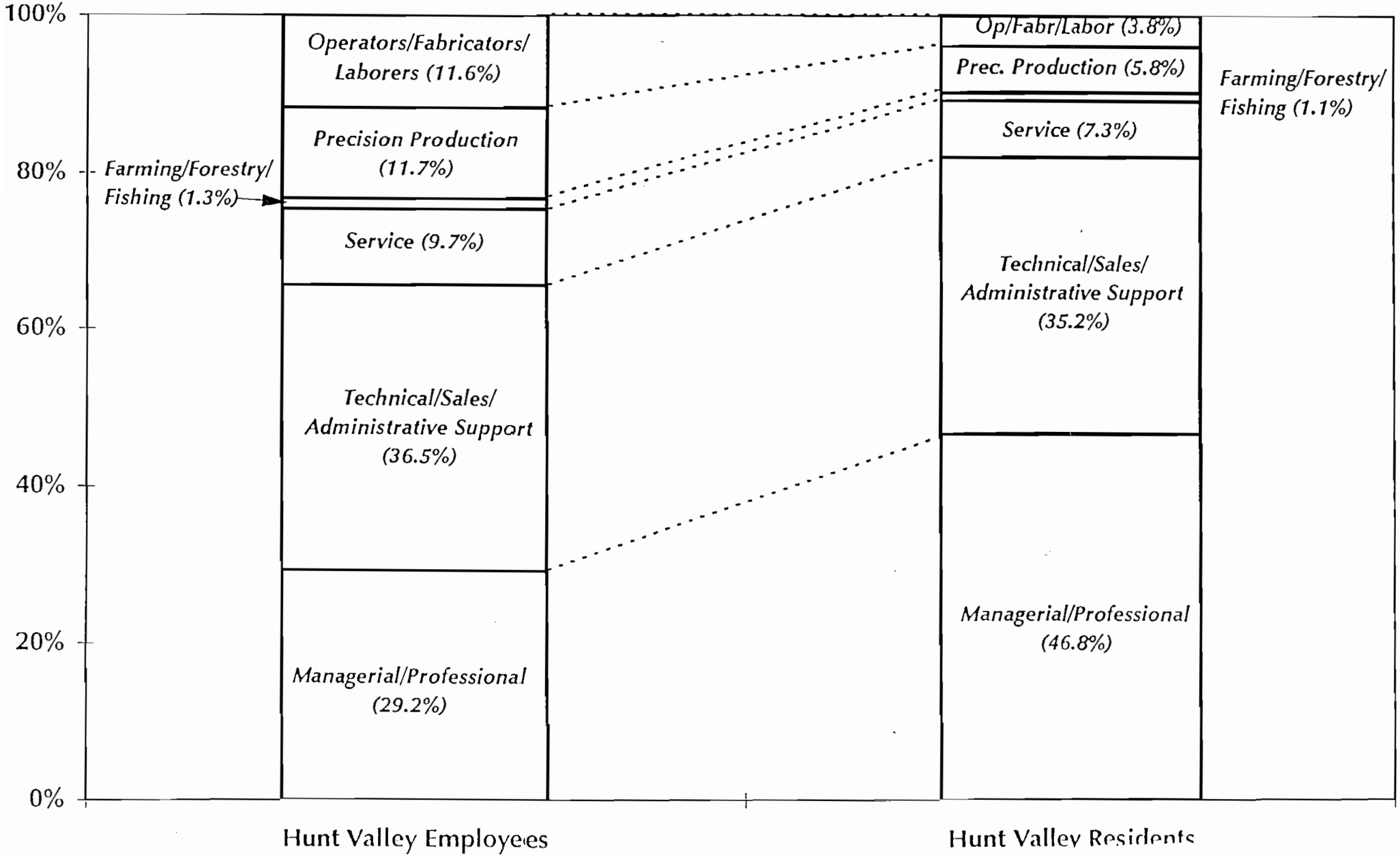
Jobs 2020

Households 2020

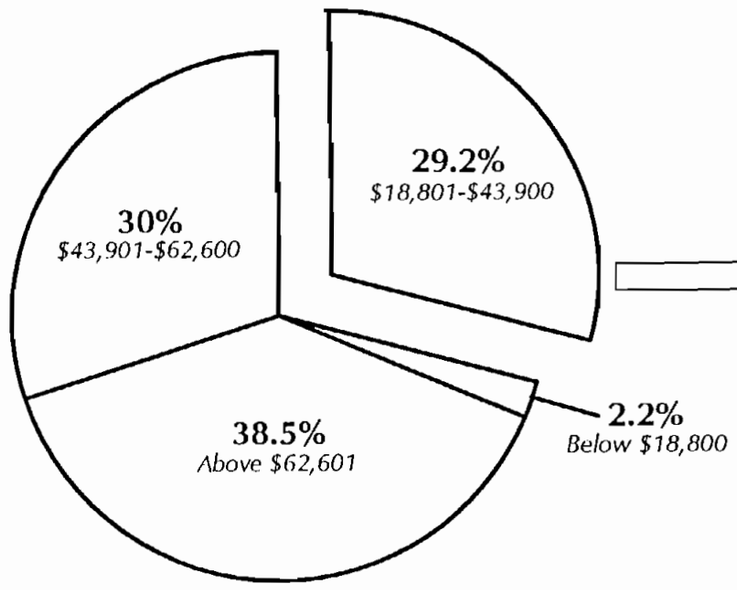
As developed by Baltimore County OPZ for the Round X series, 1990

Colvista

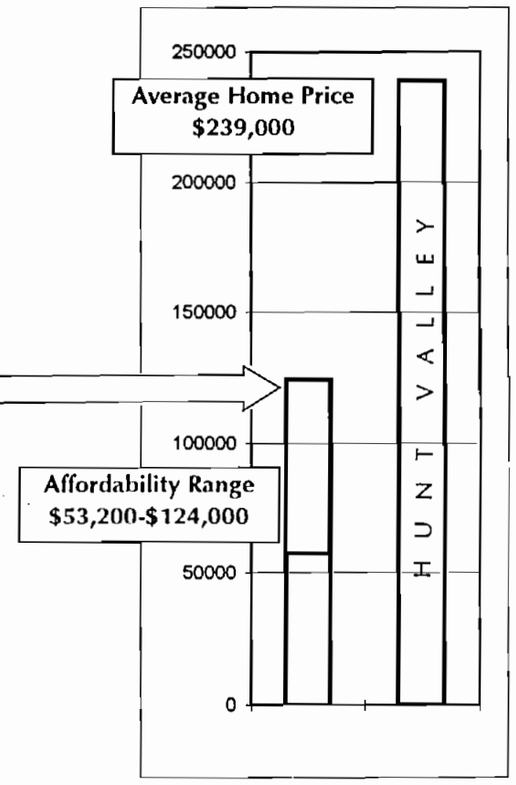
Differences in Occupational Structure for Hunt Valley Workers vs. Hunt Valley Residents (1990)



Can Hunt Valley Workers Afford Hunt Valley Homes?



Hunt Valley Employee Income



Home Prices

Colvista

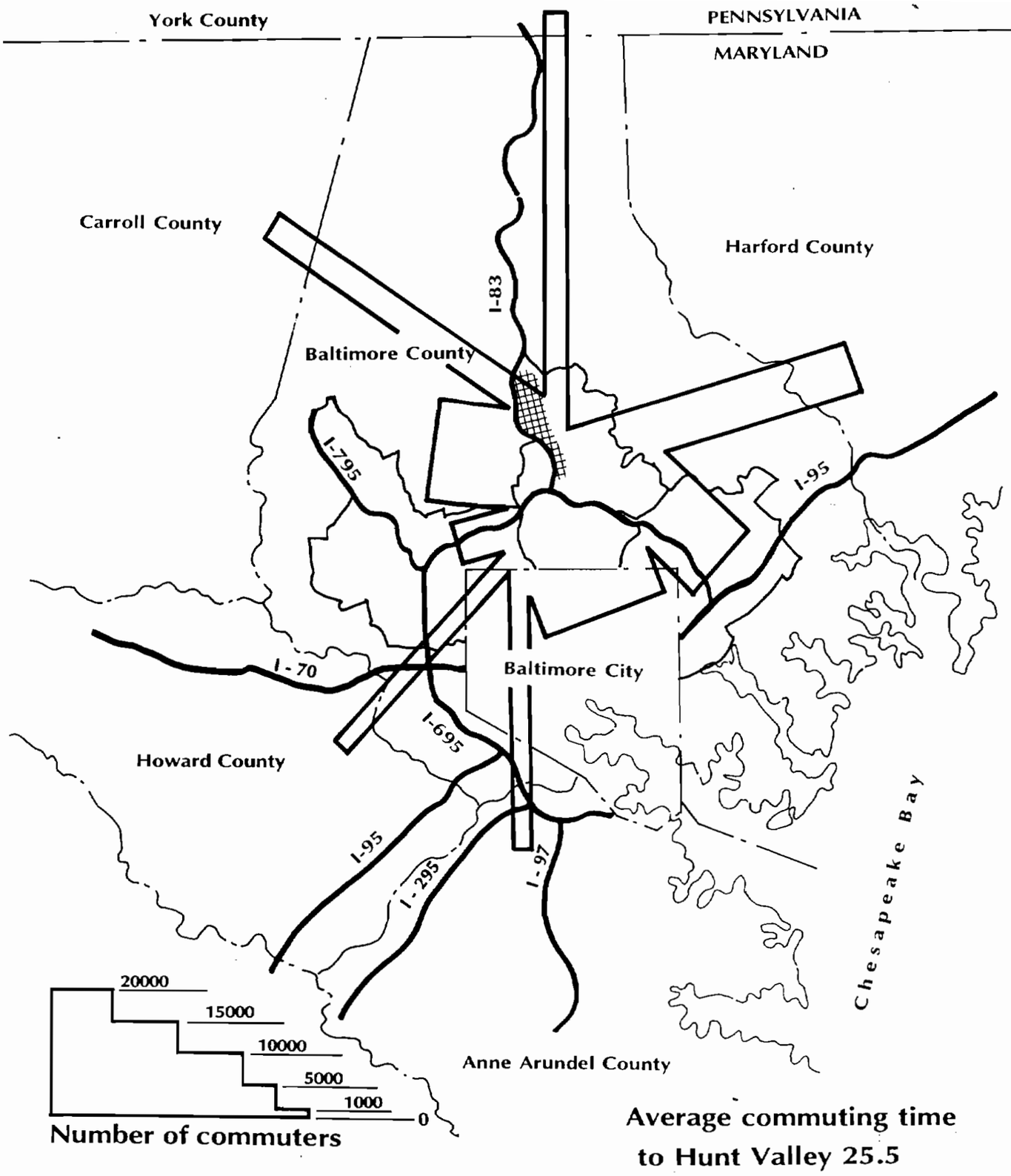
LDR International

Source: Legg Mason Realty Group, Inc.

Petitioner's #8 CR-93-307-SPHXA

Petitioner's #18

CR-93-307-SPHXA



Colvista

Commuter Patterns by Center - Hunt Valley

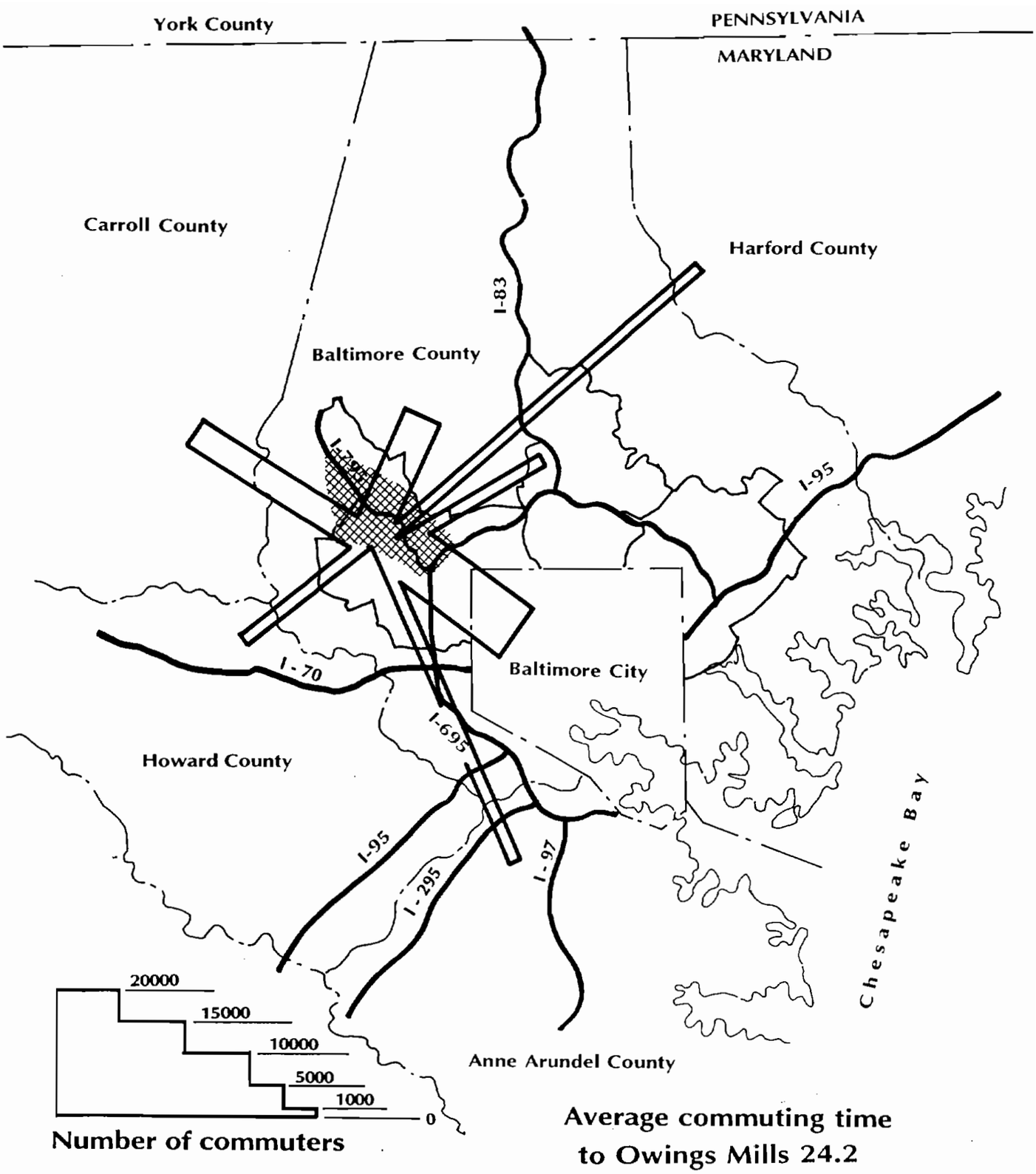
LDR International

County designated urban centers

Source: LDR International from BMC data, Round V Projections

Petitioner's #19

CR-93-307-SPHXA



Colvista

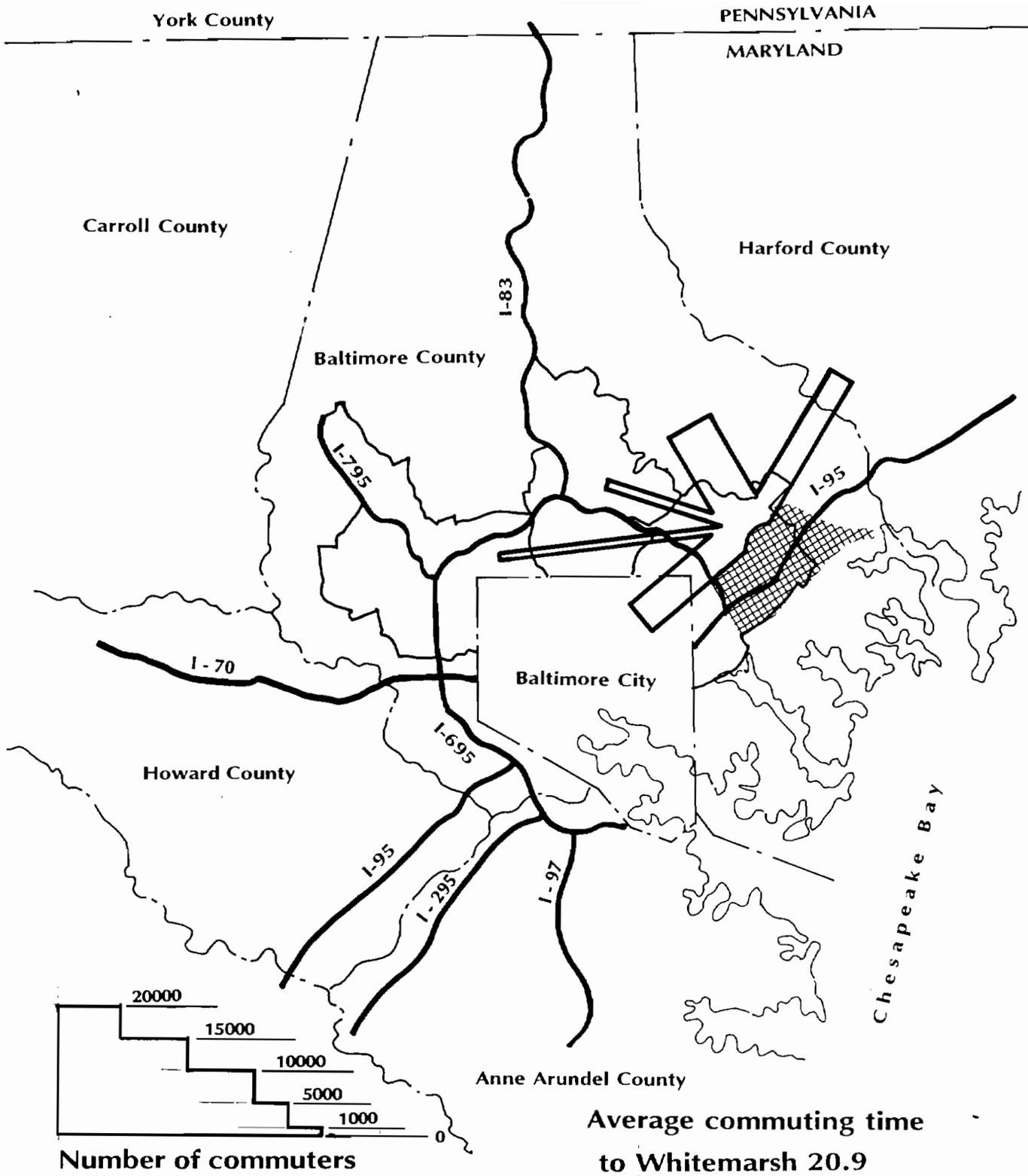
LDR International

Commuter Patterns by Center - Owings Mills

County designated urban centers

Source: LDR International from BMC data, Round V Projections

Petitioner's #20
CR-93-307-SPHXA



Colvista

Commuter Patterns by Center - Whitemarsh

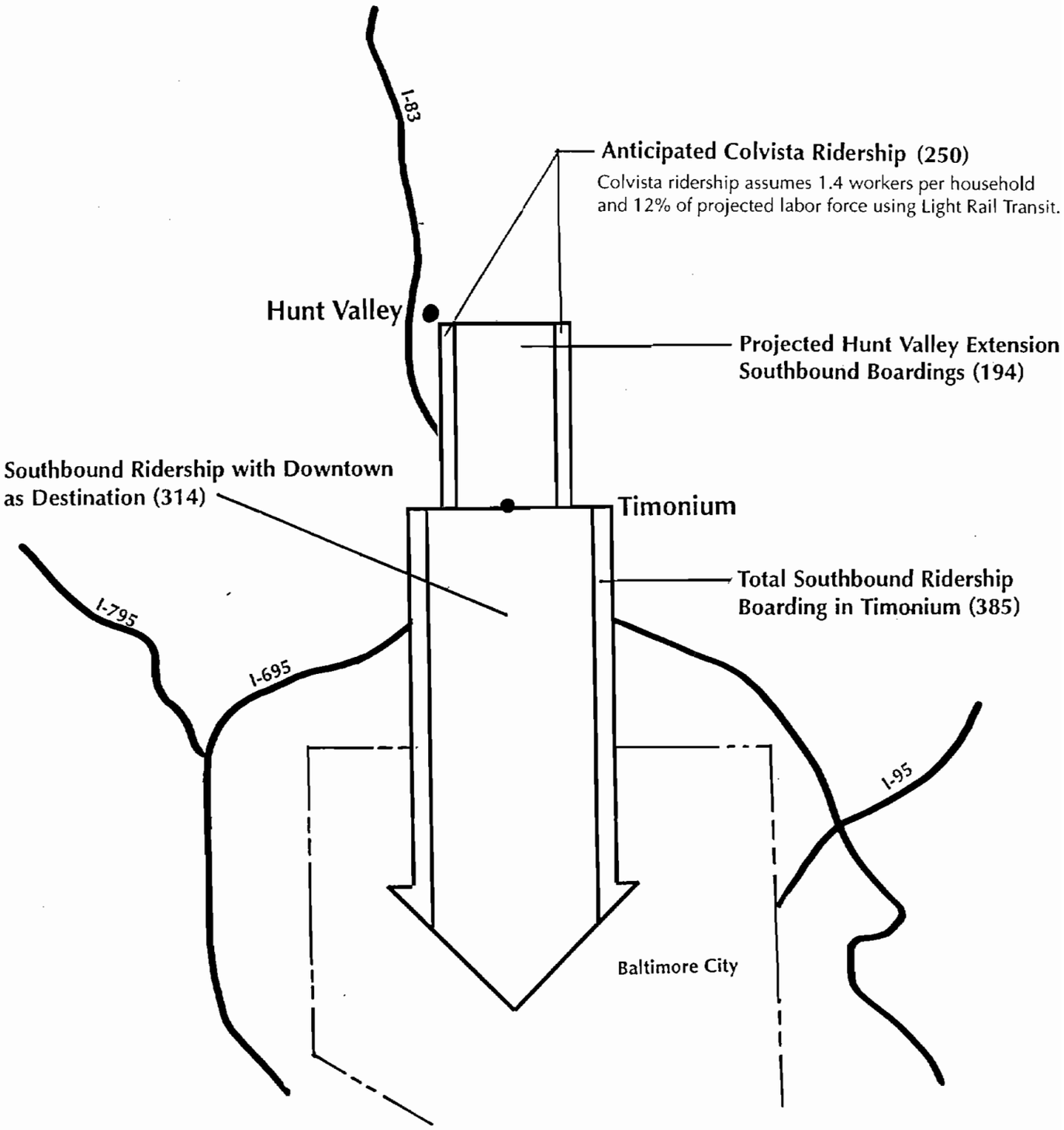
LDR International

County designated urban centers

Source: LDR International from BMC data, Round V Projections

Petitioner's #21

CR-93-37-SPHXA



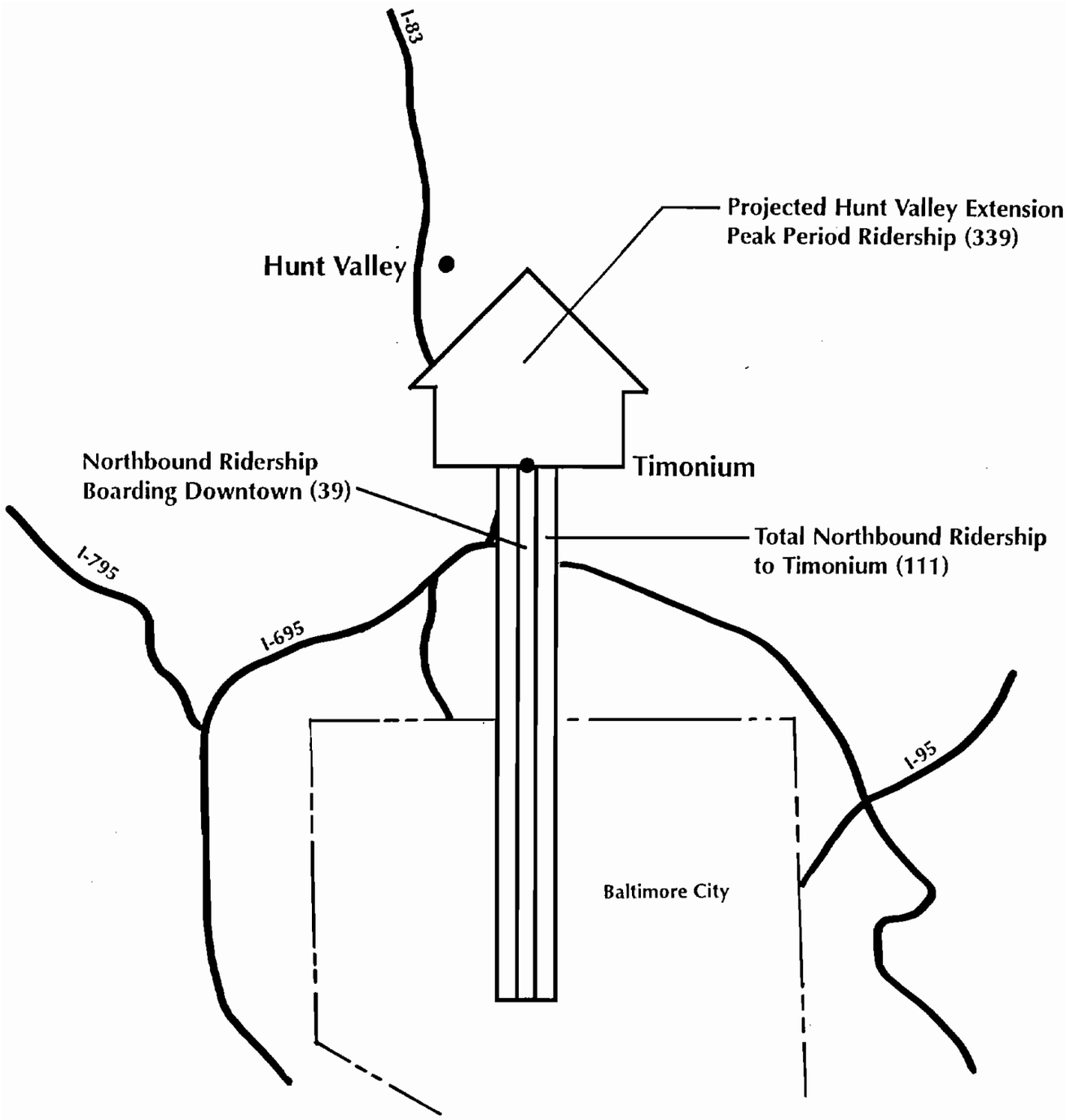
Colvista

LDR International

Existing and Projected A.M. Peak Period Light Rail Ridership for Timonium and Hunt Valley (Southbound)

Petitioner's #22

CR-93-37-SPHXA



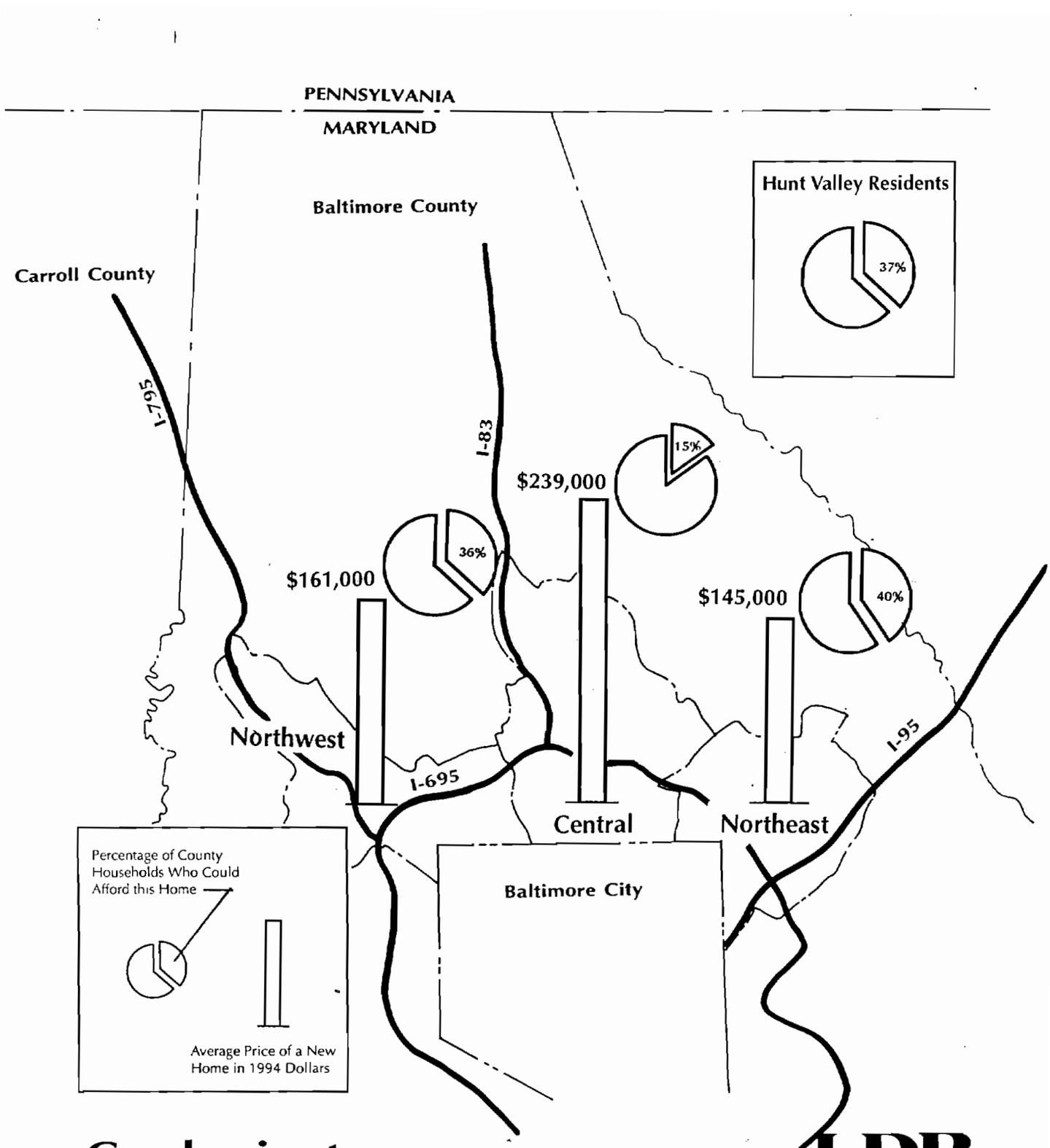
Colvista

LDR International

Existing and Projected A.M. Peak Period Light Rail Ridership for Timonium and Hunt Valley (Northbound)

Petitioner's # 23

CR-93-307-SPHXA



Colvista

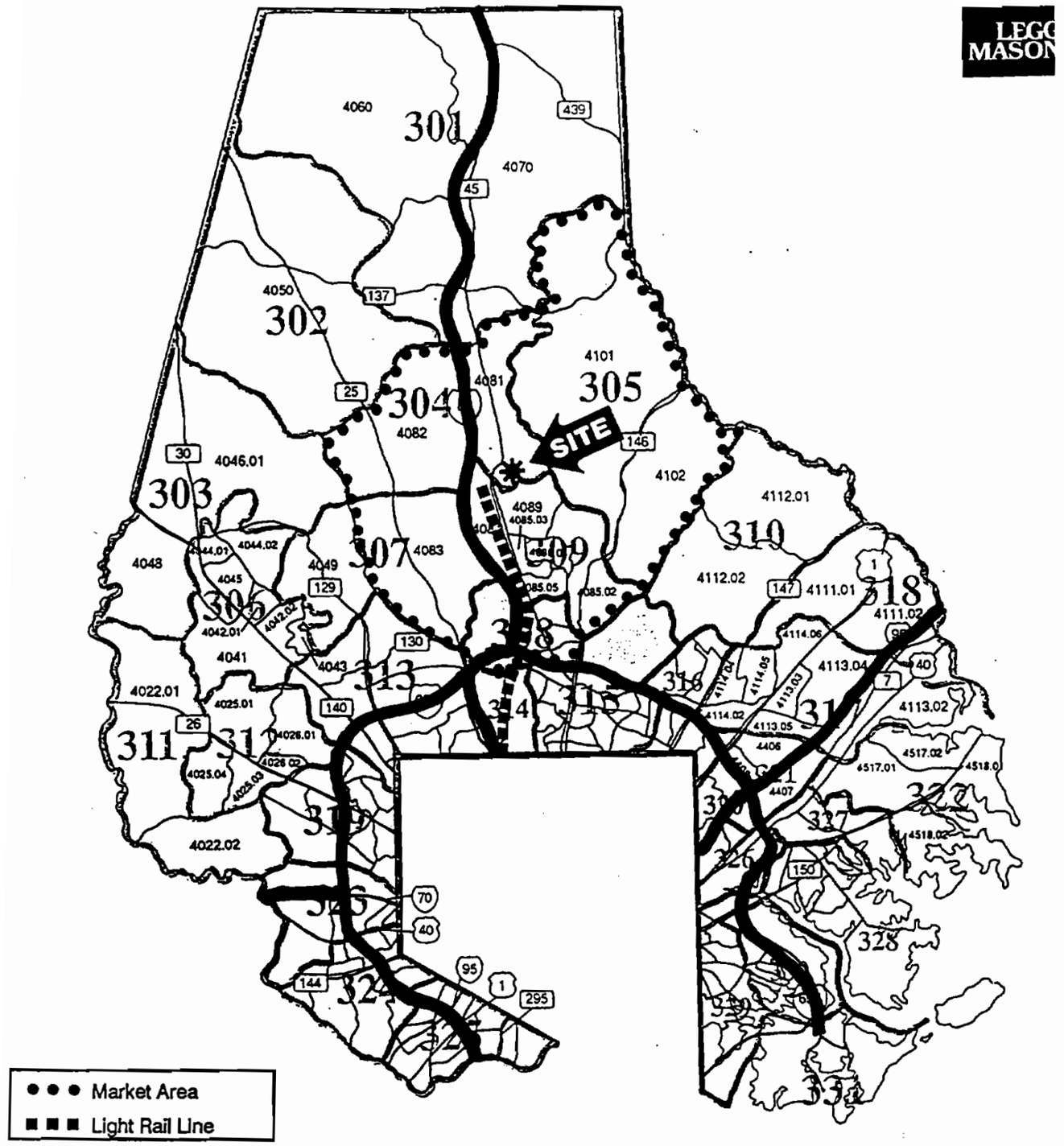
LDR International

Growth Area Housing Affordability

Source: Legg Mason Realty Group, Inc.

Petitioner's #24

CR-93-307-SPHXA

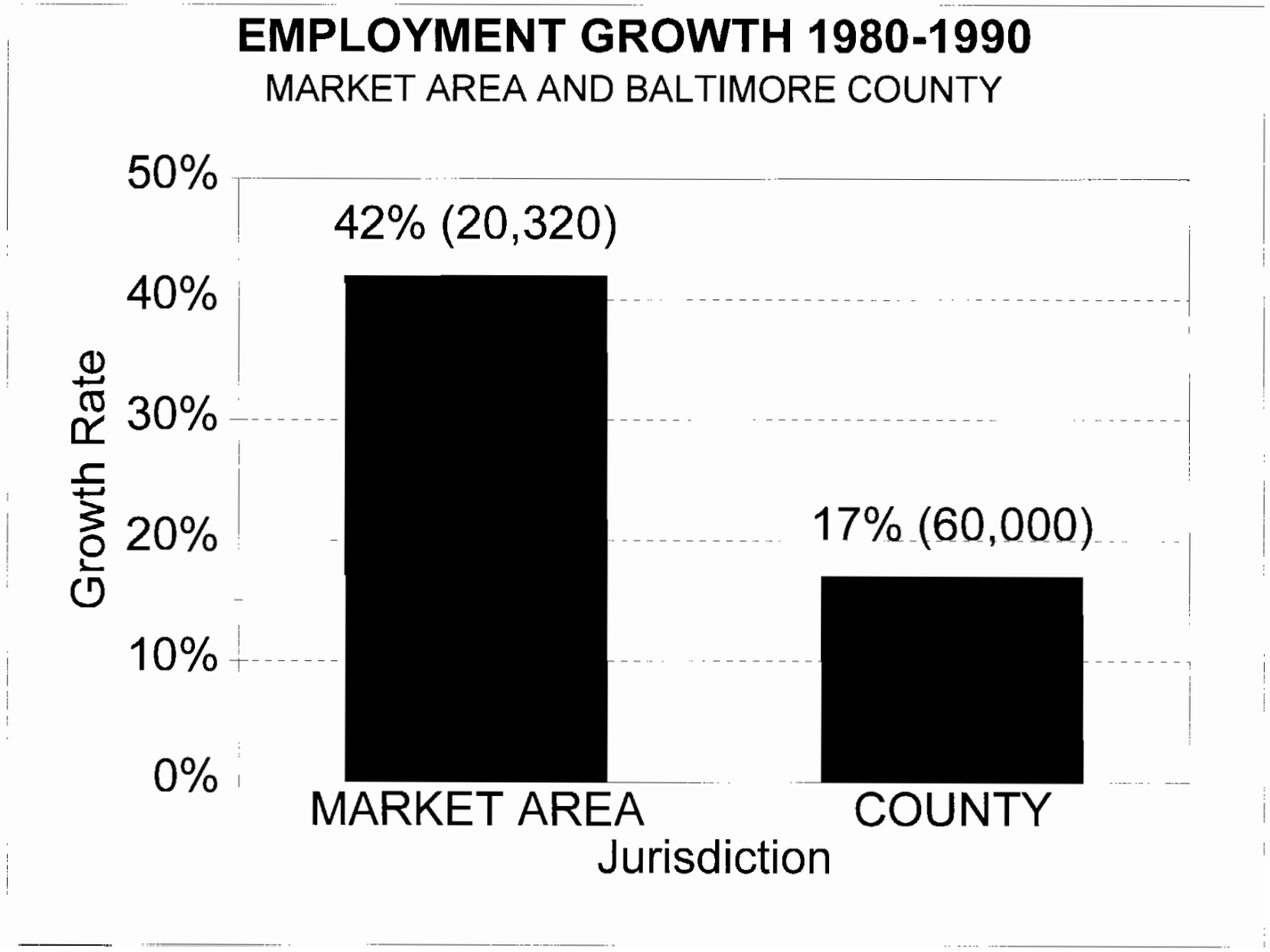


LEGG MASON

MARKET AREA

Petitioner's #25

CR-93-307-SPHXA


EMPLOYMENT GROWTH 1980-1990
MARKET AREA AND BALTIMORE COUNTY
50%
40%
30%
20%
10%
0%
Growth Rate
42% (20,320)
17% (60,000)
MARKET AREA
COUNTY
Jurisdiction

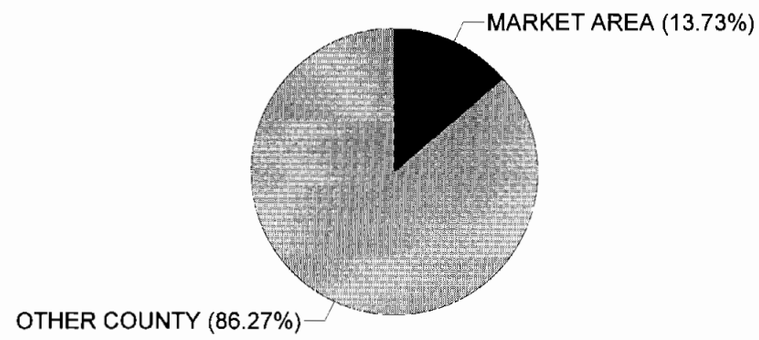
Petitioner's #26

CR-93-307-SPHXA

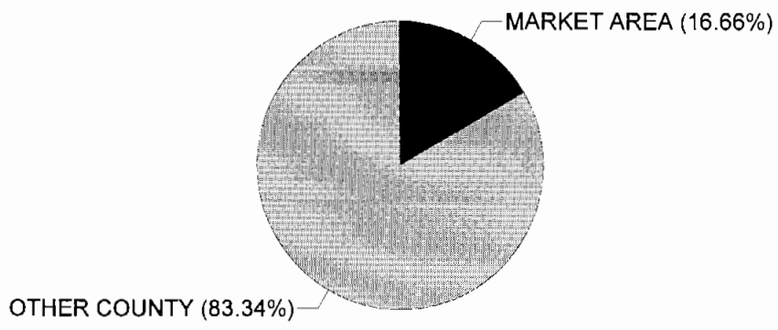
SHARE OF COUNTY EMPLOYMENT

HUNT VALLEY MARKET AREA, 1980 & 1990

1980

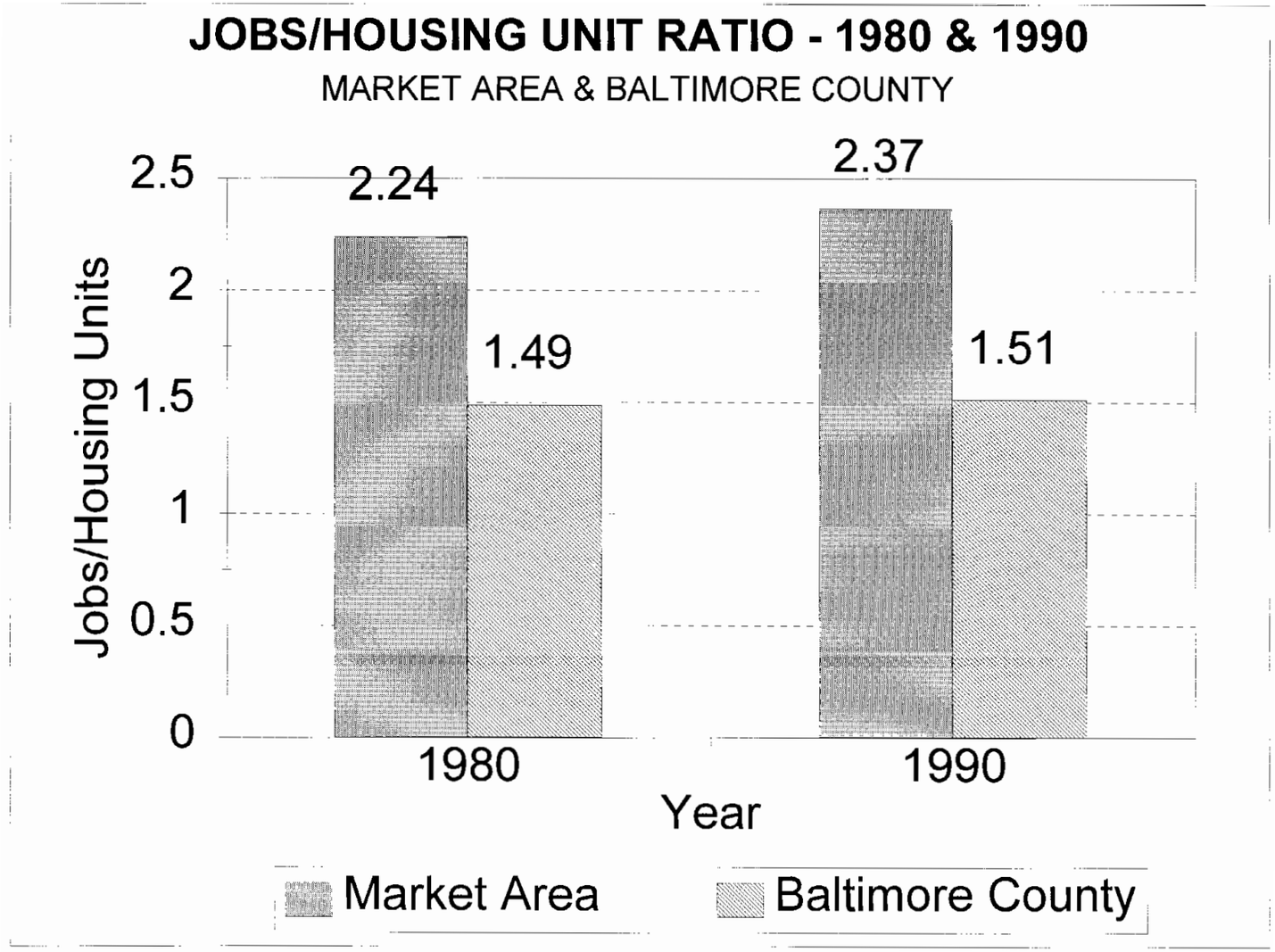


1990



Petitioner's # 27

CR. 93-307-SPHXA


JOBS/HOUSING UNIT RATIO - 1980 & 1990
MARKET AREA & BALTIMORE COUNTY
Jobs/Housing Units
2.5
2
1.5
1
0.5
0
2.24
1.49
2.37
1.51
1980
1990
Year
Market Area
Baltimore County

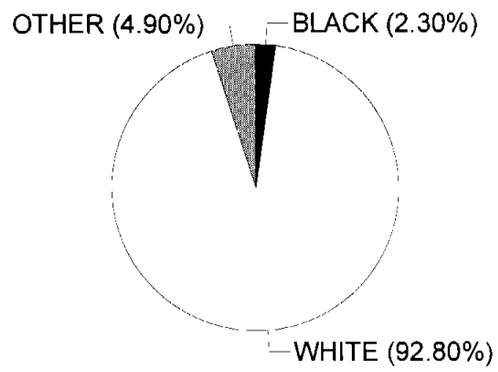
Petitioner's #28

CR-93-307-SPHXA

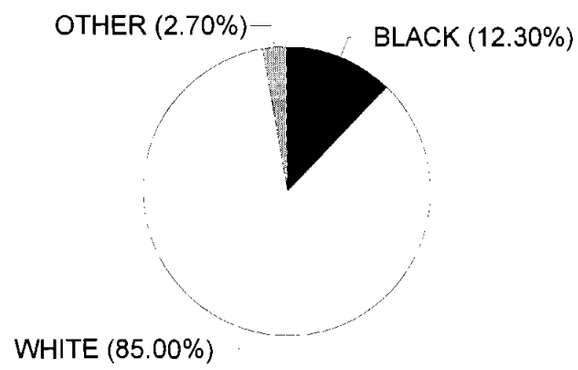
POPULATION BY RACE - 1990

MARKET AREA AND BALTIMORE COUNTY

MARKET AREA



COUNTY

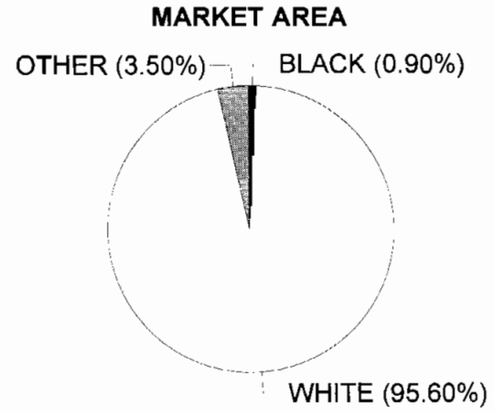


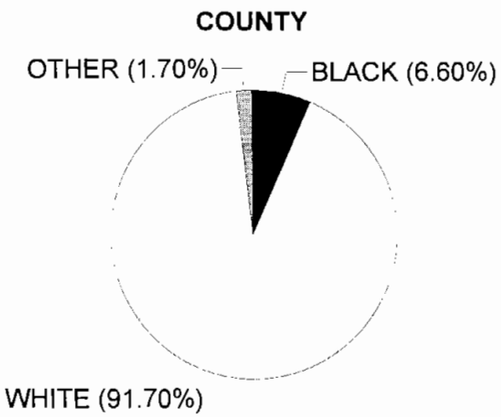
Petitioner's # 29

CR-93-307-SPHXA

HOME OWNERSHIP BY RACE - 1990

MARKET AREA AND BALTIMORE COUNTY





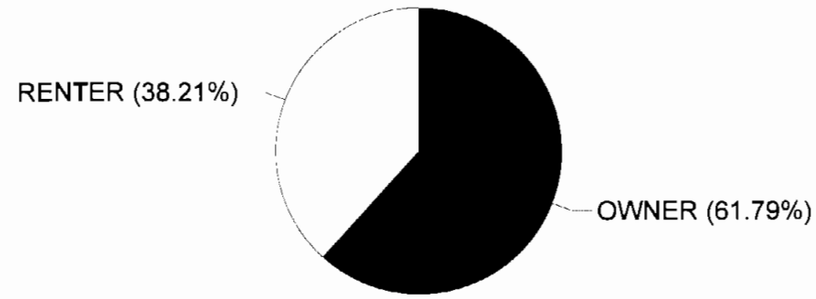
Petitioner's Exh. # 30

CR-93-307-SPHXA

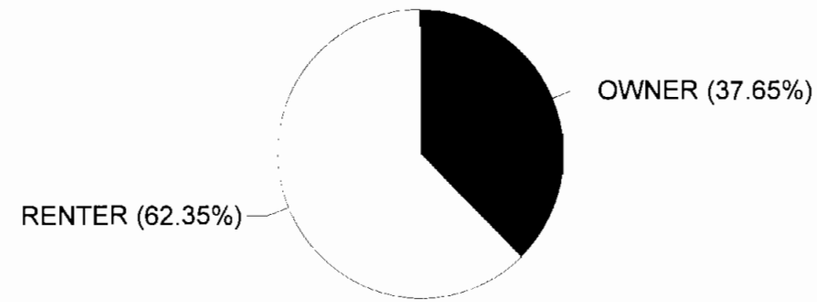
OWNER/RENTER STATUS BY RACE - 1990

BALTIMORE CITY

WHITE



BLACK



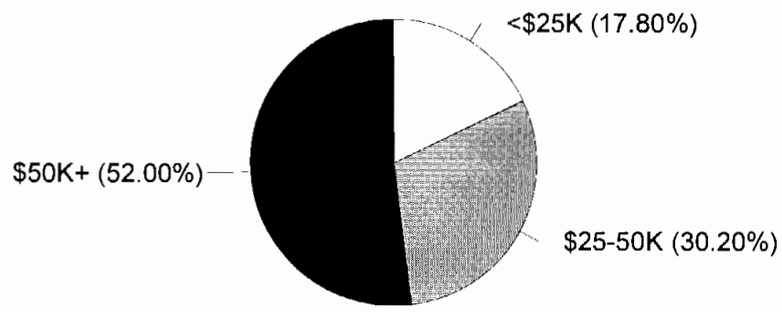
Petitioner's # 31

CR-93-307-SPHXA

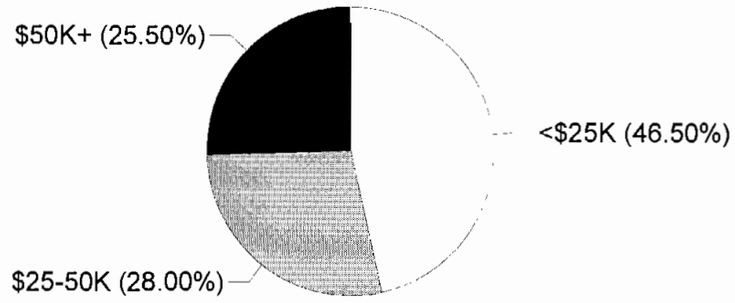
HOUSEHOLD INCOME BY RACE - 1990

MARKET AREA

WHITE



BLACK



IN THE MATTER OF	*	BEFORE
SECURITY MANAGEMENT CORPORATION	*	COUNTY BOARD OF APPEALS
S.E. intersection of York and Phoenix Rds.	*	OF
(Colvista)	*	CASE NO.: CR-93-307-SPHXA
8th Election District	*	Item #5, Cycle I, 1993
3rd Councilmanic District	*	

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

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: **(Name, Address, County)** Custodian of Records
Office of Community Conservation
1 Investment Place, Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; (X) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on the 13th day of September, 1995, at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all documents relating to "The Effects of Development and Control on Housing Opportunities in Baltimore County, Maryland -- Report to the U.S. Commission on Civil Rights by Yale Rabin, AIP dated August 1970", including, but not limited to, the document itself, any document, correspondence and memoranda used as the basis for the document, and any amendments, updates or revisions of the documents, and any responses by Baltimore County to the document.

Subpoena requested by:

G. Scott Barhight, Esq., Whiteford, Taylor & Preston
(Name of Party or Attorney, Address and Phone Number)

210 W. Pennsylvania Avenue, Towson, MD 21204 (410) 832-2000

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.

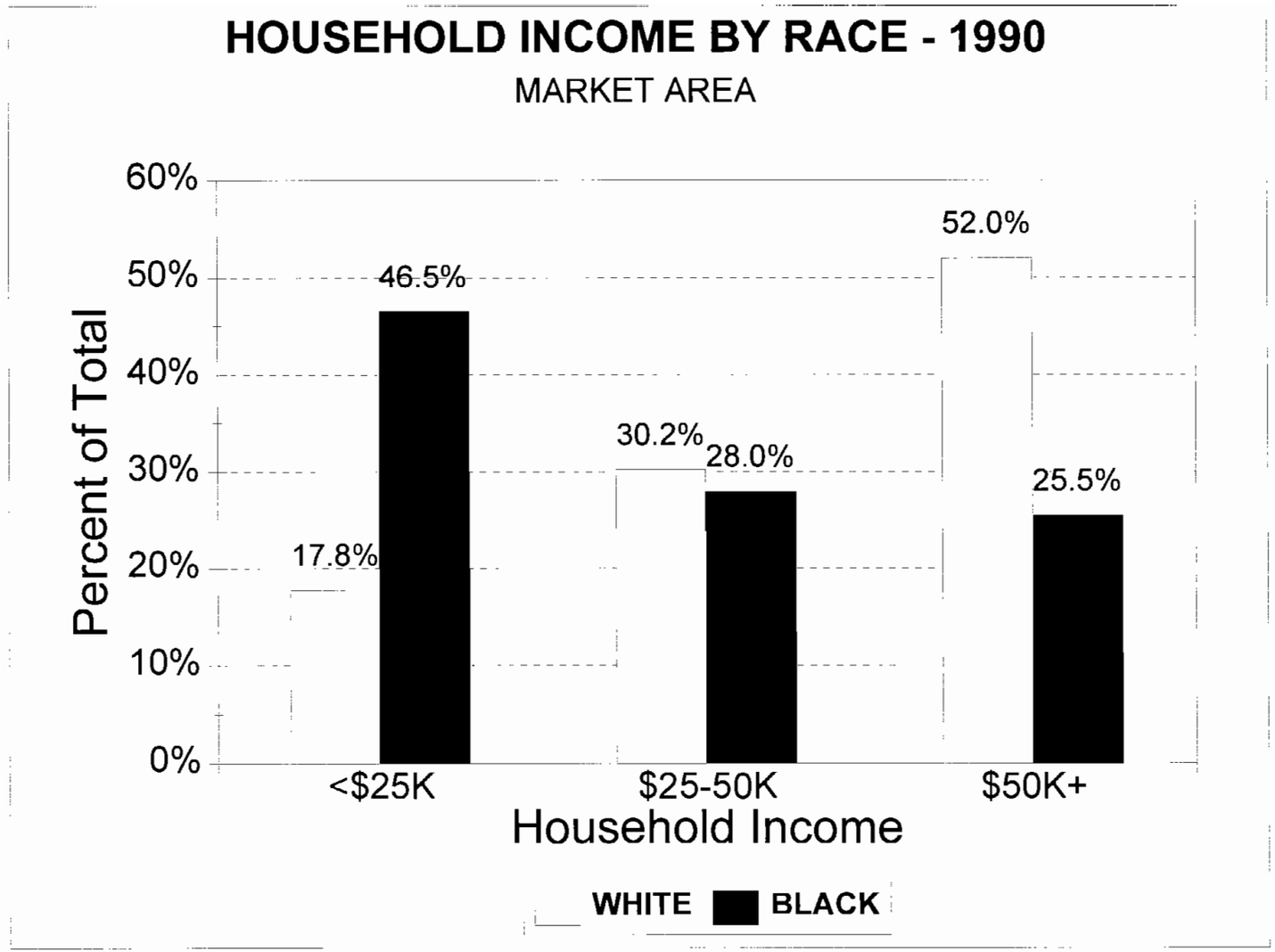
Charlotte Radcliffe
County Board of Appeals of
Baltimore County

57641

AUG 18 '95 11:52

Petitioner's #32

CR-93-307-SPHXA

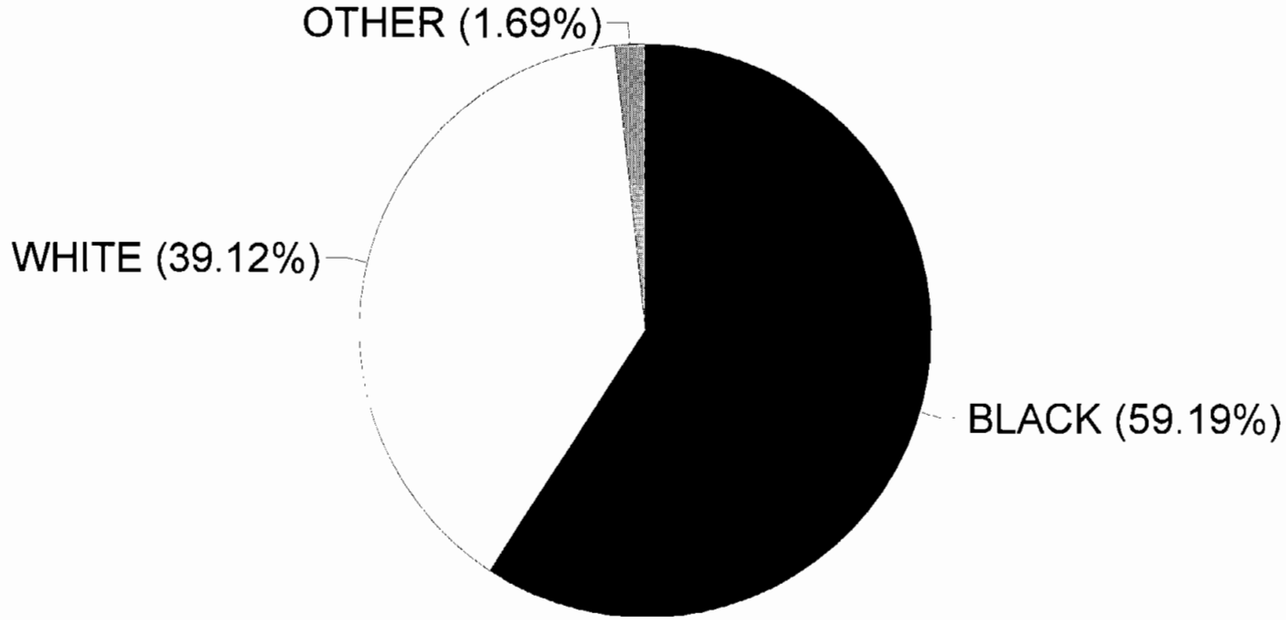

HOUSEHOLD INCOME BY RACE - 1990
MARKET AREA
60%
50%
40%
30%
20%
10%
0%
Percent of Total
46.5%
17.8%
30.2%
28.0%
52.0%
25.5%
<$25K
$25-50K
$50K+
Household Income
WHITE
BLACK

Petitioner's #33

CR-93-307-SMXA

POPULATION BY RACE - 1990

BALTIMORE CITY

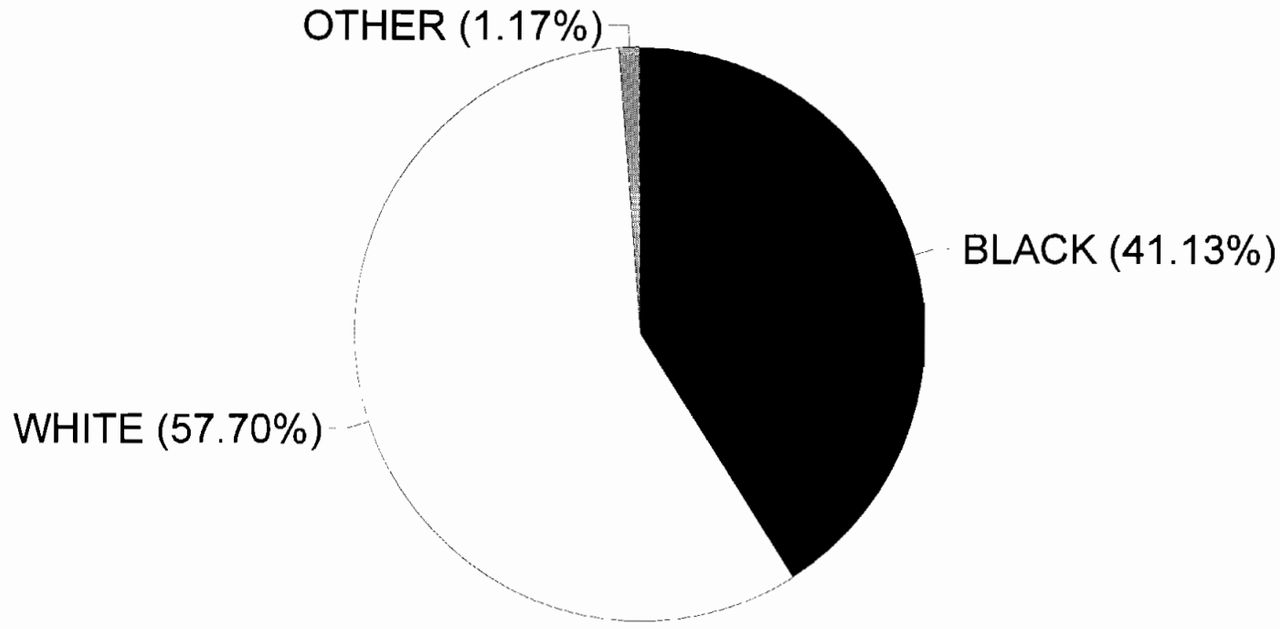


Petitioner's #34

CR-93-307-SPHXA

HOME OWNERSHIP BY RACE - 1990

BALTIMORE CITY



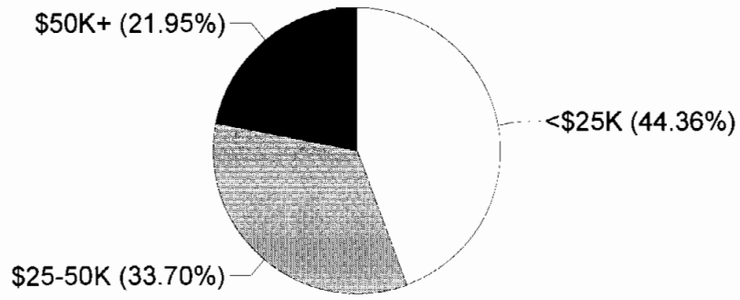
Petitioner's # 35

CR-93-307-SPHXA

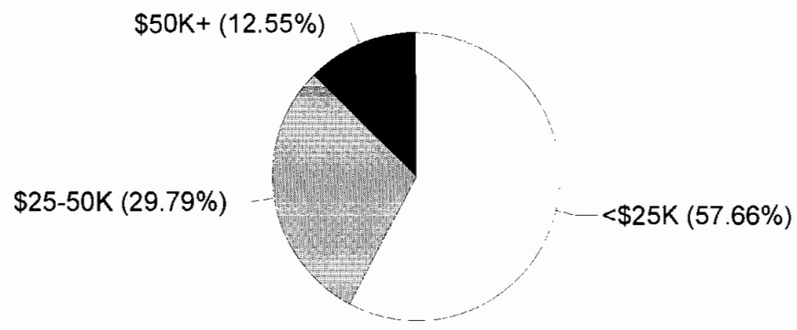
HOUSEHOLD INCOME BY RACE - 1990

BALTIMORE CITY

WHITE



BLACK



Petitioner's #36

CR-93-307-SPHXA

PROJECTED DEMAND FOR NEW HOUSING
HUNT VALLEY MARKET AREA
1995-2010

Starter Market	Up to $140,000	500		
Starter Market	$140,000 to $210,000	300		
Move-Up Market	Up to $160,000	175		
Move-Up Market	$160,000 and above	1,225		
"Empty Nester" Market	$140,000 to $250,000	1,050		
Senior Market	$140,000-$250,000	525		
	TOTAL FOR-SALE		3,775	
	TOTAL RENTAL		2,525	
	TOTAL DEMAND 1995-2010			6,300

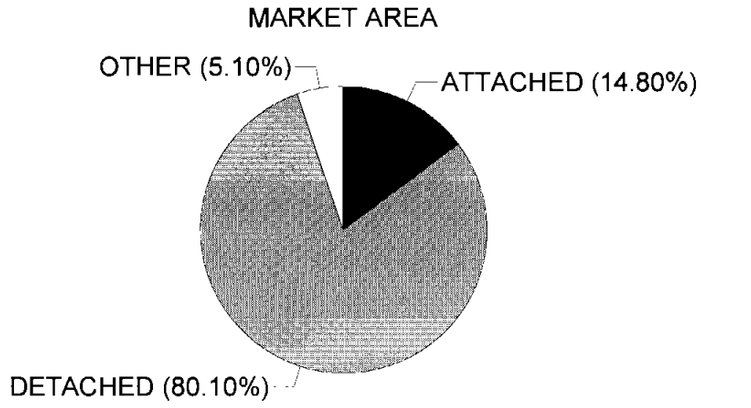
Source: Projections by Legg Mason Realty Group, Inc., August, 1995.

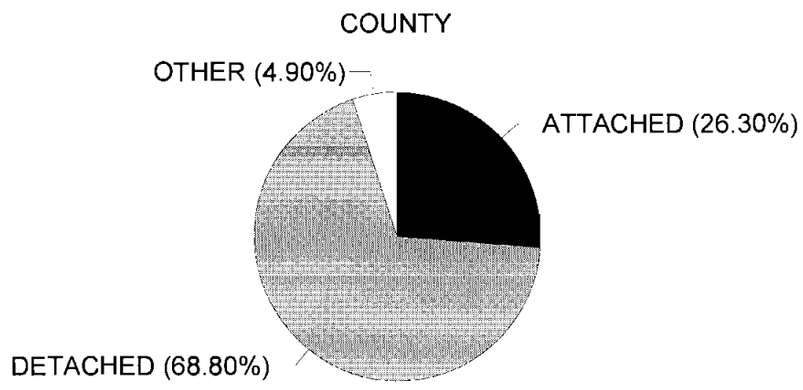
Petitioner's # 37

CR. 93-307-SPHXA

OWNER-OCCUPIED HOUSING BY TYPE - 1990

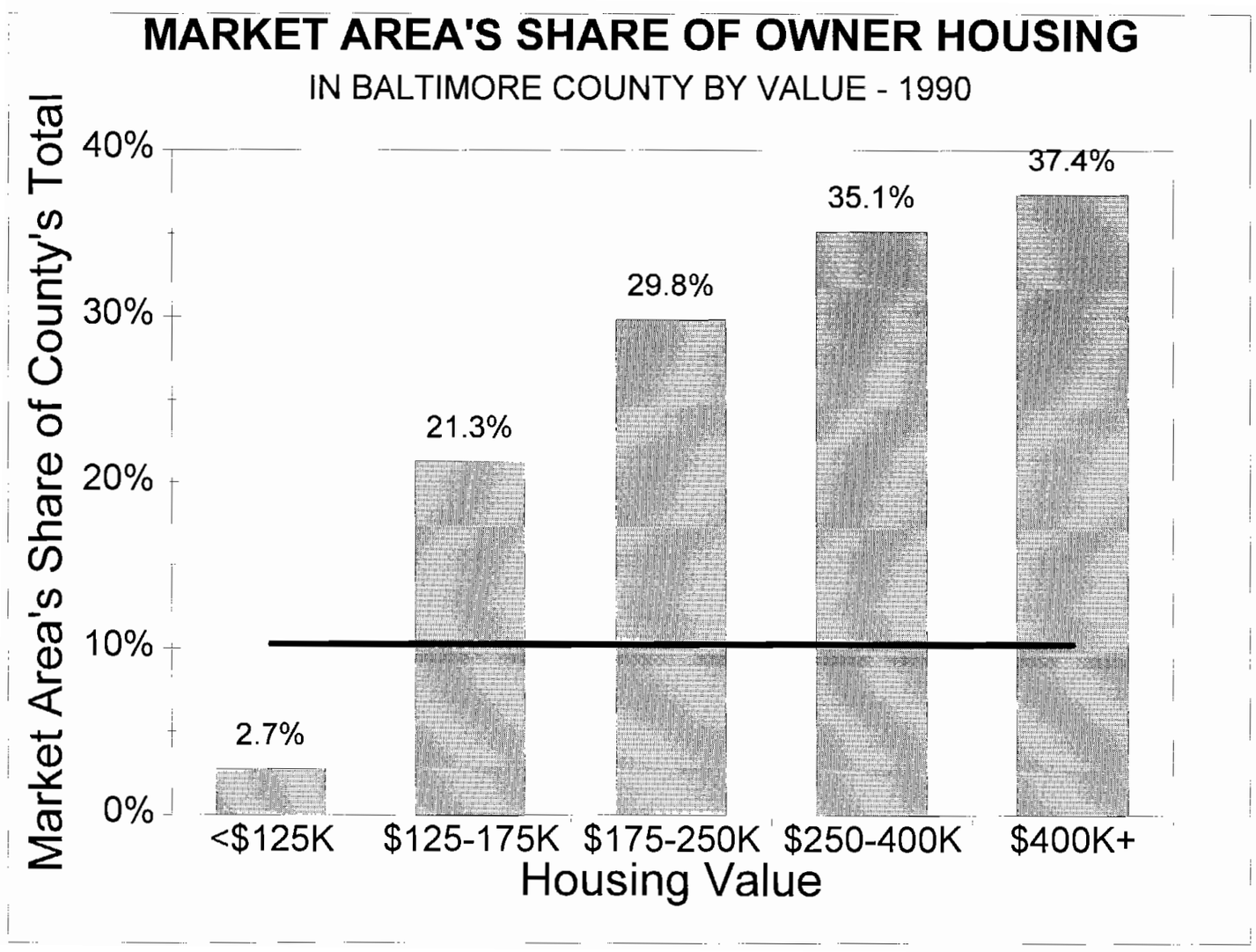
MARKET AREA AND BALTIMORE COUNTY





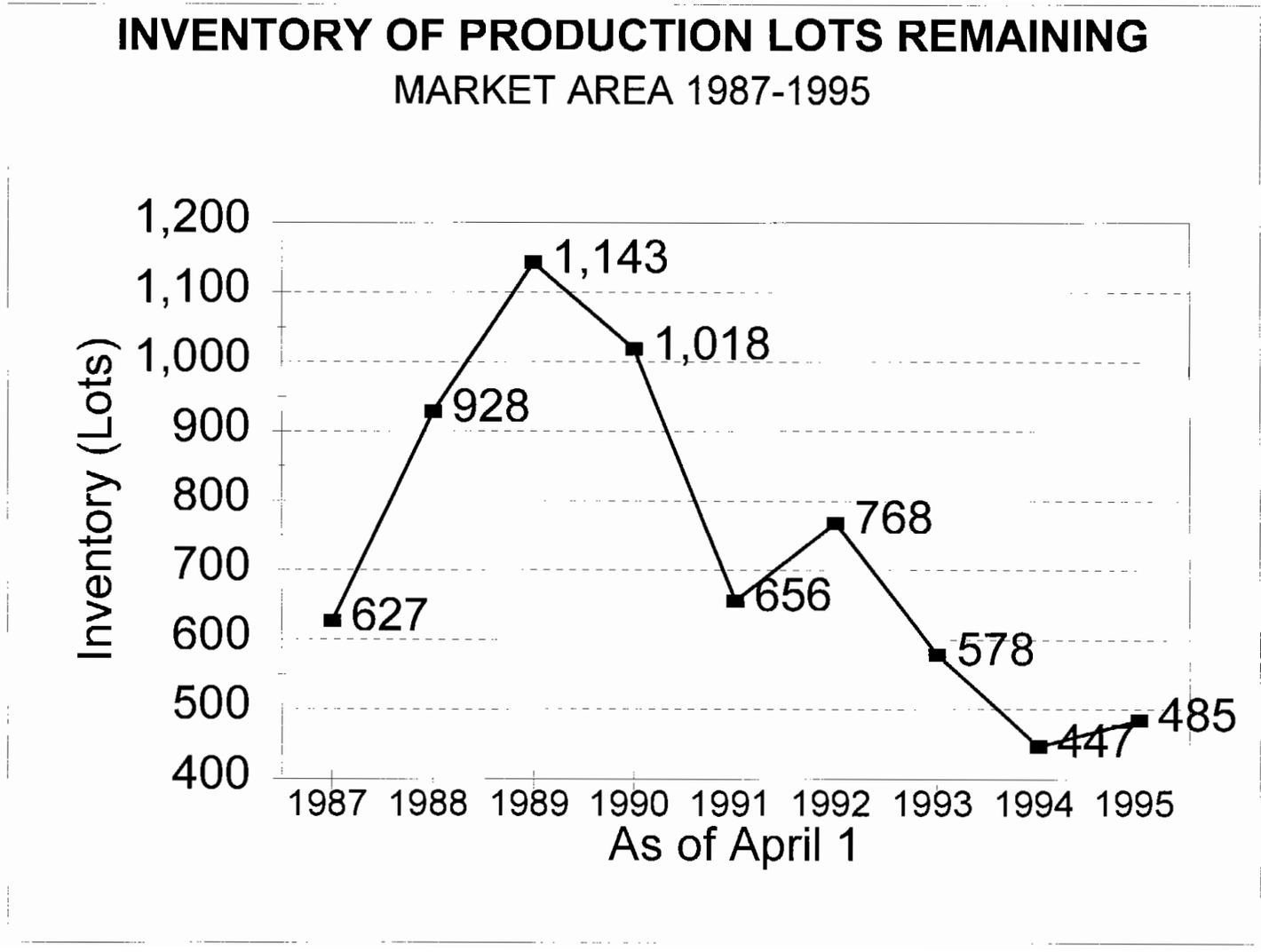
Petitioner's #38

CR. 93-307-SPHXA


MARKET AREA'S SHARE OF OWNER HOUSING
IN BALTIMORE COUNTY BY VALUE - 1990
Market Area's Share of County's Total
40%
30%
20%
10%
0%
2.7%
21.3%
29.8%
35.1%
37.4%
<$125K
$125-175K
$175-250K
$250-400K
$400K+
Housing Value

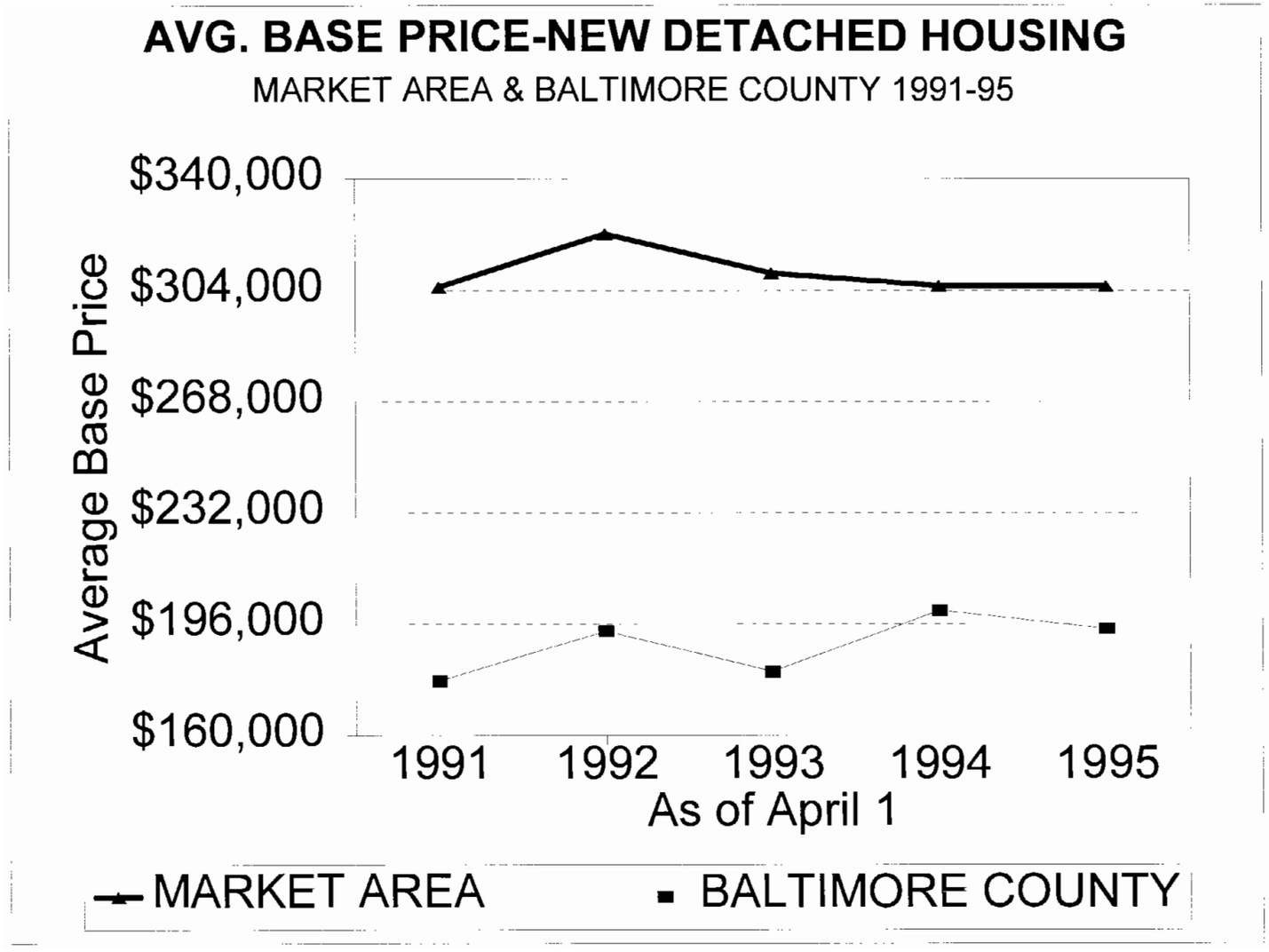
Petitioner's #39

CR-93-307-SPHXA


INVENTORY OF PRODUCTION LOTS REMAINING
MARKET AREA 1987-1995
Inventory (Lots)
1,200
1,100
1,000
900
800
700
600
500
400
627
928
1,143
1,018
656
768
578
447
485
1987 1988 1989 1990 1991 1992 1993 1994 1995
As of April 1

Petitioner's # 40

CR-93-307-5PHXA

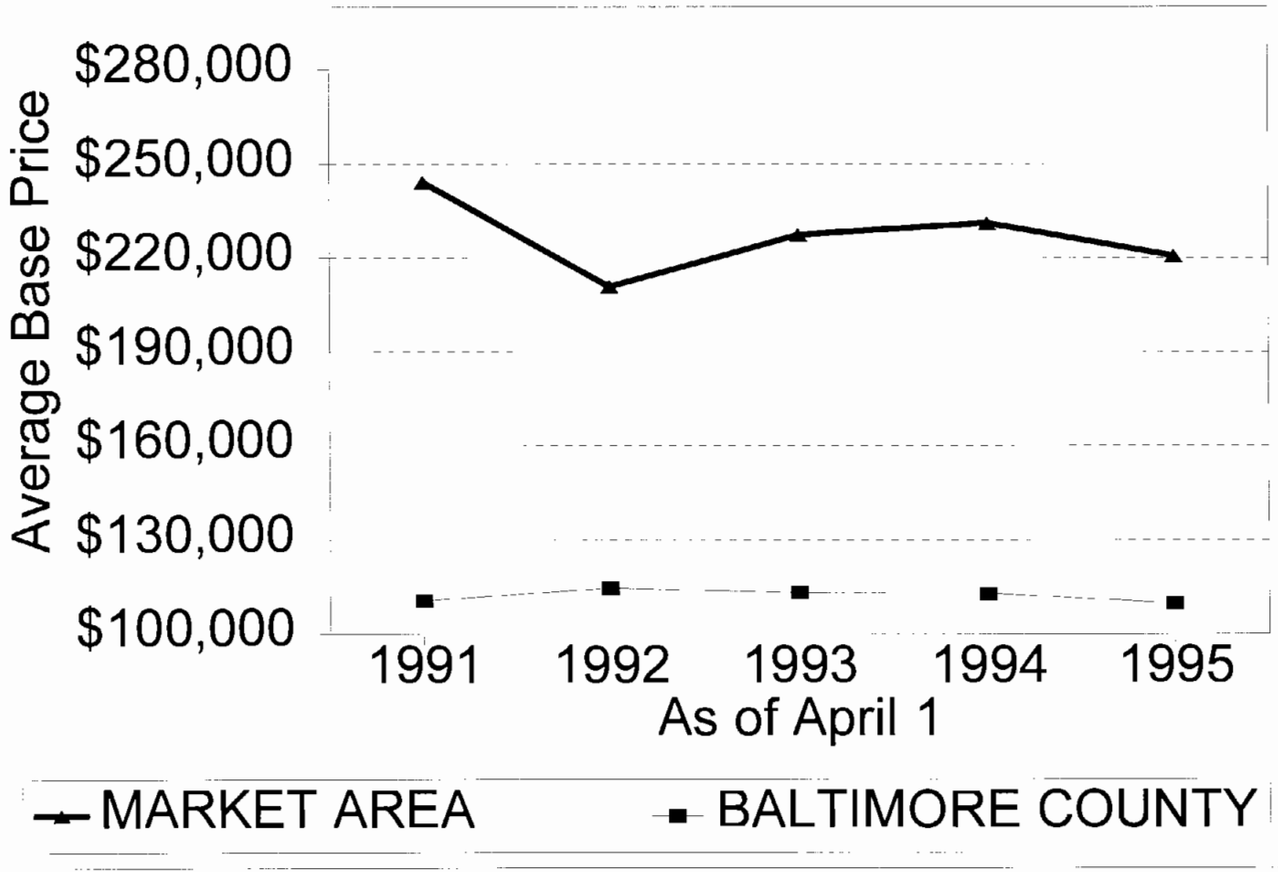

AVG. BASE PRICE-NEW DETACHED HOUSING
MARKET AREA & BALTIMORE COUNTY 1991-95
$340,000
$304,000
$268,000
$232,000
$196,000
$160,000
Average Base Price
1991
1992
1993
1994
1995
As of April 1
MARKET AREA
BALTIMORE COUNTY

Petitioner's #41

CR-93-307-SPHXA

AVG. BASE PRICE-NEW ATTACHED HOUSING

MARKET AREA & BALTIMORE COUNTY 1991-95



Petitioner's # 42

CR-93-307-SPHX

PROPOSED PRODUCT LINES
COLVISTA
HUNT VALLEY, MARYLAND

	UNITS	MIX	BASE PRICE POSITION	PRIME TARGET MARKET(S)
SENIOR HOUSING	234	15.6%	to be determined	SENIORS
ELEVATOR FLATS	372	24.8%	$155,000 to $185,000	EMPTY NESTER/SENIOR
WALK-UP FLATS W/GARAGE	176	11.7%	$125,000 to $140,000	STARTER/EMPTY NESTER
GARAGE FLATS	126	8.4%	$140,000 to $160,000	STARTER/EMPTY NESTER/SENIOR
CARRIAGE HOMES	292	19.4%	$140,000 to $160,000	STARTER/MOVE-UP/EMPTY NESTER
TOWNHOUSES	302	20.1%	$160,000 to $190,000	MOVE-UP/EMPTY NESTER
TOTAL	1,502	100.0%		
WEIGHTED AVERAGE			$160,000	

Source: Price recommendations and market conclusions by Legg Mason Realty Group, Inc.

Petitioner's #43

CR-93-307-SPHXA

LEGG MASON

ANALYSIS OF FISCAL IMPACT FOR BALTIMORE COUNTY, MARYLAND

COLVISTA RESIDENTIAL DEVELOPMENT HUNT VALLEY, MARYLAND

Pet. Ex. 44

Prepared for:

SECURITY MANAGEMENT CORP.
9901 Langs Road
Baltimore, Maryland 21220

Prepared by:

LEGG MASON REALTY GROUP, INC.
7 East Redwood Street, 2nd Floor
Baltimore, Maryland 21202

BHR 3026

AUGUST, 1995

LEGG
MASON

LEGG MASON

PUBLIC SCHOOL CAPACITY ANALYSIS

COLVISTA

PROPOSED RESIDENTIAL DEVELOPMENT
HUNT VALLEY, MARYLAND

Pet. Ex. 45

Prepared For:

SECURITY MANAGEMENT CORP.

9901 Langs Road
Baltimore, Maryland 21220

Prepared By:

LEGG MASON REALTY GROUP
7 E. Redwood Street, 2nd Floor
Baltimore, Maryland 21203-1476

AUGUST 1995

BHR3026

Pet. Ex. 47

URI P. AVIN, AICP
6903 Diana Road
Baltimore, Maryland 21209
(410) 484-2127 (H) (410) 792-4360 (W)
(301) 498-5070 (W-Fax)

OVERVIEW

With graduate degrees in architecture, urban design and city planning, Uri Avin is a land use planner with an extensive generalist background. His twenty-two years of experience span the public and private sectors in equal measure. His diverse achievements include the successful implementation of numerous site plans and urban design projects, comprehensive plans, regional growth management strategies, GIS applications to planning problems, environmental conservation programs and integrated land use/transportation initiatives. Several state and national awards testify to the quality of these accomplishments. He has managed local government agencies, advised elected officials on development policy, negotiated NIMBYs, led multi-disciplinary consultant teams and conducted training workshops for citizen activists and professionals. His excess energy is spent on teaching, research, writing, and volunteer service to the profession.

PROFESSIONAL EXPERIENCE

Principal, LDR International, Inc. - Planners & Urban Designers, Columbia, Maryland and London, England (July 1991 to present)

Urban and regional comprehensive planning; marketing of planning/design services; integrating the leading edge GIS applications of Data Chromatics, Inc., with the planning expertise and experience of LDR; diverse planning projects in Maryland, the Mid-Atlantic, and the U.S. including Comprehensive Plans for the Cities of Willoughby and Dublin, Ohio; Garrett County, Maryland; Bel Air, Maryland; Gloucester County, Virginia; Morgantown, West Virginia; Florence, Alabama; Durango, Colorado; Impact Studies of Disney America for Prince William County, Virginia; New Jersey Statewide Pedestrian and Bicycle Plan; Adequate Facilities Study for Columbus, Ohio; regional plans for Northern Kentucky and Muscle Shoals, Alabama; major rezonings and expert witness testimony. Company size - 40.

Special Assistant to the County Executive, Howard County, Maryland
(December 1990 to May 1991)

Advisor to Executive on proposed state-wide planning initiative and on regional planning and funding issues; responsible to Executive for coordinating development monitoring system, interagency development standards, rural development policies and programs and land use initiatives for economic development

Director, Department of Planning and Zoning, Howard County, Maryland
(May 1987 to December 1990)

New General Plan; major environmental legislation; new zoning districts and processes; reorganization of subdivision review process; restructuring of Department; Interim Growth Cap; Adequate Facilities Ordinance; computerized databases and Geographic Information System; enhanced Fiscal Impact Analysis; urban design thrust; expansion of transportation planning capabilities; community planning and contextual plan review; coordination with regional MPO's and Statewide planning initiatives; ex-officio County representative on the Governor's State Planning Task Force. County population - 185,000; staff - 59; 1991 Budget - $2.9 million

Deputy Director, Office of Planning and Zoning, Baltimore County, Maryland
(May 1986 to May 1987)

Extensive personnel issues addressed; quality control of products; community outreach efforts; comprehensive rezoning; Chesapeake Bay Critical Area plan development; implementation through elected officials; negotiations on large, complex development projects with all stakeholders; inter-agency and regional coordination; budget management;. County population - 650,000; staff - 75

Chief of Comprehensive Planning, Kidde Consultants, Inc., Baltimore Maryland
(March 1985 to May 1986)

Site development feasibility studies; concept planning for residential and industrial projects; comprehensive plan for town of Bel Air; marketing of planning/design services; retail market study; expert witness testimony. Company size - 680, Urban Planning & Development Division - 90

Deputy Director, Department of Planning & Zoning, Harford County, Maryland
(1980-1985)

Transportation planning; major road plan and sub-area plans; interagency computer database; intern development programs; comprehensive rezoning and zoning code rewrite; CIP; land use forecasting; consultant management; graphics expertise. County population - 150,000; Staff - 19

Urban Designer, RTKL Associates - Planners, Architects and Engineers, Baltimore, Maryland (1976-1980)

Applied research projects for Federal government in transportation and energy planning; building and site plans for office structures, PUD's, urban/suburban retail project, industrial development; Aberdeen Proving Ground Master Plan; downtown plans for St. Louis, Charlotte, and Baltimore.

Market Analyst, Larry Smith, Inc. - Real Estate and Market Consultant, Washington, D.C.
(1976 Summer)

Market study and comparative shopper survey for retail revitalization of older suburban core competing with newer regional malls.

Project Architect, Environmental Research Group-Architects and Environmental Psychologists, Philadelphia (1975 Summer)

Project Architect/Community Liaison for design of public open space and streetscape renovations in Black and Hispanic urban neighborhoods.

Site Planner, Y. and O. Ya'ar - Urban Designers, Architects, Tel Aviv, Israel (1973-1974)

Design and project coordination for 2,600 unit housing project and commercial core on hilly terrain, Upper Nazareth New Town.

Architect, Tony and Adele Naude Santos - Architects/Planners, Cape Town, South Africa (1972-1973)

Design refinements and construction documents for housing projects. Work published in *Progressive Architecture*.

Architect, Pelser and Calitz-Architects, Cape Town, South Africa (1970-1972)

Design concepts, working drawings and specifications, site supervision for residential and institutional projects.

SAMPLING OF REPORTS AND STUDIES

Vision 2004, A Comprehensive Development Plan for Willoughby, Ohio, 1994.
Critical Review of Studies on the Costs of Alternative Residential Patterns, 1993.
Survey Study of Adequate Public Facilities Ordinances, 1992.
Myths and Facts about Growth in Maryland, February, 1991.
Financial Incentive Program for Agricultural Preservation, Howard County, Maryland, 1990.
The Howard County General Plan, Maryland, 1990.
Comprehensive Plan for the Town of Bel Air, Maryland, 1987.
Transit Potential in Harford County, Maryland, 1985.
Bush River Management Study and Resource Guide, Harford County, Maryland, 1982.
Comprehensive Zoning -- Summary Document, Harford County, Maryland, 1982.
Aberdeen Proving Ground Master Plan, Maryland, 1980.
Middletown U.S.A. - A Case Study in Energy Planning, ERDA, 1978.
Education for Urban Design, University of Pennsylvania, Research Paper, 1975.
Le Corbusier's Unite' d'Habitation -- A Slab for All Seasons?, Thesis for M.Arch. Degree, University of Cape Town, 1973.

PUBLICATIONS

Chewing the Cud with a Pud: Lessons from Howard County and Columbia New Town, Chapter 3, Southwestern Legal Foundation, Institute in Planning, Zoning & Eminent Domain, Matthew Bender, 1993.
Developing Adequate Public Facilities Ordinances for Roads, with Valdis Lazdins, Land Development Magazine, NAHB, May, 1993.
GIS in Action, with Ken Kinsey, *Urban Land*, March, 1992.
Some Implications of Growth for the Suburban Baltimore Region, Maryland Policy Studies, *Balanced Growth*, Publication No. 5, Bureau of Governmental Research, University of Maryland, 1992
Howard County's General Plan: A Case Study in Politics, with Donna Mennitto, AICP Case Study Series #1, 1992
Pedestrian Planning Procedures Manual, Volumes I - III, FHWA Research Document (FWA-RD-79-46), 1978
Plan for the New Town of Upper Nazareth -- Published in *Israel Builds*, Tel Aviv, 1973.

EDUCATION

Master of City Planning, University of Pennsylvania, Philadelphia, 1976
Master of Architecture (Urban Design), University of Pennsylvania, Philadelphia, 1976
Master of Architecture, University of Cape Town, South Africa, 1973, Graduated with highest honors
Bachelor of Architecture, University of Cape Town, South Africa, 1969

HONORS AND AWARDS

Ohio APA Chapter Award for Comprehensive Planning 1994 - Willoughby Comprehensive Plan
APA National Planning Award for Comprehensive Planning 1991 -- Howard County 1990 General Plan
Maryland APA Chapter Award, 1990-Planner of the Year
Government Finance Officers Organization of America - National Award for the Howard County Agricultural Preservation Program, 1990
Selected as one of the 199 outstanding graduates for the Centennial of the University of Pennsylvania's Graduate School of Fine Arts, 1990
Who's Who in American Government Services, 1990
Winner, Best Article Competition - Naturescape Magazine - "Harford County's Natural Resources District," 1985
MD APA Chapter Award, 1984, Honorable Mention - Bush River Management Study
MD APA Chapter Award, 1983, Honorable Mention - Harford County's Comprehensive Rezoning
Field Marshall Jan Smuts Scholarship for Overseas Study, 1973
Human Sciences Research Council Scholarship, 1972
Council for Scientific & Industrial Research Scholarship, 1969
Helen Gardner Overseas Travel Award, 1966

TEACHING

Faculty in University of Maryland's USAID-funded training program on *U.S. Planning and Zoning* for senior government officials from St. Petersburg, Russia, Khazakstan and Armenia 1994. Taught seminars in Maryland and St. Petersburg, Russia.
Course on Urban Theory and Policy in Johns Hopkins University's Masters Program in Real Estate, 1991 through 1993.
Training in Facilitation and Conflict Resolution Techniques, George Mason University, 1994.
Adjunct Faculty, University of Maryland, 1991 through 1993, course on Environmental and Land Use Planning;
Received training in Interactive Teaching Techniques, Johns Hopkins School of Continuing Education, 1992, 1993.
Visiting Associate Professor, Towson State University, 1984 and 1986, lecturing on Comprehensive Planning & Implementation
Conducted workshops on planning and zoning for planners seeking professional certification, real estate professionals, and community leaders, (1981-1986)
Occasional lecturer at Harford Community College (1981-1984) and Howard Community College (1987-1990)
Preparation of graduate courses at the University of Pennsylvania (Summer, 1976): History of the American Metropolis; Urban Design
Critical Evaluation and Report on teaching programs in urban design (1976)

PROFESSIONAL AFFILIATIONS, RELATED ACTIVITIES AND SERVICE

American Planning Association
American Institute of Certified Planners
Lambda Alpha (Honorary Land Economics Society), Baltimore Chapter.
Maryland Chapter, American Planning Association. Vice President (1986-1987), Executive Board member (1982-1988) and member of Professional Development Committee;organized conferences, workshops and seminars.
Presentations at National APA Conferences, 1990 through 1994.
Invited speaker at Regional APA Conferences throughout Mid-Atlantic.
Appointed to Evaluation and Monitoring Task Force for the $100 million Baltimore Empowerment Zone, 1995
Member, Site Visitor Pool of the Planning Accreditation Board for U.S. graduate planning programs.
Invited juror, Statewide Planning Award Competition for Michigan, 1992.
Maryland APA representative on Planning Accreditation Board's review of local University planning program, 1991
Towson State University, Member of Business Advisory Committee, Center for Suburban and Regional Studies, 1991-present
Member, Technical Advisory Committee to the Urban Planning Program, University of Maryland, 1986-present
Homebuilders Association of Maryland, Harford County Chapter, Chairman, Planning & Zoning Committee 1985
Small-scale freelance architectural practice (1980-1984).
Partner in residential/office real estate venture (1982-1984).

PERSONAL

Born 12/24/46, married, two children, excellent health. Fluent in several languages.

(5/95)

"In order to determine the longer range perspective for County growth and change to the year 2000 and beyond, it will be necessary to update projections and land use policies prior to the 1992 Comprehensive Zoning Process based upon:

- The Regional Context
- Information provided by the 1990 Census
- The results from the Legg Mason Economic Forecasts study
- An understanding and evaluation of other development proposals and policies adopted as part of the master Plan update. In particular, the land use implications of retaining the Urban-Rural Demarcation Line in its current general location must be further evaluated. This policy will have

Petitioner's #48

CR-93-307-SPAHR

significant growth implications for areas with a high potential for redevelopment, if the County is to continue to grow. Special attention must be given to potential redevelopment in Towson, in the older centers such as Pikesville, Essex and Dundalk and in the Timonium- Hunt Valley Industrial corridor, where the proposed light rail system will offer major opportunities for mixed-use development."

(Page 22)

Petitioner's # 49

CR-93-307-SPHXA

" The aspirations in this Master Plan for an even better Baltimore County are achievable if we have the will to organize and act effectively ... and to work within the framework of the region to make sure that our decisions and actions are also beneficial to neighboring jurisdictions." (Page 4)

Petitioner's #50

CR-93-307-SPHXA

Baltimore County 1989-2000
Master Plan (1990)

"It is the responsibility of the government to ensure sufficient land is available for residential development".

(Page 37)

Petitioner's #51

CR-93-307-SPHXA

"Special area needs such as high-rise, office/retail and housing in Towson, or high technology, light rail access, employment surplus, and housing deficit in Hunt Valley, will be identified, evaluated and addressed through special planning studies." (Page 48)

Petitioner's #52

CR-93-307-SPHX/A

"It is particularly important ... to ensure that there is a range of housing opportunities evenly distributed throughout the County's proposed urban centers, especially where employment is available."

(Page 37)

Petitioner's #53

CR-93-307-SPHXA

Baltimore County 1989-2000
Master Plan (1990)

"Yet another problem in our existing form is the imbalance between the location of employment opportunities and the location of adequate and appropriate housing stock. This imbalance stresses our transportation systems and creates distortions inland use demands.

The potential traffic congestion implications of these kinds of disparities in job opportunities is suggested by also examining the balance in the Central Sector. With less than a fifth of the County's total labor force, and comprising less than a tenth of its land area, this Sector provides more than a third of all the employment in Baltimore County." (Page 17)

Petitioner's #54

CR-93-307-SPHXA

"In 1985 it was estimated that the County has 2100 fewer workers than it had jobs. This disparity was most pronounced in the Towson-Hunt Valley corridor which had 54,400 fewer workers than jobs." (Page 13)

Petitioner's #35

CR-93-307-SPHIA

"The best option is to reinforce the historical "star" radial development pattern that still exists in Baltimore County." (Page 18)

Petitioner's #56

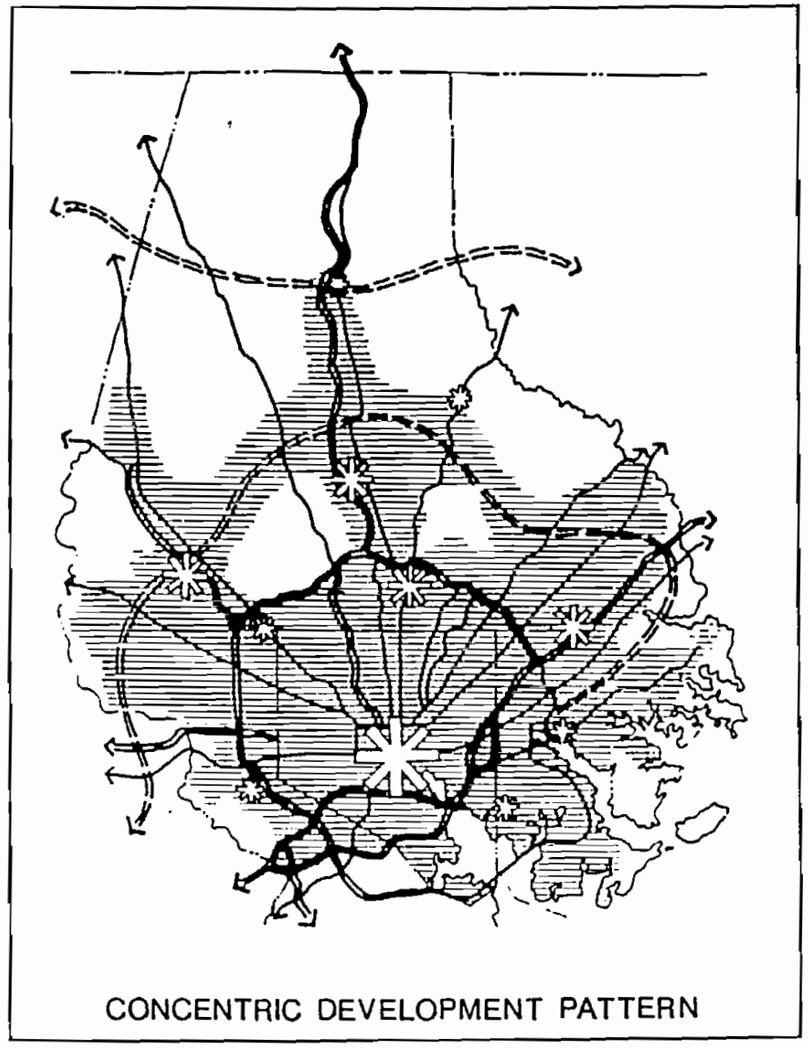
CR. 93-307-5PHXA

Baltimore County 1989-2000
Master Plan (1990)

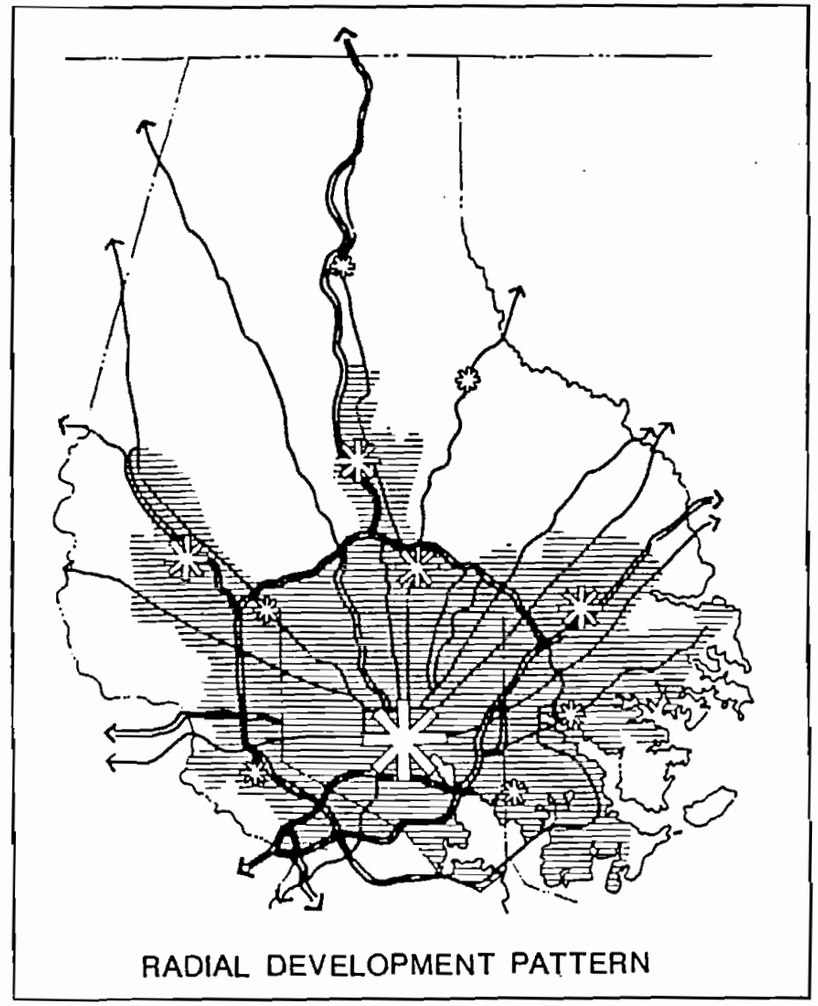
"Regional transportation policies may have even more telling implications. Investing hundreds of millions of dollars in cross-county highways might or might not solve County and regional traffic circulation problems. The highways certainly would pose a grave threat to protecting the County's rural values against further sprawl. The City, however, is especially dependent on the radial highways for commuting in both directions. Further dispersal, especially of employment, away from the radials weakens the potential for high capacity transit alternatives." (Page 3)

Petitioner's #57

CR-93-307-SPHX



CONCENTRIC DEVELOPMENT PATTERN

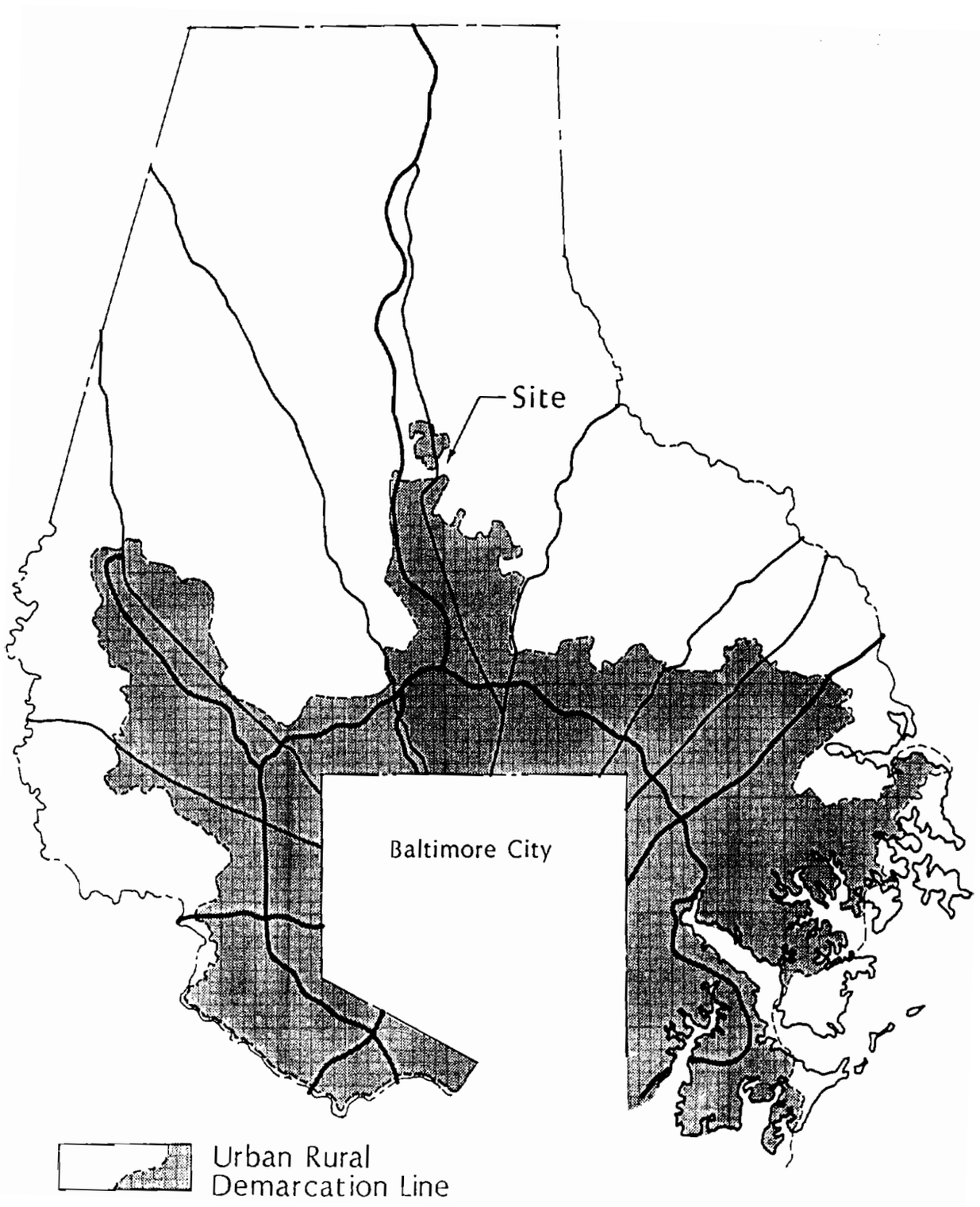


RADIAL DEVELOPMENT PATTERN

Source : Baltimore County Master Plan 1989-2000

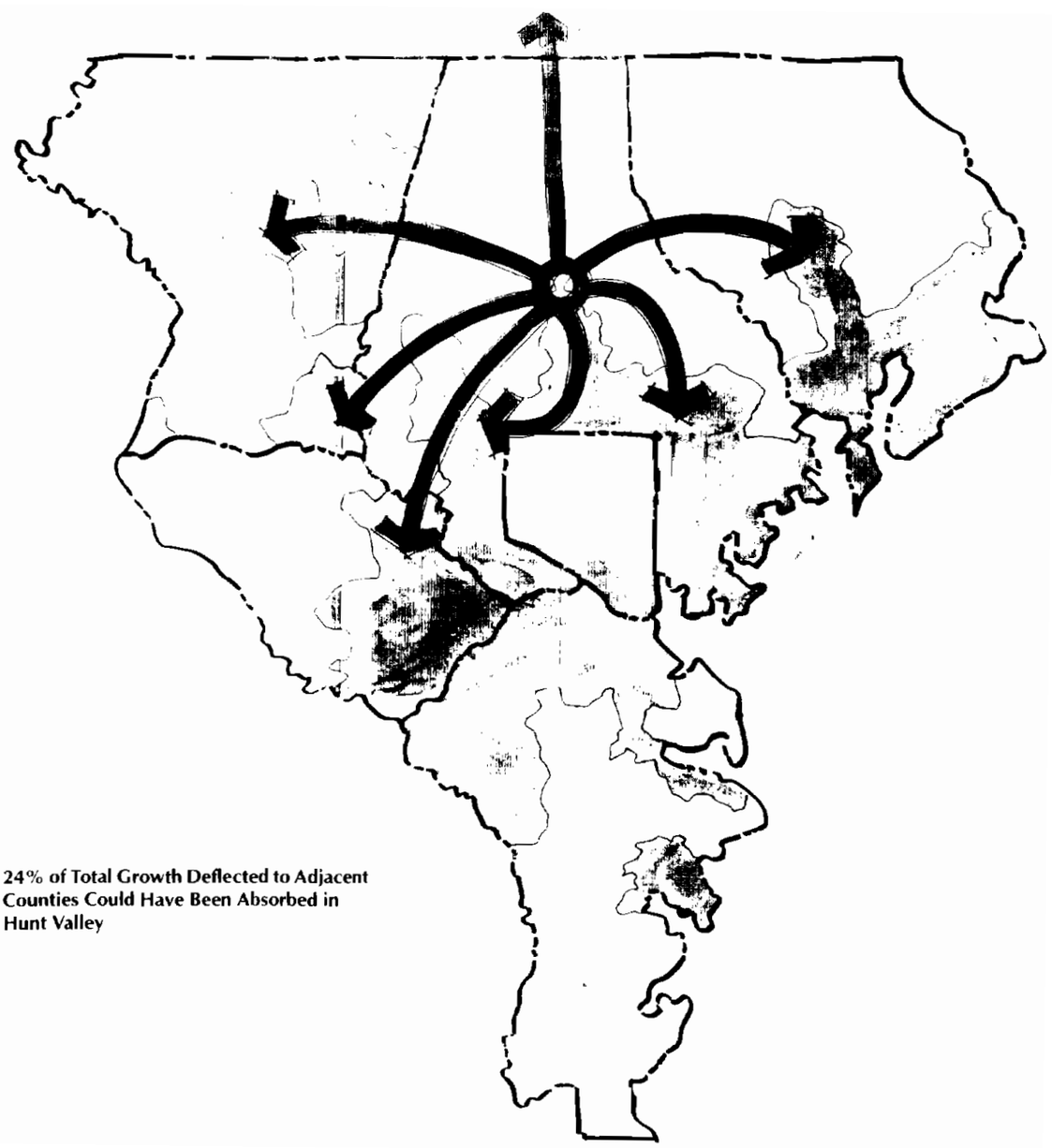
Petitioner's #58

CR-93-307-SPHXA


Site
Baltimore City
Urban Rural
Demarcation Line

Petitioner's #59

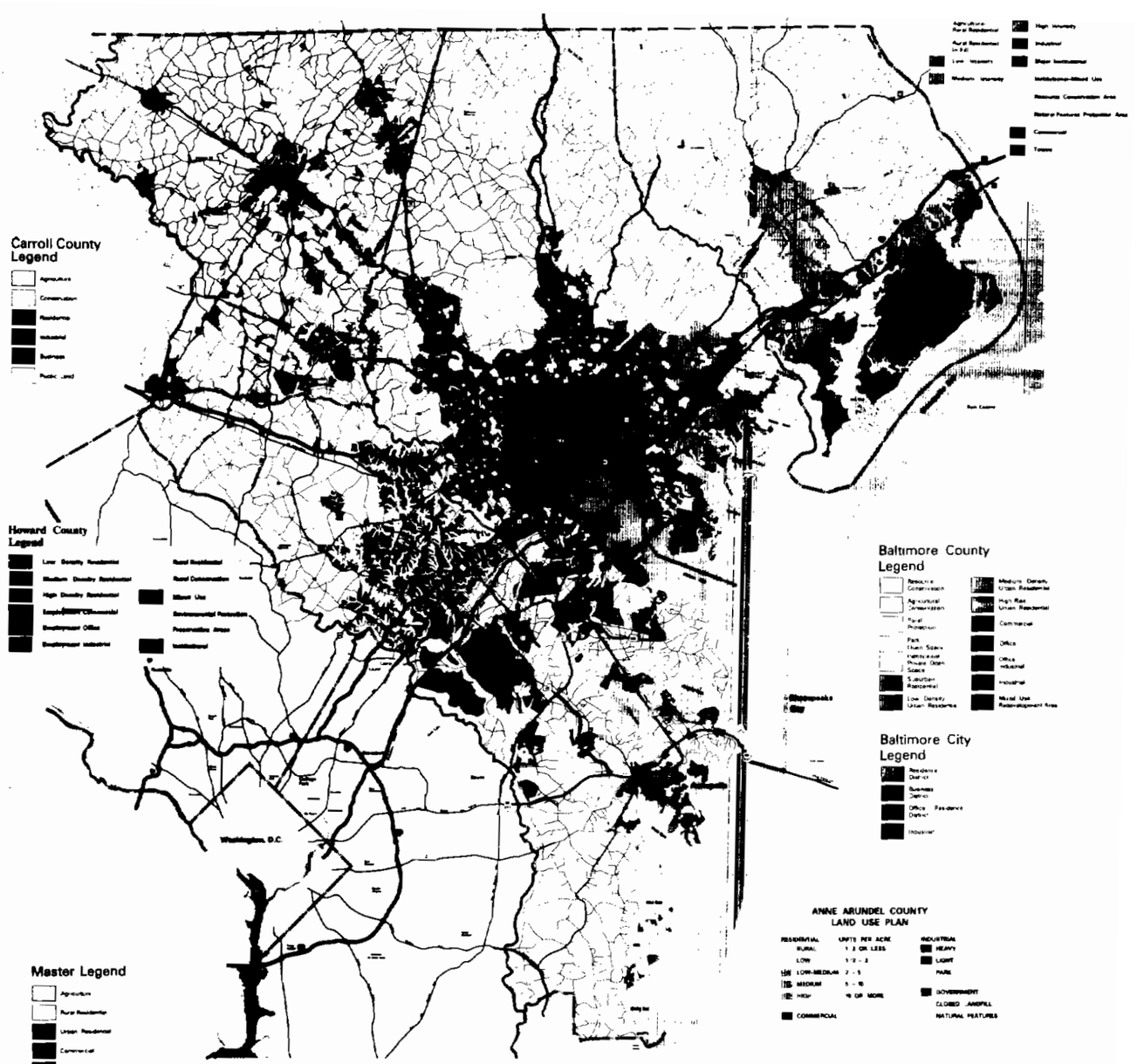
CR-93-307-PHX-A



24% of Total Growth Deflected to Adjacent Counties Could Have Been Absorbed in Hunt Valley

Pekkanen #50

CR-93-307-SPHD



Baltimore Regional Council of Governments

Generalized Categories

Master Land Use Plans

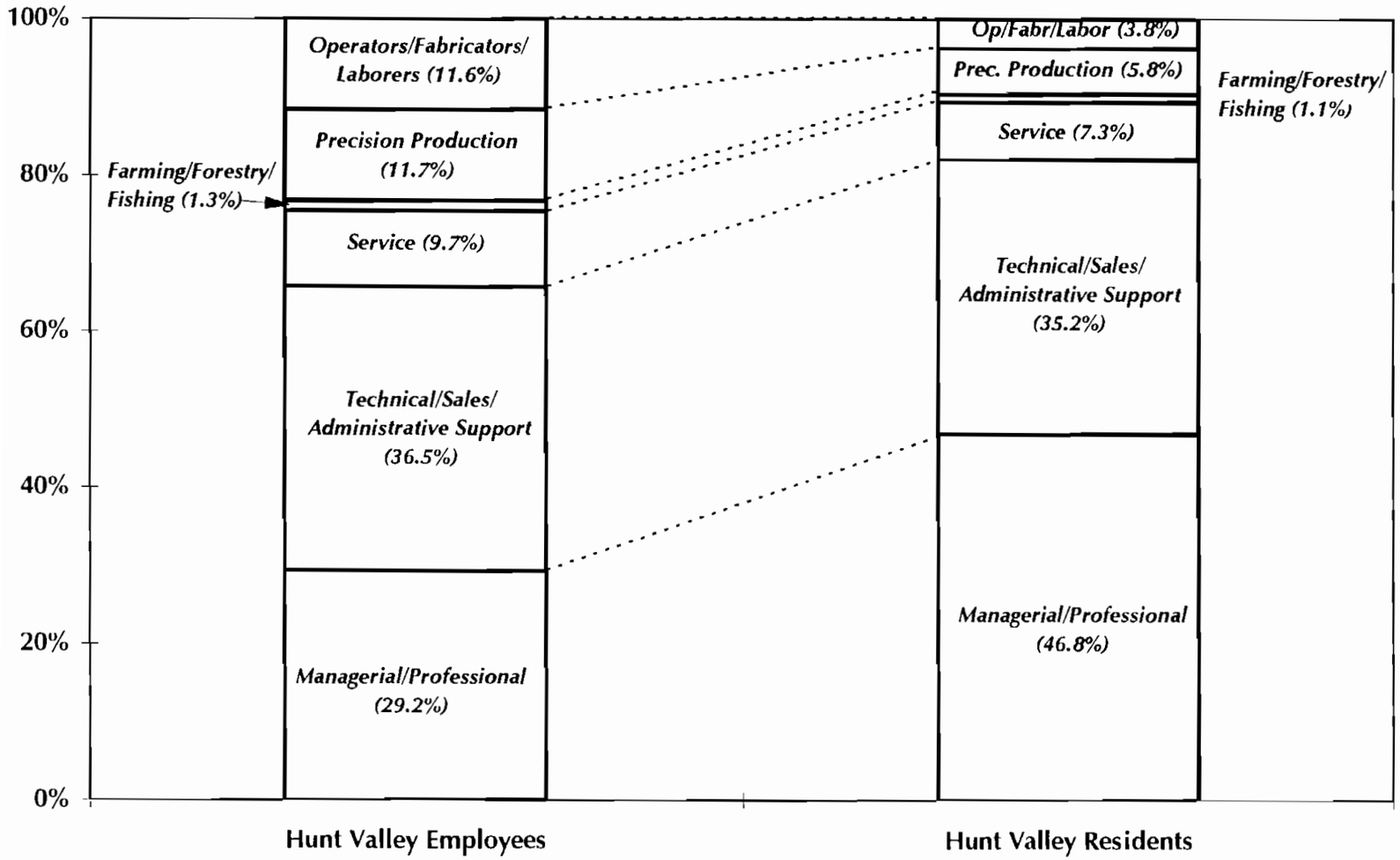
0 2 4 6 10

SCALE IN MILES

Petitioner's # 61

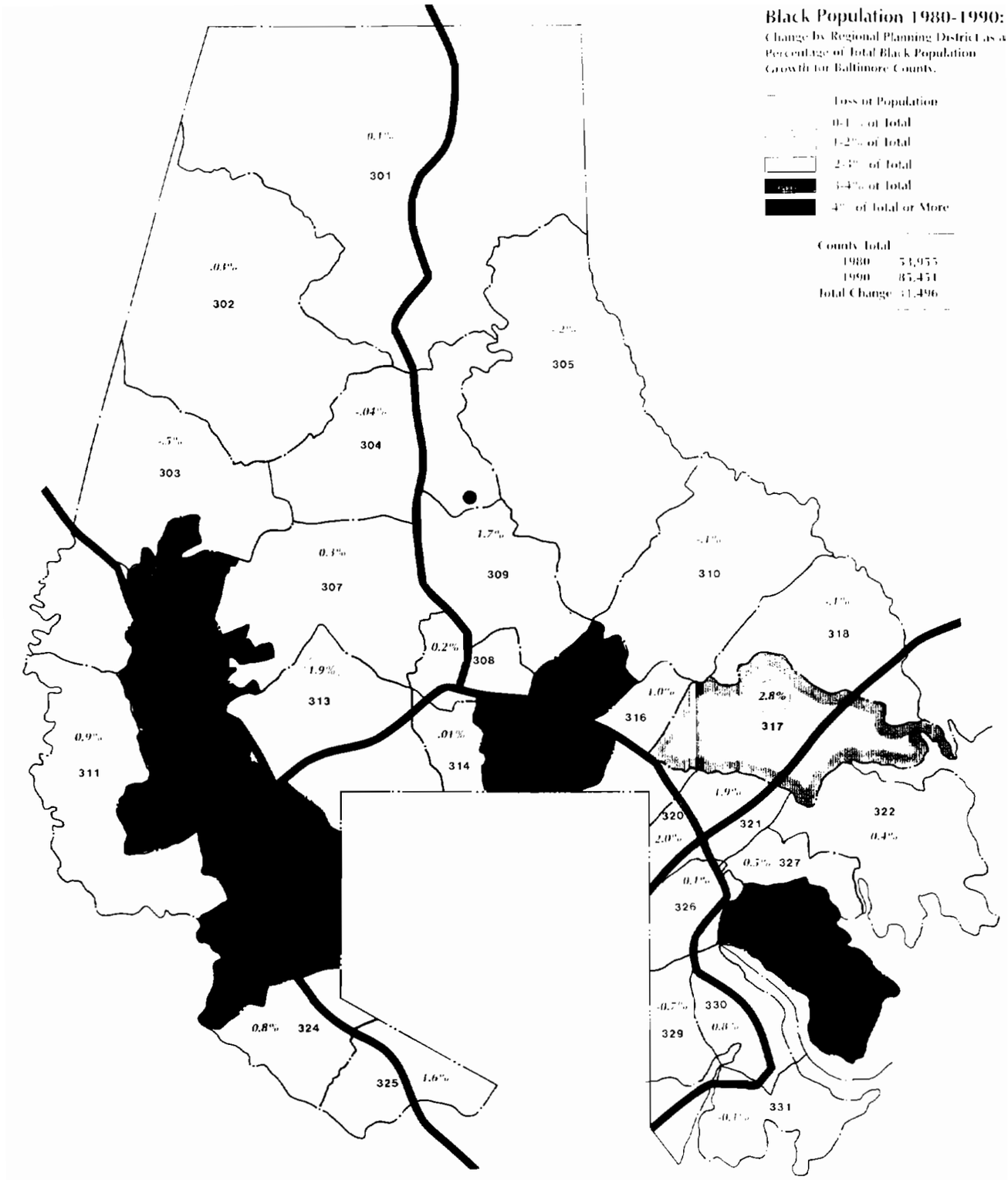
CR-93-307-SPHX-RLH

Differences in Occupational Structure for Hunt Valley Workers vs. Hunt Valley Residents (1990)



Petitioner's # 62

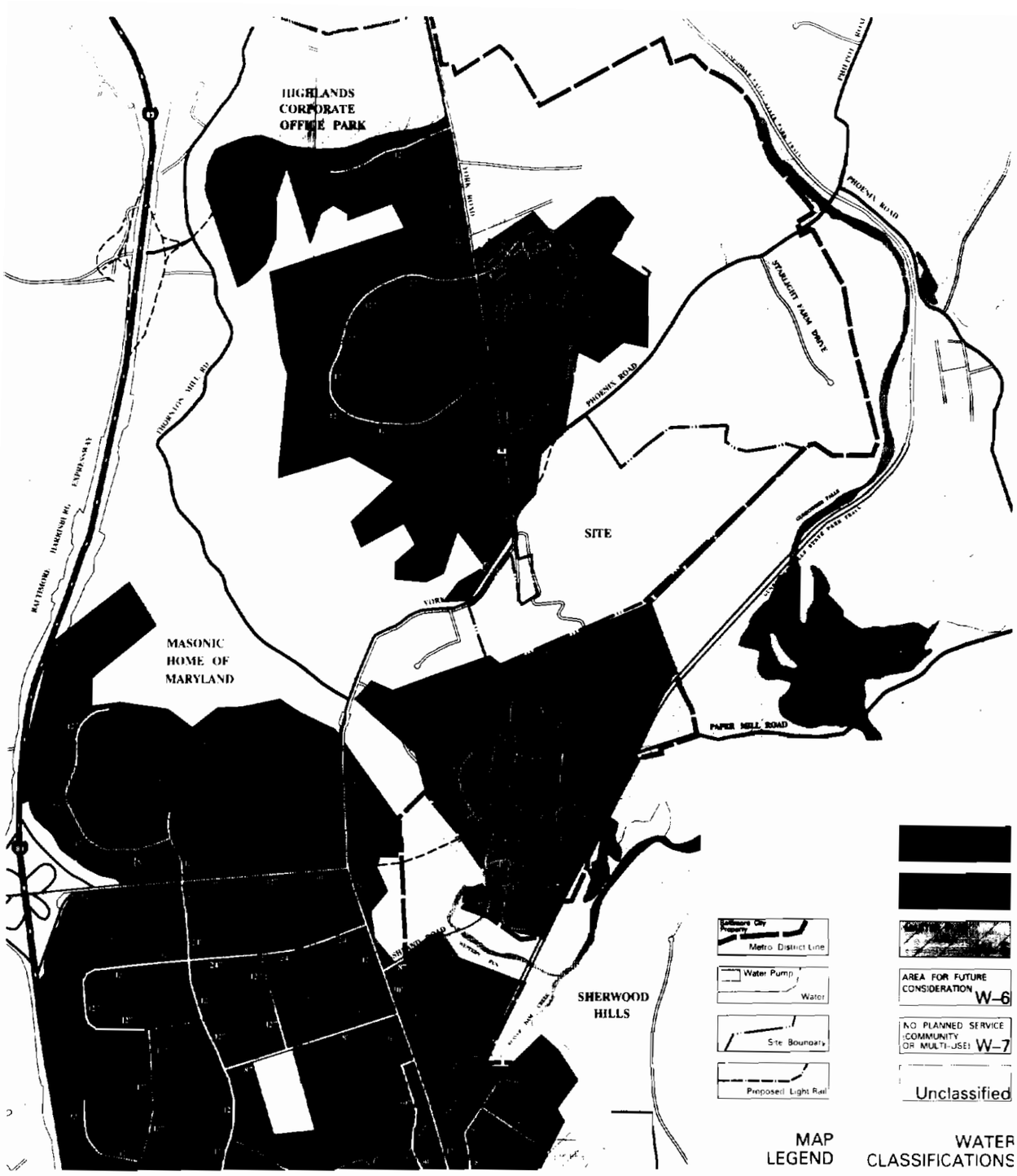
CR-93-307-SPHIA


Black Population 1980-1990:
Change by Regional Planning District as a Percentage of Total Black Population Growth for Baltimore County.
Loss of Population
0-1% of Total
1-2% of Total
2-3% of Total
3-4% of Total
4% of Total or More
County Total
1980 53,955
1990 85,451
Total Change 31,496
0.1%
301
.04%
302
.2%
305
-.04%
304
-.5%
303
1.7%
309
0.1%
307
-.1%
310
-.1%
318
0.2%
308
1.9%
313
1.0%
316
2.8%
317
0.9%
311
.01%
314
1.9%
320
321
322
2.0%
0.4%
0.5%
327
0.1%
326
-0.7%
330
329
0.8%
0.8%
324
325
1.6%
331
-0.1%

Colvista

Petitioner's # 43

C.R. 93-307-SPHX

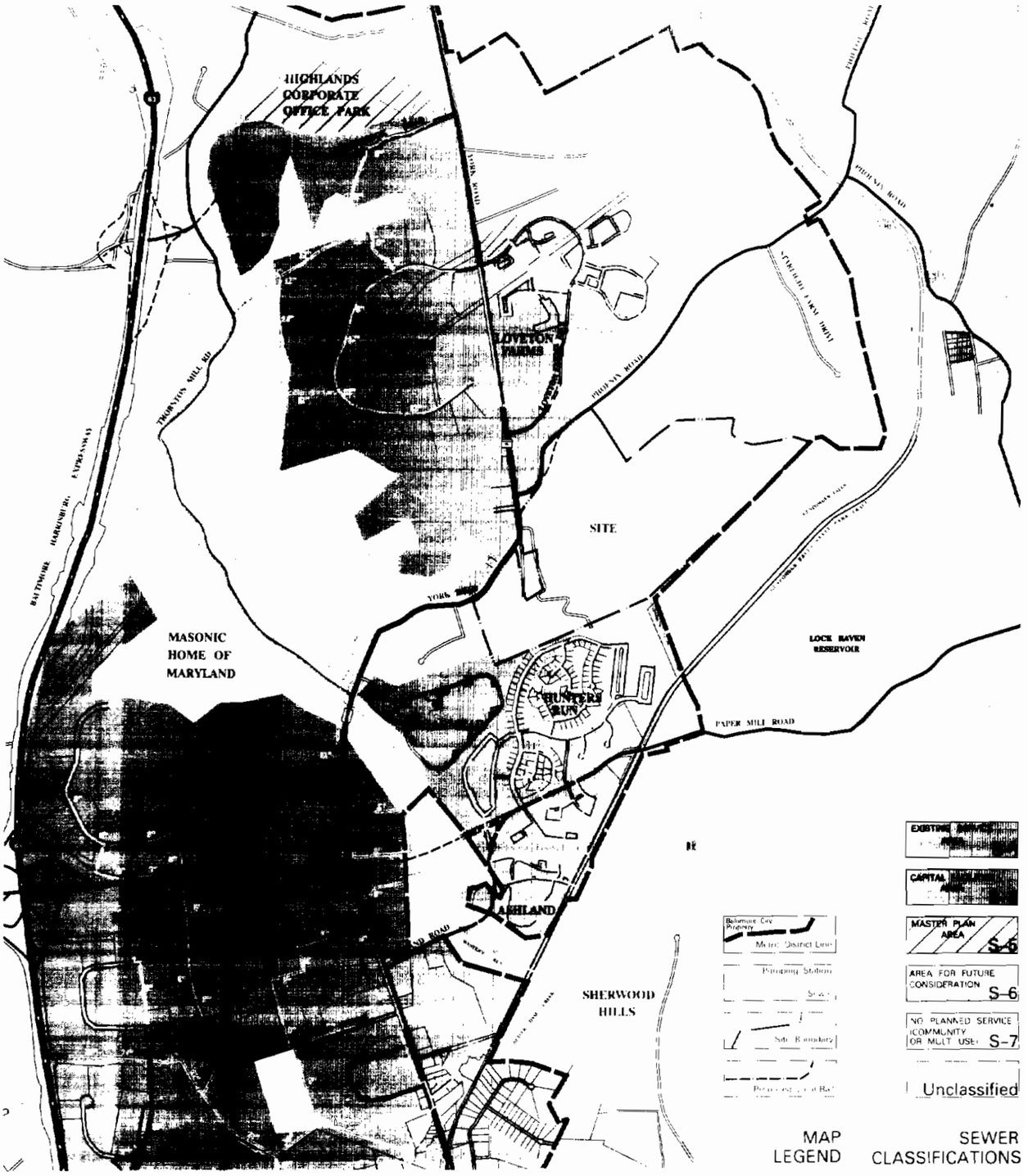


Water Classification Areas

Colvista

Pet Numéro #14

C.R.- 93- 301- SMAIN



Sewer Classification Areas

Colvista

Security Management Corporation — Land Owner Developer
EDR International — Planners and Landscape Architects
Data Dimensions — Traffic Applications
EA Engineering Science and Technology — Environmental Engineers
George Walker Stephens — Civil Engineers
Cochran Design — Interior Architects and Space Designers
Dan Maruszewski Design — Graphic Communications Consultants

Petitioner's #65

C.R. 93-307-SPHX

Towson Jobs/Housing

1990			Official Round V 2020			Balanced Scenario 2020		
Jobs	Households	J/H Ratio	Jobs	Households	J/H Ratio	Jobs	Households	J/H Ratio
79,720	27,829	2.9	86,315	29,162	3.0	86,315	30,587	2.8

Petitioner's # 66

CR- 93-307-SPHXA

Pet. Ex. 67

WES GUCKERT
PRESIDENT

Wes Guckert is a recognized and well respected expert in the field of traffic engineering and transportation planning. Serving as a technical advisor in the areas of traffic impact analysis, traffic signal design, traffic circulation, access studies and transportation planning, Mr. Guckert has played a major role in over 2,000 projects that span the urban and suburban areas of Maryland, Virginia, Pennsylvania, New Jersey and Delaware. As a result of his expertise, Mr. Guckert has provided consultation on projects throughout the United States.

Early in his career, Mr. Guckert served for five years with the Maryland SHA Traffic Division. Prior to founding The Traffic Group, Mr. Guckert served as a traffic engineering consultant for eight years. As Project Manager for various public agency projects, he was responsible for the Maryland 210 Bus Stop Study, the Capital Centre Access Study and the University of Matyland Access Study. He has directed the design and implementation of traffic access systems for regional projects such as National Business Park, Presidential Corporate Center, Largo Town Center, the Milestone Property, Wheaton Plaza, Salisbury Centre, PortAmerica, Bowie New Town Centre, TowsonTown Center and the Annapolis Mall Expansion.

Mr. Guckert has undertaken Traffic and Transportation Studies for more than ten Wal-Mart Stores in the Maryland region, and within the last two years, The Traffic Group, Inc. has undertaken numerous studies of Value-Oriented Centers and other Regional Malls, including the Great Mall of the Bay Area (Milpitas, California); Chesapeake Factory Outlet Stores (Queenstown and Perryville, Maryland); The Mall at Steamtown (Scranton, Pennsylvania); and is working on two other Great Mall Projects in Kansas City and Tampa.

A renowned expert in the field, Mr. Guckert is often asked to serve as an expert witness, testifying before County and Municipal Boards and District Courts on traffic engineering and transportation planning issues.

In 1992, as a result of the 1990 Clean Air Act Amendments, Mr. Guckert formed "Transportation Coordinators" as a division of The Traffic Group, Inc. Transportation Coordinators provides consultation to employers as it relates to compliance with the Employee Commute Options (ECO) Progtam.

JOB HISTORY

1985 to Present
President, The Traffic Group, Inc.

1977-1985
Traffic and Transportation Planning Consultant

1972-1977
Maryland State Highway Administration--Traffic Division
Assistant Regional Traffic Engineer

EDUCATIONAL BACKGROUND

Bachelor of Science--University of the State of New York
Civil Engineering Preparation: Johns Hopkins University, Towson State University, and Essex Community College
Traffic Engineering Courses: Northwestern University Traffic Institute
University of Tennessee Transportation Center
University of Maryland

AFFILIATIONS

American Planning Association (A.P.A.)
Essex Community College Foundation Board of Directors
Institute of Transportation Engineers (I.T.E.)
Life Fellow
Transportation Research Board (T.R.B.)
Urban Land Institute (U.L.I.)

I.T.E PROFESSIONAL COMMITTEES

- Committee No. 5P-5 - Capacities of Multiple Left-Turn Lanes
- Committee No 5P-07 - Traffic Counting Practices
- Committee No. 5S-1 - Capacities of Triple Left-Turn Lanes
- Internal Transportation Systems for Majority Activity Centers
- Parking Facilities for Industrial Plants
- Traffic Considerations for Special Events

PUBLICATIONS

- "The Evolution of Adequate Public Facilities and Their Effectiveness as Growth Management Tools in Maryland" (Co-Author) - I.T.E. 1991 Annual Meeting
- "Trip Generation Comparisons of Club Warehouse Stores"
- "Value-Oriented Retail Centers - A Follow-Up Report"

PUBLIC AGENCY CLIENTS

Anne Arundel County Department of Public Works
Baltimore County Department of Public Works
Calvert County Department of Planning and Zoning
City of Westminster, Carroll County
Delaware Department of Transportation
Federal Highway Administration
Maryland State Highway Administration
Maryland-National Capital Park & Planning Comm., Pr. George's Co. and Montgomery Co.
Montgomery County Department of Transportation
Prince George's County Department of Public Works
The Towson Partnership
Town of Bel Air, Harford County
Town of Kensington, Montgomery County
Town of Mt. Airy, Carroll County
Virginia Commonwealth University
Washington County Department of Public Works

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

California

City of Milpitas, City Council

Maryland

Allegheny County Planning Board
Anne Arundel County, Board of Appeals, Circuit Court, Zoning Hearing Examiner
City of Annapolis City Council, Planning Commission
Baltimore City Board of Zoning Appeals, City Council, Federal District Court, Planning Commission
Baltimore County Board of Appeals, Circuit Court, County Council, Planning Board, Zoning Commissioner
Town of Bel Air Board of Appeals, Planning Board, Town Commissioners
Carroll County Board of Appeals, County Commissioners, Planning Board
Charles County Town of Indian Head-Mayor and City Council
Charles County Board of Appeals, County Commissioners, Planning Board
City of Frederick Board of Appeals, City Council, Planning Commission
Frederick County Board of Appeals, County Commissioners, Planning Board
Harford County Planning Commission, Zoning Hearing Examiner
Howard County Board of Appeals, Planning Board, Zoning Board
Montgomery County Board of Appeals, County Council, Zoning Hearing Examiner
Montgomery County M-NCPPC (Planning Board)
Ocean City Planning Commission, Board of Appeals
Prince George's County Council, Zoning Hearing Examiner
Prince George's County M-NCPPC (Planning Board)
St. Mary's County Planning Board
Washington County Board of Appeals

New Jersey

Holmdel Township Planning Board

Pennsylvania

City of Scranton-Board of Appeals, Planning Board
West Whiteland Township-Planning Board, Town Council

Virginia

Arlington County Board of Supervisors
Loudoun County Planning Board
Prince William County Planning Board and Board of Supervisors

REPRESENTATIVE LIST OF PROJECTS AND STUDIES

Retail Projects

Annapolis Plaza and Restaurant Park, Anne Arundel Co.
Annapolis Mall, Anne Arundel Co.
Avenue at White Marsh, Baltimore Co.
Briarcliffe Mall, Myrtle Beach, South Carolina
Cranberry Mall, Carroll Co.
Diamond Point Mall, Baltimore Co.
Festival at Riva, Anne Arundel Co.
Festival at Waldorf, Charles Co.
Great Mall of Arizona, Tempe, Arizona
Great Mall of the Bay Area, Milpitas, California
Lebanon Valley Mall, Lebanon, Pennsylvania
The Mall at Steamtown, Scranton, Pennsylvania
Montgomery Mall, Montgomery Co.
Potomac Mills, Pr. William Co., Virginia
Sam's Club, Anne Arundel Co.
TowsonTown Center, Baltimore Co.
Wal-Mart Store, Anne Arundel Co.
Wheaton Plaza, Montgomery Co
Yorkridge Shopping Center, Baltimore Co.

Office Projects

BWI Commerce Park, Anne Arundel Co.
Collington Corp. Ctr., Pr. George's Co.
Columbia Corporate Park, Howard Co.
Green Spring Station, Baltimore Co.
National Business Park, Anne Arundel Co.
Owings Mills Corp. Campus, Baltimore Co.
PortAmerica, Pr. George's Co.
Presidential Corp. Centre, Pr. George's Co.
USF&G, Baltimore City

Residential Projects

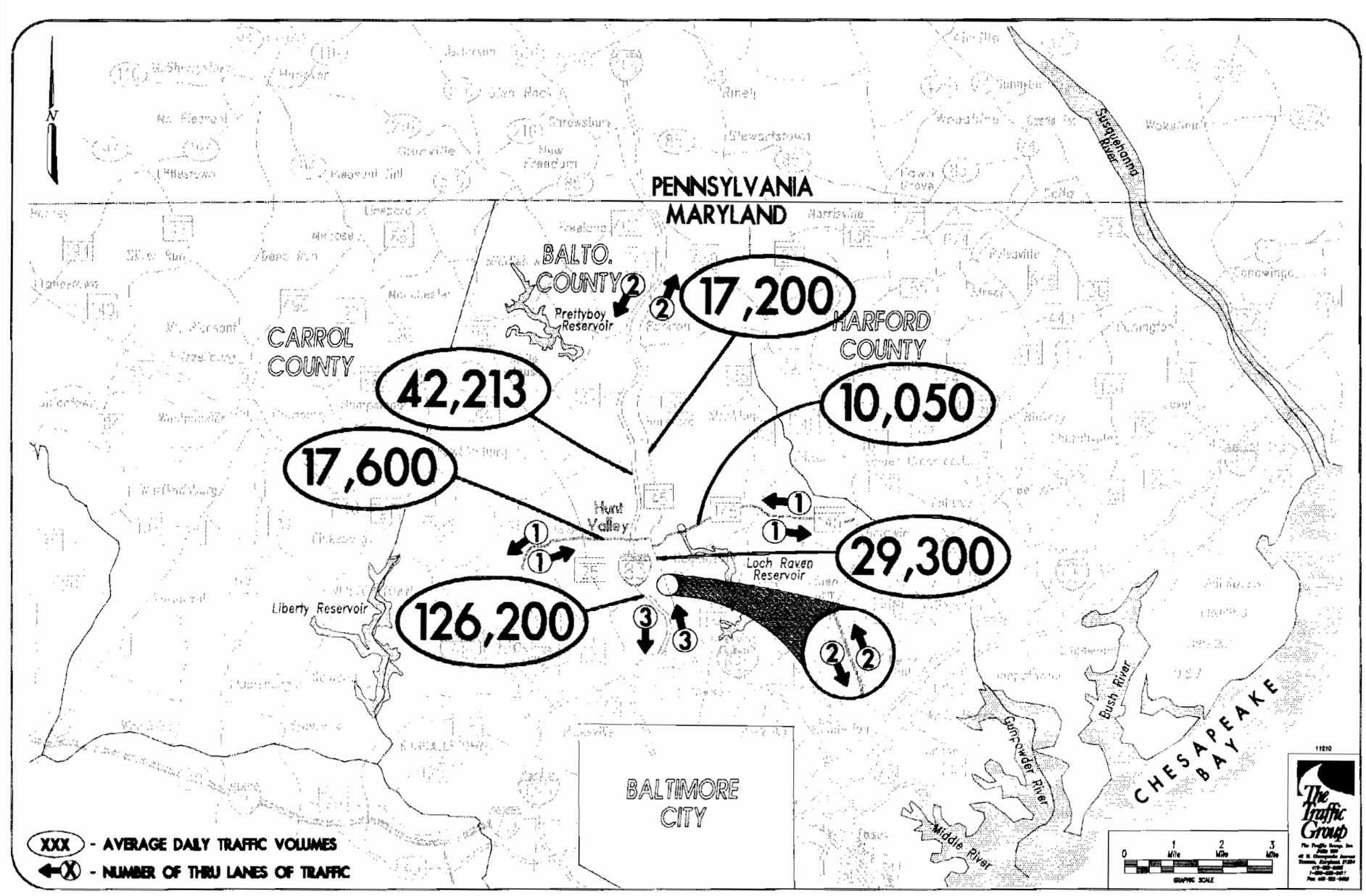
Villages of Elk Neck, Cecil Co.
Villages of Marlborough, Pr. George's Co.
Villages of Piscataway, Pr. George's Co.
Waverly Woods, Howard Co.
White Marsh, Baltimore Co.
Woodbridge, Harford Co.

Mixed-Use Projects

Bowie New Town Center, Pr. George's Co.
Chapman's Landing PUD, Charles Co.
Milestone/Marriott Properties, Montgomery Co.
Piney Orchard PUD, Anne Arundel Co.
Riverside PUD, Harford Co.

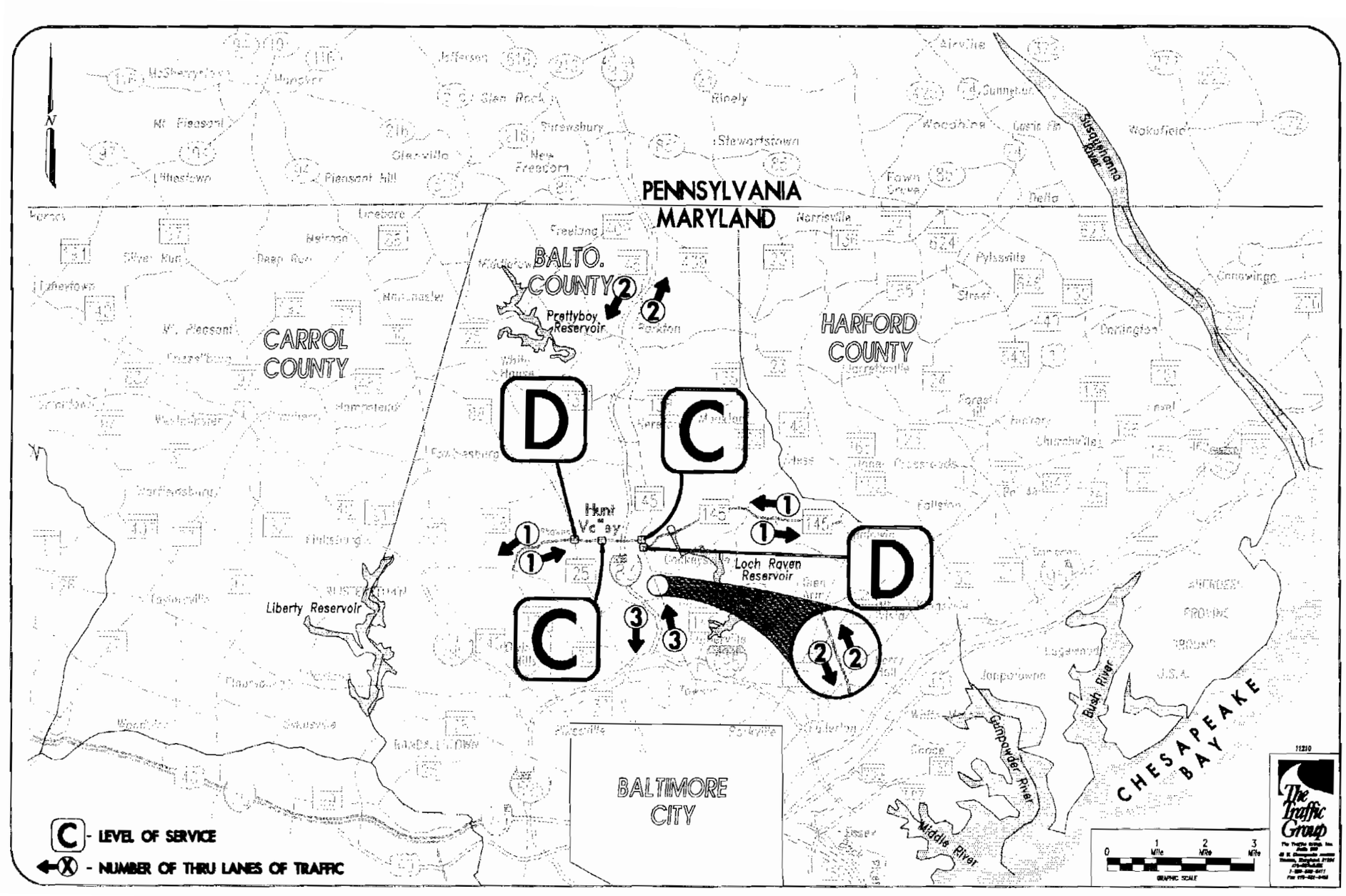
Institutional Projects

Bryn Mawr School, Baltimore City
Friends School, Baltimore City
GBMC, Baltimore Co.
Loyola High School, Baltimore Co.
McDonogh School, Baltimore Co.
Sinai Hospital, Baltimore City
St. Joseph's Hospital, Baltimore Co.
UMAB, Baltimore City
Union Memorial Hospital, Baltimore City
University of Maryland, Pr. George's Co.
Villa Julie College, Baltimore Co.
Virginia Commonwealth University, Richmond, Virginia


N
PENNSYLVANIA
MARYLAND
BALTO. COUNTY
17,200
Prettyboy Reservoir
CARROL COUNTY
42,213
17,600
HARFORD COUNTY
10,050
Hunt Valley
29,300
Loch Raven Reservoir
Liberty Reservoir
126,200
Susquehanna River
BALTIMORE CITY
Gunpowder River
Bush River
CHESAPEAKE BAY
Middle River
XXX - AVERAGE DAILY TRAFFIC VOLUMES
X - NUMBER OF THRU LANES OF TRAFFIC
0 1 2 3 MiNe
GRAPHIC SCALE
11210
The Traffic Group

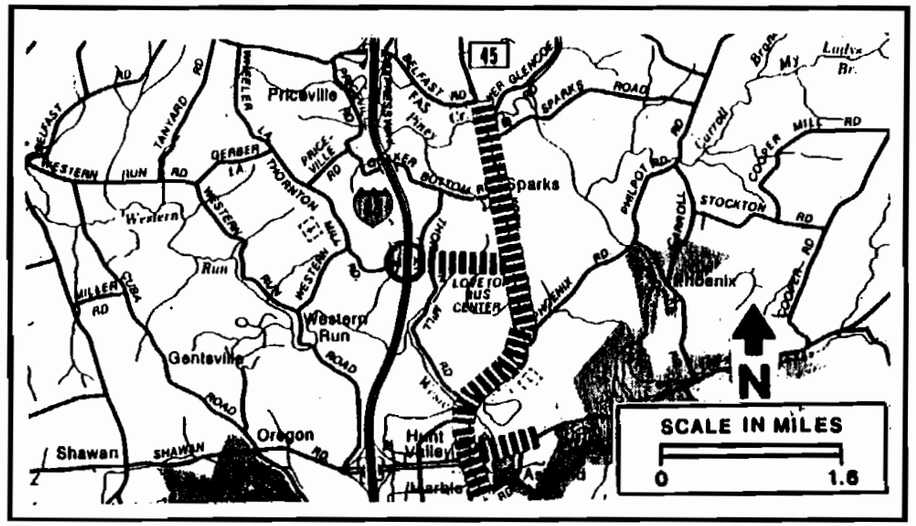
Petitioner's #68

CR-93-307-SPHXA


PENNSYLVANIA
MARYLAND
BALTO. COUNTY
CARROL COUNTY
HARFORD COUNTY
BALTIMORE CITY
Prettyboy Reservoir
Hunt Valley
Loch Raven Reservoir
Liberty Reservoir
Susquehanna River
Gunpowder River
Bush River
Middle River
CHESAPEAKE BAY
D
C
D
C
C - LEVEL OF SERVICE
(X) - NUMBER OF THRU LANES OF TRAFFIC
The Traffic Group
0 1 2 3 MILE
GRAPHIC SCALE

Petitioner's #69

CR. 93-307. SPHXA



PROJECT: Maryland 45, York Road

DESCRIPTION: Study to reconstruct MD 45 from MD 145 to Belfast Road including MD 145 Relocated. Includes interchange on I-83 at Thornton Mill Road (3.89 miles).

JUSTIFICATION: This improvement would correct poor horizontal and vertical alignments and increase highway capacity to serve existing and proposed developments north of Shawan Road.

PLAN CONSISTENCY: 1986 General Development Plan, Baltimore Metropolitan Council. Baltimore County Master Plan, 1989-2000

STATUS: Project Planning underway.

SIGNIFICANT CHANGE FROM FY 94-99 CTP: None.

Federal Funding By Year of Obligation

PHASE	FFY 95	FFY 96	FFY 97	FFY 98	FFY 99-00	FEDERAL CATEGORY
PP	0	0	0	0	0	-----
PE	0	0	0	0	0	-----
RW	0	0	0	0	0	-----
CO	0	0	0	0	0	-----

POTENTIAL FUNDING SOURCES: X SPECIAL _ FEDERAL _ GENERAL _ OTHER

PROJECT CASH FLOW for Planning Purposes Only

Phase	Total Estimated Cost($000)	Expended Thru 1994	Current Year 1995	Budget Year 1996	1997	1998	1999	2000	Six Year Total	Balance to Complete
Planning	979	919	60	0	0	0	0	0	60	0
Engineering	88	88	0	0	0	0	0	0	0	0
Right-of-way	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0
Total	1067	1007	60	0	0	0	0	0	60	0
Inflated Total	1067	1007	60	0	0	0	0	0	60	0

FUNCTION:

STATE - Major Collector

FEDERAL - Major Collector

STATE SYSTEM: Secondary

DAILY TRAFFIC:

CURRENT(1993) - 17,700

PROJECTED(2015) - 35,000

PDMS / STIP REFERENCE # 033309
12-1-94

Pet. Ex. 71

FINAL

ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED COLVISTA COMMUNITY SITE HUNT VALLEY, MARYLAND

Prepared for:

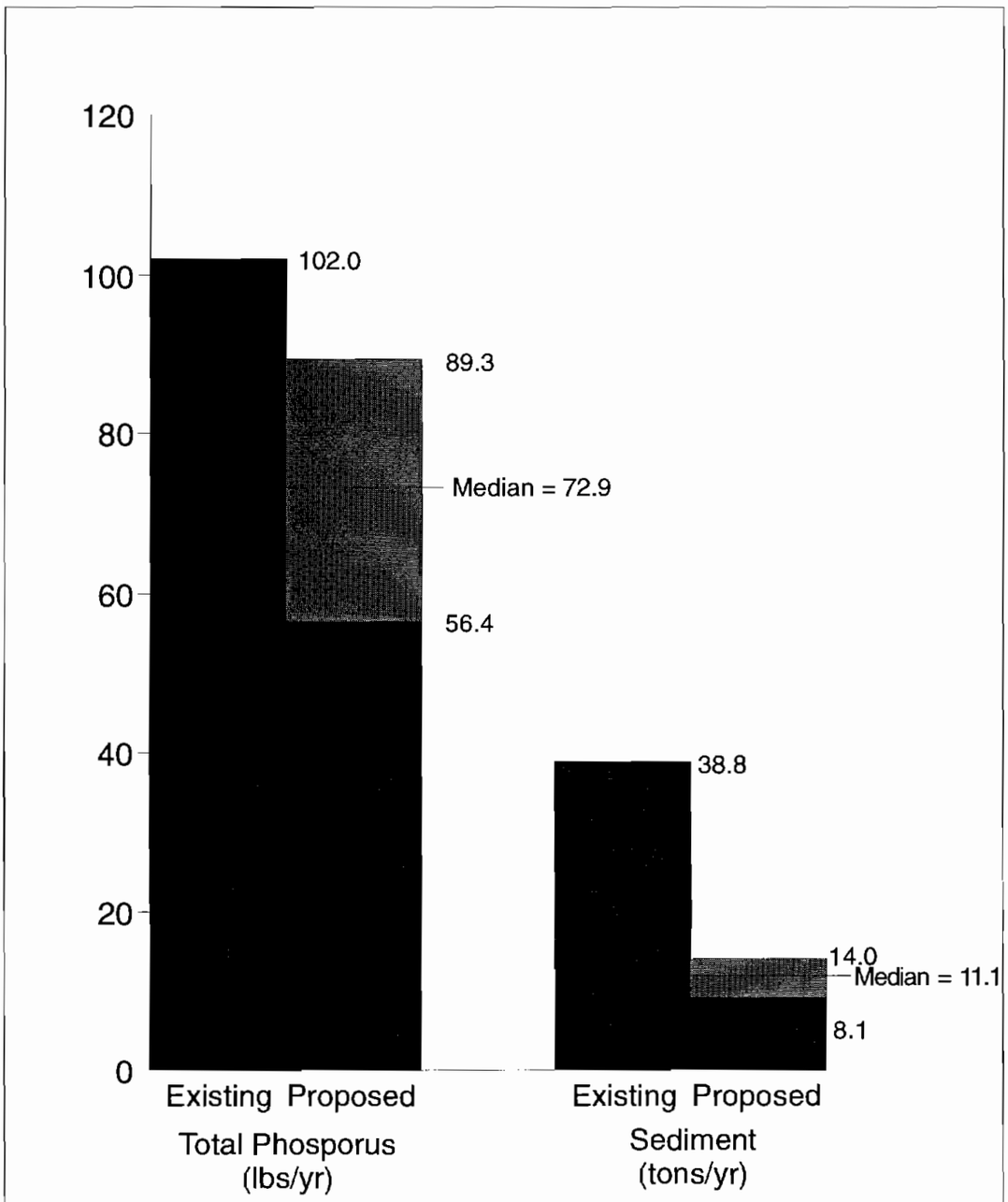
Security Management Corp.
Baltimore, Maryland

Prepared by:

EA Engineering, Science, and Technology, Inc.
11019 McCormick Road
Hunt Valley, Maryland 21031

April 1995

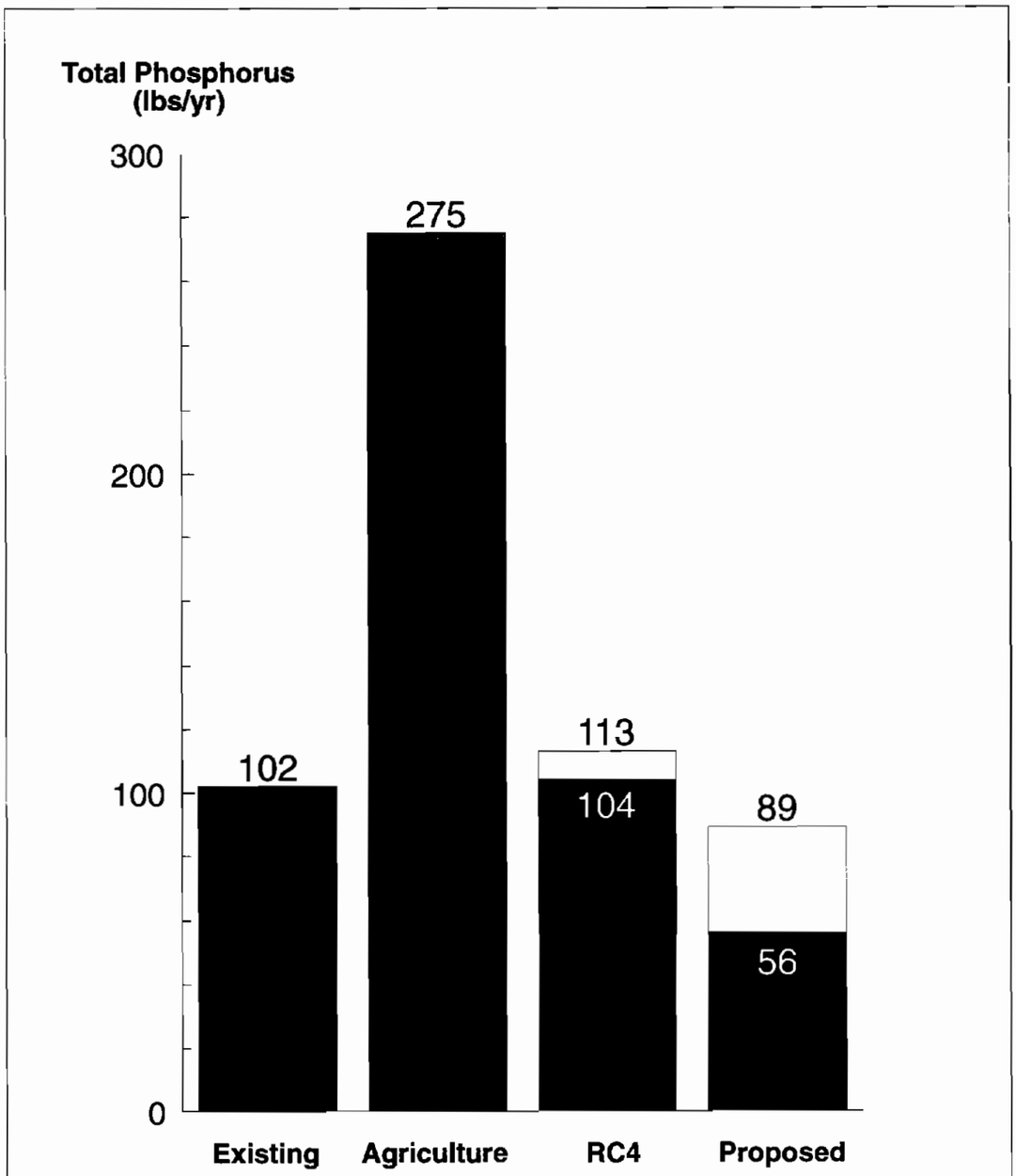
Project 12140.01



**Colvista Community and Hunters Run -
Pollutant Loadings Using Onsite and Offsite Control.**

93-307-SPHXA

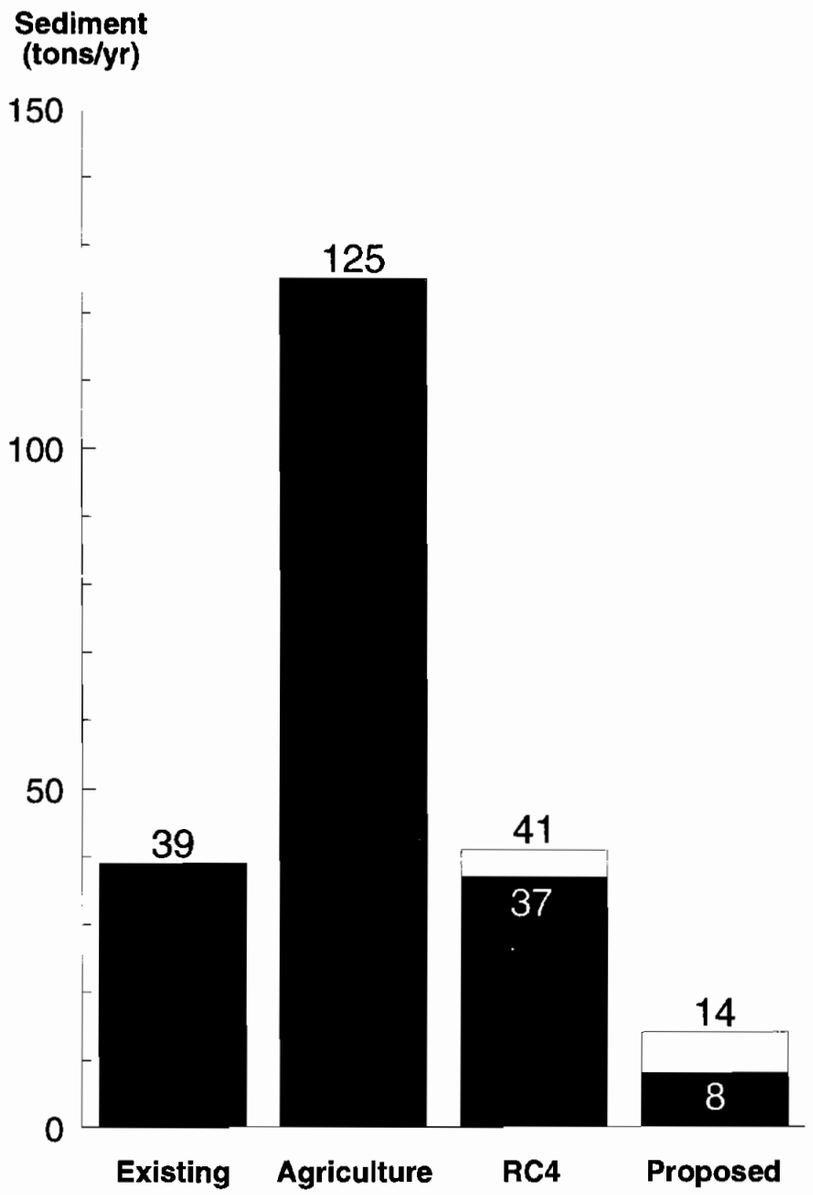
Petitioner's # 72



Phosphorus Loadings of Proposed Colvista Community and Hunters Run Improvements Compared to Existing Conditions, Agricultural Use, and RC4 Development

#CR-93-307-SPHXA

Petitioner's #73



Sediment Loadings of Proposed Colvista Community and Hunters Run Improvements Compared to Existing Conditions, Agricultural Use, and RC4 Development

CR-93-307-SPHBA

Petitioner's # 74

Pet. Ex. 75

50TH ANNIVERSARY
1940-1990

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

TOWSON

SENIOR ASSOCIATES
ROBERT B. BARKLEY
FREDERICK N. CHADSEY, IV, P.E.
PASQUALE R. CIARLO
ROBERT P. HENRY, P.L.S.
J. STRONG SMITH, P.E.

ASSOCIATES
NICHOLAS J. BRADER, III, P.E.
WALTER T. EISNER, P.L.S.
ROBERT L. HURWITZ, P.E.
DAVID L. MARTIN, L.A.
ROBERT W. MATIS, P.L.S.
BERNT C. PETTERSEN, L.A.
IWONA ROSTEK-ZARSKA, P.E.
RICHARD L. UMBARGER, P.E.

GEORGE WILLIAM STEPHENS, JR.
(1888-1983)

W. HARRY JESSOP, JR., P.L.S.
CHIEF EXECUTIVE OFFICER

CHARLES E. FICK, P.E.
PRESIDENT

LEONARD A. PARRISH, P.E.
VICE PRESIDENT

BEL AIR

SENIOR ASSOCIATES
WAYNE T. MAISENHOLDER, P.L.S.
PAUL W. TAYLOR, P.E.

ASSOCIATES
GERALD P. MARAGOS, P.E. & P.L.S.
JAMES A. MARKLE, P.E.

CURRICULA VITAE
FREDERICK N. CHADSEY IV (RICK), P.E.

Coordinator Land Development and Engineering
George William Stephens, Jr. and Associates, Inc.

Profession Registration: Professional Engineer
Maryland - 14328
Oklahoma - 14318

Education:
Oklahoma State University
Bachelor of Science - Civil Engineering 1980
Master of Science - Water Resource Engineering 1981

Professional Affiliations:
American Society of Civil Engineers, Member
Maryland Society Profession Engineers, Member
National Society of Professional Engineers, Member
Home Builders Association, Board of Directors

Profession practice includes 15 years of land planning, comprehensive zoning, PUD master planning, site planning, engineering and expert witness testimony regarding land planning, zoning and engineering issues. Mr. Chadsey has previously been qualified as an expert witness before the hearing Officer, Board of Appeals for cases in Baltimore and Howard Counties.

Mr. Chadsey has practiced in Maryland, Pennsylvania and Oklahoma.

Mr. Chadsey has been involved in hundreds of projects throughout the Baltimore Metropolitan Region over the last eleven years. He has also been involved in numerous committees which have established the basis for County regulations and policies as they relate to the land development industry.

Pet. Ex. 76

UTILITY DEFICIT DEPOSIT AGREEMENT
DEPARTMENT OF PUBLIC WORKS

THIS AGREEMENT, Made this 6th day of February, 1961 by and between W. Lee Harrison, Agent, hereinafter called the Petitioner, of the First Part, and Baltimore County, Maryland, a municipal corporation hereinafter called the County, of the Second Part.

WHEREAS, the Petitioner has requested the County to construct and install a water main pipe in York Road from the existing Metropolitan District main approximately 15,000 feet northward and a sanitary sewer interceptor pipe from the Cockeysville Sewer Pumping Station along Western Run to approximately 22,300 feet northward to serve the locality shown on the attached plat entitled "Utility Service Area Plat" which is intended to be fully incorporated herein as a part hereof and which includes approximately 3,100 feet of sub-interceptor sewer running in a northeasterly direction to sewer approximately 170 acres of Towson Nursery Property; and

WHEREAS, the County is willing to install said pipes, subject however to the terms and conditions hereinafter set forth.

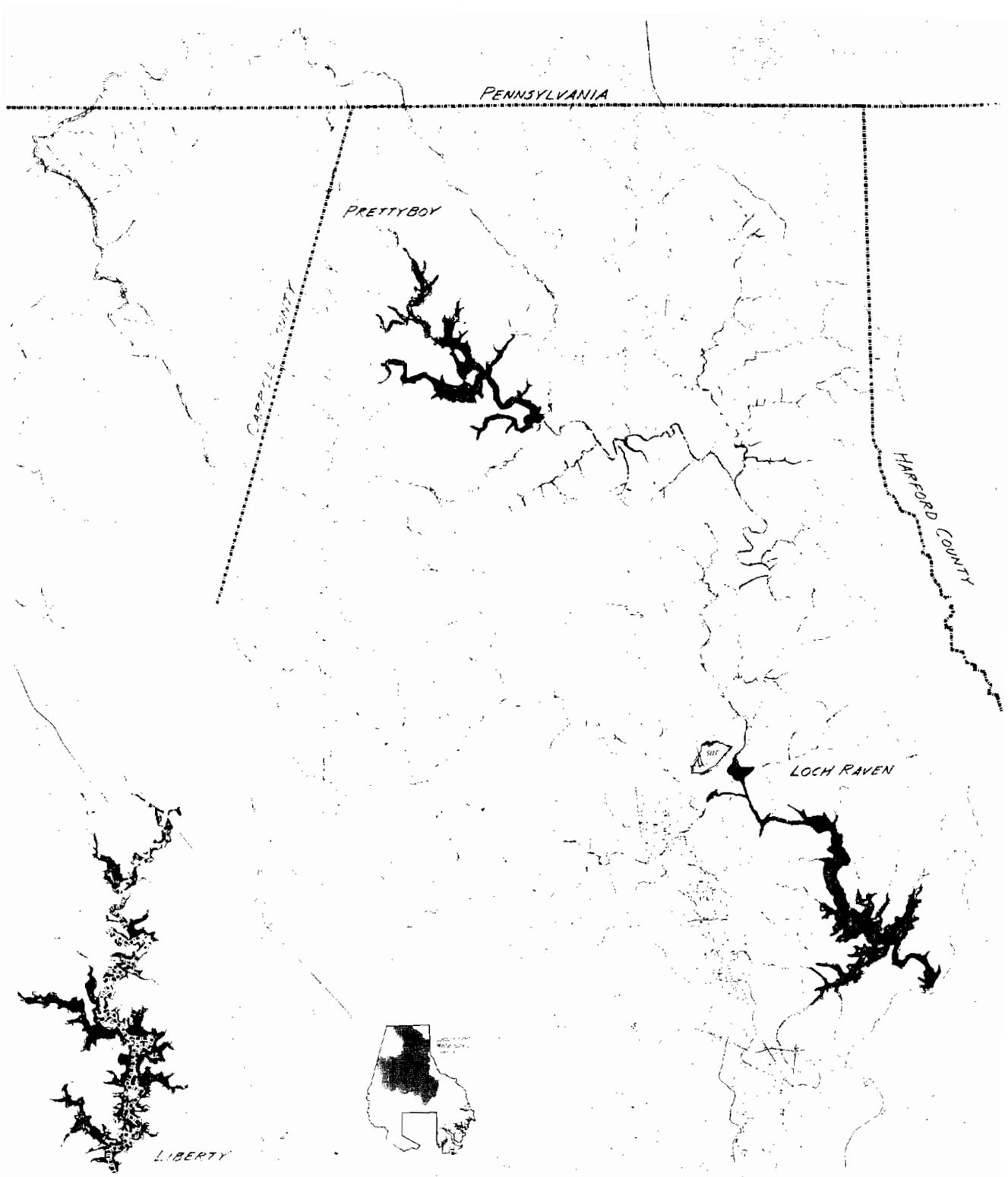
NOW, THEREFORE, THIS AGREEMENT WITNESSETH, That in consideration of the premises and of the mutual promises hereinafter contained, the Parties hereto do promise and agree as follows:

1. The project herein referred to shall be designed and constructed under the supervision of the Chief Engineer of the Metropolitan District.

2. Before the work of designing the said project will be authorized by the County, the Petitioner must deposit with the County and in favor of the Metropolitan District the sum of $51,300.00, which sum represents that part of the design known as the preliminary plan.

3. On completion of the preliminary plan, the Petitioner shall deposit with the County and in favor of the Metropolitan District a sum sufficient to cover the cost of design, before the County will authorize the completion of the engineering design which shall include construction drawings and specifications, right-of-way plats, and all necessary proposals, document etc., required for the receipt of bids by construction firms.

"Agreement Exhibit No. 1"


PENNSYLVANIA
PRETTYBOY
CARROLL COUNTY
HARFORD COUNTY
LOCH RAVEN
LIBERTY

Petitioner's #87

CR-93-301-SPHYA

Pet. Ex. 88

COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY

BALTIMORE COUNTY, MARYLAND

April, 1992

A004790

line to the Hunt Valley Mall only minutes from the subject site with completion expected in 1997.

E. SURROUNDING LAND USES

The surrounding area has not been altered significantly since the prior study. No major development has taken place other than those projects which had been initiated in 1992.

Construction of the adjacent residential community of Loveton Farms is complete. Adjacent to the Hunter's Run development, Universal Housing Corporation is offering 136 townhomes for sale in the Huntington Manor community base priced from $165,900 to $167,900. In the Fall, the builder will begin a second section of 100 townhomes priced from about $140,000.

The Loveton Center Business Park remains successful as a continued location for major area employers including Becton-Dickenson, UPS and McCormick.

North of the site along York Road, land for the Highland Office Park remains vacant. The developers had requested to change the zoning of this land to residential. The Baltimore County Planning Office rejected this request. The request will be reviewed again as part of the 1996 Comprehensive Study done by the County, but since the request continues to be opposed by the Planning Office, any change is likely to be forced to go through the courts and the County Council. Any development of this parcel as either residential or office space is estimated to be several years away.

F. RESIDENTIAL SUPPORT SERVICES

The area surrounding the subject site continues to feature a full array of support services and amenities.

1. Shopping

Shopping is readily available in several centers within minutes of the proposed Colvista development. For convenience and grocery goods, Shawan Plaza (formerly the Hunt Valley Shopping Center) at the intersection of York and Shawan Roads includes a Giant grocery store as well as other small retail establishments. Other strip centers and convenience shops are located further south along York Road.

For large scale shoppers goods, Hunt Valley Mall is located just south of the property along Shawan Road. This Mall has had trouble as a result of a location peripheral to the population centers. The Macy's department store closed about three years ago and Sears now serves as the Mall's only anchor. Plans call for a sporting goods store to use the upper level of the former store with opening in mid-October. Although there have also

TABLE II-2

LEGG MASON

SCHOOL TEST SCORES AND CAPACITY
JACKSONVILLE ELEMENTARY, HEREFORD MIDDLE, AND HEREFORD HIGH SCHOOL, 1994

	GRADE 3			GRADE 5			GRADE 8		
	Mount Airy Elem.	County Avg.	% Diff.	Mount Airy Elem.	County Avg.	% Diff.	Mount Airy Middle	County Avg.	% Diff.
Reading									
Vocabulary	54.1	53.5	1.1%	60.4	52.0	16.2%	65.8	61.3	7.3%
Comprehension	59.0	58.1	1.5%	60.0	56.3	6.6%	67.5	63.1	7.0%
Total	60.0	56.2	6.8%	60.2	55.1	9.3%	66.9	62.2	7.6%
Language									
Mechanics	52.5	53.5	-1.9%	66.7	63.1	5.7%	73.1	62.4	17.1%
Expression	50.4	51.4	-1.9%	54.7	53.4	2.4%	60.0	53.5	12.1%
Total	51.2	51.8	-1.2%	63.8	60.6	5.3%	69.0	60.7	13.7%
Mathematics									
Computations	51.8	51.6	0.4%	53.6	48.8	9.8%	73.5	60 1	22.3%
C & A	49.0	55.7	-12.0%	65.0	66.2	-1.8%	70.8	66.2	6.9%
Total	55.3	54.5	1.5%	57.4	58.3	-1.5%	73.6	64.6	13.9%
Total Battery	55.3	55.1	0.4%	62 3	59.5	4.7%	73.0	63.5	15.0%

	GRADE 9			GRADE 11		
	S. Carroll High	County Avg.	Diff.	S. Carroll High	County Avg.	Diff.
MD Functional Tests*						
Reading	98.2%	99.1%	-0.9%	99.8%	99.8%	0.0%
Mathematics	91.7%	92.0%	-0.3%	98.6%	98.5%	0.1%
Writing	98.0%	98.4%	-0 4%	99.0%	99.7%	-0.7%
Citizenship	90.4%	92.1%	-1.8%	97.3%	99.3%	-2.0%

	GRADUATING SENIORS		
	S. Carroll High	County Avg.	Diff.
Scholastic Aptitude Test			
Verbal	429	439	-2.3%
Math	473	485	-2.5%
Total	902	924	-2.4%
% of Graduating Class taking S.A.T	51.3%	58.8%	-7.5%

	SCHOOL SIZE VS. CAPACITY	
	1995 Enrollment	Planned Capacity
Jacksonville Elementary	721	754
Hereford Middle	802	671
Hereford High	895	1,111

* Percent Passing

Source: Baltimore County Public Schools; compiled by Legg Mason Realty Group

We continue to believe the high scenario projection bet represents true housing demand in the Market Area. The Market Area continues to be well perceived by people in the Baltimore area as offering a high quality of life. If there were sufficient housing offered in the Market Area near this employment center, LMRG believes the ratio of jobs to housing units in the Market Area would resemble the County-wide figure.

In addition, during the 1990's, the Market Area has averaged 470 permits for residential construction each year. The middle and low scenarios predict building declines of 30 to 43 percent from that level. Unless supply were constrained, such a decline does not appear to be reasonable given the attractiveness and convenience that the Market Area continues to offer as a residential location.

Our projections of demand exclude the 18,000 households now living outside the market area because of the lack of supply. Any ability to attract those households will add to these demand projections.

4. Projections of Market Segmentation

Table III-7 details LMRG's updated estimate of housing demand in the Market Area by both tenure (owner versus renter) and age of householder using the same method as the prior study:

- households age 15 to 24 account for only 82 units annually with most of this demand for rental housing;
- the highest demand is expected to come from two household age segments, those 25-34 and 35-44, a combined 226 units annually;
- the 55+ age segment will require only 41 units each year.

Annual demand in the Market Area for new, for-sale homes is expected to reach 250, while just over 170 additional rental units will be needed each year.

C. SEGMENTATION OF PROJECTED GROWTH

1. General

LMRG's estimate of the distribution of for-sale and rental housing demand in the Market Area for 1995 to 2010 by age and income is provided in Table III-8. Since inflation has not greatly affected incomes or housing prices during the last three years, we have again assumed that for-sale housing demand would come from households with incomes above $35,000 and demand for new rental units would be constrained to households with annual income of between $25,000 and $75,000.

Within active communities, 485 units remain to be sold. This represents a two-year supply at the current sales pace. In addition to the communities already marketing homes, other projects are expected to begin construction in the near future. The pipeline of residential projects contains an additional 800 potential homes. In addition, two affordable rental projects targeted at elderly residents would add a combined 200 new apartments to the market. This extends the total pipeline to 1,485 units or 5 years.

the homes proposed in the pipeline will be built, (2) all of the units in the pipeline will be offered for sale, and (3) the profile of units offered will exactly match the distribution of housing demand by buyer type. LMRG believes a more realistic estimate of the inventory of for-sale housing is approximately four to five years in length.

B. PROJECT RECOMMENDATIONS

1. Target Markets

We believe that development of the subject property will appeal to a variety of buyers including starter, move-up, "empty-nester" and senior households. Demand for each of these buyers over the fifteen-year projection period (in today's dollars) includes:

- 475 to 500 units of starter housing priced up to $140,000;
- 275 to 325 units targeted to starter households priced at $140,000 or above;
- 1,200 to 1,250 units of move-up housing priced above $160,000;
- 150 to 200 units targeted to move-up households up to $160,000;
- 1,025 to 1,075 units of "empty-nester" housing priced from $140,000 to $250,000;
- 500 to 550 units of senior housing priced from $140,000 to $250,000.

Demand is expected to come from buyers who choose to live in housing proposed for Colvista as a result of the attraction of the location, product or lifestyle decisions. Renters of all ages who may choose to become Colvista home owners for the same reasons. are likely to contribute to these demand projections as well.

2. Product Recommendations

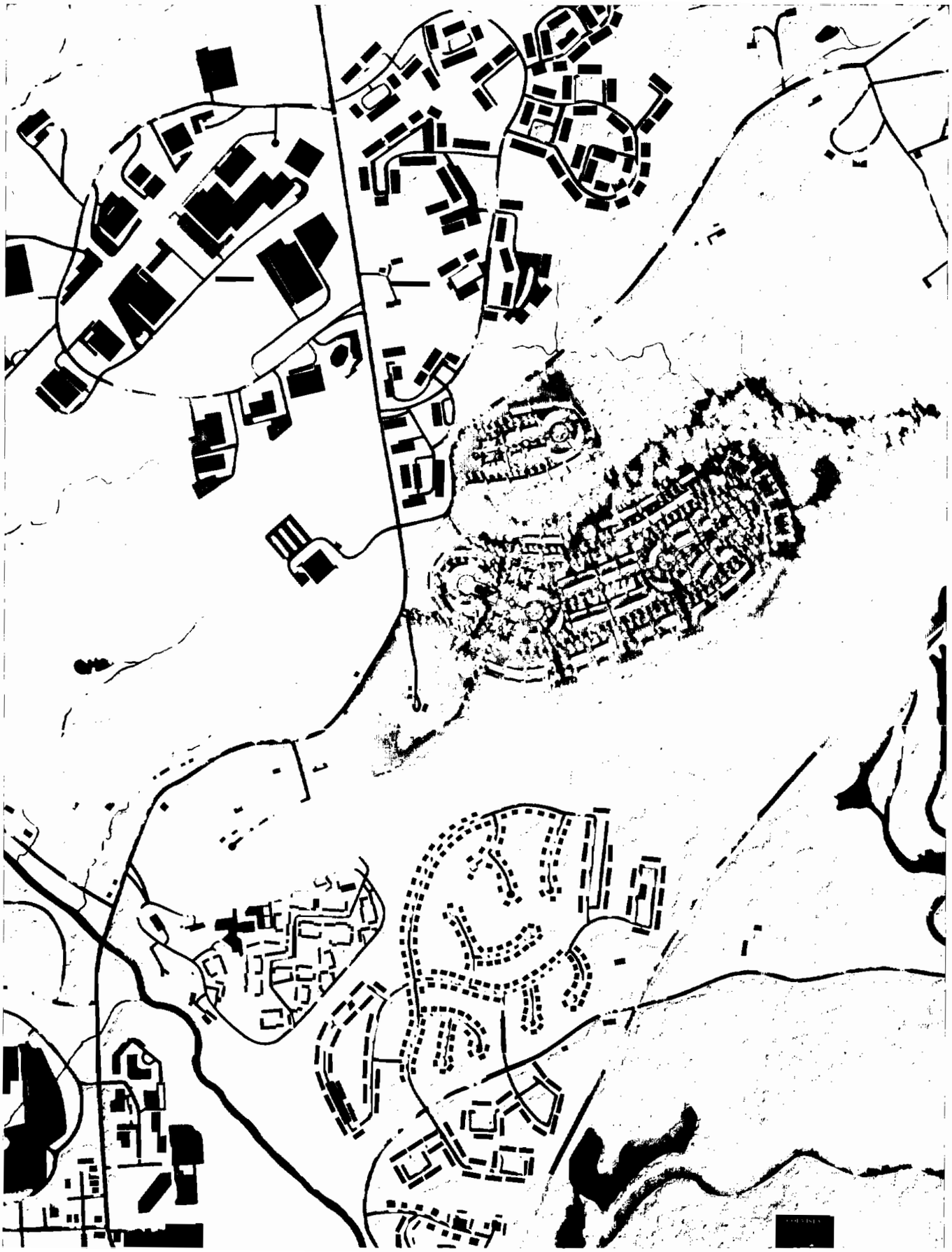
The 1,500 unit Colvista development would include a variety of product types, styles and densities including elevator flats, walk-up flats with garage, garage flats, carriage homes, conventional and garage townhomes and elderly housing. The mix as proposed addresses our concerns about appealing to a variety of buyers in the development of the Colvista property. LMRG suggests pricing the housing as follows (in today's dollars):

1971 ZONING MAP

SCALE: 1" = 1000'

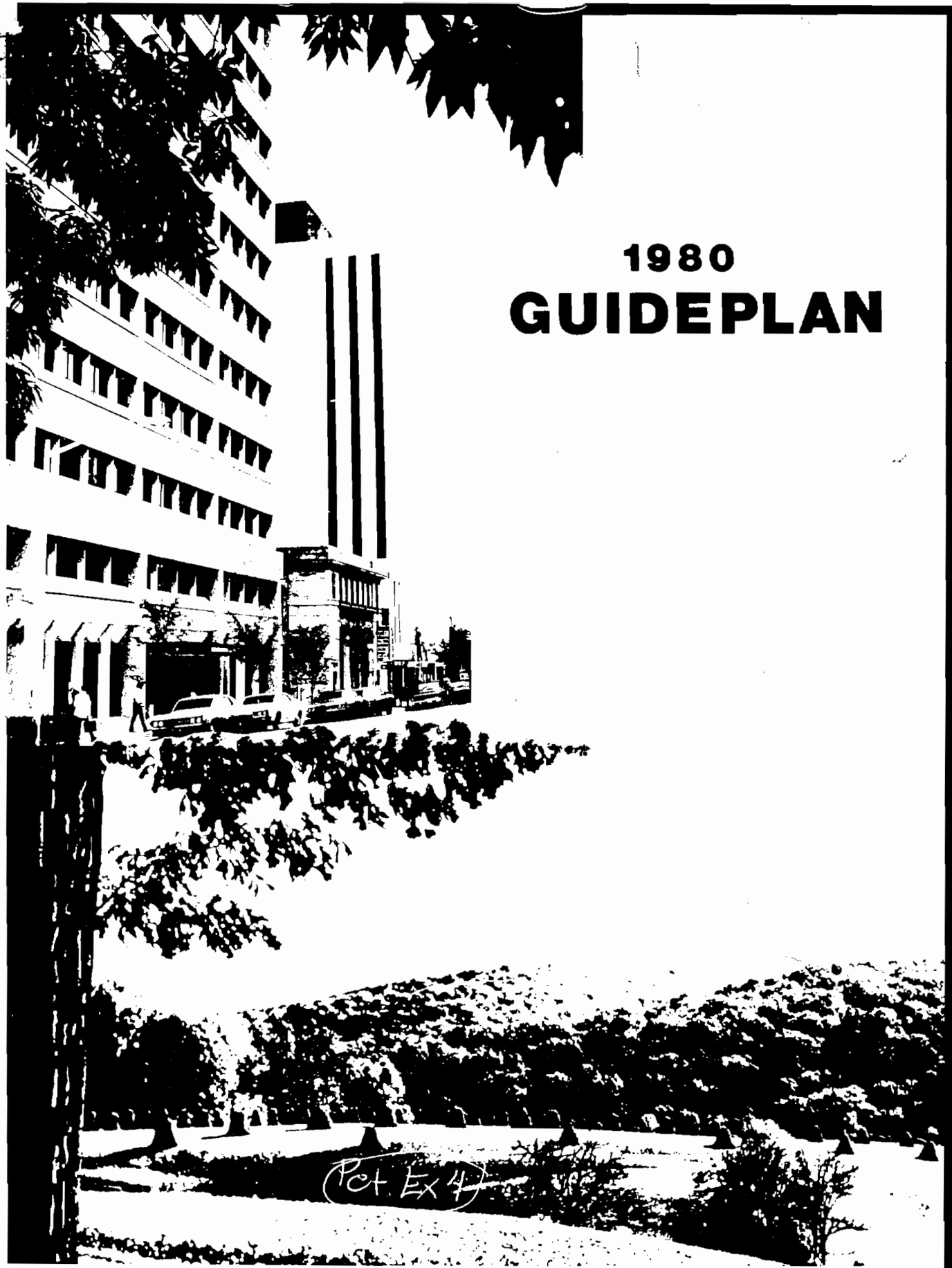
Petitioner's #3

CR-93-307-PHX-A



Petitioner's #2

CR-3-307-SPHXH



1980
GUIDEPLAN

(Pet Ex 4)

BALTIMORE COUNTY PLANNING BOARD

1980 GUIDEPLAN
FOR BALTIMORE COUNTY, MARYLAND

ADOPTED JUNE 15, 1972

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

TO —

GEORGE E. GAVRELIS
director of planning, 1964-72

and

LESLIE H. GRAEF
deputy director of planning, 1965-72

—— who personally conducted many of the studies upon which the 1980 Guideplan is based, and who devotedly supervised the preparation of the plan itself. This first complete published edition of the Guideplan is dedicated to them with the greatest esteem and with lasting affection, by their staff

Published by the Baltimore County
Office of Planning and Zoning

September, 1972

First Complete Edition
(Second Complete Edition of Text)

Pages Printed by Central Reproduction Services Division,
Baltimore County Office of Central Services
Cover and Map Printed by George W. King Printing Company

The 1980 Guideplan has been established pursuant to Sections 22-11 through 22-15 of the Baltimore County Code 1968, as amended.

TABLE OF CONTENTS

Part I. Introduction—page 1

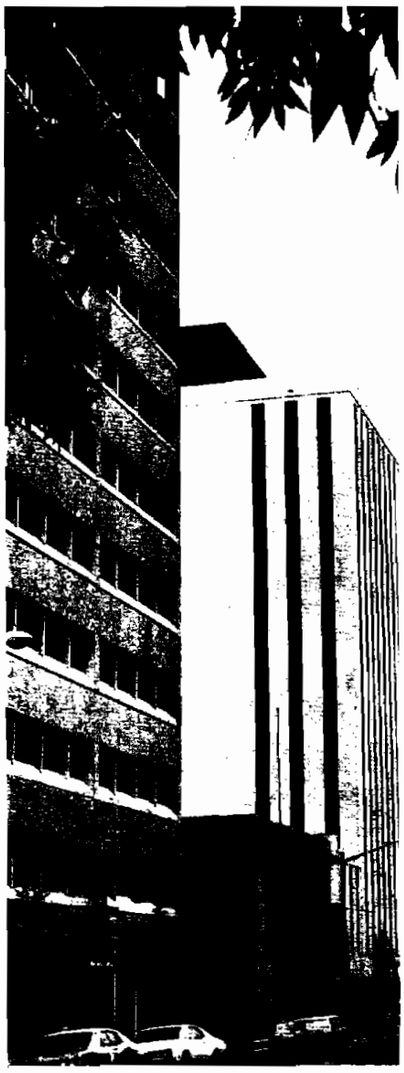
Part II. The County Now and in 1980—page 2

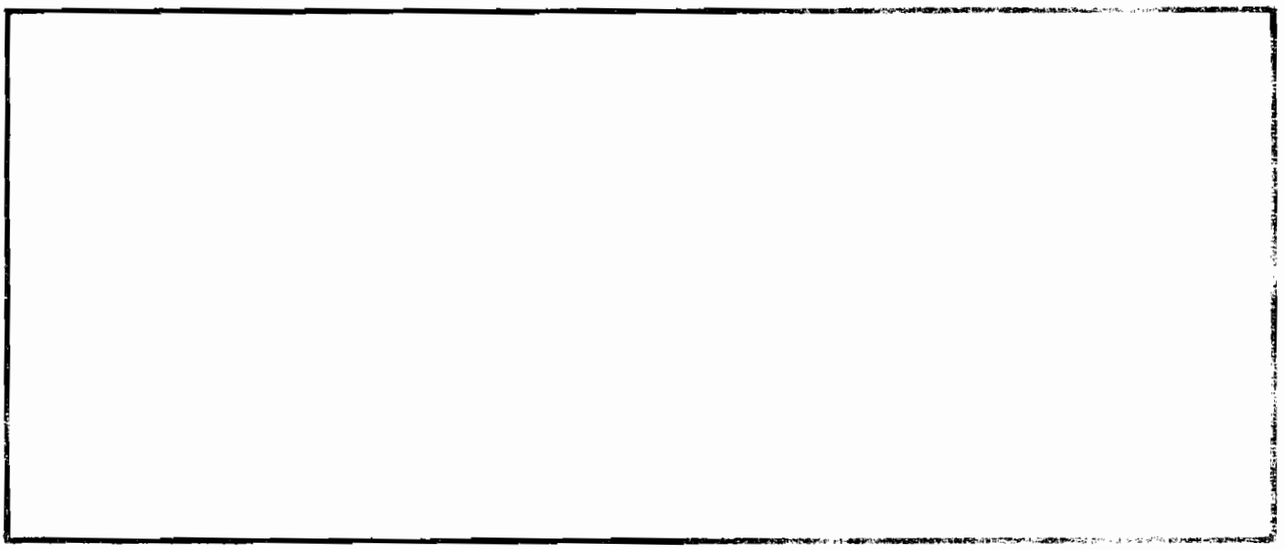
Part III. Policies for the Coming Years—page 4
- Urban Growth—page 4
  - Policy No. 1. Accommodation of growth
  - Policy No. 2. Remedial provision of public services
  - Policy No. 3. Timing of public-facilities installation in new development
  - Policy No. 4. Major privately owned institutions in urban area
- The Urban Development Pattern—page 5
  - Policy No. 5. Form of new development
  - Policy No. 6. Public-facilities standards in areas already developed
  - Policy No. 7. Intensity of development in sector, town, and community centers
- Transportation—page 6
  - Policy No. 8. Radial and circumferential bus service
  - Policy No. 9. Rapid transit
  - Policy No. 10. Highways
  - Policy No. 11. Street widths
  - Policy No. 12. Pedestrian ways and bicycle trails
  - Policy No. 13. General-aviation airports
- Industry—page 6
  - Policy No. 14. Increases and decreases in industrial land inventory
  - Policy No. 15. Acceleration of planning, programming, and installation of public facilities to serve industrial land
- Housing—page 7
  - Policy No. 16. Housing choice—locations and costs
- Education—page 7
  - Policy No. 17. Middle-school system
- Open Space—page 8
  - Policy No. 18. Minimum land requirements for open space
  - Policy No. 19. Open-space corridors
  - Policy No. 20. Gifts and bequests of land for open space
- Conservation of Rural Areas—page 8
  - Policy No. 21. Preservation of character and condition of rural land
  - Policy No. 22. Installation of community facilities in rural areas
- Water Quality—page 10
  - Policy No. 23. Development in reservoir watersheds
  - Policy No. 24. Waterfront land-use plan
- Additional Implementation Measures— page 10
  - Policy No. 25. Extension of sewerage and water lines
  - Policy No. 26. Planning Board policies on new land development
  - Policy No. 27. Continued modernization of legislative land-use controls
  - Policy No. 28. Taxation study
  - Policy No. 29. Implementation of master-plan requirements under County Code

Part IV. Discussion of the Guideplan Map—page 11

Selective Bibliography, credits—page 12

THE GUIDEPLAN MAP—following page 12





I. INTRODUCTION

For nearly three centuries the land of Baltimore County was used almost exclusively for agriculture. But the twentieth century, particularly the last three decades, has been a period of great and irreversible transition. The County has burgeoned into a massive urban-industrial complex, an absolutely vital sector of the eleventh largest metropolitan area in the country. As a result, Baltimore County has acquired a double identity: urban in a wide belt around the city, largely rural beyond.

And change will continue. Some 12,000 new residents each year will swell the County's population. The 70's will see still more houses and schools built, more shopping and jobs provided, and more streets and roads constructed. In addition, rapid-transit lines will be established, town centers will be built, and open space must be secured--all this and more without turning the County's superb countryside into urban chaos. To avoid that chaos, plans are needed.

This is the 1980 Guideplan, the official master plan for Baltimore County. It is in two parts: the text and its tables and diagrams set forth background material and specific policies concerning various aspects of Baltimore County's growth through the 1970's; the Guideplan Map shows, in a very generalized way, how these policies may be applied through 1980 and beyond.

But this is not a plan to set the future course of the County's growth in concrete. As auxiliary studies are carried out, details not now specified will fall into place, emphases may change, and policies may be modified. A series of *sector plans*, reflecting these changes, will be brought to fruition--and they, in turn, will lead to proposals for future revision of the Guideplan. And these efforts will be integrated with revision of the County's Overall Program Design for planning and development, first adopted in 1971. For, if ever there was a truism, it is that master plans do not, and should not, remain static.

This Guideplan, then, is a culmination of the County's planning efforts to date. As such, it must serve as the basic framework for other major plans and programs, such as the County's Five-Year Capital Program and the County Comprehensive Water and Sewerage Plan, and it will be a basis for advice to government agencies and citizens as development proposals are formed.

Preliminary versions of the Guideplan have been the subject of twelve public hearings over a three-year period, and have undergone numerous review and modification sessions as fresh information came to the Board's attention during and after those hearings. (The preliminary versions provided the foundation for the 1971 comprehensive zoning maps.) The first comprehensive revision of the Guideplan is scheduled to begin in 1974.

II. THE COUNTY NOW and in 1980

The County's citizenry numbered 621,077 in 1970, according to the Census--128,649 more than in 1960. Estimated population as of January 1, 1972 was 642,324, indicating an additional, 20-month increase of more than 21,000 persons.

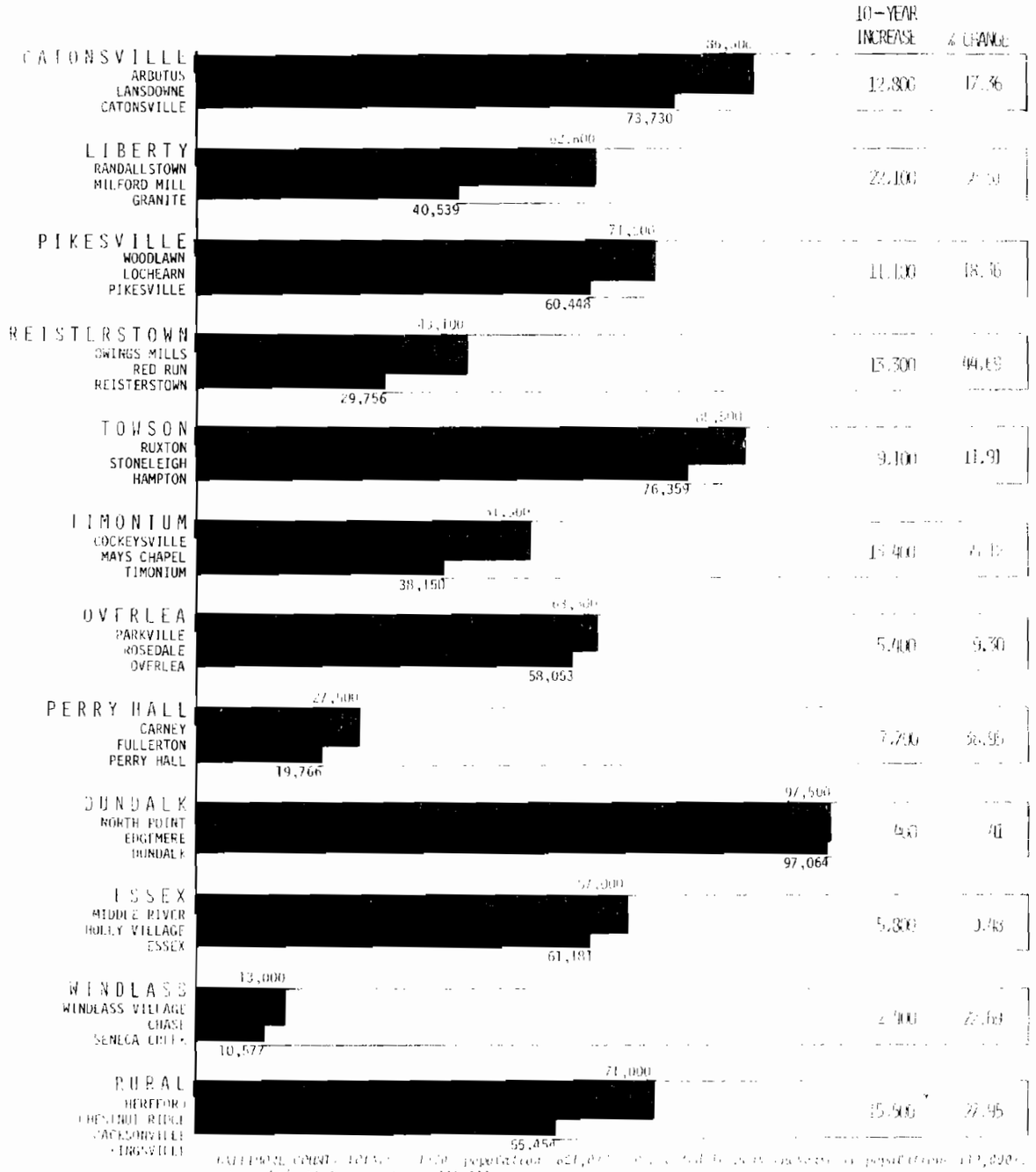
The 1970 figures show that 26.1 per cent of the people were less than 14 years old; 12.5 per cent were 14 to 20 years old; 50.2 per cent, 20 to 59 years old; and 11.2 per cent, over 60. 3.2 per cent of the population was black. Median family income in 1970 was $12,081 per year--slightly more than $3,960 per capita. Of the County's 162,375 families, only 5,610--3.5 per cent--had an income below the poverty level, as classified by the Bureau of the Census. Nine out of every ten citizens lived in the eleven town-planning areas of the urban-suburban belt surrounding Baltimore City.

The chart at right shows how the population was geographically distributed in 1970 and how that distribution is expected to change over the ten-year period.

According to current predictions, about 740,000 people will live in the County in 1980--119,000 more than in 1970. Nearly 17,000 acres of land will have to be developed to house and service these new County residents.

There is more than ten times as much land already zoned than will be needed to accommodate the urban-residential and industrial portions of this development. The ratio of commercially zoned land to land actually expected to be needed for the commercial development is much smaller--1.3 to 1 --but still indicates a surplus. Rezoning in some degree will nevertheless be necessary, since not all of these existing development potentials will be in the right places at the right times. The table and map on page 3 show (among other things) how this land is to be used and the anticipated general locations of schools and highways to be constructed through 1980. (In addition to these, many of the facilities shown on the Guideplan Map are to be constructed after 1980.)

POPULATION 1970~1980



1970~1980 LAND OCCUPANCY

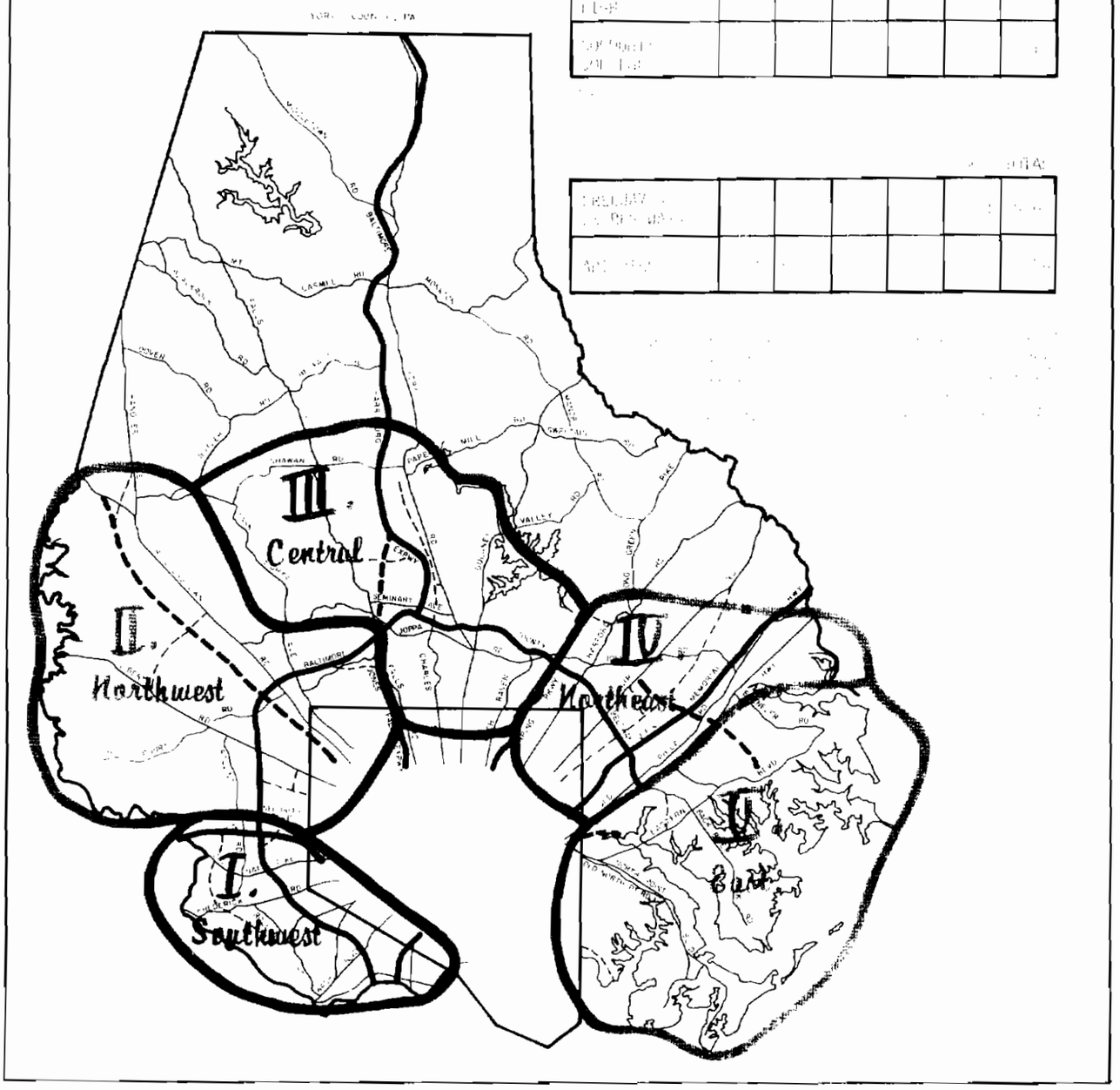
and

1970 Inventory of Land Zoned for Urban Development

	1970 (acres)	10-YEAR INCREASE (acres)	1980 (acres)
Land Occupied by Private Land Uses[1]			
Residential	54,700	3,800	58,500
Commercial	4,670	980	5,650
Industrial	12,840	1,470	14,310
Land for Public Open Space and Private (Institutional) Open-Space Uses[1]	30,500	10,800	41,300
Vacant Land Zoned for Urban Development in 1970[1]			
Residential	39,700	-	-
Commercial	1,305	-	-
Industrial	10,000	-	-

1. **Source of 1970 figures:** Regional Planning Council (unpublished data).

NEW SCHOOLS and HIGHWAYS

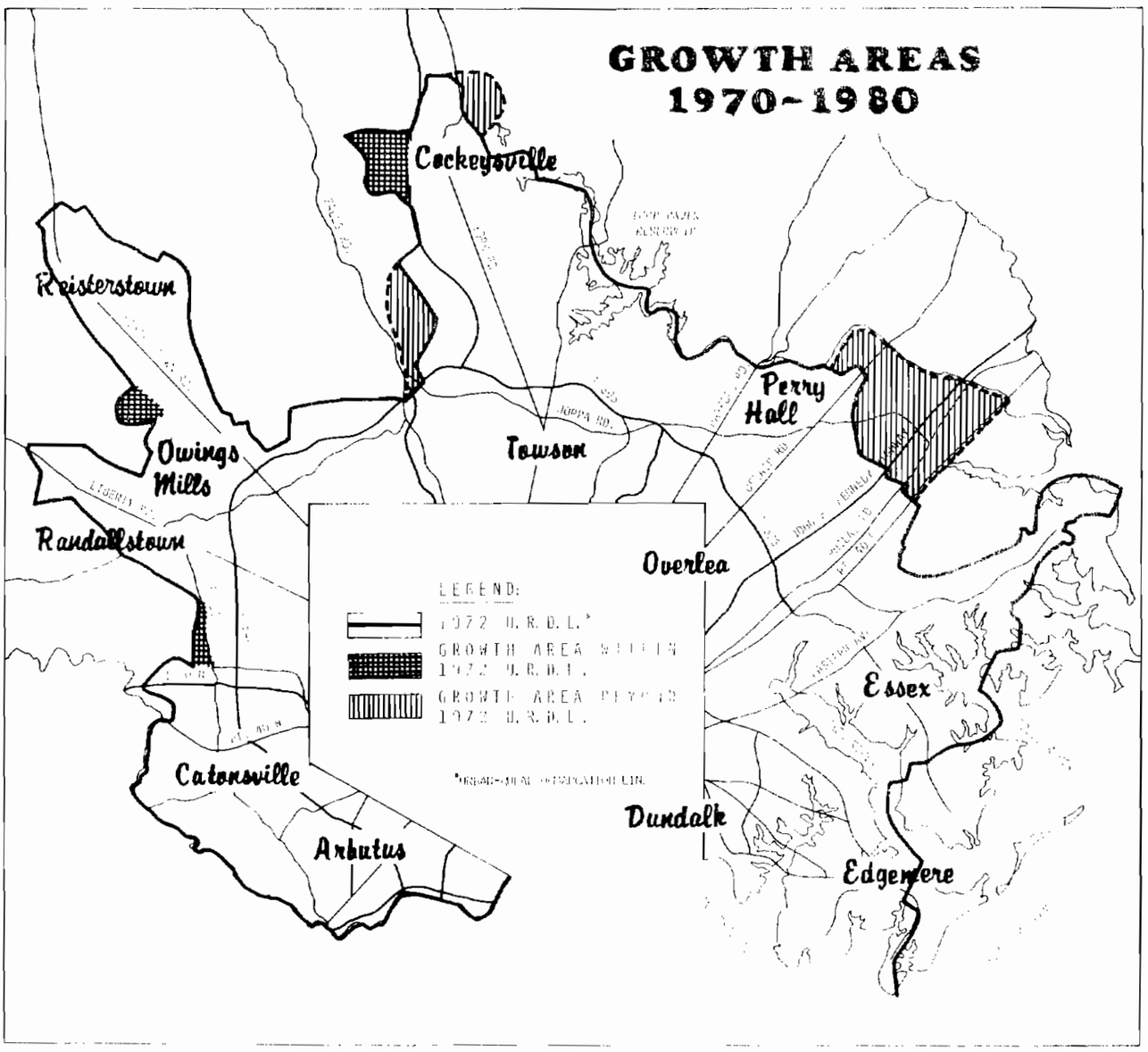


1972 urban-rural demarcation line referred to in this plan was established by the Board on April 15, 1971.

Under Policy No. 2, problems relating to today's population have a higher priority when capital dollars are allocated. Health hazards in developed areas must be corrected. Old schools should be renovated or replaced, and any deficiencies in health, library, and police- and fire-protection services should be remedied either before or at the same time that services are provided for new development.

Policy No. 3 is designed to prevent any future need for the kinds of remedial actions to which Policy No. 2 is addressed.

Under Policy No. 4, the County will exhaust all other alternatives before recommending the construction of roads or other public improvements that might cause relocation of such privately owned low-density uses as golf courses, schools and colleges, and certain hospitals, which, in addition to their primary functions, provide some of the amenities of open space for residents nearby.



III. POLICIES FOR THE COMING YEARS

The policies of this part of the Guideplan will be observed by the Planning Board in taking actions and making recommendations under the authority granted the Board by law. Since this Guideplan is a culmination of past planning efforts, these policies are not expressed in the same manner as the "goals" established under the County's much-more-recently prepared Overall Program Design--although there is no inconsistency between them. In the next revision of the Guideplan, the policies will be expressed in a format parallel to that of the Overall Program Design.

urban growth

Past trends toward a haphazard, ever-increasing conversion of the rural environment to urban use--the process of urban sprawl--must be held in check: that is the only way that tax dollars can be found and intelligently spent to solve problems in areas already developed. The aims of the policies on urban growth are to organize and enhance present and future development in the County's urban area, allowing urban development only in selected, limited areas that are now rural; the latter areas are shown on the Guideplan Map.[1]

POLICY NO. 1. Urban growth should be accommodated--

a. By development of vacant land within the 1972 urban-rural demarcation line;

b. By providing sewerage and water-supply facilities to by-passed pockets of undeveloped or under-developed land; and

c. By staged development of the "new-growth" areas--beyond the 1972 urban-rural demarcation line--shown on the Guideplan Map.[1]

POLICY NO. 2. The full range of modern public services should be furnished to the population in already-developed areas before, or as a concurrent requisite to, providing services that will allow urban development in the "new growth" areas.

POLICY NO. 3. Essential urban facilities and services--transportation facilities and schools as well as sewerage and water lines--should be provided as new development takes place, not afterward.[2] In partly developed areas with critical deficiencies in these services and facilities, approval of new development should be withheld until it is assured that the facilities will be in place at the time of residential occupancy. New legislative tools to enable the County to do the latter will be considered by the Planning Board.

POLICY NO. 4. Steps should be taken to promote the retention of major privately owned institutions in their urban settings.

Policy No. 1 is specifically aimed at discouraging "leap-frog" development, or urban sprawl, beyond the urban fringes into the open countryside. Urban sprawl requires costly major extensions of sewerage, water lines, schools, roads, and other facilities and services, while undeveloped or under-developed land already provided with these services has remained idle. On the other hand, although there is clearly enough land within the urban-rural demarcation line to accommodate growth through the seventies, there is not necessarily enough land to offer adequate choice in location to both developer and resident; it is for this reason that there should be limited expansion of the urban area in the town planning areas of Timonium, Reisterstown, and Liberty.

The "urban-rural demarcation line" referred to in Policy No. 1 and in the above discussion is established by the Planning Board under authority of the Zoning Regulations. It not only relates to the application of certain zoning classifications (R.D.P., R.S.C., C.C.C.), but serves as a policy guide for the Board in its recommendations on, among other things, utility extensions as proposed under the Capital Program and the Comprehensive Water and Sewerage Plan. The

---

1. 1970-80 urban-fringe growth areas both inside and outside the urban-rural demarcation line are shown on the map at right.

2. Sewerage and water lines have long been required as intensive development has taken place; transportation facilities and schools have usually followed some years later.

the urban development pattern

The efficiency and much of the quality of life in the metropolitan area can be largely determined by the pattern of urban development. A rational pattern reduces travel times and distances as well as public expenditures on utilities and other services, and it can reduce the tendency toward encroachment of incompatible uses on residential areas. It is the primary function of Policies Nos. 5, 6, and 7 to promote such a pattern, although other policies clearly can contribute toward that goal.

POLICY NO. 5. New development in outlying areas should be designed in accord with a functionally describable form, such as the Guideplan model development form described below.

POLICY NO. 6. Where public improvements are to be installed in areas already developed or partially developed, the locations and sizes of those improvements should be determined under standards formulated in accordance with the Guideplan model, or determined under such alternative comprehensive sets of standards as may be established by the Planning Board after the adoption of this plan.

POLICY NO. 7. The most intensive residential and commercial development, such as high-rise apartment and office buildings and "regional" shopping complexes, should take place in sector and town centers as designated on the Guideplan Map, where access is or will be optimized by such facilities as ring roads and rapid-transit stations. Development of medium-high intensity--typified by buildings six to eight stories high--should take place in designated community centers, where similar central accessibility features are planned.

The Guideplan model development form, first officially described in the Preliminary 1980 Guideplan published in 1969, is one pattern that the Planning Board believes would serve as a framework for development that would contribute to the efficiency and well-being of the County's citizens. Neighborhoods, communities, and towns are the principal "building blocks" of the model.

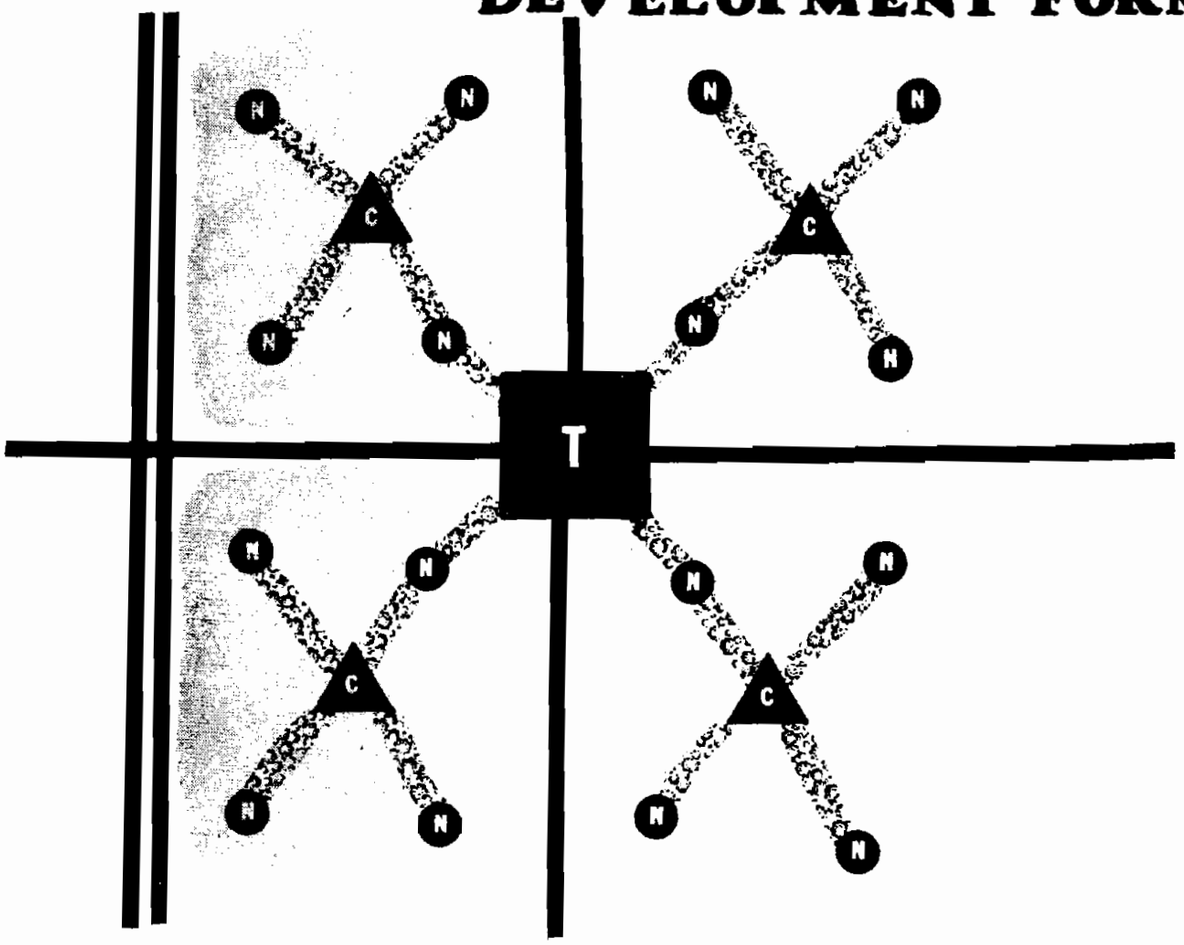
The neighborhood is the smallest level at which a significant, supportable combination of public and private services is provided--desirably in a close-knit center--for a concentration of people. It has a population of 1,000 to 3,000 families, and an area determined by the maximum practical walking distance from home to elementary school--3/4 of a mile or less.

The community consists of three to five neighborhoods grouped around a number of public facilities clustered together with a cohesive shopping center of 25 to 35 acres. The total population might range from 20,000 to 30,000 persons or more. The community center includes a middle or junior-high school, a high school, a recreation center, shopping facilities, some fairly high-density residential buildings, and buildings for various other public and institutional functions. It is also an appropriate location for a fire station, a post office, a library, churches, and a health center.

The town (which is also called a "town planning area") consists of three to five communities oriented toward a central complex of many major public and private facilities; population can range from less than 100,000 to more than 150,000 people. Its center is the prime cultural and social focus within a given large area of the metropolitan region. At this level, large and highly specialized comparison-goods stores and major educational institutions can be supported. The town center may contain a large library, police and fire stations, a post office, and a host of professional and governmental offices and service facilities.

Still larger is the sector. A town center that includes facilities providing a significant degree of service for residents of other towns is considered a sector center, and the area embracing the towns served is a sector. A sector may include a fourth to a third of Baltimore County's present urban area.

GUIDEPLAN MODEL
DEVELOPMENT FORM



T

THE TOWN
Typical Characteristics
-130,000 persons
- 6,000 acres
-community college, library; primary public services
-department stores, other major commercial services

N

THE NEIGHBORHOOD
Typical Characteristics
-6,000 persons
- 400 acres
-elementary school-recreation center, primary public services
-food and drug, other commercial services

C

THE COMMUNITY
Typical Characteristics
-30,000 persons
- 1,600 acres
-jr and sr. high school-recreation center; primary public services
-supermarket and variety stores, other commercial services

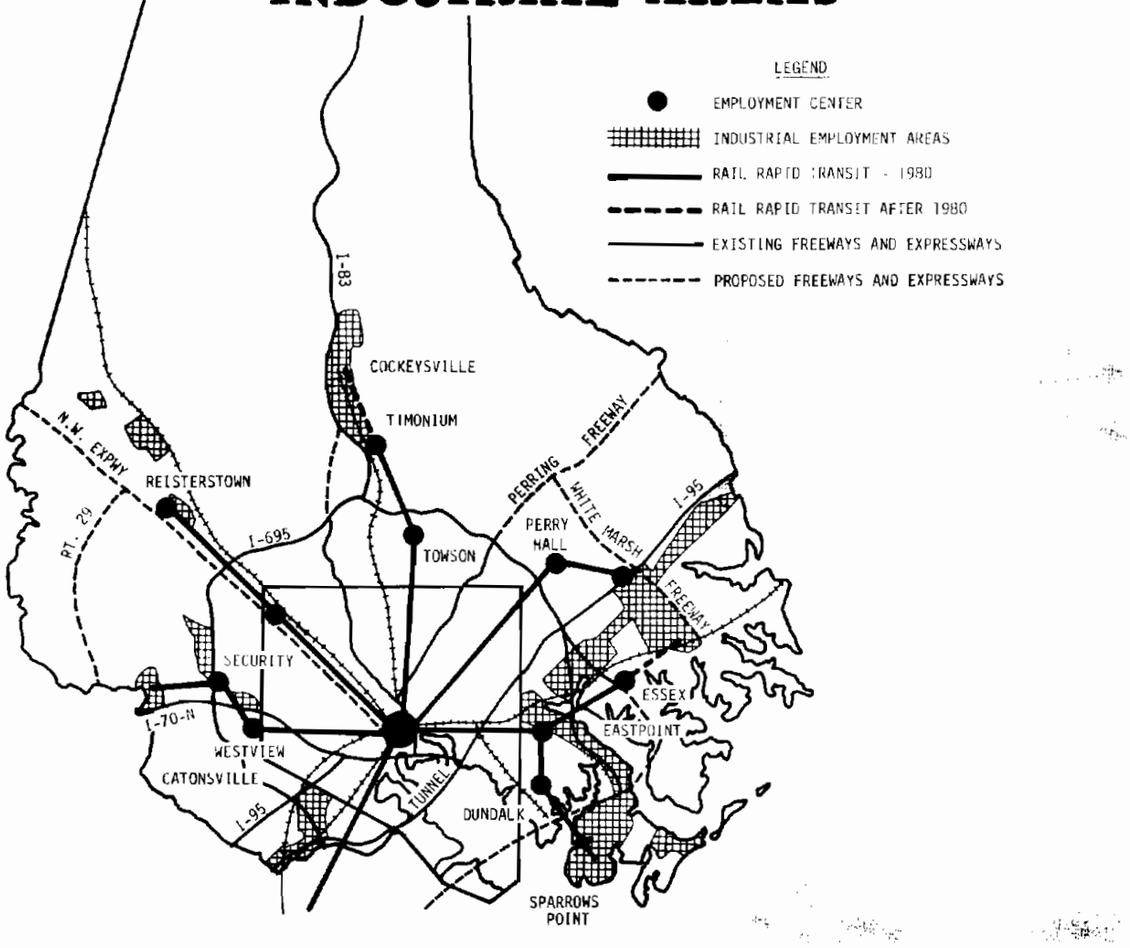
FREEWAY

ARTERIAL

From the table on page 5 it would appear that the County has a 68-year supply of industrial land--10,000 acres, being used at the rate of 147 acres per year. However, investigation reveals that nearly 60 per cent of the vacant land lies in the coastal plains of Eastern Baltimore County, while only slightly more than 13 per cent remains in those parts of the County closest to the fast-growing Baltimore-Washington corridor.

Much of the vacant land is not yet ready to be utilized, since essential public facilities of one kind or another (sewers, water lines, roads) are lacking. As competition for available industrial land increases, it will become critical that vital services be provided at an accelerated rate.

ACCESS to TOWN CENTERS and INDUSTRIAL AREAS



Transportation

A region's transportation system is a major determinant of the urban development pattern--and, therefore, of how efficiently people's needs are accommodated. A properly organized, well-operated, balanced transportation system meets the travel needs of all residents and businesses and allows for (even encourages) new growth.

An incomplete system, such as one that lacks rapid transit, may not accommodate the travel needs of the elderly, the poor, or others unable to drive. Also, where mass transit is inadequate, highway users spend excessive time in daily travel and suffer frequent traffic jams, merchandise is subject to shipping delays, and, ultimately, urban sprawl results.

But there is obviously more to a balanced transportation system than just transit --as vital as that is. The policies in this section are also concerned with major highways, local streets, pedestrian ways, bicycle trails, and airports.

3.Class II commercial motorways are designated by the County Council in accordance with provisions of the Zoning Regulations. C.S.-2 zoning districts, within which "restrictive site accessibility standards" are appropriate, are established along these roads.

housing

The need for housing for families of low and moderate income has been apparent for some time, and this critical problem must be solved. More recently, the need for more and better housing within the reach of families with greater incomes has also become apparent, and so has the need to place homes nearer--or more convenient to--jobs. Action is needed on all fronts.

POLICY NO. 16. New housing construction should offer the widest choice of housing for both new and old residents of the County's [illegible]--

a) Residential development near employment centers or at locations with good accessibility, so that the journey to work will be short; and

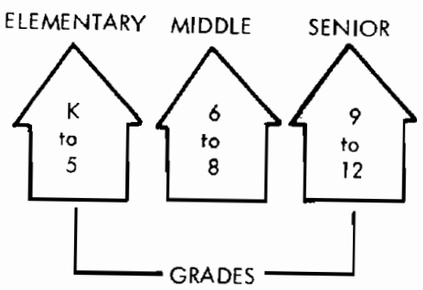
[illegible] programs [illegible] areas through [illegible] within the [illegible] with incomes [illegible] per year.

The county-wide zoning map adopted in 1971 may have established adequate potential housing densities near employment areas through all or most of the 70's. The policies in the section on transportation and their expression on the Guideplan Map are designed to promote adequate highway and transit facilities between employment centers and residential areas removed from them. To further Policy No. 16-b, a housing study and preparation of a housing plan are now in progress.

education

Until 1969, the schools in Baltimore County were mostly organized along traditional lines, with elementary schools accommodating grades one (or kindergarten) through six; junior high schools, seven through nine; and senior highs, ten through twelve. Since then, the Baltimore County Department of Education has adopted a structure generally known as the "middle-school system," under which only kindergartens and grades one through five are allocated to elementary schools, grades six through eight to middle schools, and grades nine through twelve to high schools. The following policy is a direct reflection of that change.

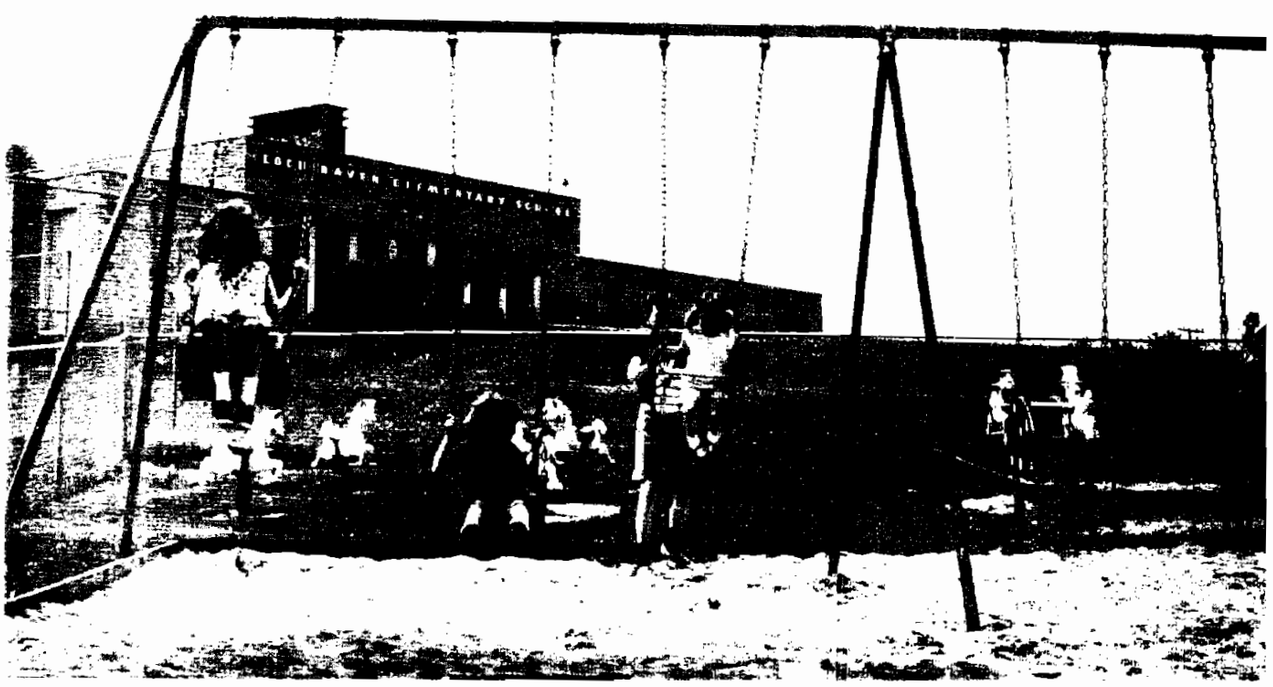
MIDDLE SCHOOL SYSTEM



[illegible] the areas already developed. The middle-school system should be established [illegible] when it is practical to do so. [illegible] is yet to be developed, new schools should [illegible] the middle-school [illegible] elementary schools to [illegible] junior high schools and middle schools, [illegible] on the urban [illegible] in most cases [illegible]

Because the feasibility of expanding existing senior high schools to accommodate the ninth grade has not yet been determined, it is recommended that further study be undertaken before the middle-school system is established throughout the County.

Since the early 1950's, Baltimore County has been committed to the policy of developing schools and parks as joint facilities--school-recreation centers. This policy has yielded such extraordinarily successful results that no change is being recommended. It should be noted that school-recreation centers accommodate much more than just educational and recreational needs, having served as places for meetings of area residents, polling places, centers for health campaigns, and locations for all kinds of neighborhood and community activities.



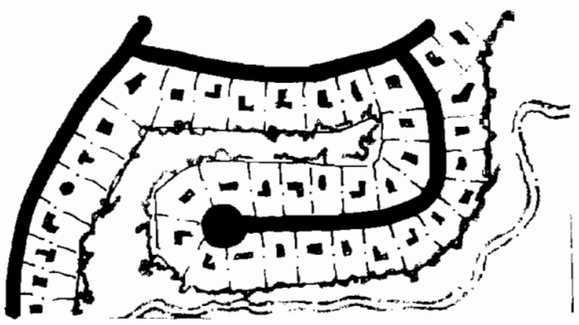
Open Space

In planning the future environment of the County, parks and other open spaces offer values well beyond those just of play. They serve significantly in the physical structuring of the pattern of development, for example. The traditional concept of open space has been broadened to include not only those areas actively used, but also those areas--public *and* private--accommodating passive recreation or simply providing strips or islands of green. For what would life be like if streams and their valleys, if wooded areas, or if rugged land is not preserved? Clearly, these lands as well as spaces for active recreation must be secured.

[illegible] 80. 18. Open spaces of all sizes should be set aside and recreation facilities should be provided to accommodate the fullest range of recreational activities for Baltimore County's neighborhoods, communities, and towns. At minimum, 7,830 acres beyond what has already been secured should be set aside by 1980, allocated as follows:

[illegible] acres

This policy [illegible]



POLICY NO. 19. Corridors of open space should be maintained around the present urban area and, to the extent possible, around and between present and future towns. Where not publicly acquired, these spaces should be reserved through securing scenic easements or purchasing development rights, or, in certain cases, through zoning.

POLICY NO. 20. The practice of donating or bequeathing desirable lands to the County for open-space use should be better publicized, so as to generate more interest among possible donors.

Many of the local parks and other open spaces contemplated under Policy No. 18 (and not reflected in the table or Guideplan Map) are being acquired through the dedication of flood plains and local open spaces required of developers when their subdivision plans are approved. Other lands are being purchased by the Department of Recreation and Parks and by the Maryland State Department of Forests and Parks, while a few are acquired as gifts or bequests. But if the major portion of the open-space pattern is to be secured, more emphasis must be placed on the acquisition of "regional" open spaces. Techniques other than outright purchase--such as the purchase of certain development rights, in the absence of more economical ways--will have to be investigated and, where feasible, utilized. In areas of permanent agricultural use or very-low-density residential development, application of a new or revised zoning classification could be a sufficient means.

Most of the open spaces shown on the Guideplan Map would be in areas that are not easily developable and in other areas that are not presently subject to heavy development pressures. This is not so, however, of the designated land on the undeveloped waterfront or of the waterfront land being used by the United States government. Acquisition priorities must be high in the case of the former, and the County must be ready to step in at once when and if the latter is vacated and declared surplus by the Federal government.

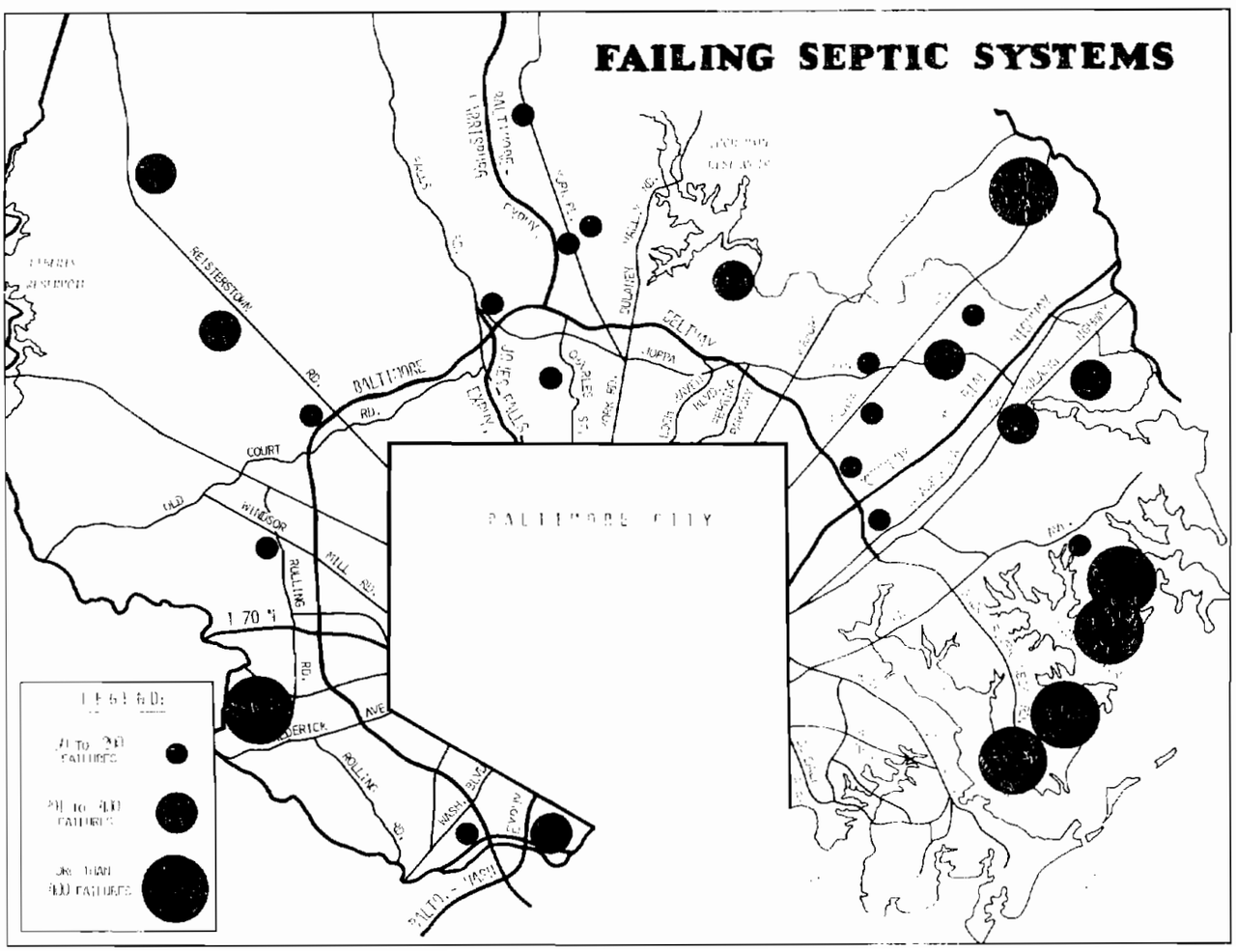
conservation of rural areas

As indicated both in Part II and in the section on urban growth, there is plenty of land in Baltimore County's urban area to accommodate growth for some time to come. The converse of this is that there is certainly not any current need for urban development in the County's rural areas. These lands are a legacy for the future; today's planning cannot--and should not--determine precisely how they will be used. But planning can say what the possibilities are. And planning can surely make recommendations on what should not happen in the rural area now, if rational decisions are to be made in the future.

The proper *future* possibilities are three: agriculture (the need for which may be much greater than presently thought), public or semi-public open-space uses (including low-density institutions), and development at the urban-intensity level. Yet, the specter of uncontrolled acre-lot development over Baltimore County's vast countryside threatens to proscribe the first two possibilities. And, while acre-lot housing is in itself a form of urban development, by no means can it be said to constitute any economic or rational pattern. Acre-lot development first overburdens the land (septic tanks and private wells usually must be employed initially) and then overburdens the taxpayer--because of the extremely high costs incurred when the inevitable sewers, water lines, schools, roads, and other services and facilities have to be provided for development of this density.

Are public sewerage and water lines *really* an ultimate necessity for acre-lot residential development? They certainly are, if the health authorities are right. Baltimore County's health department, in particular, has supported a three-acre minimum. The following is quoted from a 1971 report:[4]

> [The] review [in the report] of research on septic disposal systems indicates the great degree of uncertainty and doubt as to the ability of septic systems to function adequately over a period of years. The fact that they can cause ground-water pollution has also been underscored. The record would indicate a critical need for strict regulations to prevent serious problems from arising. The three (3) acre minimum lot size would help to accomplish this end....
>
> Based on [the] Health Department surveys [described in the report] it was learned that most septic system failures are caused by lack of maintenance, soil saturation, and inadequate or small lot sizes....
>
> The lesson to be learned here is that similar conditions should be prevented from occurring in the yet undeveloped areas of the County, and especially those outside of areas planned for public sewer and water facilities before 1980. The three (3) acre minimum lot size along with the other...regulations [proposed by the health department at the time of this report's publication] are designed to provide this safeguard. Specifically, the three (3) acre lot size will provide sufficient area for the proper installation and, if necessary, replacement of septic systems and, in addition, will allow proper separation (100 feet) between the septic system and well.



And, regarding water supply, the report offers similar conclusions. The following is from the summary (page 3):

> ...Baltimore County is dominated geologically by the Wissahicken and Baltimore Gneiss formations. These two formations have unpredictable and low water yield characteristics.
>
> ...Baltimore County records indicate that between 1965 and 1970, it was necessary to replace 871 wells in Baltimore County because of inadequate yields or pollution or both. Over 45 percent of these were located in areas where no public utilities are planned until at least 2010.
>
> ...The Baltimore County Health Department requires 400 gallons per day per household. This report shows that the minimum lot size necessary to assure 400 gallons of water per household is at least three acres.

POLICY NO. 21. The present character and condition of most of the land outside the 1972 urban-rural demarcation line[5] must be preserved until its future use may be rightly determined by an adopted land-use plan. In the interim, low-density institutions should continue to be permitted, some very-low-density residential development (minimum lot area of three acres) should be allowed, and limited expansion of selected rural centers should be permitted in order to provide for normal growth of the rural population. (The areas to which this policy does not apply are those described under Policy No. 1-c.)

POLICY NO. 22. Installation of community facilities such as major highways and utilities should not be programmed for rural areas beyond the new-growth areas when the primary effect would be to generate urban growth, until such time as the programming of such facilities may be authorized in accordance with an official land-use plan.

The present R.D.P. (Rural: Deferred-Planning) and R.S.C. (Rural-Suburban: Conservation) zoning classifications establish a minimum lot size of only one acre, although much higher standards were recommended by the Planning Board when it first proposed these classifications. The former, R.D.P., is an interim classification originally intended to prevent any significant development in a given area until urban services are provided and an appropriate urban zoning classification could be applied. The latter, R.S.C., is intended to be a permanent classification applied to areas where it is not expected that sewerage and water-supply services will be provided even in the future. But to reiterate: acre-lot standards are not effective in holding land open, and areas developed in acre lots eventually require public water-supply facilities and sewerage at an extremely high cost per housing unit. If these two zoning classifications are to be effective tools in carrying out the rural conservation policies, the minimum lot area under each of them will have to be raised to at least three acres.

Land-use plans for rural areas may be formulated in two ways. If a new town or community is to be developed under the recently adopted unit-development provisions of the Zoning Regulations, the plan for that area will be prepared by the developer, subject to modification by the County. Otherwise, the preparation and adoption process will be the same as, or similar to, the process under which this plan has been established.

It is important to note that the Guideplan Map already affirms that some of the areas beyond the urban-rural demarcation line should be public open space. Still other rural areas are identified as being appropriate for public open space or permanent large-lot development and low-density institutions (which probably will not require public sewerage or water lines).

As indicated on the Guideplan Map, limited expansion should be allowed in the rural centers of Kingsville, Jacksonville, and Hereford.[6] These are places where the County should assure the establishment of limited-capacity sewer and water systems.

---

4 "Rationale for Three Acre Minimum Lot Size Requirement Outside of Areas to be Served by Public Utilities" (Towson, Maryland: Baltimore County Department of Health, 1971), page 5. Emphasis removed.

5 See discussion under policies in section on urban growth, page 4.

6 The Guideplan Map so indicates by designating each of these centers as a "Rural Village."

water quality

The three water reservoirs and the 173 miles of bayfront are threatened by the prospect of development as they never have been before.

The Baltimore County health department's 1971 report on a three-acre minimum lot size (also quoted in the section on conservation of rural areas, pages 8 and 9) had this to say about the reservoirs:

> The pollution of Loch Raven, Prettyboy and Liberty reservoirs has been well documented by State, County and City health and public works officials. The steady increase in pollution has caused grave concern. The three-acre minimum lot size requirement [proposed at the time of the report's publication] would be a strong safeguard against further pollution by preventing excessive runoff, thus limiting contamination of ground and surface water from faulty septic systems and other forms of pollution arising from more dense development.[7]

It is imperative that the reservoirs' watersheds be preserved. Right now, new development is taking place without sewer and water services; aside from the inevitable pollution from septic-tank effluent, there is a danger of surface-water runoff, further contaminating the region's major sources of drinking water.

And conservation must become the rule along the bayfront. Here again, there has been development without sewerage, and surface-water runoff is becoming an additional problem.

[illegible] low [illegible] reservoir watersheds.

POLICY [illegible] water from [illegible] end, [illegible] should [illegible] waterfront [illegible] way. [illegible] Hill [illegible] plot [illegible] development [illegible] tion [illegible] place [illegible] require [illegible] hazards.

additional implementation measures

A master plan that does not contemplate its own implementation is no plan at all.

In many of the policies set forth in previous sections, implementive measures are either specifically stated or are so implicitly a part of the stated objectives that explicit statements would be redundant here. Therefore, each of the policies below is one that clearly relates to several of the policies preceding.

POLICY NO. 25. Sewerage and water lines should be extended where they will contribute to orderly, staged development or where they are necessary to correct existing health hazards. In other cases, their extension should not be allowed.

POLICY NO. 26. The Planning Board will continue to formulate and revise policies to promote efficient and environmentally adaptive land development in the urban area of the County, as envisioned under the "density" residential zoning regulations established under County Council Bill No. 100 of 1970. Further, use of the unit-development[8] zoning regulations, adopted under the same bill, should be encouraged and the establishment of unit developments within the urban-rural demarcation line should be promoted.

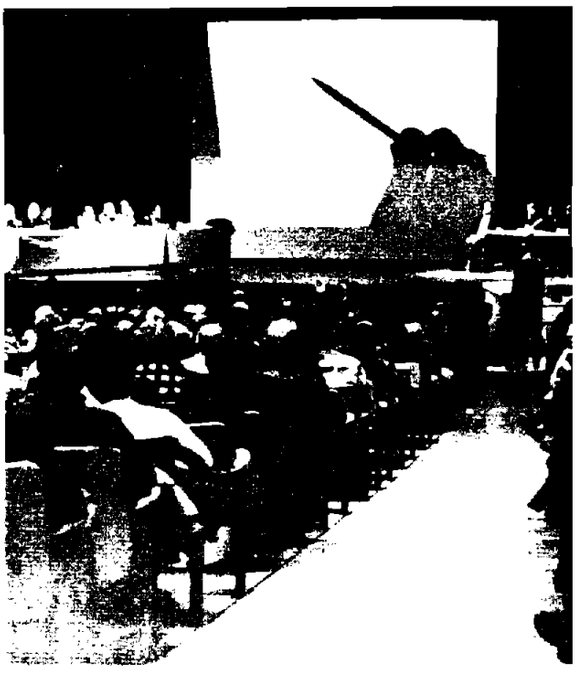
POLICY NO. 27. Modernization of the County's various land-use controls, such as the zoning and subdivision regulations, should be continued. First priority should be given to revision of the subdivision regulations, but all zoning and subdivision controls and certain other land-use controls ultimately should be incorporated within a comprehensive development code.

POLICY NO. 28. The subject of taxation will be studied by the Planning Board, in order to:

a) Determine the effects that present tax practices have upon land use and upon the implementation of comprehensive plans; and

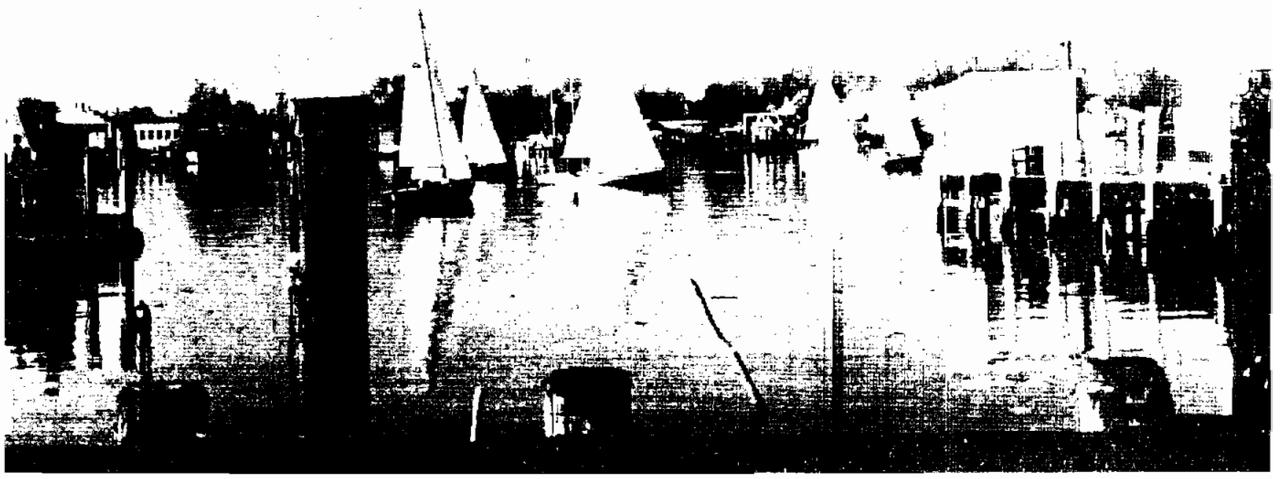
b) Learn whether there are alternative tax practices that would better promote development in accordance with this plan and with comprehensive-planning goals in general, so that appropriate recommendations may be made.

POLICY NO. 29. This Guideplan being a master plan for the County, the Planning Board will notify appropriate County agencies of the establishment of this plan and of the stipulations under Section 22-16 of the Baltimore County Code 1968, which section requires that "the governing body or other public agency having jurisdiction over the subject matter of...the master plan, before taking action necessitating the expenditure of any public funds incidental to the location, character or extent of one or more projects thereof, shall refer the proposed action involving such specific project or projects to the planning board for review and recommendation, and shall not act thereon without such recommendation or until forty five days after such reference shall have elapsed without such recommendation. This requirement shall apply to action by a housing, parking, highway or other authority, redevelopment agency, school board or other similar public agency."



7. "Rationale for Three Acre Minimum Lot Size...", page 5.

8. Unit development is more often called "PUD"--for *planned* unit development



IV. THE GUIDEPLAN MAP

The Guideplan Map, which accompanies this text, is an equally important and an inseparable part of the Guideplan. Although the map is "generalized"--not prescriptive of specific locations--it nonetheless has force. From the time of its adoption, all public and private land-use proposals within its purview will be measured against it by the Planning Board.

Three aspects regarding the Guideplan Map need emphasis or explanation here.

First, parts of the town planning areas designated as Liberty, Reisterstown, Chestnut Ridge, Windlass, and Essex are not "new-growth" areas for the 1970-1980 period.[9] Development of these areas should take place after 1980, and internal planning for them now would be premature.

Second, while no northern Bay crossing is shown on the map, it is still recommended--as indicated under Policy No. 10--that such a crossing eventually be built. The Planning Board will amend the Guideplan Map to show a northern Bay crossing after further studies of alternative locations.

Third, designations of possible locations for joint utility and maintenance use by various County agencies are also omitted, pending further study with respect to locations and other factors. But the principle that joint utility-maintenance centers should be developed is still endorsed by the Planning Board.

Official master-plan maps have been adopted for various parts of Baltimore County over the past years, and much of the Guideplan Map can be considered as a composite of those earlier documents. But this is the first official *County-wide* master plan map in the County's history.

The official Guideplan Map is on file in the Office of Planning and Zoning. The copy published here, smaller in scale, omits certain items in the interest of legibility. Every effort has been made, however, to indicate the major substantive proposals reflected on the official map.

---

9. 1970-80 urban-fringe growth areas both inside and outside the urban-rural demarcation line are shown on the map on page 4.

SELECTIVE BIBLIOGRAPHY

FINAL REPORTS OF THE BALTIMORE COUNTY PLANNING BOARD ON AREA MASTER PLANS:*

Eastern Planning Area. 1966.
Northeastern Planning Area. 1965.
Patapsco Neck Planning Area. 1961.
Western Planning Area. 1961.

OTHER PUBLICATIONS OF THE PLANNING BOARD OR OFFICE OF PLANNING AND ZONING:

Baltimore County Outdoor Recreation Potential. 1968.
Guidebook: Planning Baltimore County for the 1970's. 1968.
Guideplan Goals. 1968.
Land for Industry. (Published in collaboration with the Baltimore County Industrial Development Commission.) 1965.
New Zoning for a New Baltimore County. 1970.
New Zoning Tools. 1971.
Planning in Baltimore County. 1970.
Preliminary 1980 Guideplan. 1969.

PUBLICATIONS OF OTHER AGENCIES:

The Architectural Affiliation. *Towson: Today and Tomorrow.* 1969.

(Baltimore Area) Regional Planning Council. *Suggested General Development Plan.* Forthcoming. (Previous edition: 1967.)

Baltimore County Department of Health. *Rationale for Three Acre Minimum Lot Size Requirement Outside of Areas to be Served by Public Utilities.* 1971.

Bureau of the Census, United States Department of Commerce. *Census Tracts, Baltimore Maryland Standard Metropolitan Statistical Area.* 1972.

NOTE: Most of the County publications listed above are out of print, but all may be perused in the Office of Planning and Zoning, 301 Jefferson Building, Towson. Some of the out-of-print publications are available on loan.

---

*Area master plans have also been adopted—but without reports—for the First, Third, Fourth and Thirteenth Election Districts. Under the resolution adopting the 1980 Guideplan, all area master plans have been rescinded to the extent that they are inconsistent with the Guideplan.

BALTIMORE COUNTY, MARYLAND

COUNTY EXECUTIVE:
Dale Anderson

COUNTY ADMINISTRATIVE OFFICER:
William E. Fornoff

COUNTY COUNCIL OF BALTIMORE COUNTY:
Francis C. Barrett, Chairman
Harry J. Bartenfelder
Francis X. Bossle
Webster C. Dove
Gary Huddles
G. Walter Tyrie, Jr
Wallace A. Williams

BALTIMORE COUNTY PLANNING BOARD

Charles B. Heyman, Chairman
Dale Anderson, County Executive, ex officio
Kathryn D. Barnett
Victor P. DeLibera
S. Eric DiNenna, Zoning Commissioner, ex officio
Dominic N. Fornaro
Robert L. Gilland
L. Scott Grauel
Edward A. Griffith
Lewis M. Hess
Albert B. Kaltenbach, Director of Public Works, ex officio
Hannah Lindsey
Franklin M. Padgett
J. Fred Peper
Adam J. Quick
Joshua R. Wheeler, Superintendent of Schools, ex officio

office of planning and zoning: staff for the 1980 guideplan

george e. gavrelis, director of planning, 1964-72
leslie h. graef, deputy director of planning, 1965-72
albert v. quimby, acting director of planning

frank shearer, jr., assistant to the director

land use master planning section
norman e. gerber, section chief
frank h. fisher, assistant chief

text: *norman e. gerber*
donald w. johnson

design and graphics: *alice p. willey*
robert c. spicer
john h. tumminello
photographs—frank h. fisher
guideplan map—robert f. todd, jr.

typing: *ruth v. werneth*
congetta marshall
kathleen stewart

This edition of the Guideplan includes a table of contents and certain other items added by the planning staff of the Office of Planning and Zoning, as authorized by the Planning Board in its resolution of adoption. In general, these additions are printed in type of this style (script) or in sans serif *type.*

CENTRAL REPRODUCTION SERVICES

TABLE OF CONTENTS

I. INTRODUCTION

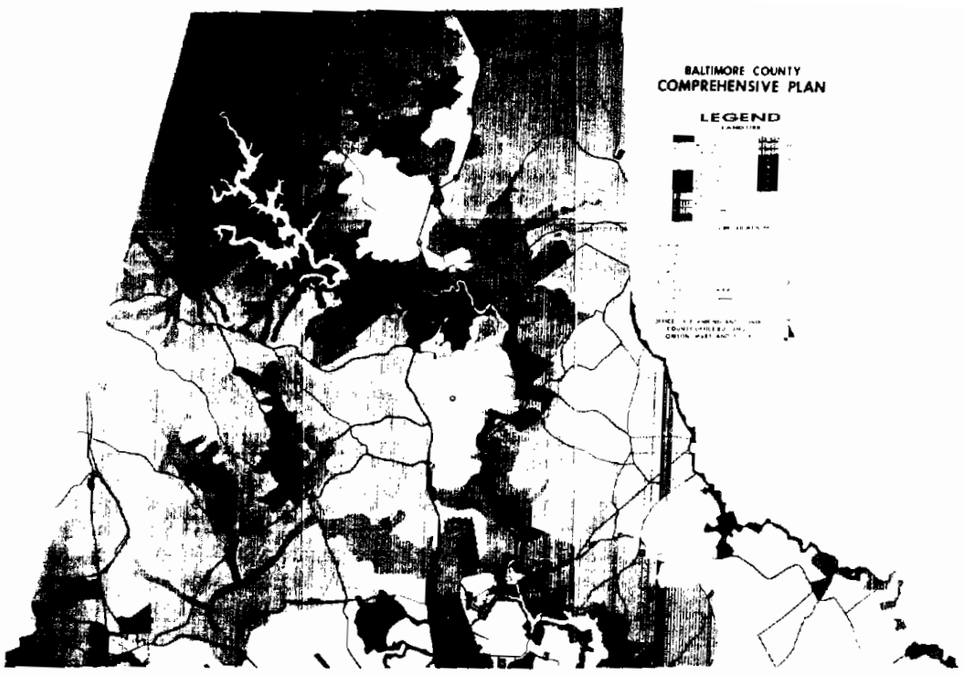
A. Purpose of the Plan 1
B. Approval Process 1

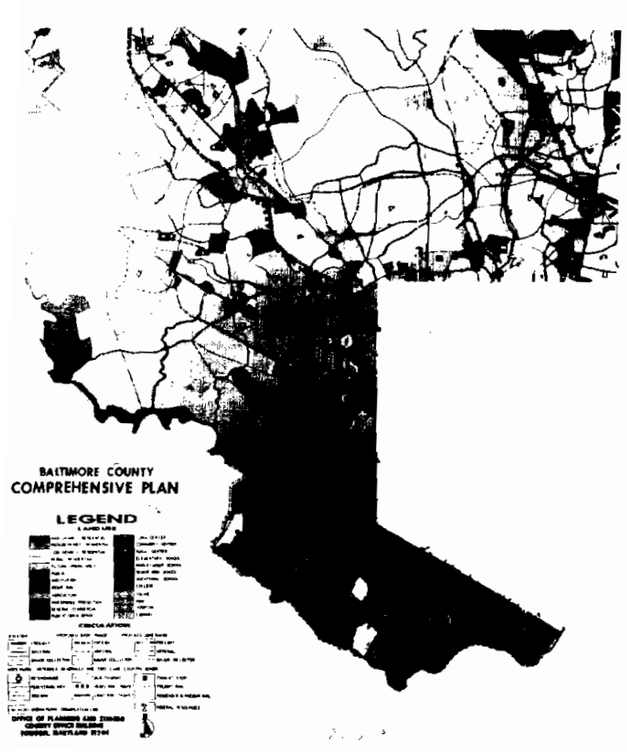
II. EXISTING CONDITIONS & ASSUMPTIONS

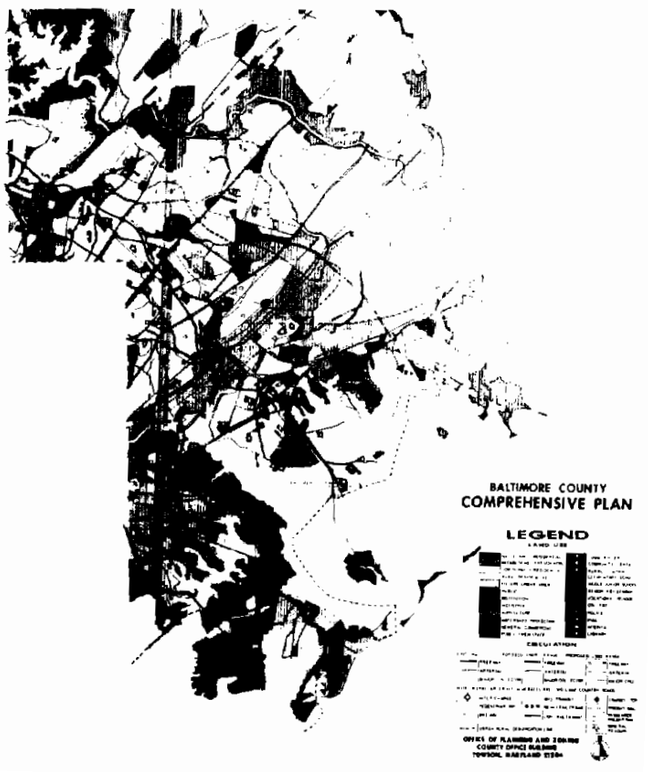
A. Description of Baltimore County as a Natural Resource 1
B. Population 3
C. Urban Resources 6
1. Industry 6
2. Agriculture 6
3. Employment 7
4. Labor Force 8
5. Income 8
6. Housing 9
7. Public Services 10
8. Transportation 12
D. Spatial Distribution of Existing Land Uses 14

III. COMPREHENSIVE PLAN POLICIES

A. Conservation and Protection of Natural Resources 16
1. Agriculture 16
2. Water Sources 16
3. Wetlands 17
4. Chesapeake Bay, Estuaries and Stream Valleys 17
5. Air Quality 18
6. Mineral Resources 18
7. Scenic and Recreational Resources 18
8. Historical Preservation 23
9. Natural Resource Inventory 23
10. Critical Areas 23
11. Coastal Zone Management 25
B. Distinction Between Urban and Non-Urban Land 25
C. Pattern of Urban Growth 28
1. New Areas 28
2. Areas with Existing Development 34
D. Provision of Public Services and Basic Amenities 35
1. Energy Transmission 35
2. Solid Waste Disposal 36
3. Water Suppy and Sewage Disposal 37

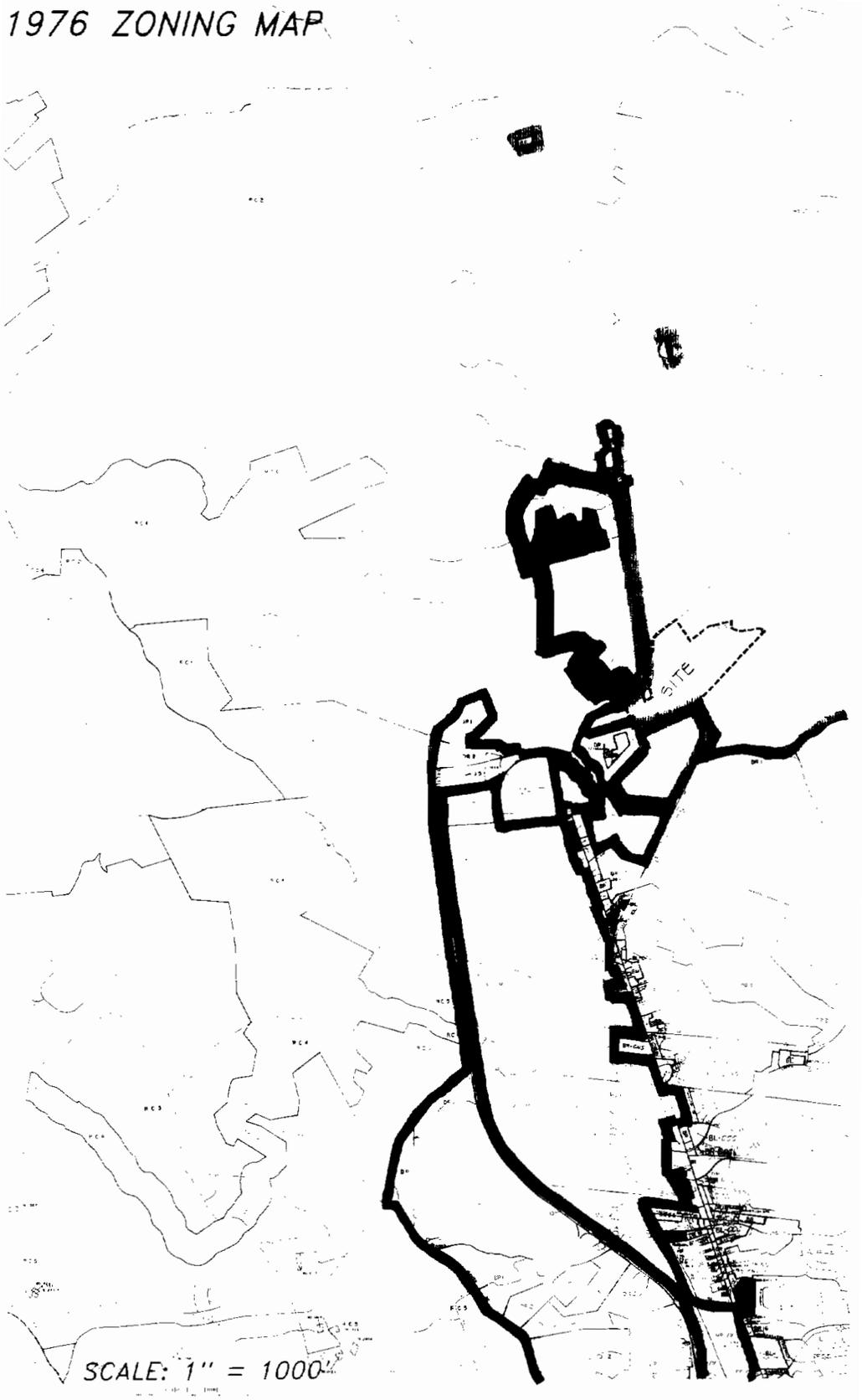

BALTIMORE COUNTY
COMPREHENSIVE PLAN
LEGEND


BALTIMORE COUNTY
COMPREHENSIVE PLAN
LEGEND


BALTIMORE COUNTY
COMPREHENSIVE PLAN
LEGEND

Petitioner's #6
CR-93-307-5PHXA

1976 ZONING MAP



Petitioner's Ex. #7

CR-93-307-[illegible]

BALTIMORE COUNTY GROWTH MANAGEMENT PROGRAM 1979 - 1995

Pet. Ex. 8

Baltimore County, Maryland

INTRODUCTION

This single page document sets out a summary of the findings and recommendations of the Baltimore County Growth Management Plan, in text and maps, on this side of the page and, on the other side of the page, text and a single map at a scale of one inch equals one mile presenting the central elements of the Growth Management Land Use Plan.

Th Purpos of Growth Management

In counties and municipalities across the United States, it has become evident that growth in and of itself is not necessarily good. While in the interests of equity, growth must be accommodated, it must be managed in order to prevent inefficient use of costly utility, road and community service systems and to safeguard the urban and natural resources that determine the quality of life.

The management of growth is achieved through coordination of government development policies, procedures and actions. The Baltimore County Growth Management Program is designed to show how this coordination can be achieved in the County.

Th Current Study

Growth has been managed in the County by one means or another since settlement of the Baltimore area first occurred. It is only in recent decades that the complexity of the patterns and rates of growth and of the government agencies necessary to provide services to and to regulate this growth has increased to the point that a distinct coordinative function has become necessary.

The purpose of the current eighteen month study has been to define and recommend the form of that coordinative function for Baltimore County and to identify recommended actions by various County departments and agencies to achieve the recommended County land use development pattern and to achieve the major objectives of preserving natural resources and of balancing County investment in providing for new development as against County investment in improving and stimulating improvement of existing development and older commercial centers.

It should be emphasized that completion of the eighteen month study signals not the completion but rather the beginning of Growth Management in Baltimore County. This summary outlines recommended next steps for the County to take. The outline presented here is detailed in the Technical Reports and Growth Management Plan Reports listed at the end of this summary, which are available for review in the County Growth Management Office

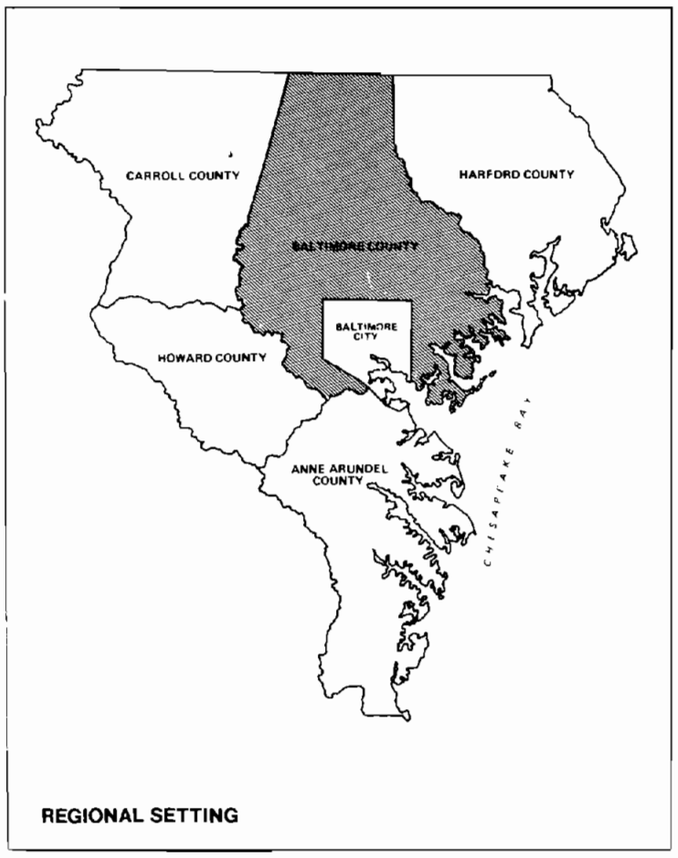
Population Growth Polici s

The idea of control of growth is, of course, central to growth management. At present, the County does not have a formalized population growth policy.

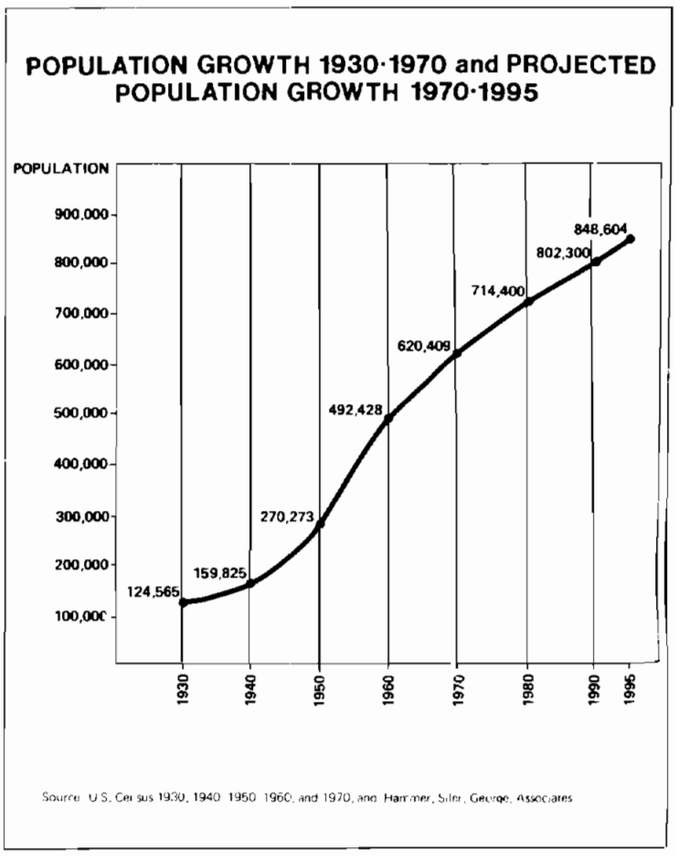
Projections of likely future population have been made by the Growth Management consultants.

During the Growth Management studies, it has been determined that:

- County-wide population capacity is not an issue in formulating a population growth policy for the County because the undeveloped part of the County is so large and projected growth is relatively modest;
- Considerations of equity suggest that projected population should be accommodated;
- The rate and location of population growth will be subject to policy influence by the rate and locations at which the County provides public services, grants zoning changes, and encourages or discourages investment;
- Certain areas of the County are particularly well suited for development by their location in relation to major transportation links and utility extensions and by environmental and community structural conditions to development, while other areas are less well suited, and



Baltimore County surrounds the City of Baltimore on the City's north, west and eastern sides.



Projections of future County growth through 1995 allow the County to plan for how this growth can be accommodated in an orderly manner.

in some cases require specific preservation measures to limit development.

Based upon these findings, as detailed in the Technical Memoranda setting out Growth Management Background Studies, it is recommended that:

- Population increase and development be encouraged in areas of the County identified during the Growth Management Program as well suited for development, by means of a variety of incentives;
- Population increase and development be reduced in areas of the County identified during the Growth Management Program as unsuited for more than very limited development, by means of a variety of disincentives;
- Provision be made, County-wide, for projected levels of population growth but at a rate and in a manner consistent with the objectives of the Growth Management Program.

R gional Setting

While the responsibility for determining Baltimore County's land use pattern and other major growth management policies is clearly by law the County's responsibility, and is widely agreed to be best held by people who are politically accountable to the citizens who must live with these policies, current and proposed State and Federal legislation and regulations point to the necessity for increased cooperation between local governments and among neighboring jurisdictions in making future land use decisions, particularly as they affect natural resources, and major utility and transportation systems.

State and Regional Plans

While the County is empowered by State Statute to prepare and adopt plans, ordinances and regulations governing land use, both the State and the region have some influence on the manner in which land is developed in the County. The State has the greater potential power, in that the power of land use control is delegated by the State to its component jurisdictions. In addition, the State has potential control of some land uses through Critical Areas legislation, Coastal Wetlands legislation, and Surface Mining and similar legislation. Finally, both the State and the Regional Planning Council have the power and responsibility of A-95 review of all applications by the County for Federal assistance to assure that these applications shall be consistent with and further the objectives of State, regional and local comprehensive planning.

The Baltimore Regional Planning Council, in the draft General Development Plan published in late 1977, defined three alternative development patterns for the region.

Alternative regional development patterns considered in the Regional General Development Plan include:

- a centralized development pattern,
- a trend development pattern, and
- a decentralized development pattern.

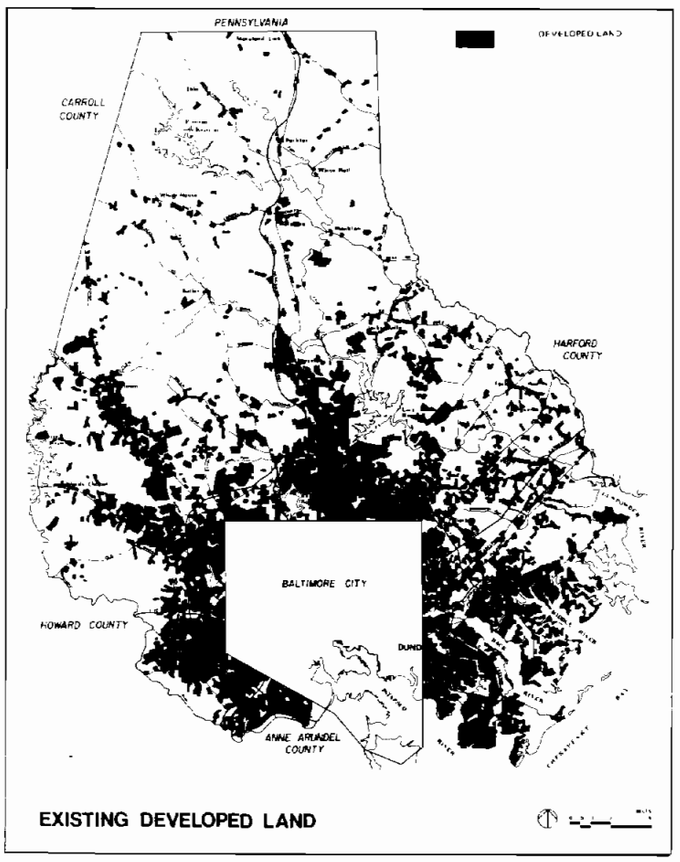
The centralized regional development pattern was selected by the Regional Planning Council on the basis of a comparison of anticipated impacts of each of the alternatives.

The State of Maryland Planning Agency is presently in the process of developing a state-wide plan. Interviews with staff members outlined the following alternative land use patterns under consideration in the Land Use Element.

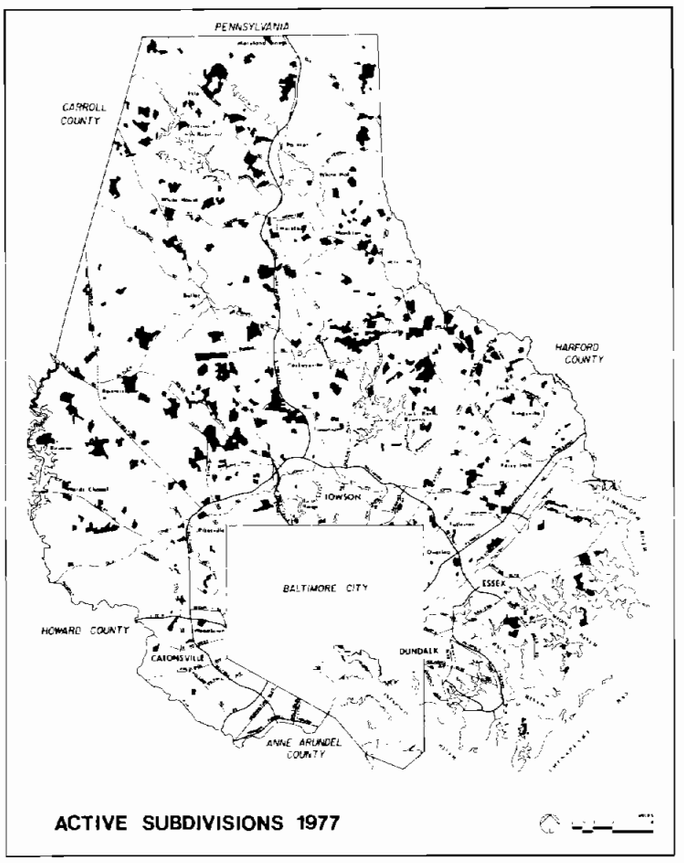
The State Land Use Element, which is based on year 2000 population projections, examines four alternative land use patterns applicable to urban, suburban and rural development throughout the State as well as to Baltimore County, in addition to a trend-line projection:

1. Corridor pattern, current density
2. Corridor pattern, higher density
3. Dense center pattern, current density
4. Dense center pattern, higher density.

The State plan is still in preparation and the proposed land use pattern has not been identified.

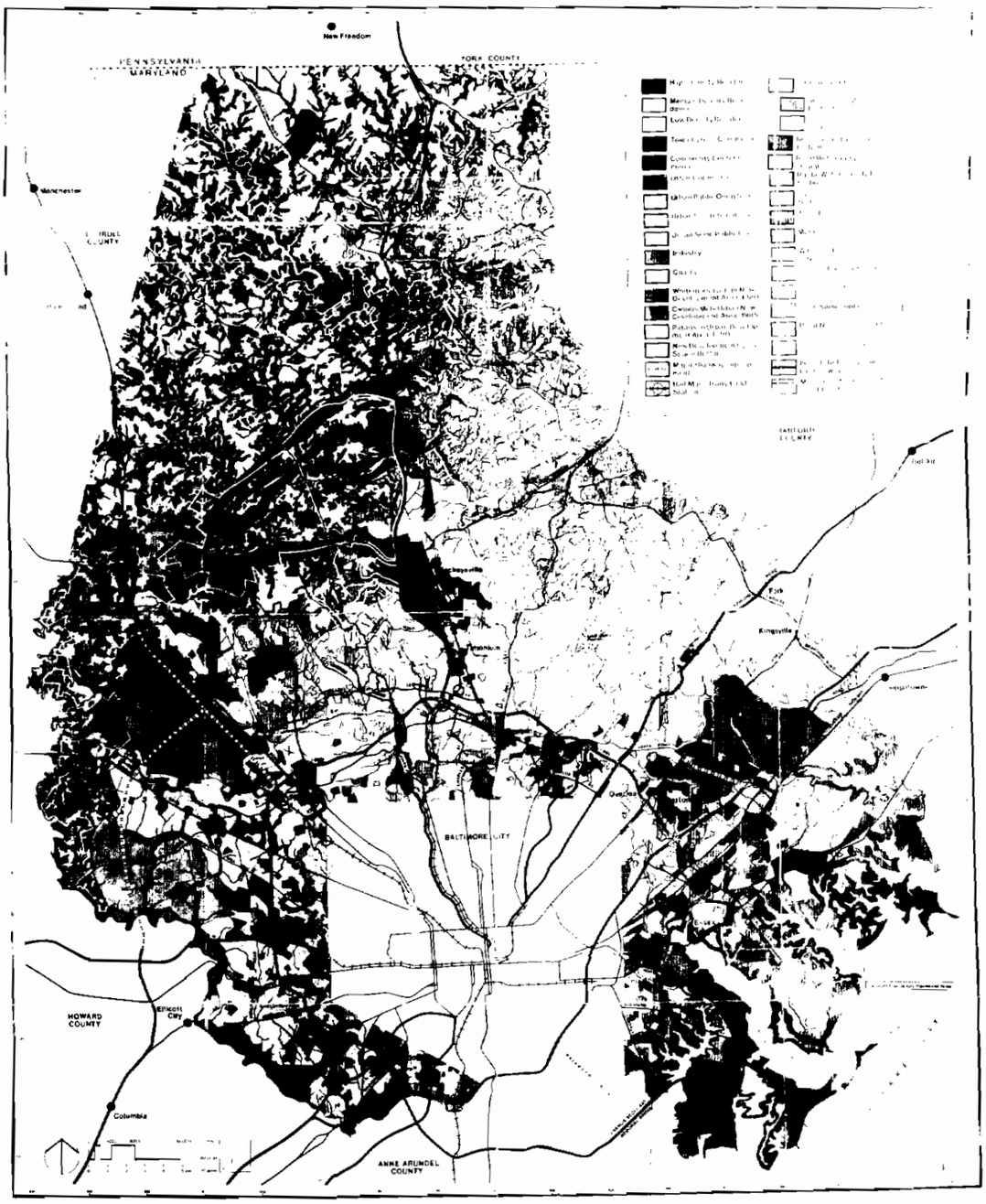


Through 1977 development in the County occurred largely in a radial pattern extending outward from Baltimore



The location of active subdivisions in 1977 indicated a shift in the development pattern toward scatteration in the North County.

BALTIMORE COUNTY GROWTH MANAGEMENT PLAN
Baltimor County, Maryland



Petitioner's #9
CR- 93-307- SPHXA

Pet. Ex. 10

BALTIMORE COUNTY MASTER PLAN 1979 - 1990

land use element

1

1980 ZONING MAP

Petitioner's #1:

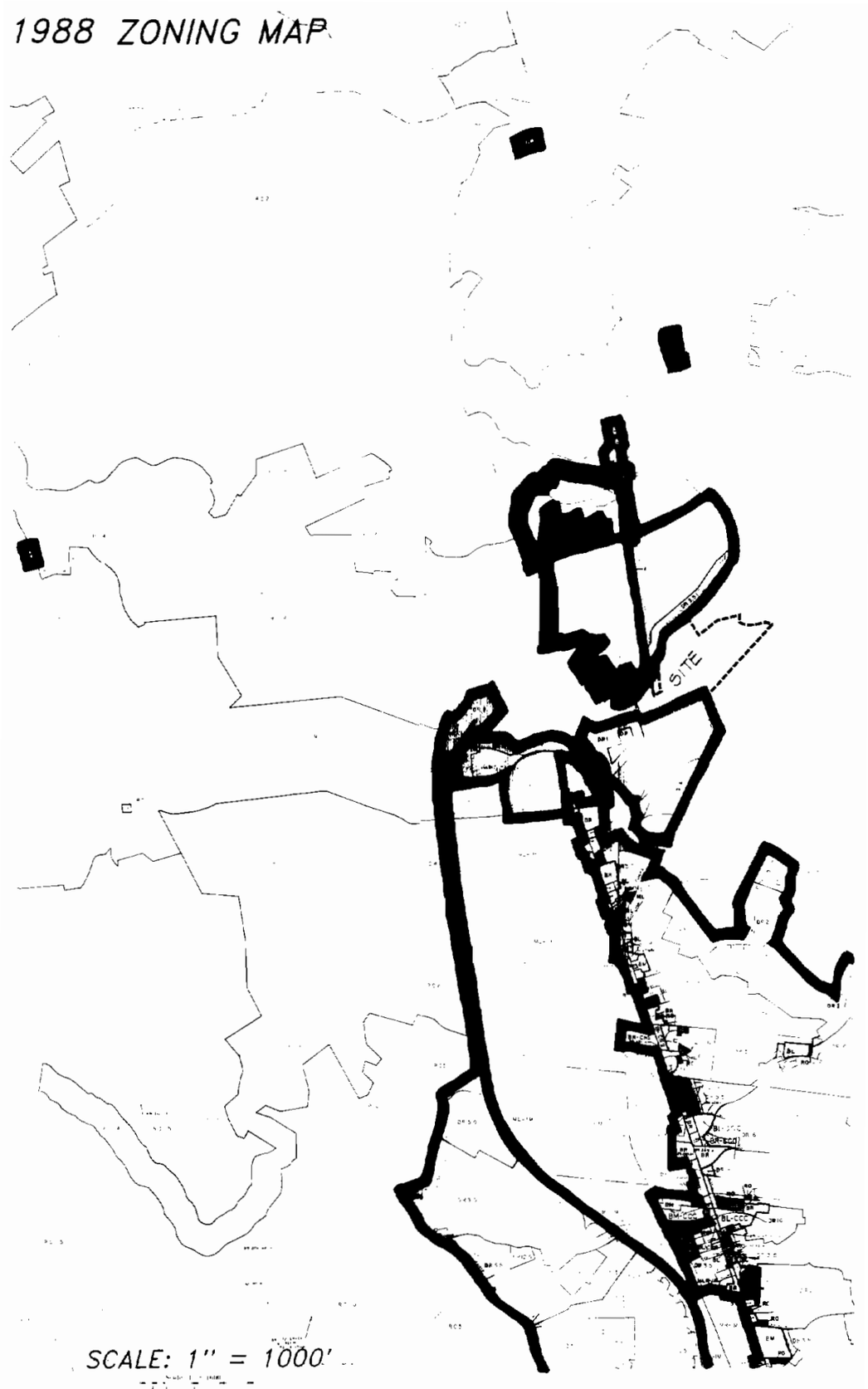
PR-73-357-PHX-A.

1984 ZONING MAP

Petitioner's # 12

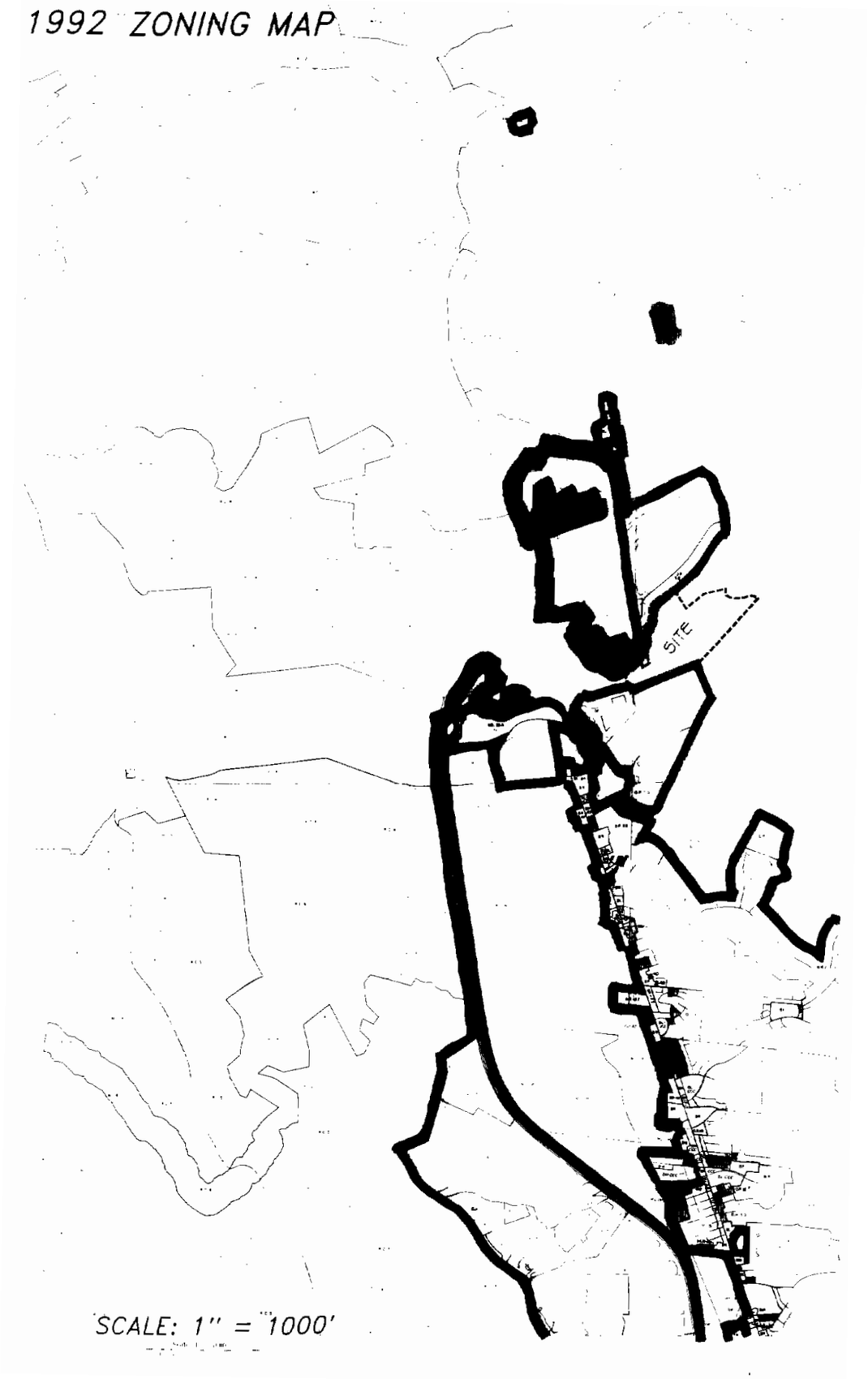
CR-93-307-DWH

1988 ZONING MAP



Petitioner's #13
CR-93-307-CRHX

1992 ZONING MAP



Petitioner's #: 14

CR-93-307-PHX-A

Petitioners # 15

Robert Burke Cervero

May, 1995

U.S. Office: 228 Wurster Hall #1850
Correspondence: Department of City and Regional Planning University of California
Berkeley, California 94720-1850
Phone: 510-642-1695
Fax: 510-643-9576
Internet: ROB@CED.BERKELEY.EDU

Birth Date: May 8, 1951
Social Security No.: 230-78-5023

U.S. Residence: 1049 Ashmount Avenue
Oakland, California 94610
Phone/Fax: 510-832-0213

Foreign Residence: Jalan Natuna 29, Block G
Cinere Megapolitan
Jakarta, Indonesia
Phone: 62-21-754-3929

Education:

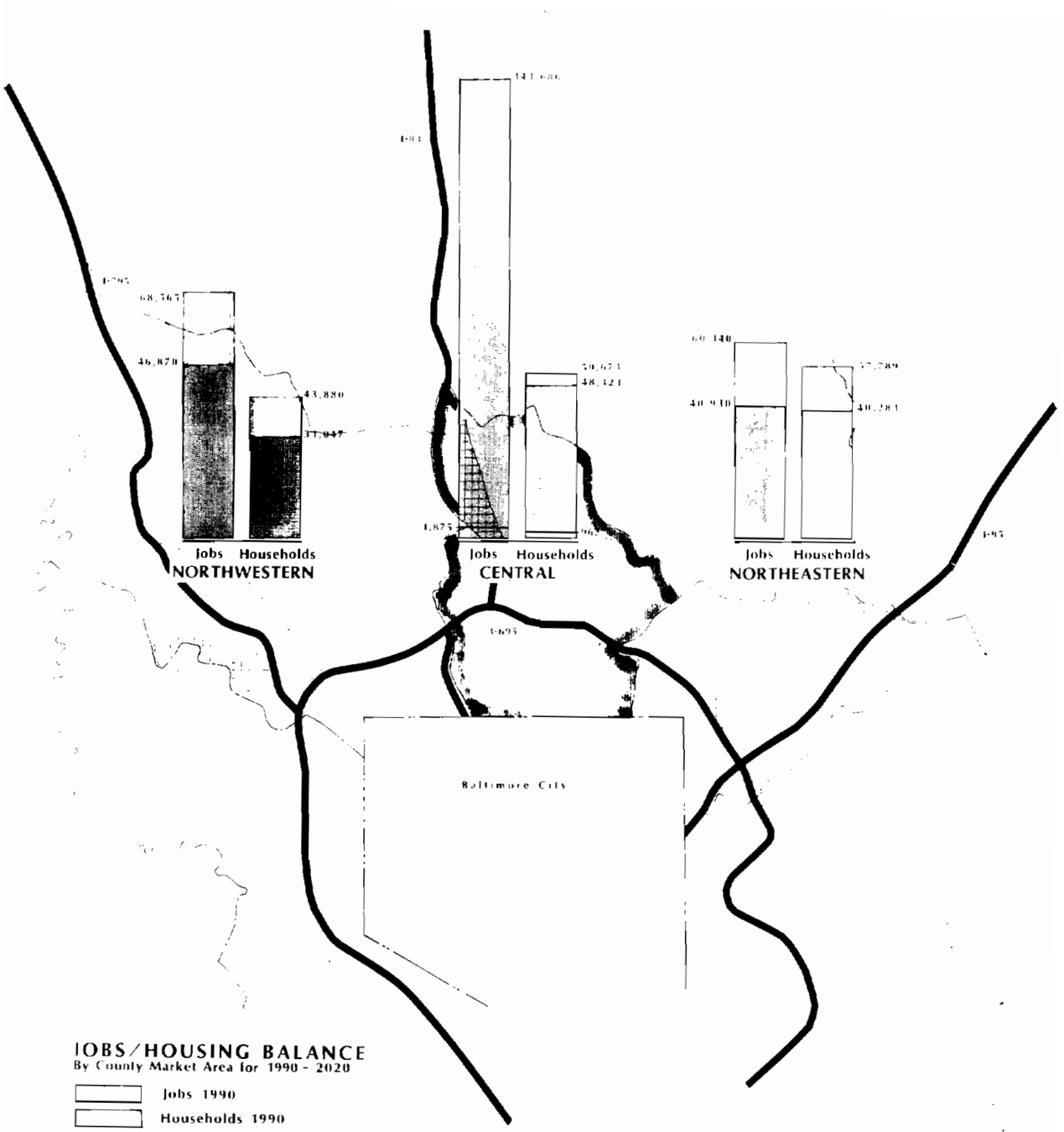
Ph.D., Urban Planning and Management Program
Graduate School of Architecture and Urban Planning,
University of California, Los Angeles, 1977-80.

Master of Science in Civil Engineering (M.S.) and
Master of City Planning (M.C.P.), Departments of Civil
Engineering and City Planning,
Georgia Institute of Technology, Atlanta, 1973-1975.

A.B., Geography and Economics, University of North Carolina,
Chapel Hill, 1969-73.

Employment:

1992-present	Professor, Department of City and Regional Planning; Associate Dean, College of Environmental Design (1992-95), University of California, Berkeley. Teaching: Transportation Planning, Quantitative Methods, Land Use Planning, Spatial Modeling, and Research Design.
1986-1992	Associate Professor, Department of City and Regional Planning, University of California, Berkeley.
1990-1991	Resident Advisor and Project Associate, Harvard Institute for International Development, Urban Development Policy and Finance Project, Jakarta, Indonesia.
1980-1986	Assistant Professor, Department of City and Regional Planning, University of California, Berkeley.



JOBS/HOUSING BALANCE

By County Market Area for 1990 - 2020

Jobs 1990

Households 1990

Jobs 2020

Households 2020

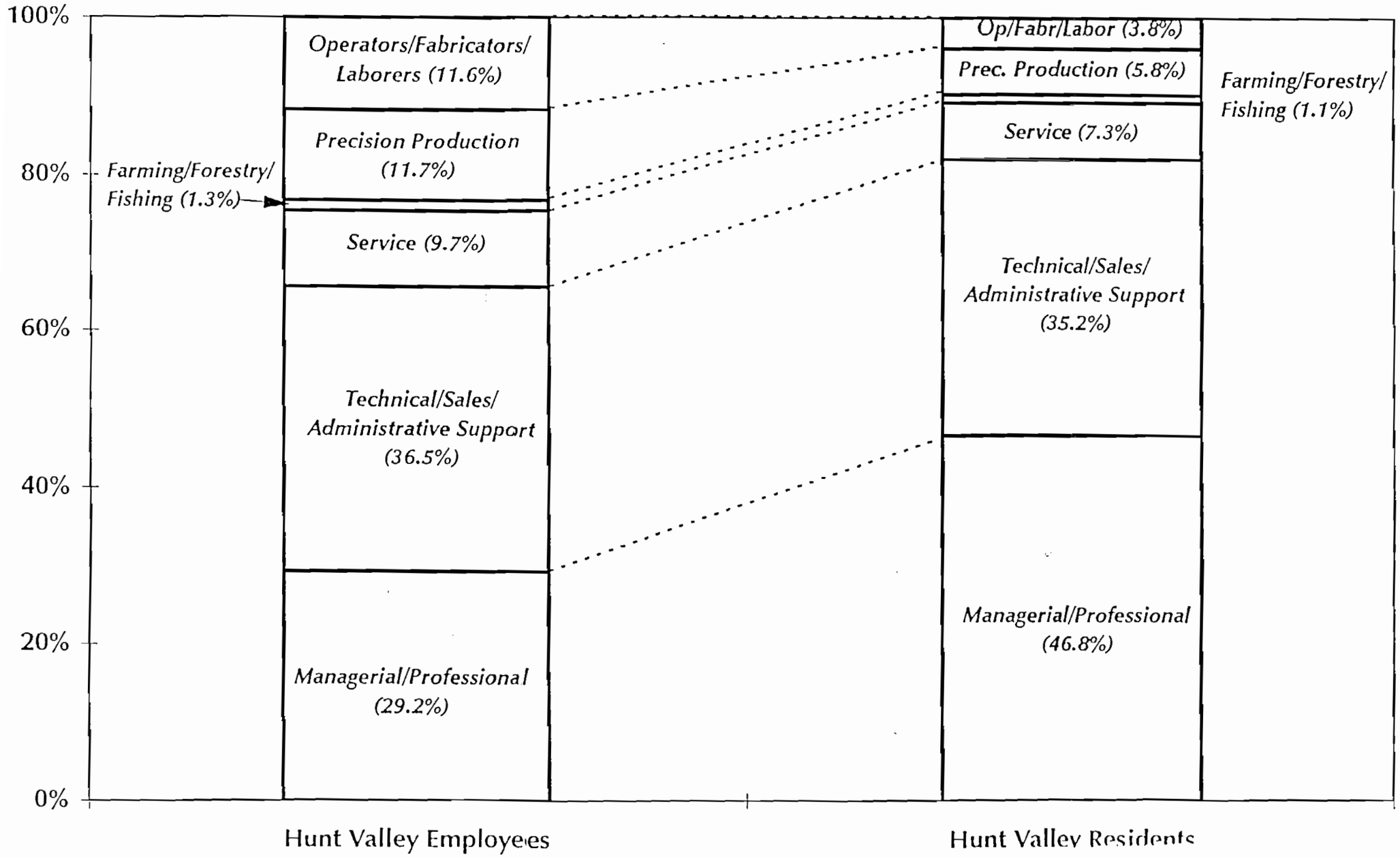
As developed by Baltimore County OPZ for the Round X series, 1990

Colvista

Petitioner's #16

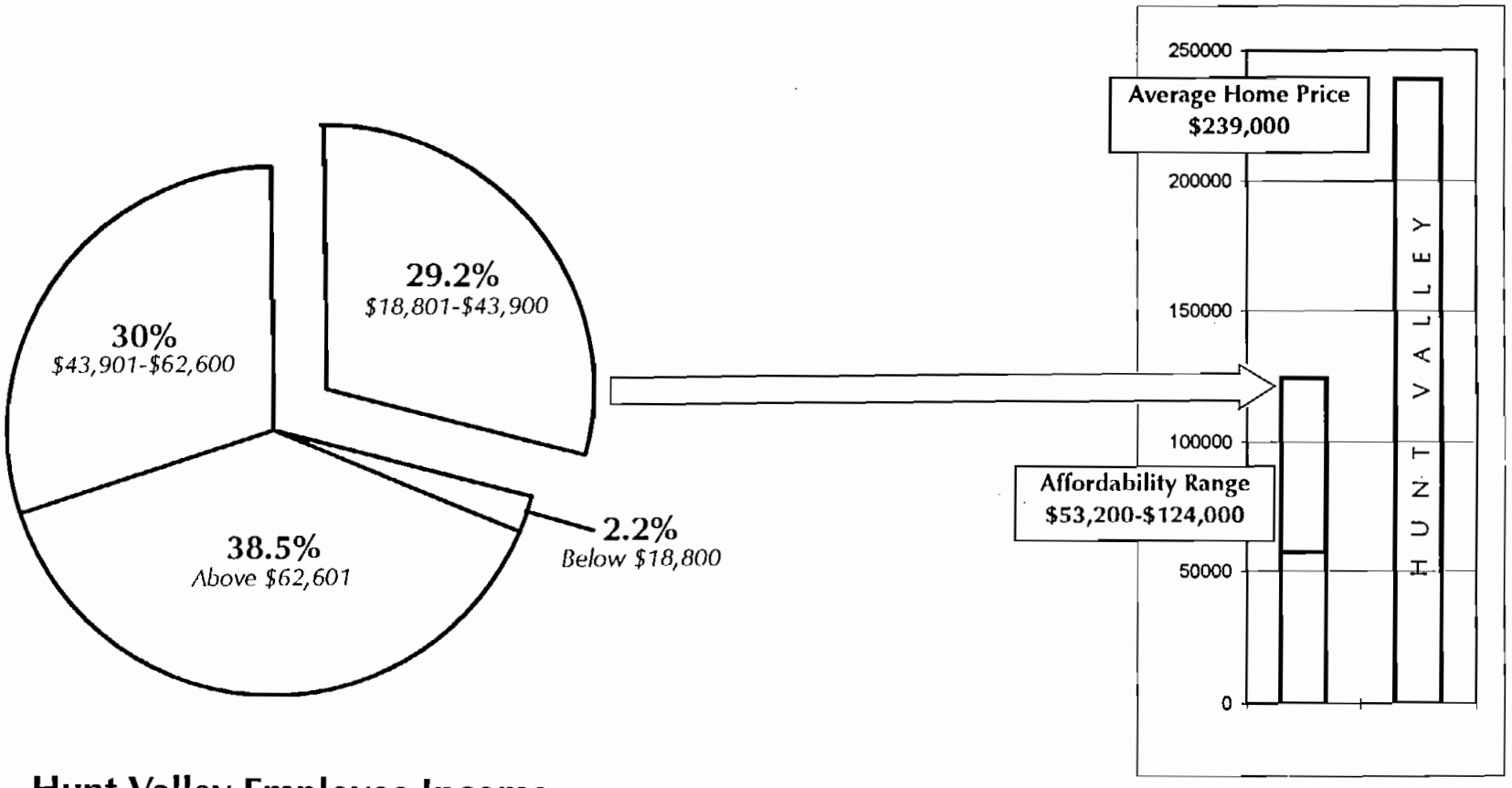
CR-93-307-SPHXA

Differences in Occupational Structure for Hunt Valley Workers vs. Hunt Valley Residents (1990)



Petitioner's #17
CR-93-307-SPHXA

Can Hunt Valley Workers Afford Hunt Valley Homes?



Hunt Valley Employee Income

Home Prices

Colvista

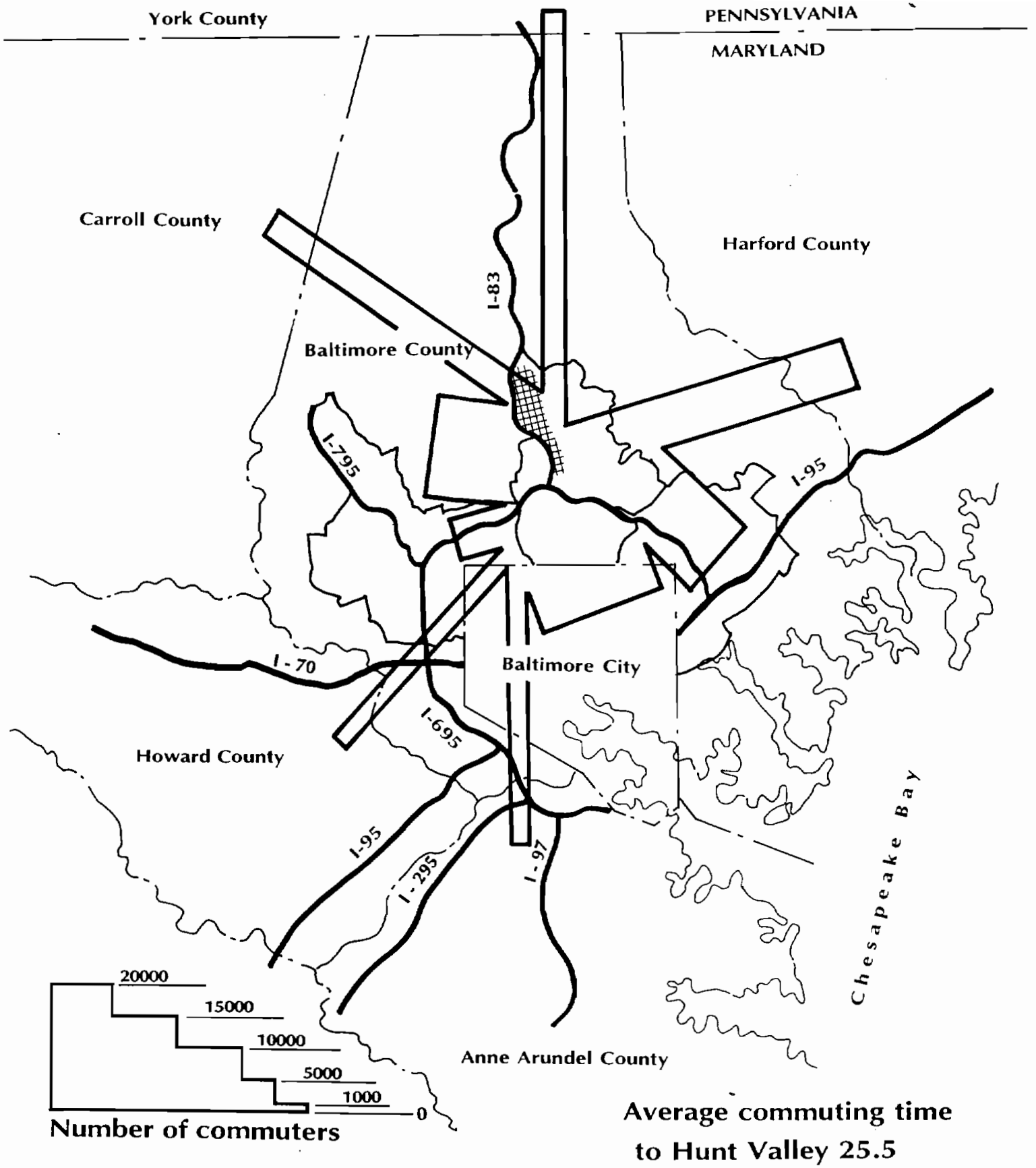
LDR International

Source: Legg Mason Realty Group, Inc.

Petitioner's #8 CR-93-307-SPHXA

Petitioner's # 18

CR-93-307-SPHXA



Colvista

Commuter Patterns by Center - Hunt Valley

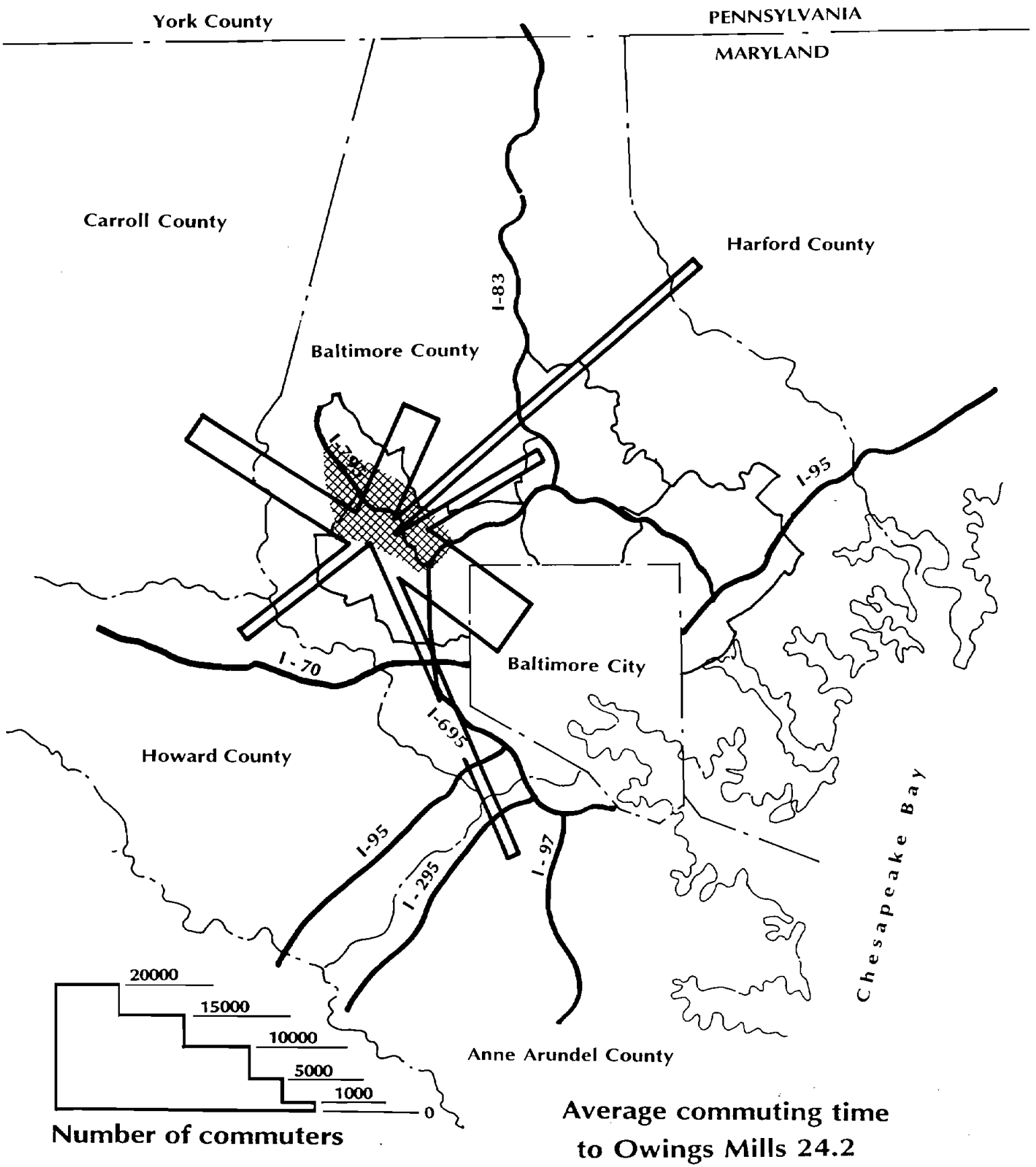
LDR International

County designated urban centers

Source: LDR International from BMC data, Round V Projections

Petitioner's #19

CR-93-307-SPHXA



Colvista

LDR International

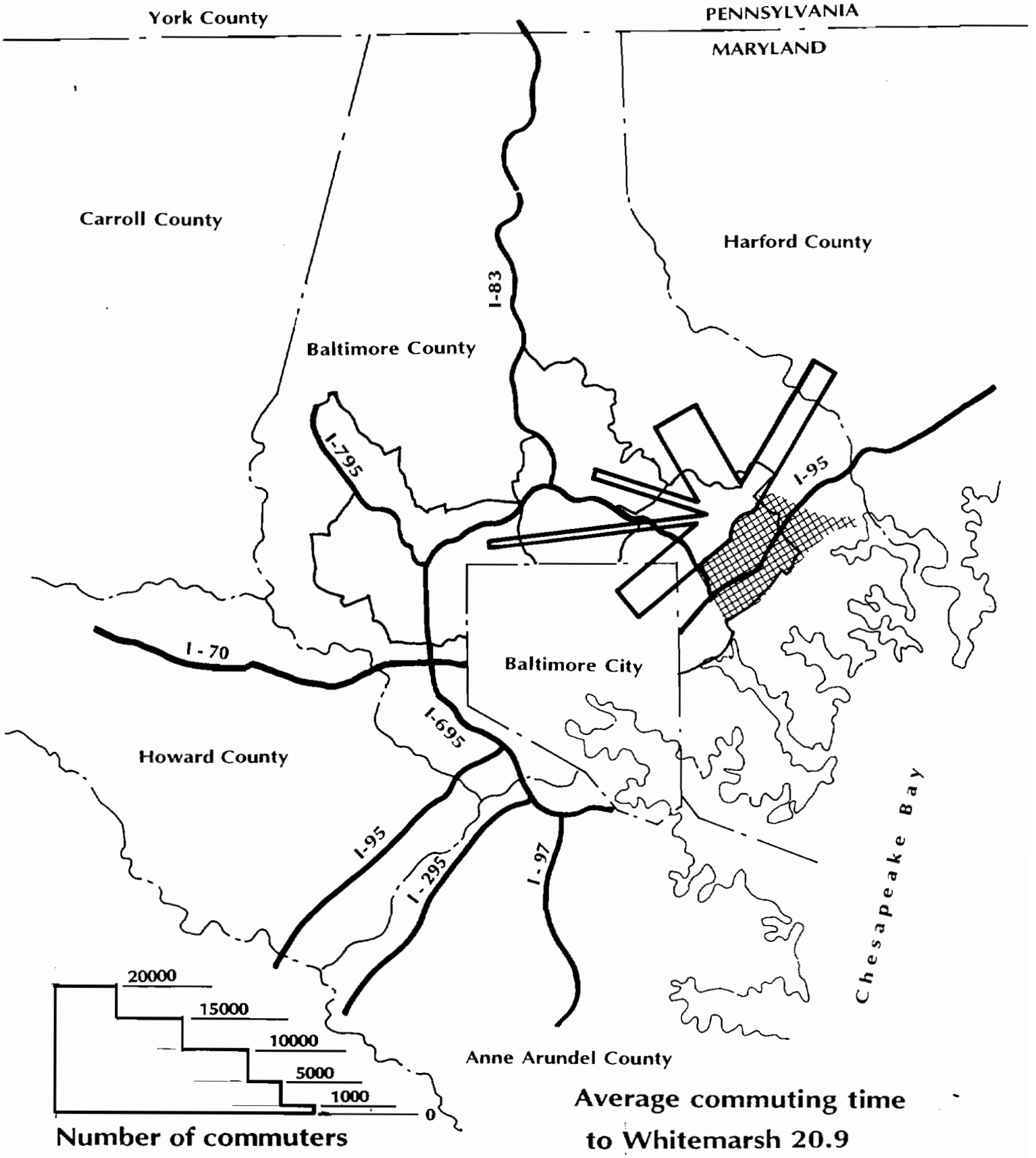
Commuter Patterns by Center - Owings Mills

County designated urban centers

Source: LDR International from BMC data, Round V Projections

Petitioner's #20

CR-93-307-SPHXA



Colvista

Commuter Patterns by Center - Whitemarsh

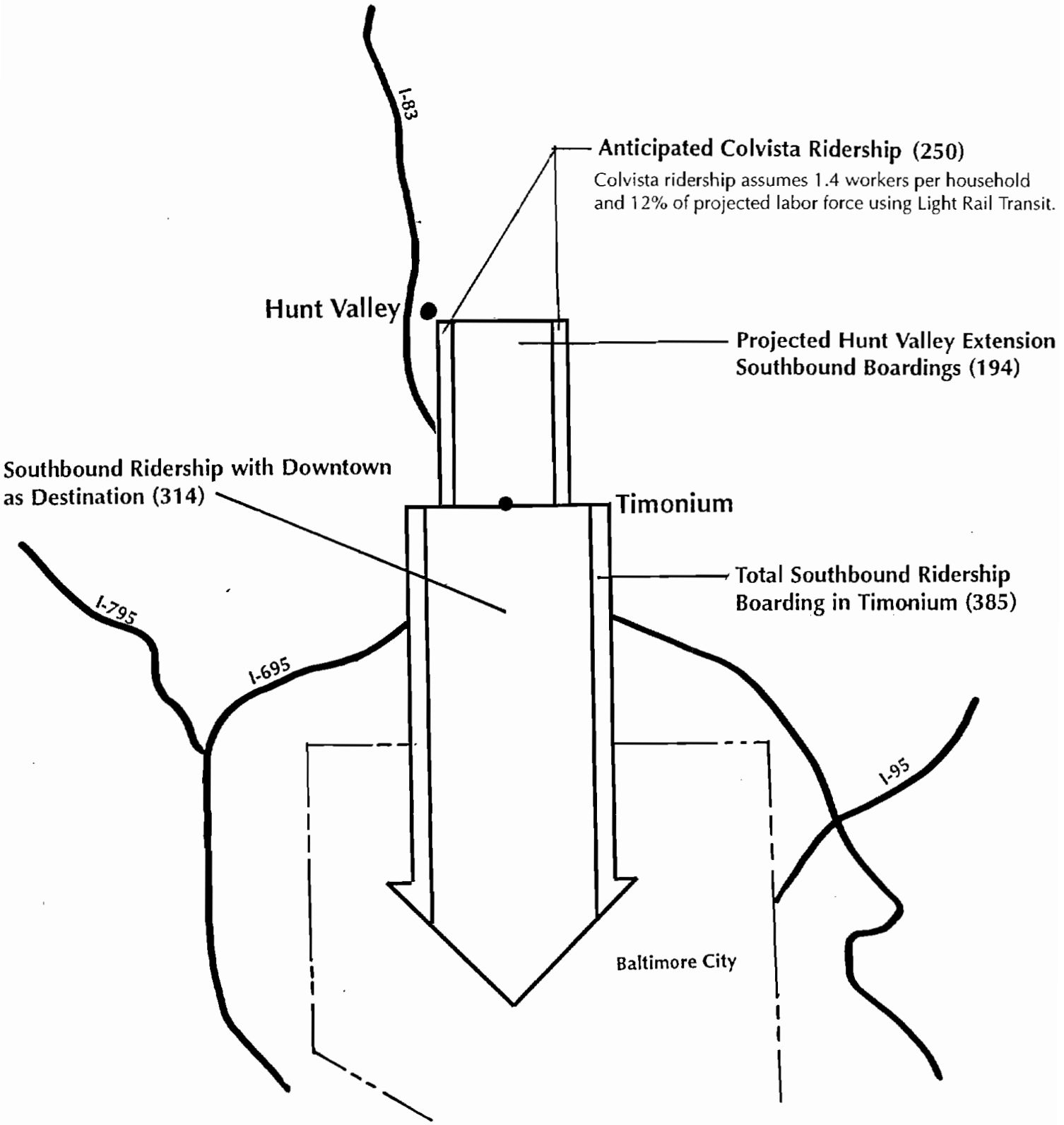
LDR International

County designated urban centers

Source: LDR International from BMC data, Round V Projections

Petitioner's #21

CR-93-3 v. SPMxA



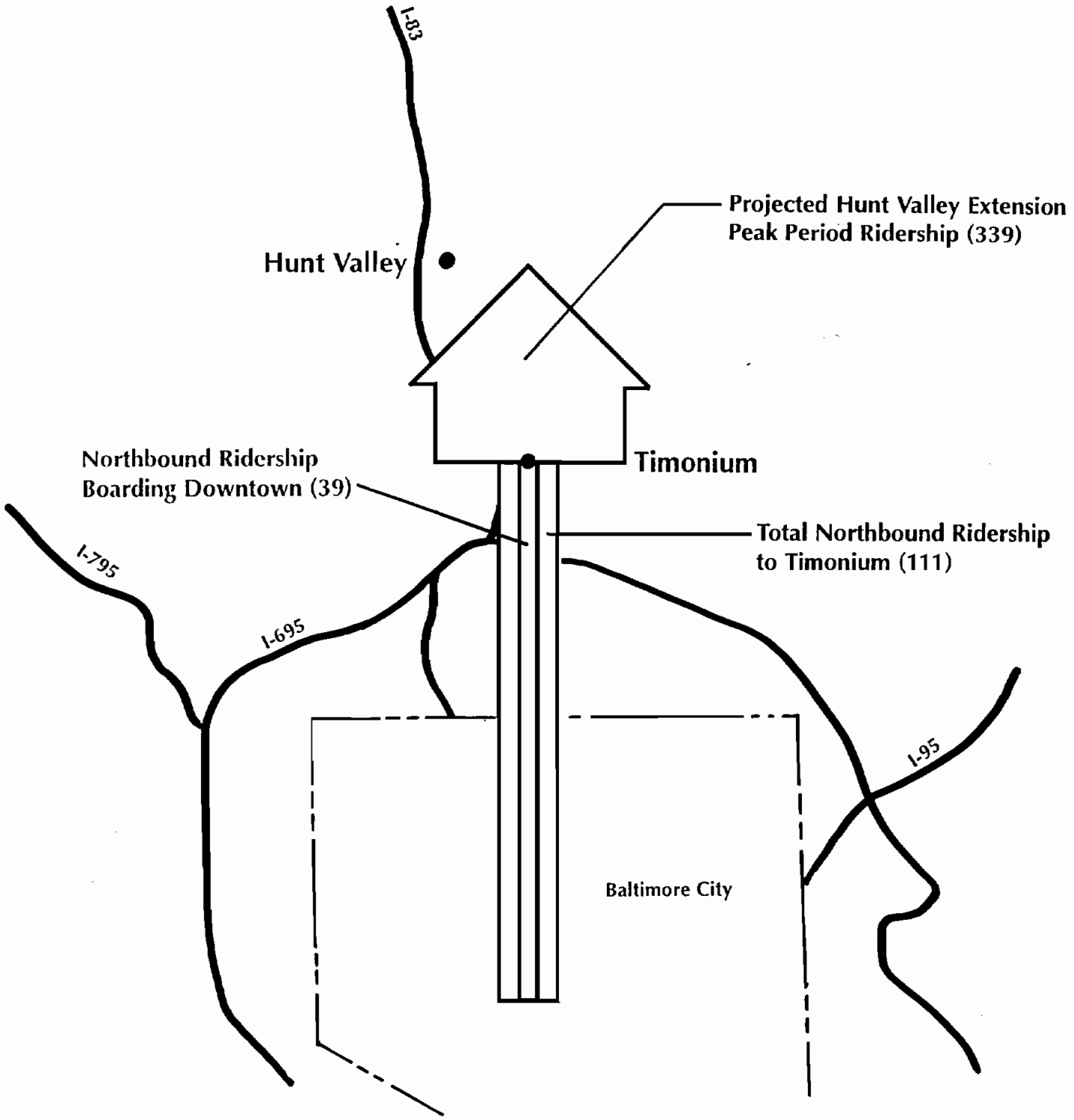
Colvista

LDR International

Existing and Projected A.M. Peak Period Light Rail Ridership for Timonium and Hunt Valley (Southbound)

Petitioner's #22

CR-93-37-SPHX



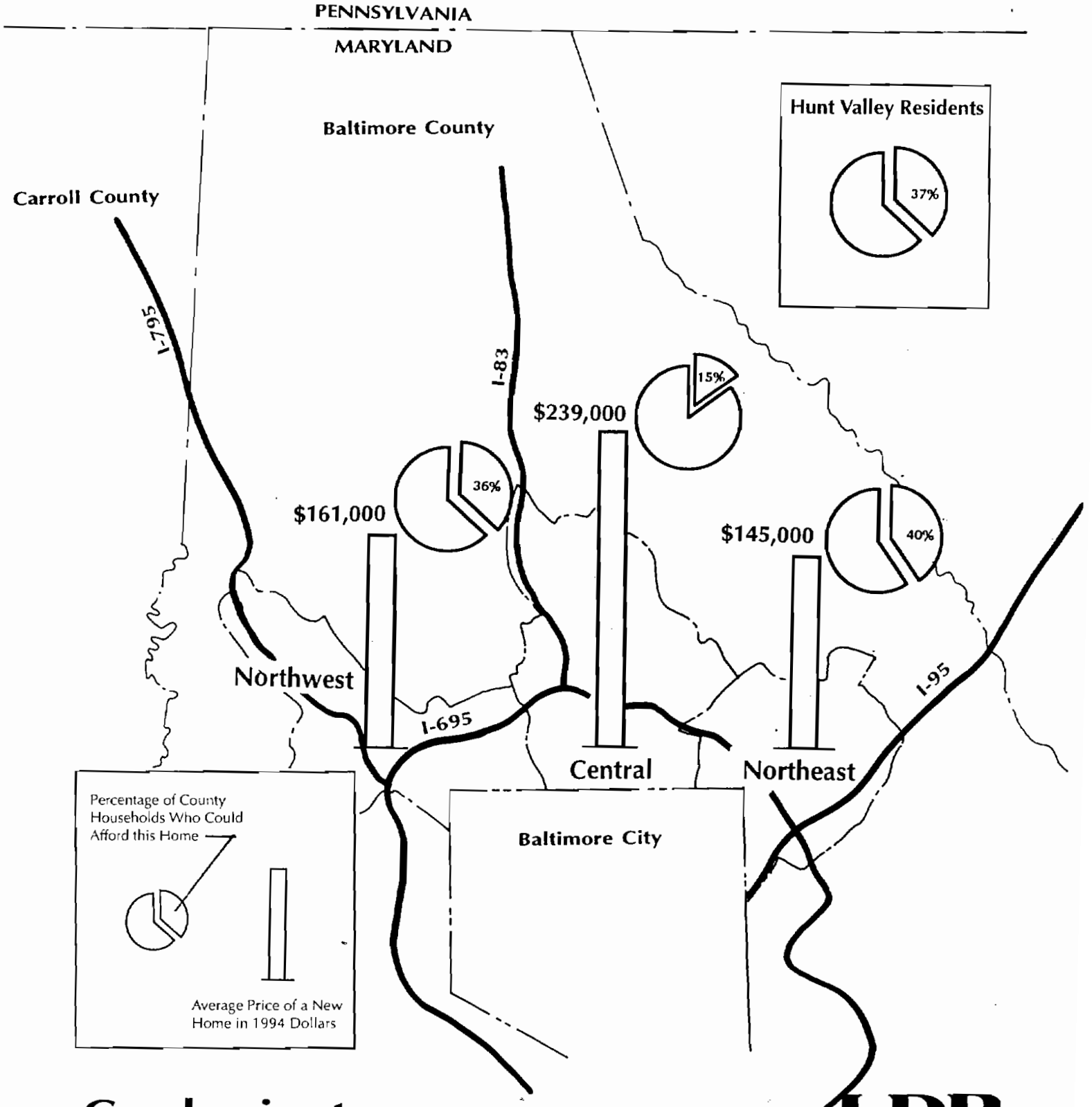
Colvista

LDR International

Existing and Projected A.M. Peak Period Light Rail Ridership for Timonium and Hunt Valley (Northbound)

Petitioner's #23

CR-93-307-SPHXA



Colvista

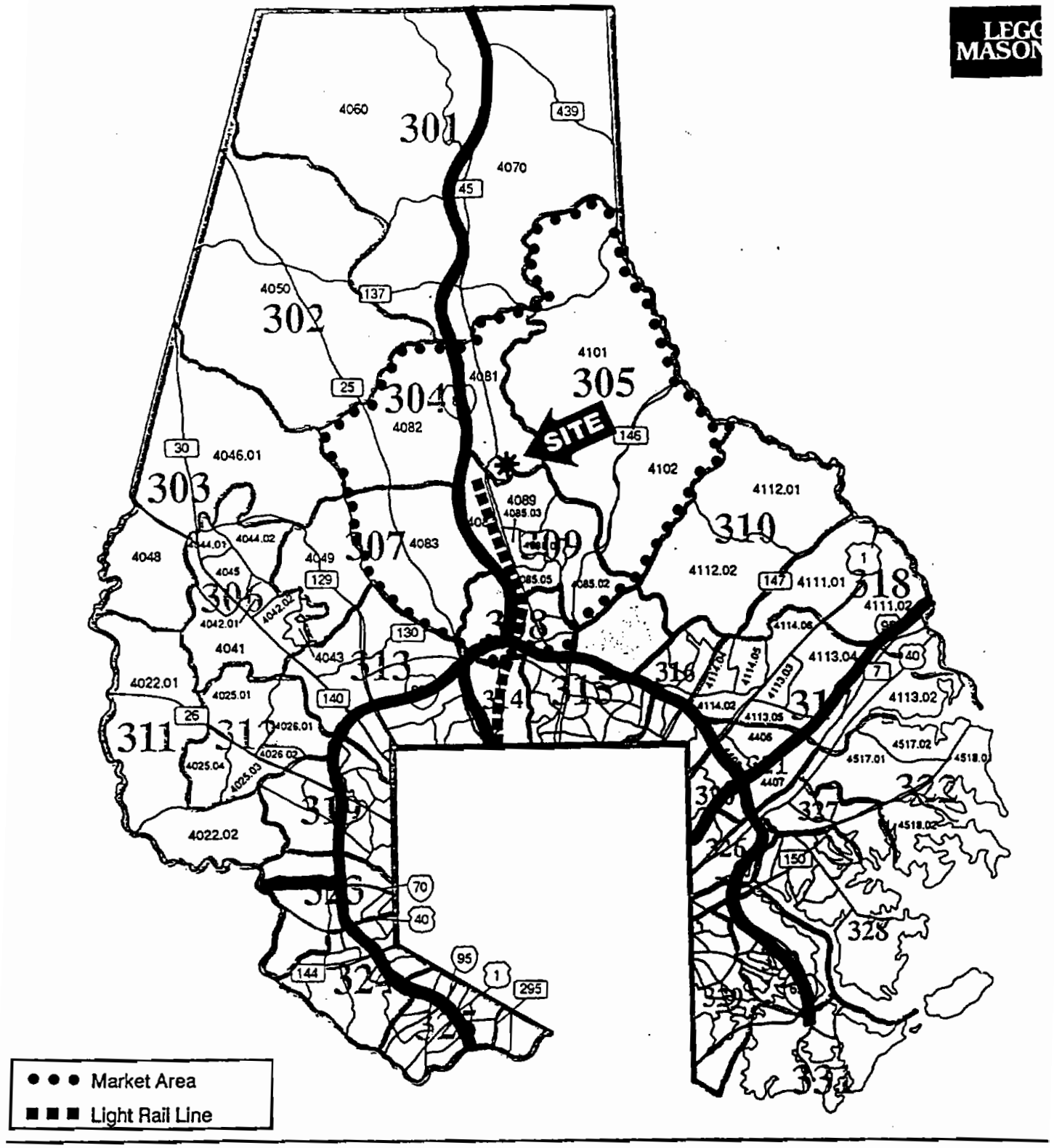
LDR International

Growth Area Housing Affordability

Source: Legg Mason Realty Group, Inc.

Petitioner's # 24

CR-93-307-SPHXA

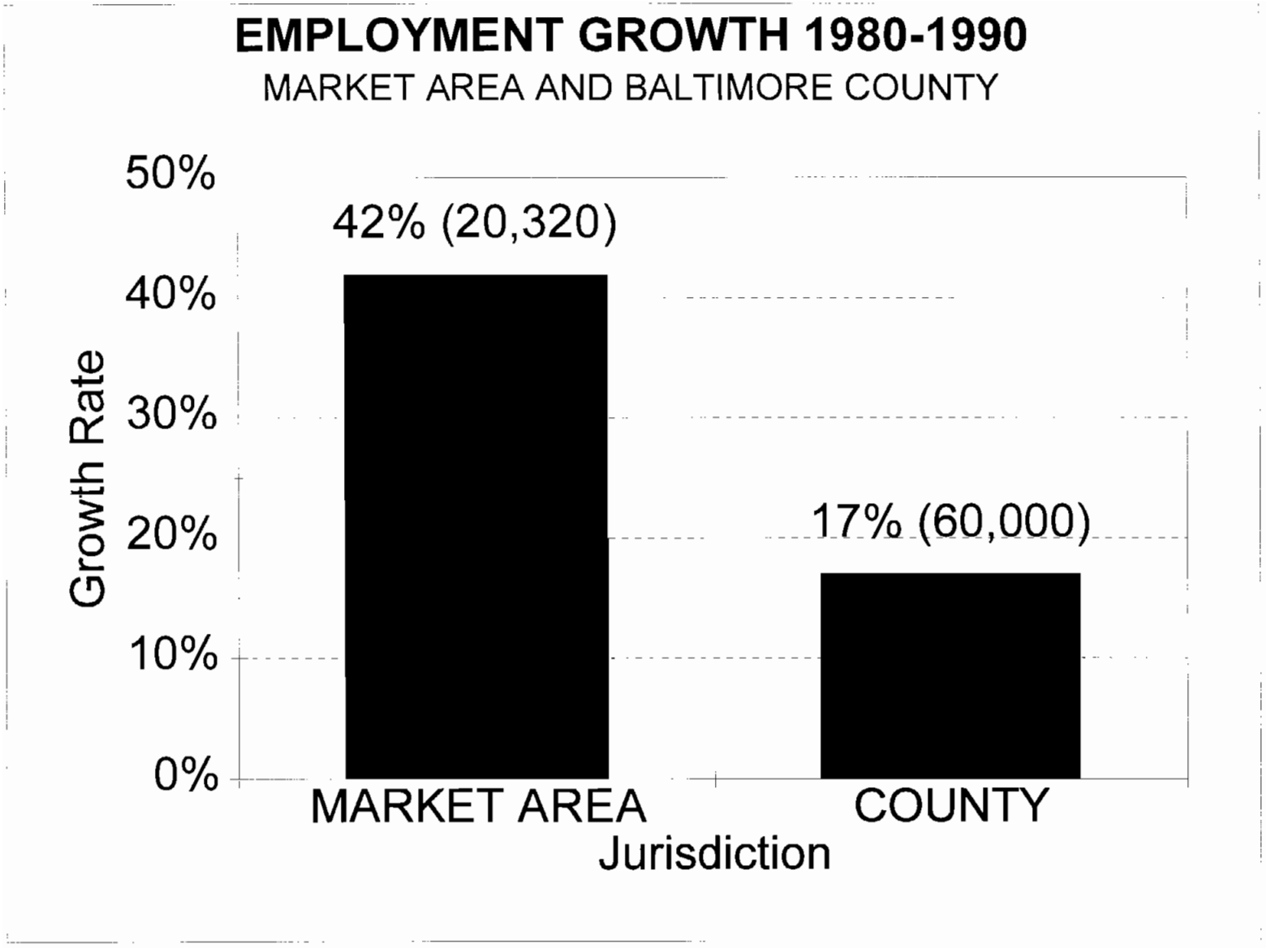


LEGG MASON

MARKET AREA

Petitioner's #125

CR-93-307-SPHXA


EMPLOYMENT GROWTH 1980-1990
MARKET AREA AND BALTIMORE COUNTY
50%
40%
30%
20%
10%
0%
Growth Rate
42% (20,320)
17% (60,000)
MARKET AREA
COUNTY
Jurisdiction

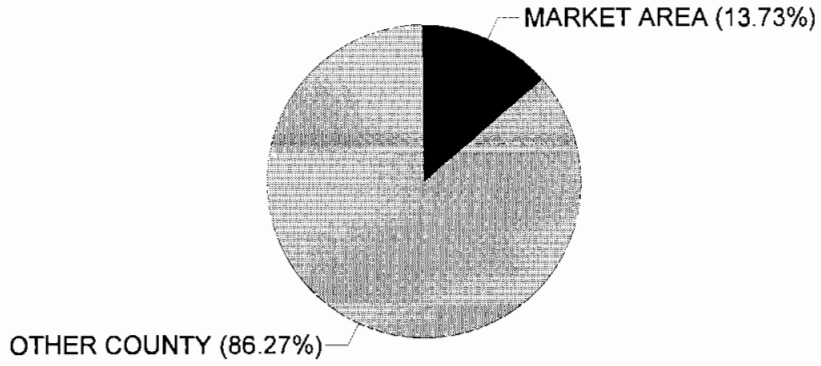
Petitioner's #26

CR-93-307-SPHXA

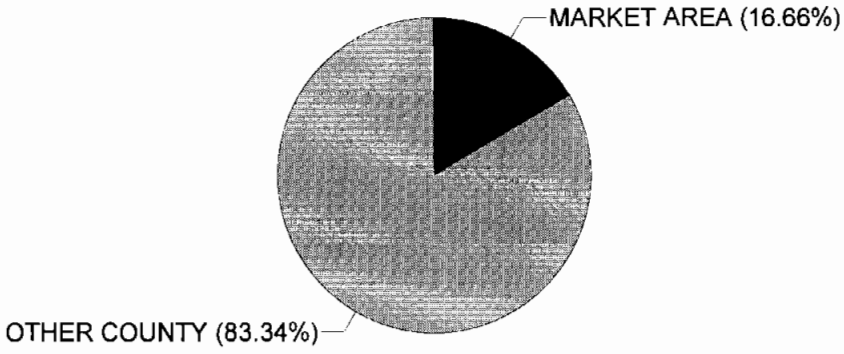
SHARE OF COUNTY EMPLOYMENT

HUNT VALLEY MARKET AREA, 1980 & 1990

1980

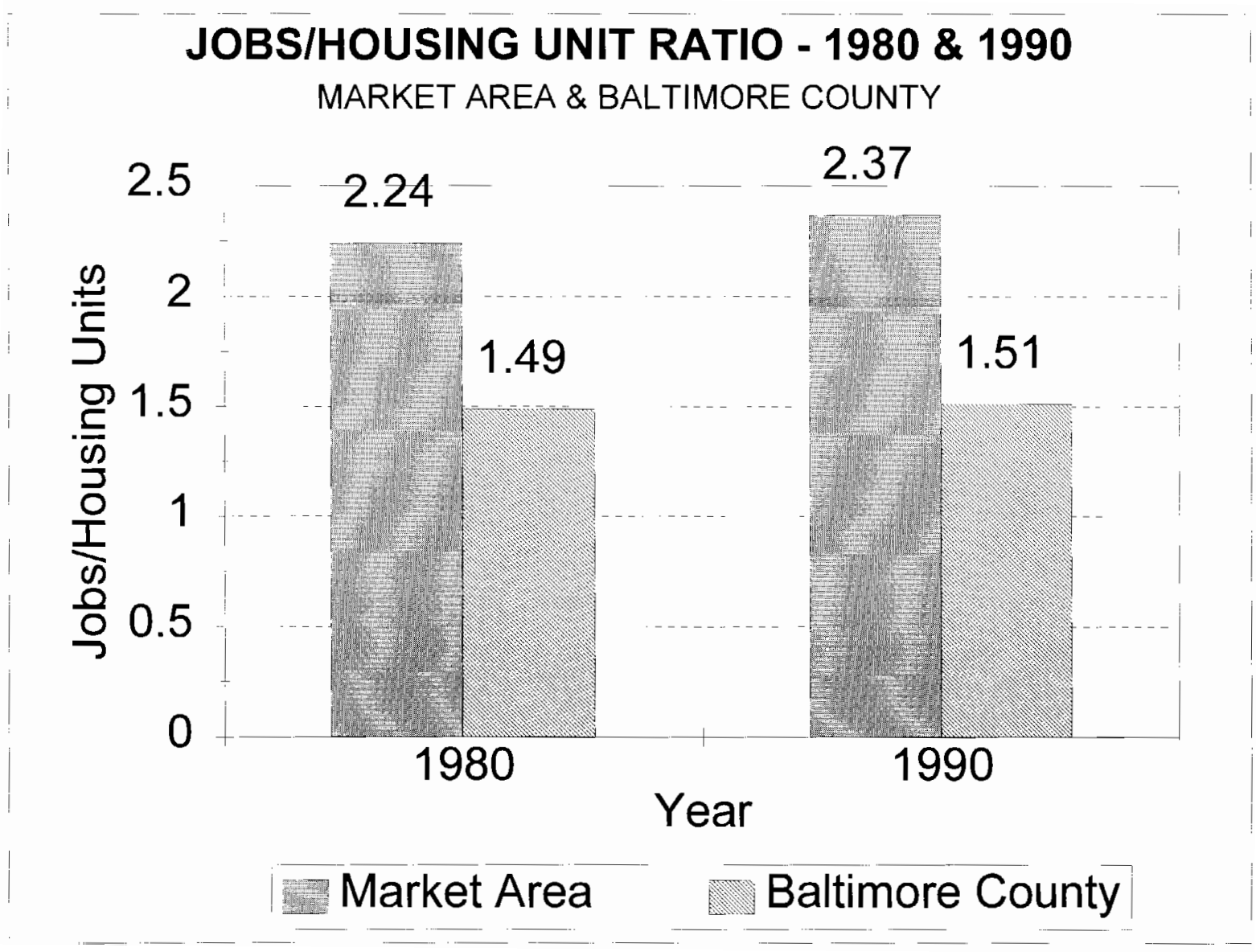


1990



Petitioner's # 27

CR-93-37-SPHXA


JOBS/HOUSING UNIT RATIO - 1980 & 1990
MARKET AREA & BALTIMORE COUNTY
Jobs/Housing Units
2.5
2
1.5
1
0.5
0
2.24
1.49
2.37
1.51
1980
1990
Year
Market Area
Baltimore County

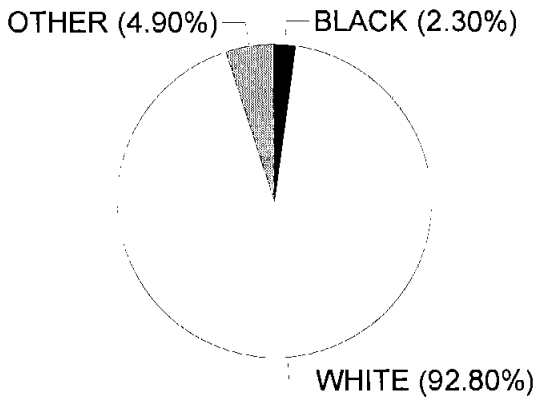
Petitioner's #28

CR-93-307-SPHXA

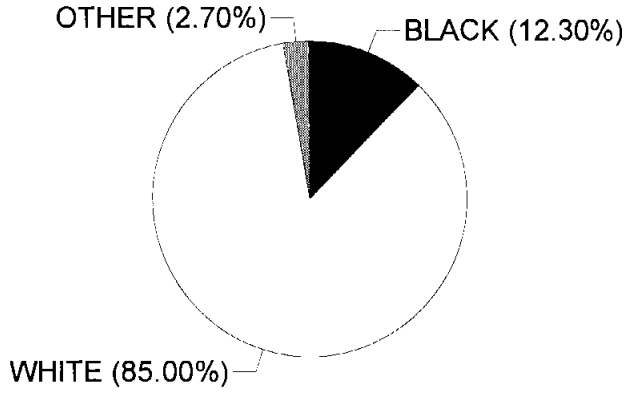
POPULATION BY RACE - 1990

MARKET AREA AND BALTIMORE COUNTY

MARKET AREA



COUNTY



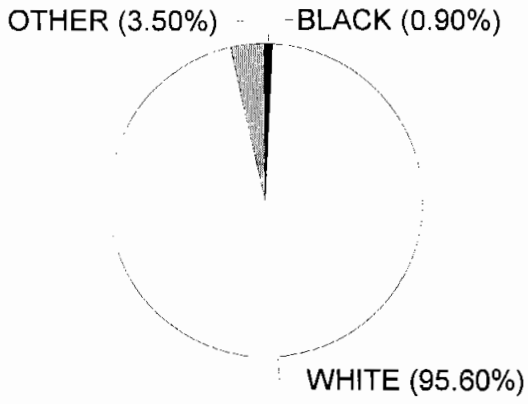
Petitioner's #29

CR-93-307-SPHX

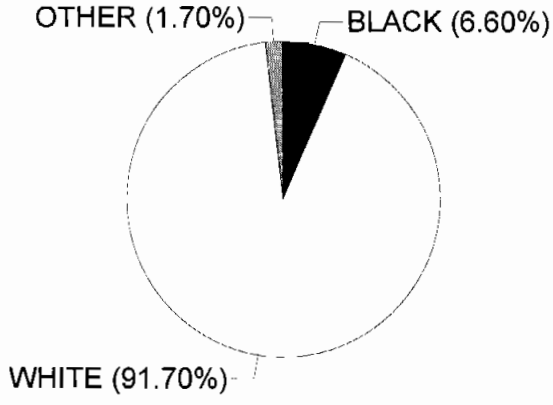
HOME OWNERSHIP BY RACE - 1990

MARKET AREA AND BALTIMORE COUNTY

MARKET AREA



COUNTY



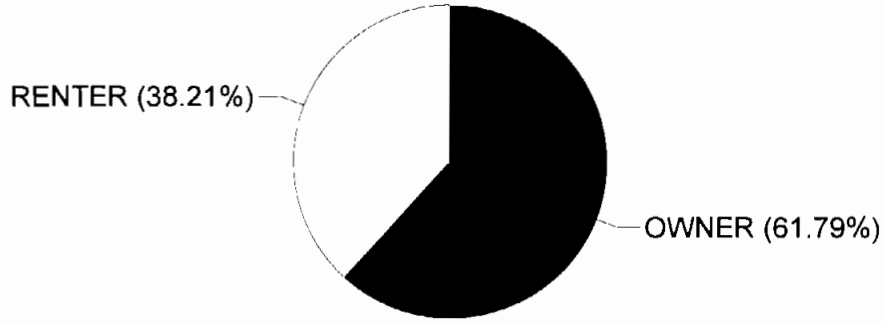
Petitioner's Exh. # 30

CR-93-307-SPHXA

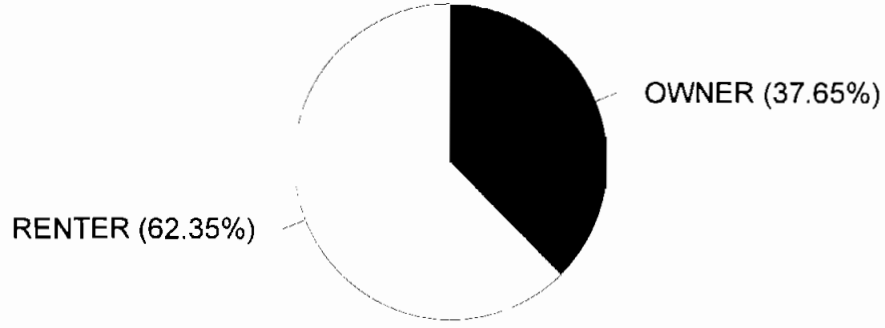
OWNER/RENTER STATUS BY RACE - 1990

BALTIMORE CITY

WHITE



BLACK



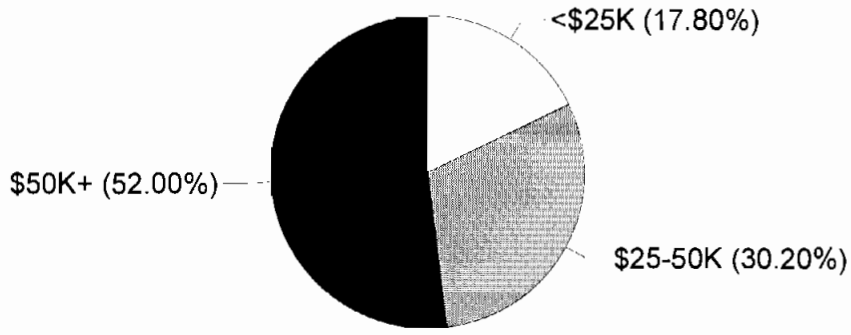
Petitioner's # 31

CR-93-307-SPHXA

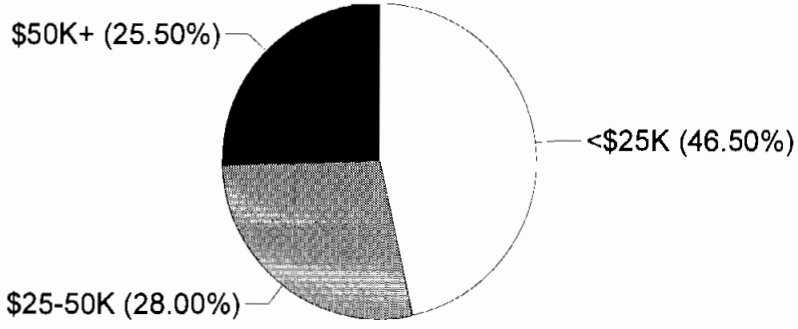
HOUSEHOLD INCOME BY RACE - 1990

MARKET AREA

WHITE

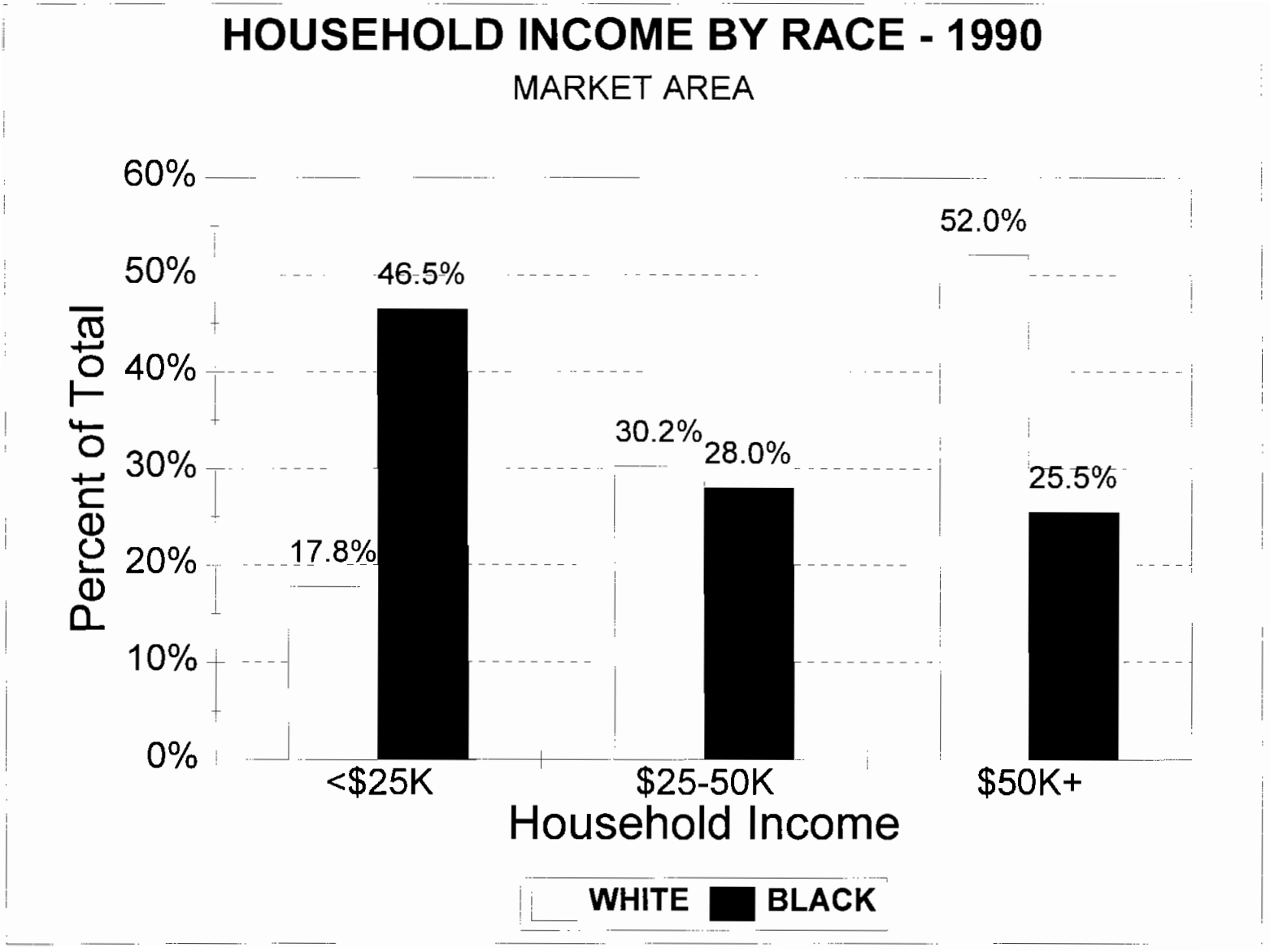


BLACK



Petitioner's #32

CR-93-307-SPHXA

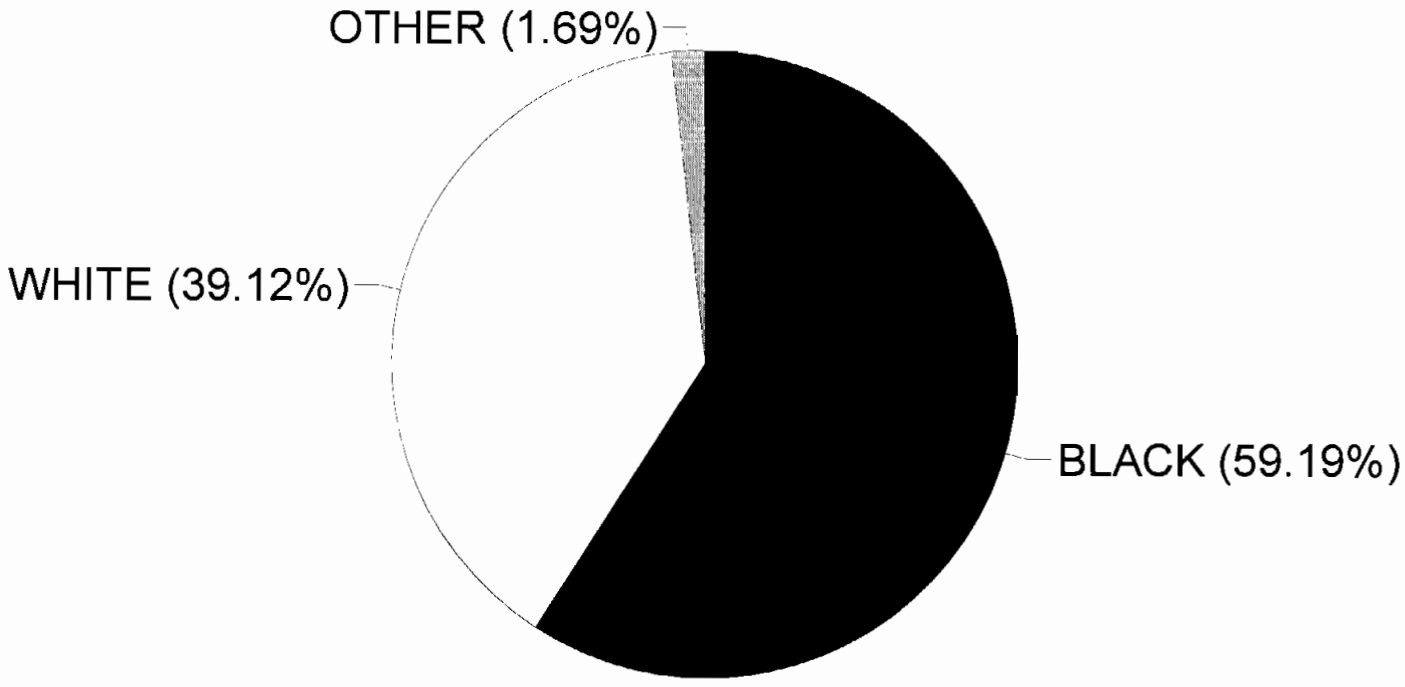

HOUSEHOLD INCOME BY RACE - 1990
MARKET AREA
60%
50%
40%
30%
20%
10%
0%
Percent of Total
17.8%
46.5%
30.2%
28.0%
52.0%
25.5%
<$25K
$25-50K
$50K+
Household Income
WHITE
BLACK

Petitioner's #33

CR-93-307-SMxA

POPULATION BY RACE - 1990

BALTIMORE CITY

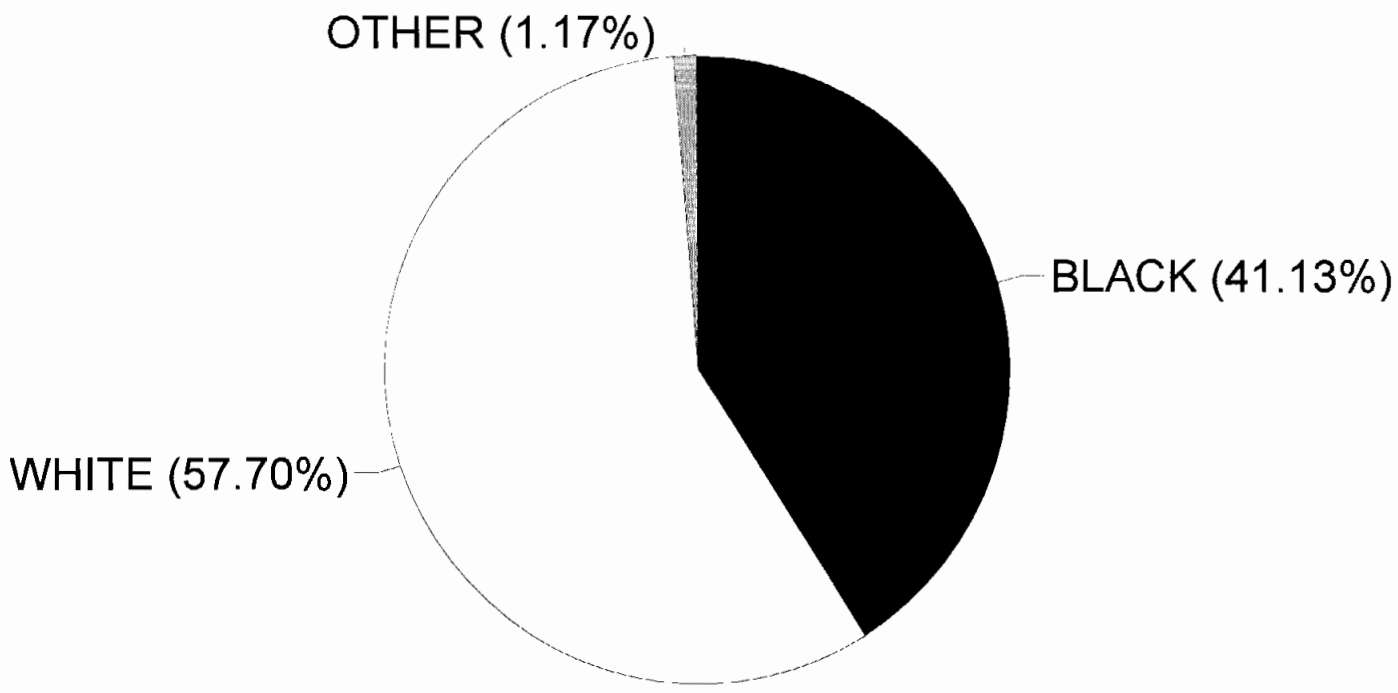


Petitioner's #34

CR-93-307-5PHXA

HOME OWNERSHIP BY RACE - 1990

BALTIMORE CITY



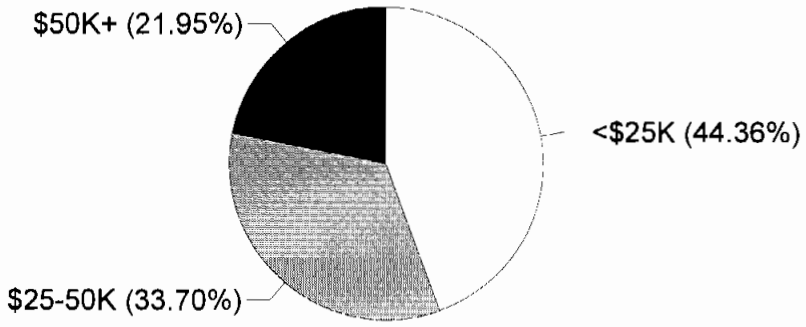
Petitioner's # 35

CR-93-307-SPHXA

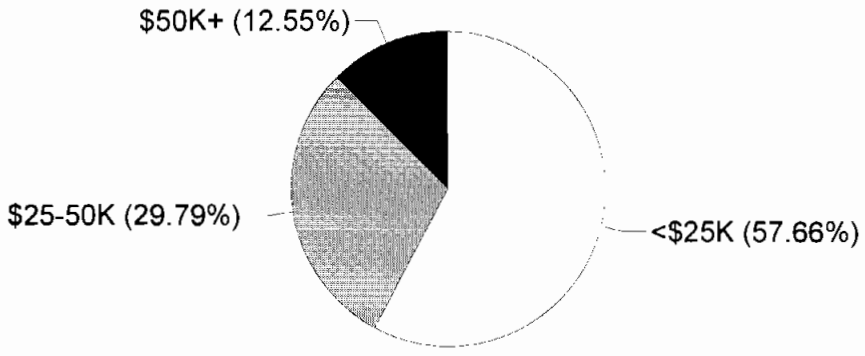
HOUSEHOLD INCOME BY RACE - 1990

BALTIMORE CITY

WHITE



BLACK



Petitioner's #36

CR-93-307-SPHXA

PROJECTED DEMAND FOR NEW HOUSING
HUNT VALLEY MARKET AREA
1995-2010

Starter Market	Up to $140,000	500		
Starter Market	$140,000 to $210,000	300		
Move-Up Market	Up to $160,000	175		
Move-Up Market	$160,000 and above	1,225		
"Empty Nester" Market	$140,000 to $250,000	1,050		
Senior Market	$140,000-$250,000	525		
	TOTAL FOR-SALE		3,775	
	TOTAL RENTAL		2,525	
	TOTAL DEMAND 1995-2010			6,300

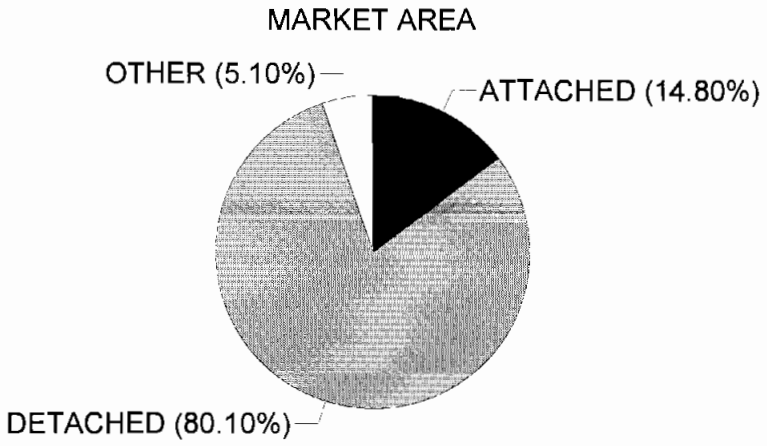
Source: Projections by Legg Mason Realty Group, Inc., August, 1995.

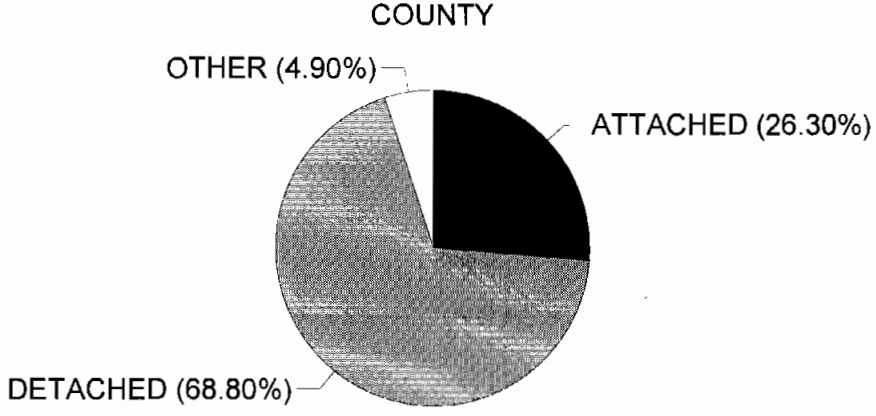
Petitioner's # 37

CR-93-37-SPHXA

OWNER-OCCUPIED HOUSING BY TYPE - 1990

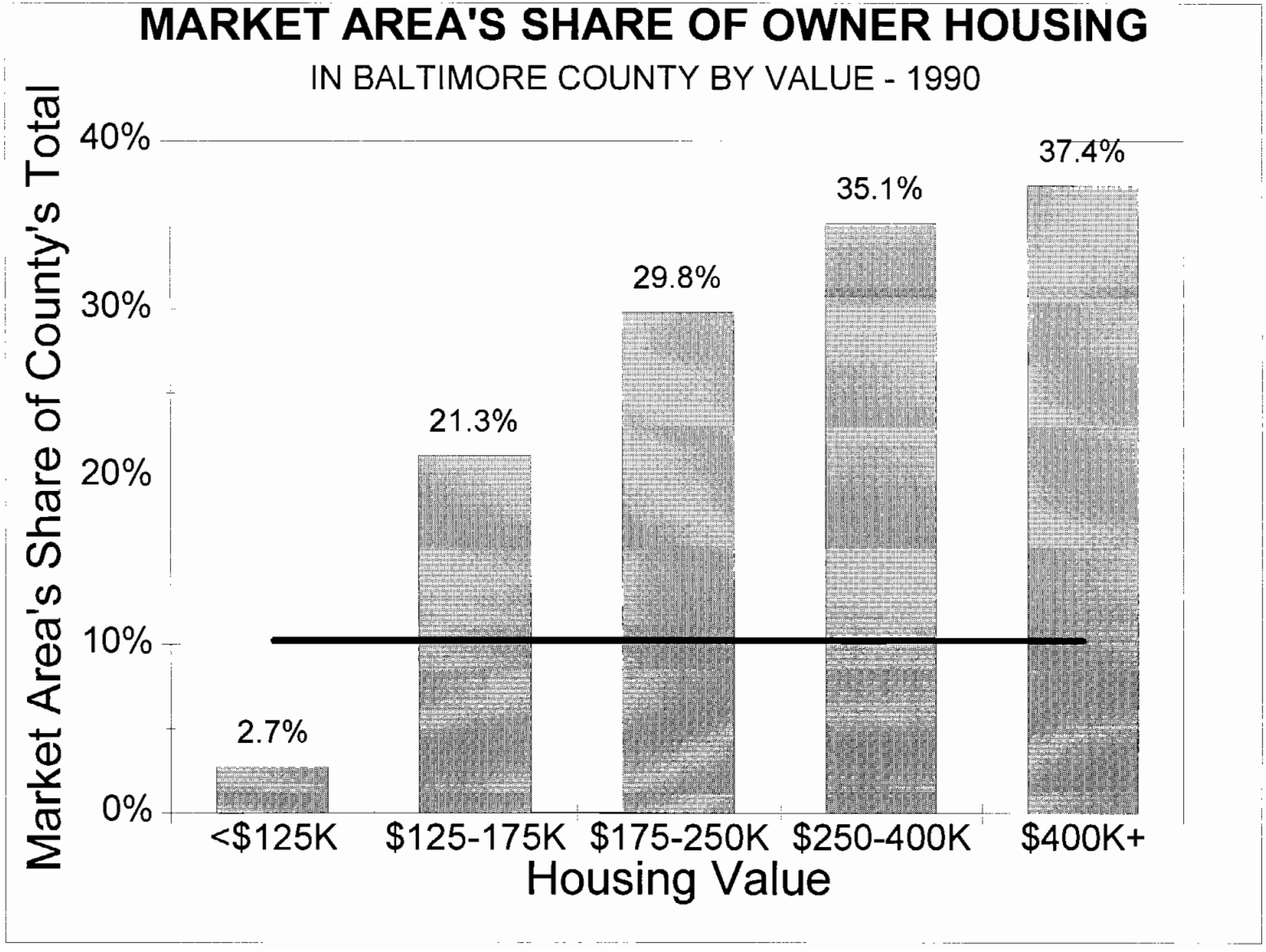
MARKET AREA AND BALTIMORE COUNTY





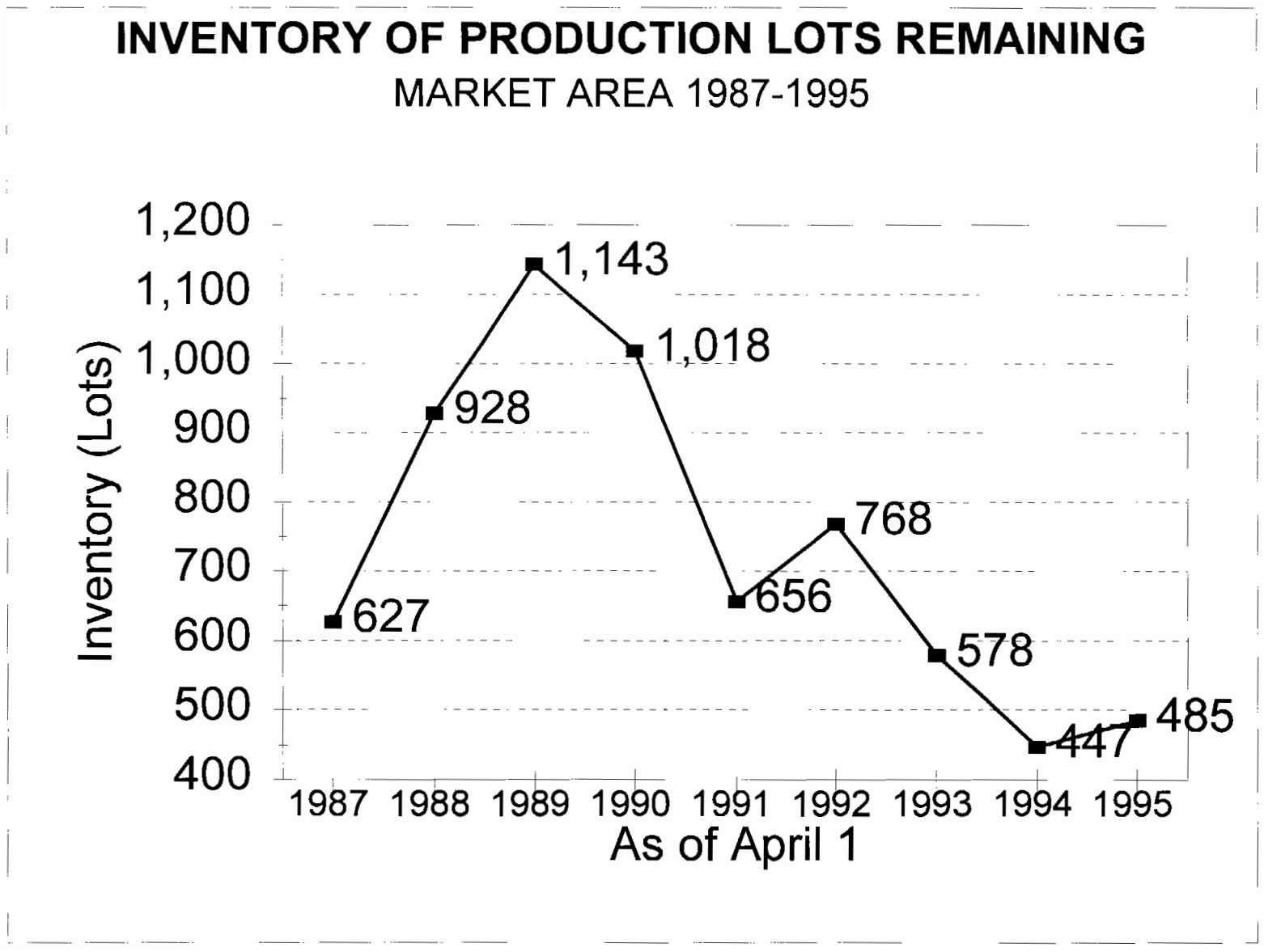
Petitioner's # 38

CR. 93-307-SPHIA


MARKET AREA'S SHARE OF OWNER HOUSING
IN BALTIMORE COUNTY BY VALUE - 1990
Market Area's Share of County's Total
40%
30%
20%
10%
0%
2.7%
21.3%
29.8%
35.1%
37.4%
<$125K
$125-175K
$175-250K
$250-400K
$400K+
Housing Value

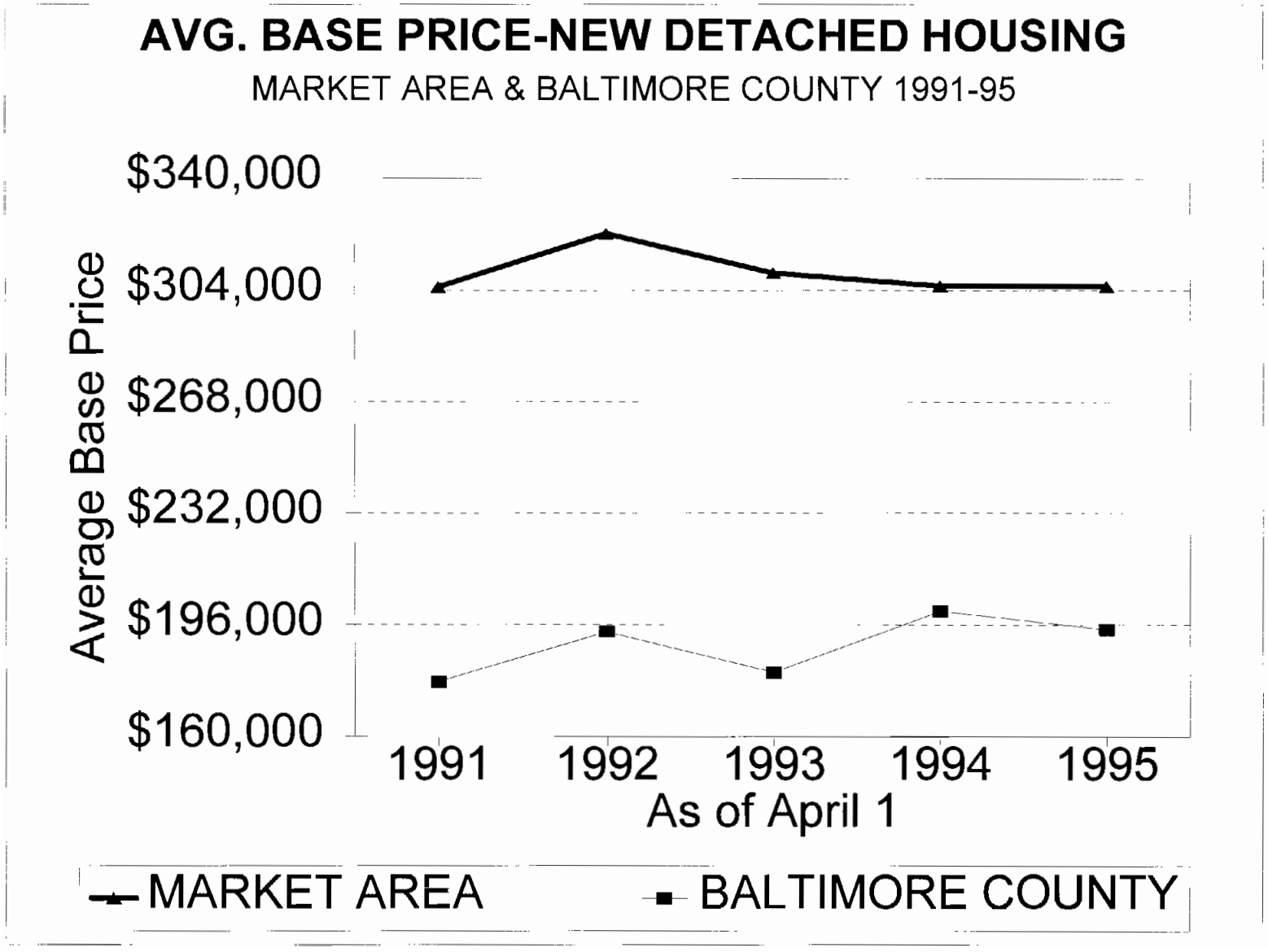
Petitioner's #39

CR-93-307-SPHXA


INVENTORY OF PRODUCTION LOTS REMAINING
MARKET AREA 1987-1995
Inventory (Lots)
1,200
1,100
1,000
900
800
700
600
500
400
627
928
1,143
1,018
656
768
578
447
485
1987 1988 1989 1990 1991 1992 1993 1994 1995
As of April 1

Petitioner's # 40

CR-93-307-5PHXRA

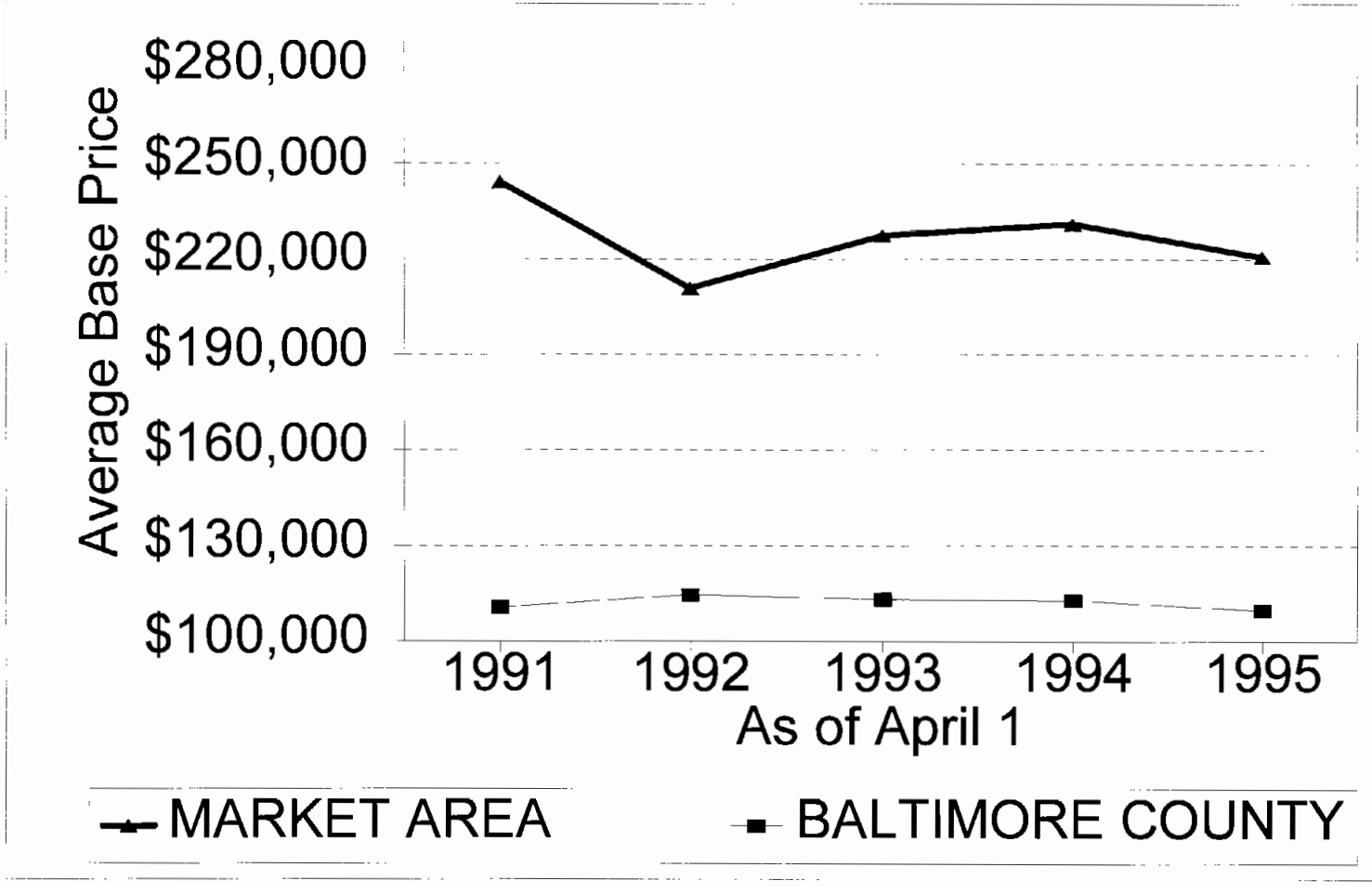

AVG. BASE PRICE-NEW DETACHED HOUSING
MARKET AREA & BALTIMORE COUNTY 1991-95
$340,000
$304,000
$268,000
$232,000
$196,000
$160,000
Average Base Price
1991
1992
1993
1994
1995
As of April 1
MARKET AREA
BALTIMORE COUNTY

Petitioner's #41

CR-93-307-SPHXA

AVG. BASE PRICE-NEW ATTACHED HOUSING

MARKET AREA & BALTIMORE COUNTY 1991-95



Petitioner's # 42

CR-93-307-SPHX

PROPOSED PRODUCT LINES
COLVISTA
HUNT VALLEY, MARYLAND

	UNITS	MIX	BASE PRICE POSITION	PRIME TARGET MARKET(S)
SENIOR HOUSING	234	15.6%	to be determined	SENIORS
ELEVATOR FLATS	372	24.8%	$155,000 to $185,000	EMPTY NESTER/SENIOR
WALK-UP FLATS W/GARAGE	176	11.7%	$125,000 to $140,000	STARTER/EMPTY NESTER
GARAGE FLATS	126	8.4%	$140,000 to $160,000	STARTER/EMPTY NESTER/SENIOR
CARRIAGE HOMES	292	19.4%	$140,000 to $160,000	STARTER/MOVE-UP/EMPTY NESTER
TOWNHOUSES	302	20.1%	$160,000 to $190,000	MOVE-UP/EMPTY NESTER
TOTAL	1,502	100.0%		
WEIGHTED AVERAGE			$160,000	

Source: Price recommendations and market conclusions by Legg Mason Realty Group, Inc.

Petitioner's #43

CR-93-307-SPHXA

LEGG MASON

ANALYSIS OF FISCAL IMPACT FOR BALTIMORE COUNTY, MARYLAND

COLVISTA RESIDENTIAL DEVELOPMENT HUNT VALLEY, MARYLAND

Pet. Ex. 44

Prepared for:

SECURITY MANAGEMENT CORP.
9901 Langs Road
Baltimore, Maryland 21220

Prepared by:

LEGG MASON REALTY GROUP, INC.
7 East Redwood Street, 2nd Floor
Baltimore, Maryland 21202

BHR 3026

AUGUST, 1995

LEGG MASON

PUBLIC SCHOOL CAPACITY ANALYSIS

COLVISTA

PROPOSED RESIDENTIAL DEVELOPMENT
HUNT VALLEY, MARYLAND

Pet. Ex. 45

Prepared For:

SECURITY MANAGEMENT CORP.

9901 Langs Road
Baltimore, Maryland 21220

Prepared By:

LEGG MASON REALTY GROUP
7 E. Redwood Street, 2nd Floor
Baltimore, Maryland 21203-1476

AUGUST 1995

BHR3026

ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED COLVISTA COMMUNITY SITE HUNT VALLEY, MARYLAND

Prepared for:

Security Management Corp.
Baltimore, Maryland

Prepared by:

EA Mid-Atlantic Regional Operations
EA Engineering, Science, and Technology, Inc.
15 Loveton Circle
Sparks, Maryland 21152

February 1993

EA Project 12140.01

FINAL

ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED COLVISTA COMMUNITY SITE HUNT VALLEY, MARYLAND

Prepared for:

Security Management Corp.
Baltimore, Maryland

Prepared by:

EA Engineering, Science, and Technology, Inc.
11019 McCormick Road
Hunt Valley, Maryland 21031

April 1995 Project 12140.01

SECURITY MANAGEMENT CORPORATION	*	BEFORE THE
SE Intersection York and	*	COUNTY BOARD OF
Phoenix Roads (Colvista)	*	APPEALS OF
Reclassification:	*	BALTIMORE COUNTY
R.C. 4 to D.R. 16 and B.L.	*	September 14, 1995
Case No. CR-93-307-SPHXA	*	

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204 at 9:30 a.m., September 14, 1995

* * * * *

ORIGINAL

Reported by:

C.E. Peatt

SECURITY MANAGEMENT CORPORATION	*	BEFORE THE
SE Intersection York and	*	COUNTY BOARD OF
Phoenix Roads (Colvista)	*	APPEALS OF
Reclassification:	*	BALTIMORE COUNTY
R.C. 4 to D.R. 16 and B.L.	*	September 13, 1995
Case No. CR-93-307-SPHXA	*	

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204 at 9:30 a.m., September 13, 1995

* * * * *

ORIGINAL

Reported by:

C.E. Peatt

SECURITY MANAGEMENT CORPORATION	*	BEFORE THE
SE Intersection York and	*	COUNTY BOARD OF
Phoenix Roads (Colvista)	*	APPEALS OF
Reclassification:	*	BALTIMORE COUNTY
R.C. 4 to D.R. 16 and B.L.	*	August 24, 1995
Case No. CR-93-307-SPHXA	*	

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204 at 9 a.m., August 24, 1995.

* * * * *

ORIGINAL

Reported by:

C.E. Peatt

SECURITY MANAGEMENT CORPORATION	*	BEFORE THE
SE Intersection York and	*	COUNTY BOARD OF
Phoenix Roads (Colvista)	*	APPEALS OF
Reclassification:	*	BALTIMORE COUNTY
R.C. 4 to D.R. 16 and B.L.	*	August 23, 1995
Case No. CR-93-307-SPHXA	*	

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204 at 9 a.m., August 23, 1995.

* * * * *

ORIGINAL

Reported by:

C.E. Peatt

SECURITY MANAGEMENT CORPORATION	*	BEFORE THE
SE Intersection York and	*	COUNTY BOARD OF
Phoenix Roads (Colvista)	*	APPEALS OF
Reclassification:	*	BALTIMORE COUNTY
R.C. 4 to D.R. 16 and B.L.	*	August 17, 1995
Case No. CR-93-307-SPHXA	*	

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204 at 9 a.m., August 17, 1995.

* * * * *

ORIGINAL

Reported by:

C.E. Peatt

SECURITY MANAGEMENT CORPORATION	*	BEFORE THE
SE Intersection York and	*	COUNTY BOARD OF
Phoenix Roads (Colvista)	*	APPEALS OF
Reclassification:	*	BALTIMORE COUNTY
R.C. 4 to D.R. 16 and B.L.	*	August 16, 1995
Case No. CR-93-307-SPHXA	*	

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204 at 10 a.m., August 16, 1995.

* * * * *

ORIGINAL

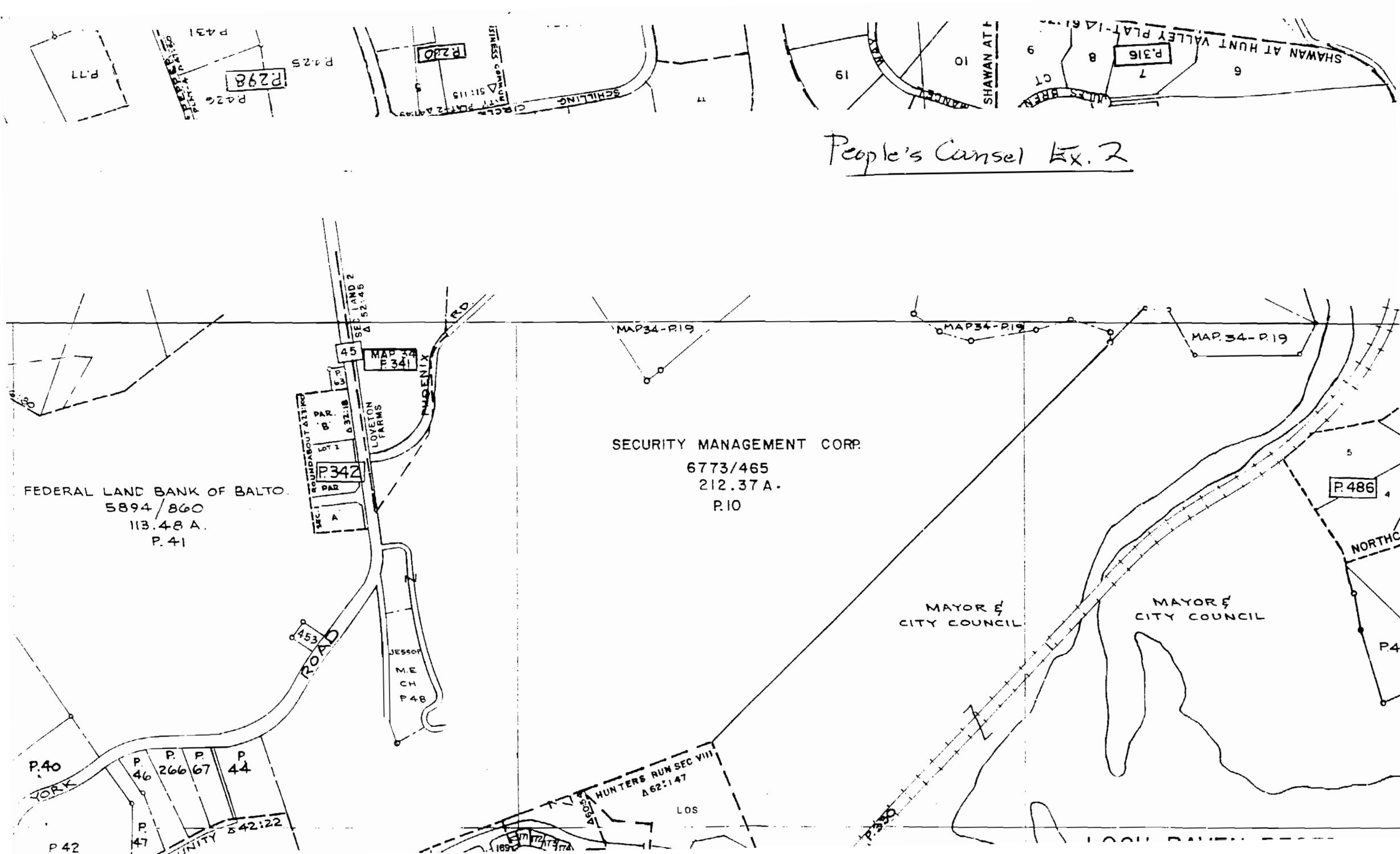
Reported by:

C.E. Peatt

People's Counsel Ex. 1

COPYRIGHT - MAP DIVISION - 1967,
MD. DEPT. OF ASSESS. & TAX.

People's Counsel Ex. 2



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211

JOHN D. SEYFFERT
DIRECTOR

For Mr. Hessian
People's Counsel Ex 3

August 14, 1979

Enclosed are the following reports recently adopted by the Baltimore County Planning Board:

1. Final report—growth-management legislation: phase I—7/26/79 and 8/2/79

2. Final report—recommended Baltimore County master plan 1979-1995—7/26/79

Copies of the land-use map that is a part of the recommended plan, and of the proposed deficient-facilities component of the zoning map, are on display in the Office of Planning and Zoning, Room 406 County Courts Building, in Towson.

These reports have been transmitted to the County Council, and the Council will establish the date of the hearing or hearings on them.

Norman E. Gerber

for John D. Seyffert, Director of Planning and Zoning
Secretary to the Planning Board

CWM/ks

PEOPLE'S COUNSEL ~~BOARD OF APPEALS~~
ORIGINAL
ONLY COPY
PLEASE RETURN

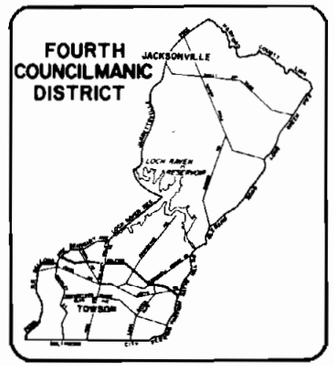
People's Counsel Ex 4

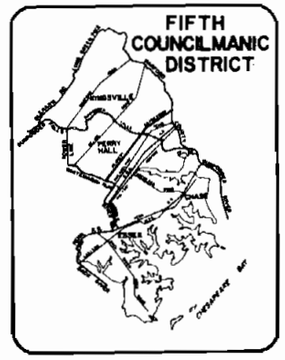
BALTIMORE COUNTY MASTER PLAN 1979 - 1990

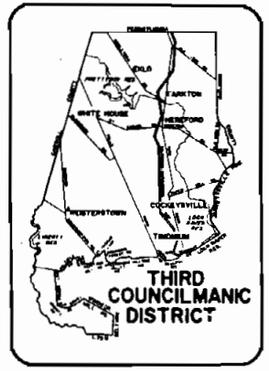
land use element

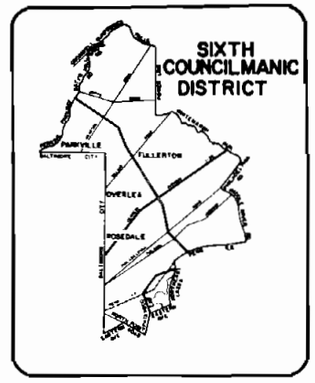
1

People's Counsel Ex. 5 Wentz



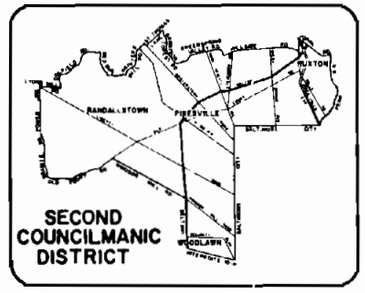


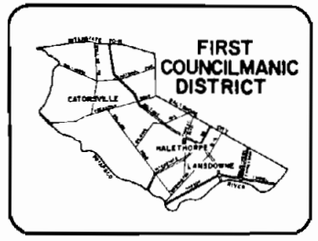




THE RECOMMENDED 1980 COMPREHENSIVE ZONING MAP

FOR BALTIMORE COUNTY





ADOPTED MARCH 20, 1980

Baltimore County Planning Board

Excerpt: Baltimore County Council Minutes
Legislative Day No. 15
August 4, 1980.
pp. 10 & 11

People's Counsel Ex. 6

G2. Retirement of Zoning Issues

The Chairman explained the Council's reasons for retiring certain zoning issues at this time and the timetable involved in completing the adoption of the comprehensive zoning maps.

Thereafter Councilman Hickernell moved to retire the following issues in the First Councilmanic District:

1-1	1-8	1-21	1-29	1-35	1-45
1-2	1-12	1-22	1-30	1-37	1-47
1-3	1-16	1-24	1-31	1-40	1-48
1-4	1-19	1-25	1-32	1-41	1-50
1-5	1-20	1-28	1-33	1-43	1-60
					1-65
					1-68
					1-74

Councilman O'Rourke seconded the motion and it was unanimously passed.

Councilman Huddles then moved to retire the following issues in the Second Councilmanic District:

2-3	2-16	2-32	2-47	2-60	2-71
2-4	2-17	2-33	2-48	2-61	2-72
2-5	2-19	2-34	2-49	2-62	2-73
2-6	2-20	2-36	2-52	2-63	2-74
2-8	2-23	2-38	2-53	2-64	2-75
2-9	2-24	2-39	2-54	2-65	2-76
2-10	2-27	2-40	2-55	2-66	2-77
2-11	2-28	2-41	2-56	2-67	2-79
2-13	2-29	2-42	2-57	2-68	2-81
2-14	2-30	2-43	2-58	2-69	2-82
2-15	2-31	2-44	2-59	2-70	2-83
					2-84
					2-85

Councilman Hickernell seconded the motion and it was unanimously passed.

Councilman Smith then moved to retire the following issues in the Third Councilmanic District:

3-2	3-32	3-58	3-88	3-111	3-149
3-4	3-34	3-59	3-92	3-112	3-150
3-5	3-36	3-63	3-93	3-113	3-154
3-6	3-39	3-64	3-94	3-116	3-160
3-10	3-40	3-66	3-95	3-118	3-161
3-11	3-41	3-67	3-96	3-119	3-162
3-12	3-42	3-68	3-97	3-125	3-163
3-13	3-45	3-69	3-98	3-126	3-164
3-16	3-46	3-70	3-99	3-127	3-167
3-17	3-47	3-71	3-100	3-128	3-170
3-18	3-48	3-73	3-101	3-129	3-171
3-20	3-49	3-75	3-102	3-134	3-172
3-21	3-51	3-80	3-103	3-139	3-176
3-22	3-52	3-81	3-106	3-140	3-177
3-23	3-53	3-82	3-107	3-141	3-179
3-24	3-54	3-85	3-108	3-144	3-181
3-26	3-56	3-86	3-109	3-146	3-183
3-27	3-57	3-87	3-110	3-147	

People's Counsel
Ex 7

Report to the
County Board of Appeals
by the
Baltimore County Planning Board

ZONING RECLASSIFICATION PETITIONS: CYCLE II

ADOPTED
JANUARY 21, 1982

BALTIMORE COUNTY, MARYLAND

People's Counsel Ex. 8

INTER-OFFICE CORRESPONDENCE

TO William T. Hackett, Chairman
County Board of Appeals
Norman E. Gerber, Secretary

Date December 2, 1982

FROM Baltimore County Planning Board

SUBJECT Zoning Reclassification Petition No. R-82-187
Cycle II, Item 10 Towson Nurseries Property

The additional documents filed by the petitioner with the County Board of Appeals on September 23, 1982, have been reviewed by interested govermental agencies. Written comments from these agencies are hereby transmitted.

After reviewing these matters, the Planning Board still believes that D.R. 3.5 zon. provides for a reasonable use for the subject property, and that the zoning map is correct. The Board, therefore, reaffirms its earlier recommendation that the petitioner's request not be granted.

Norman E. Gerber

Norman E. Gerber
Secretary of Baltimore County Planning Board

NEG:JGH:slc

cc: Peter Max Zimmerman ✓
Deputy People's Counsel

Mark Pollack, Esquire
Piper and Marbury
36 South Charles Street
Baltimore, Maryland 21202

People's Counsel Ex. 9

BALTIMORE COUNTY PLANNING BOARD
Public Hearing
Proposed 1980 Comprehensively Revised Zoning Map
Third Councilmanic District
7:30 o'clock, P.M.
October 29, 1979
Dulaney Senior High School

PLANNING BOARD MEMBERS:

Mr. William Kirwin, Chairman
Mrs. Penelope Johnson, Vice-Chairperson
Mrs. Dale Balfour
Mrs. Jeanne Crawford Beck
Mr. Benjamin Bronstein
Mr. John Geer Disney
Mr. Kenneth D. Dryden
Reverend Frederick J. Hanna
Mr. Leo Mason

STAFF MEMBERS:

John D. Seyffert, Director
Norman E. Gerber, Deputy Director
Frank Fisher, Chief, Community Planning
Frank Shearer, Assistant to Director

Reported by:

Bernard Danker

BERNARD DANKER ASSOCIATES
2412 HUNT DRIVE
BALTIMORE, MARYLAND 21209
653-9593

People's Counsel Ex. 10

COUNTY COUNCIL OF BALTIMORE COUNTY

Public Hearing

Dulaney Senior High School

7:00 P.M.

June 6, 1980

1980 Comprehensive Zoning Map

Baltimore County, Maryland

Third Councilmanic District

County Council

Norman W. Lauenstein, Chairman - Fifth Councilmanic District

Ronald B. Hickernell - First Councilmanic District

Gary Huddles - Second Councilmanic District

James T. Smith, Jr. - Third Councilmanic District

Barbara Bachur - Fourth Councilmanic District

Eugene W. Gallagher - Sixth Councilmanic District

John W. O'Rourke - Seventh Councilmanic District

Thomas Toporovich, Secretary

Final Adoption
November 13, 1984

People's Counsel
Ex. 11

BALTIMORE COUNTY COUNCIL

1984

REZONING

People's Counsel Ex. 12

BALTIMORE COUNTY
GROWTH MANAGEMENT PROGRAM
GUIDELINES
FOR
THE 1992 COMPREHENSIVE ZONING MAP PROCESS

As Adopted by the
Baltimore County Planning Board
September 19, 1991
and
Baltimore County Council
January 23, 1992

People's Counsel Ex. 20

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

February 13, 1995

Dear MD 45 (York Road) Project Planning Study participant:

On behalf of the study team, I would like to thank you for your participation in our studies to improve the MD 45 (York Road) corridor between MD 145 and Belfast Road. As you may remember, the State Highway Administration (SHA) began these studies in 1988. The components of the study included proposed widening of mainline York Road between MD 145 and Belfast Road, a new interchange with I-83 in the vicinity of its' crossing of Thornton Mill Road and a realignment of MD 145 to intersect MD 45 opposite Shawan Road. An Alternates Public Meeting was held in June 1989, and a Location/Design Public Hearing was held in May 1992.

Since the time that the environmental documentation was prepared and the public hearing was held, Baltimore County has communicated to the SHA that many of the development related needs for portions of the project have diminished. Because of this shift, the SHA Administrator has decided to defer the decision on major improvements to MD 45 and the proposed interchange with I-83. There may be opportunities for the SHA to pursue small safety oriented improvements to the MD 45 corridor in the future.

However, the SHA and Baltimore County are committed to pursuing a realignment of MD 145 (Paper Mill Road) to intersect MD 45 opposite Shawan Road. The new roadway would directly connect Paper Mill Road with Shawan Road, and not require motorists to travel through Ashland. In addition, the SHA is working with the Maryland Department of Natural Resources (DNR) to incorporate an extension of the widely utilized North Central Railroad (NCRR) Trail. The NCRR trail extension would be adjacent to the new roadway and would connect to the parking facilities at the Hunt Valley Mall.

The study team hopes to complete these supplemental analyses in the near future and to prepare final environmental documentation. When this document is completed, you, as a participant in the study process, will be notified by mail as to its availability. An advertisement will also be placed in area newspapers and other public service announcements will be made to notify the general public.

My telephone number is _____

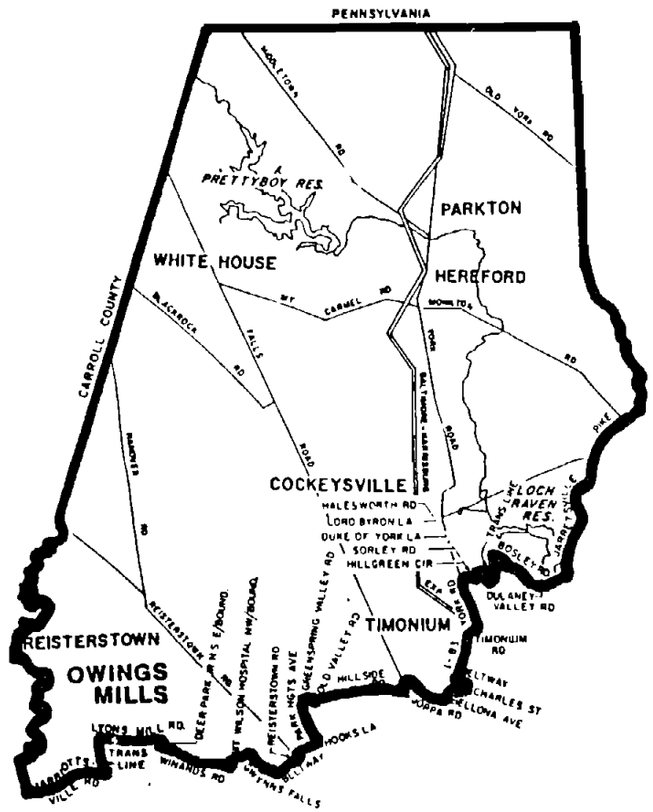
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

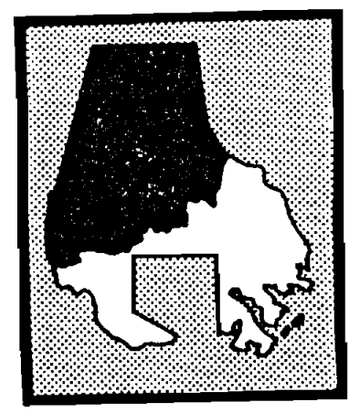
People's Counsel Ex 21

BALTIMORE COUNTY COUNCIL

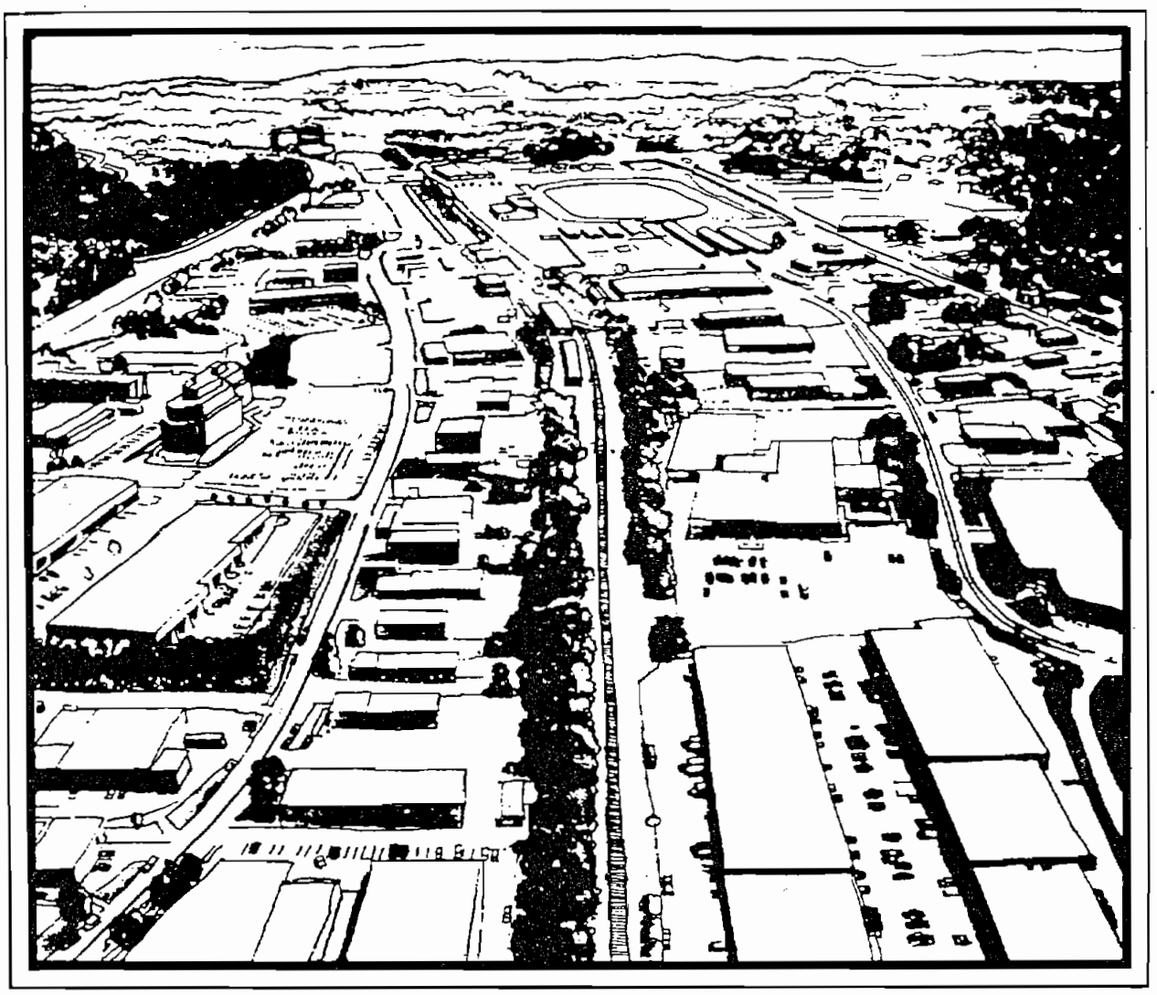
THIRD COUNCILMANIC DISTRICT



1992
COMPREHENSIVE
ZONING PROCESS



People's Counsel #22



•Baltimore County •Focus on Community•

HUNT VALLEY/TIMONIUM
Redevelopment Study

As Adopted by the Baltimore County Planning Board on April 15, 1993

E. 004

People's Counsel Ex. 23 For Identification only

IN THE MATTER OF	*	BEFORE THE
BAKER LAND CORPORATION, et al	*	COUNTY BOARD OF APPEALS
property owner,	*	OF BALTIMORE COUNTY
HARRISON & GRASS	*	Case No. CR-93-305-SPH
	*	October 19, 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., October 19, 1993.

* * * * *

COPY

Reported by:

C.E. Peatt

People's Counsel Ex 24
Hallock

LEGG MASON

DRAFT

HUNT VALLEY/TIMONIUM ECONOMIC ANALYSIS

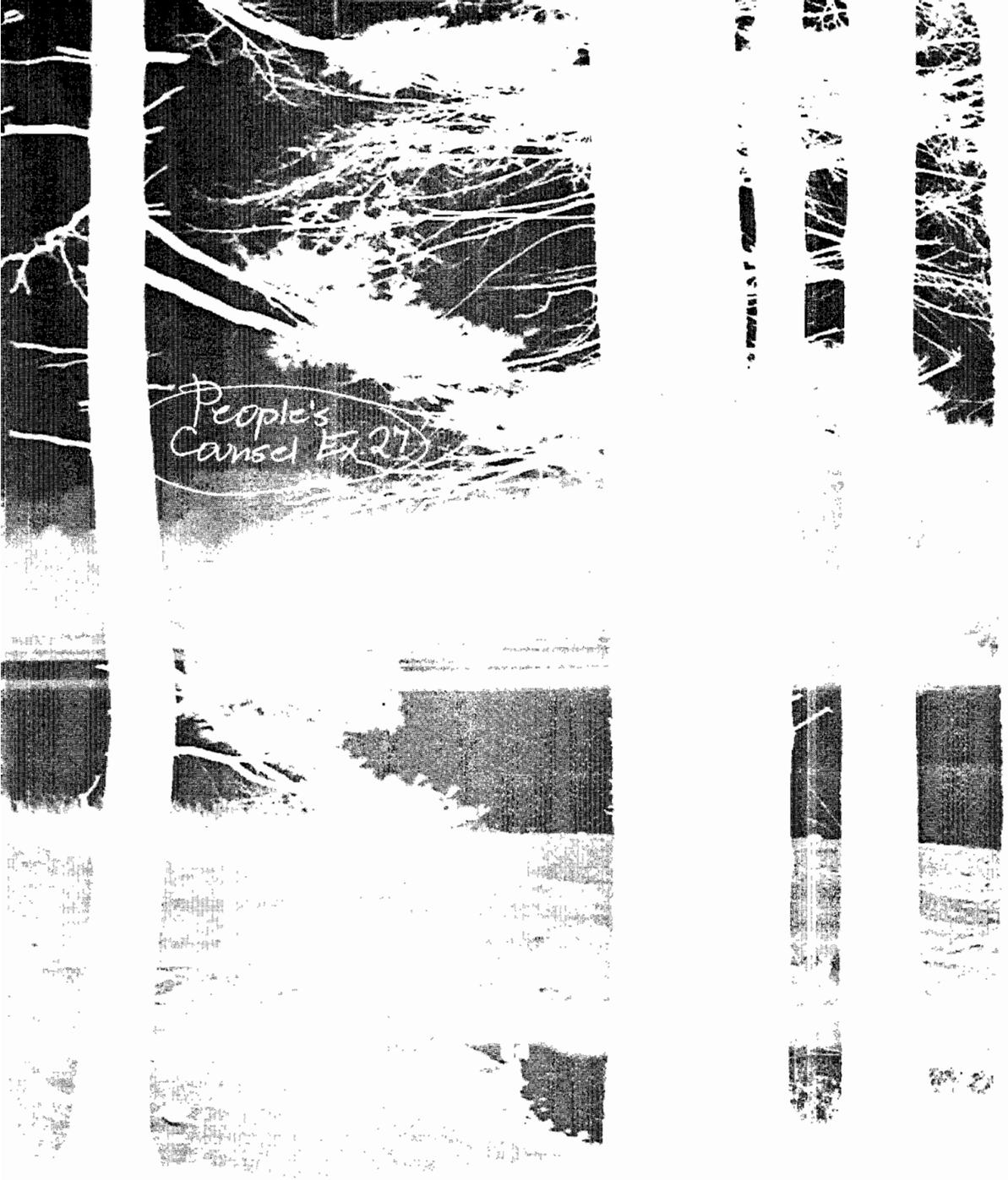
Prepared for:

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Courts Building, Suite 412
401 Bosley Avenue
Baltimore, Maryland 21204

Prepared by:

LEGG MASON REALTY GROUP, INC.
111 South Calvert Street
Baltimore, Maryland 21203

OCTOBER, 1990



1994 Action Report for The Reservoir Watersheds

Baltimore City • Baltimore County • Carroll County
Anne Arundel County • Harford County • Howard County
Baltimore County Soil Conservation District • Carroll Soil Conservation District
Maryland Department of Agriculture • Maryland Department of the Environment
Baltimore Metropolitan Council • Water Quality Coordinating Committee
Reservoir Watershed Protection Subcommittee

1994 annual report of the Reservoir Watershed Protection Subcommittee

Baltimore County Master Plan 1989-2000,
Excerpt, Page 29

People's Counsel Ex. 30

POLICY:

The WATER SUPPLY AND SEWERAGE PLAN should serve as the sewerage facilities planning component of the County's Master Plan to ensure the safe, efficient, and environmentally sound collection, treatment, and disposal of sewage. In order to retain the County's current structure, the Urban-Rural Demarcation Line should not be significantly moved. There are two exceptions: 1) when it is the only alternative to resolve a clear and present threat to public health, the URDL should be adjusted to limit service to the existing problem area, and scattered individual instances of sewage system failure should be corrected with on-site technologies, 2) the URDL should be extended into RC 3 (Deferral of Planning) zones only after the capacity of the existing system and the costs of expansion have been evaluated, and extension is found to be feasible and appropriate.

MARYLAND CONSERVATION COUNCIL

president
Dudley A. Lindsley
104 Vega Court
Hollywood, MD 20636
(301) 373-5603

first vice-president
Philip E. Hartman
1604 Ralworth Road
Baltimore, MD 21218
(410) 467-8055

vice-president for finance
Arthur F. Krueger
Route 1, Box 711-J
Accokeek, MD 20607
(301) 283-3263

vice-president for membership
Ruth Mathes
18-T Ridge Road
Greenbelt, MD 20770
(301) 345-6390

vice-president for meetings
Chris Holmes
584 Kevins Drive
Arnold, MD 21012
(410) 757-7056

vice-president for publications
Anneke Davis
2226 Crest Road
Baltimore, MD 21209
(410) 367-0567

corresponding secretary
Bonnie Bick
Box K, Marshall Hall Road
Bryans Road, MD 20616
(301) 283-2948

recording secretary
William G. Wilson
202 Otterbein Street
Baltimore, MD 21230
(410) 685-3309

treasurer
Robert J. Lavell
9909 Logan Drive
Potomac, MD 20854
(301) 299-5567

administrative assistant
George Tyson
1825 North Forest Park Avenue
Baltimore, MD 21207
(410) 448-2362

December 24, 1993

Hon. S. Diane Levero, Member
Baltimore County Board of Appeals
Old Courthouse Room 49
400 Washington Avenue
Towson, Maryland 21204-4606

Dear Ms. Levero:

The Maryland Conservation Council (MCC) is a 20 year old coalition of environmental organizations and interested individuals working to protect the natural resources of Maryland. Enclosed is our resolution opposing the rezoning request of the Security Management Corporation which we feel would seriously degrade the water supply for millions of people in the Baltimore area.

As a statewide organization, the MCC witnesses this type of conflict, *i.e.*, private gain *vs.* public good, constantly, as I'm sure you do as a member of the Board of Appeals. I wonder if you have any suggestions about how such conflicts could be minimized while still allowing legitimate needs of the public to be met.

I hope you will deny this appeal and that the SMC will find a location for its project which is not environmentally damaging.

Thank you for your consideration. I would appreciate hearing from you.

Sincerely,

Dudley A. Lindsley

Dudley A. Lindsley
President

Enclosure

93 DEC 29 PM 4:57
COUNTY BOARD OF APPEALS
RECEIVED

MARYLAND CONSERVATION COUNCIL

president
Dudley A. Lindsley
104 Vega Court
Hollywood, MD 20636
(301) 373-5603

first vice-president
Philip E. Hartman
1604 Ralworth Road
Baltimore, MD 21218
(410) 467-8055

vice-president for finance
Arthur F. Krueger
Route 1, Box 711-J
Accokeek, MD 20607
(301) 283-3263

vice-president for membership
Ruth Mathes
18-T Ridge Road
Greenbelt, MD 20770
(301) 345-6390

vice-president for meetings
Chris Holmes
584 Kevins Drive
Arnold, MD 21012
(410) 757-7056

vice-president for publications
Anneke Davis
2226 Crest Road
Baltimore, MD 21209
(410) 367-0567

corresponding secretary
Bonnie Bick
Box K, Marshall Hall Road
Bryans Road, MD 20616
(301) 283-2948

recording secretary
William G. Wilson
202 Otterbein Street
Baltimore, MD 21230
(410) 685-3309

treasurer
Robert J. Lavell
9909 Logan Drive
Potomac, MD 20854
(301) 299-5567

administrative assistant
George Tyson
1825 North Forest Park Avenue
Baltimore, MD 21207
(410) 448-2362

December 24, 1993

Hon. Robert O. Schuetz, Member
Baltimore County Board of Appeals
Old Courthouse Room 49
400 Washington Avenue
Towson, Maryland 21204-4606

Dear Mr. Schuetz:

The Maryland Conservation Council (MCC) is a 20 year old coalition of environmental organizations and interested individuals working to protect the natural resources of Maryland. Enclosed is our resolution opposing the rezoning request of the Security Management Corporation which we feel would seriously degrade the water supply for millions of people in the Baltimore area.

As a statewide organization, the MCC witnesses this type of conflict, *i.e.*, private gain *vs.* public good, constantly, as I'm sure you do as a member of the Board of Appeals. I wonder if you have any suggestions about how such conflicts could be minimized while still allowing legitimate needs of the public to be met.

I hope you will deny this appeal and that the SMC will find a location for its project which is not environmentally damaging.

Thank you for your consideration. I would appreciate hearing from you.

Sincerely,

Dudley A. Lindsley

Dudley A. Lindsley
President

Enclosure

93 DEC 29 PM 4:57

MARYLAND CONSERVATION COUNCIL

president
Dudley A. Lindsley
104 Vega Court
Hollywood, MD 20636
(301) 373-5603

first vice-president
Philip E. Hartman
1604 Ralworth Road
Baltimore, MD 21218
(410) 467-8055

vice-president for finance
Arthur F. Krueger
Route 1, Box 711-J
Accokeek, MD 20607
(301) 283-3263

vice-president for membership
Ruth Mathes
18-T Ridge Road
Greenbelt, MD 20770
(301) 345-6390

vice-president for meetings
Chris Holmes
584 Kevins Drive
Arnold, MD 21012
(410) 757-7056

vice-president for publications
Anneke Davis
2226 Crest Road
Baltimore, MD 21209
(410) 367-0567

corresponding secretary
Bonnie Bick
Box K, Marshall Hall Road
Bryans Road, MD 20616
(301) 283-2948

recording secretary
William G. Wilson
202 Otterbein Street
Baltimore, MD 21230
(410) 685-3309

treasurer
Robert J. Lavell
9909 Logan Drive
Potomac, MD 20854
(301) 299-5567

administrative assistant
George Tyson
1825 North Forest Park Avenue
Baltimore, MD 21207
(410) 448-2362

December 24, 1993

Hon. Harry E. Buchheister, Jr., Member
Baltimore County Board of Appeals
Old Courthouse Room 49
400 Washington Avenue
Towson, Maryland 21204-4606

Dear Mr. Buchheister:

The Maryland Conservation Council (MCC) is a 20 year old coalition of environmental organizations and interested individuals working to protect the natural resources of Maryland. Enclosed is our resolution opposing the rezoning request of the Security Management Corporation which we feel would seriously degrade the water supply for millions of people in the Baltimore area.

As a statewide organization, the MCC witnesses this type of conflict, *i.e.*, private gain *vs.* public good, constantly, as I'm sure you do as a member of the Board of Appeals. I wonder if you have any suggestions about how such conflicts could be minimized while still allowing legitimate needs of the public to be met.

I hope you will deny this appeal and that the SMC will find a location for its project which is not environmentally damaging.

Thank you for your consideration. I would appreciate hearing from you.

Sincerely,

Dudley A. Lindsley

Dudley A. Lindsley
President

Enclosure

93 DEC 29 PM 4:57

MARYLAND CONSERVATION COUNCIL

president
Dudley A. Lindsley
104 Vega Court
Hollywood, MD 20636
(301) 373-5603

first vice-president
Philip E. Hartman
1604 Ralworth Road
Baltimore, MD 21218
(410) 467-8055

vice-president for finance
Arthur F. Krueger
Route 1, Box 711-J
Accokeek, MD 20607
(301) 283-3263

vice-president for membership
Ruth Mathes
18-T Ridge Road
Greenbelt, MD 20770
(301) 345-6390

vice-president for meetings
Chris Holmes
584 Kevins Drive
Arnold, MD 21012
(410) 757-7056

vice-president for publications
Anneke Davis
2226 Crest Road
Baltimore, MD 21209
(410) 367-0567

corresponding secretary
Bonnie Bick
Box K, Marshall Hall Road
Bryans Road, MD 20616
(301) 283-2948

recording secretary
William G. Wilson
202 Otterbein Street
Baltimore, MD 21230
(410) 685-3309

treasurer
Robert J. Lavell
9909 Logan Drive
Potomac, MD 20854
(301) 299-5567

administrative assistant
George Tyson
1825 North Forest Park Avenue
Baltimore, MD 21207
(410) 448-2362

December 24, 1993

Hon. C. William Clark, Member
Baltimore County Board of Appeals
Old Courthouse Room 49
400 Washington Avenue
Towson, Maryland 21204-4606

Dear Mr. Clark:

The Maryland Conservation Council (MCC) is a 20 year old coalition of environmental organizations and interested individuals working to protect the natural resources of Maryland. Enclosed is our resolution opposing the rezoning request of the Security Management Corporation which we feel would seriously degrade the water supply for millions of people in the Baltimore area.

As a statewide organization, the MCC witnesses this type of conflict, *i.e.*, private gain *vs.* public good, constantly, as I'm sure you do as a member of the Board of Appeals. I wonder if you have any suggestions about how such conflicts could be minimized while still allowing legitimate needs of the public to be met.

I hope you will deny this appeal and that the SMC will find a location for its project which is not environmentally damaging.

Thank you for your consideration. I would appreciate hearing from you.

Sincerely,

Dudley A. Lindsley

Dudley A. Lindsley
President

Enclosure

93 DEC 29 PM 4:57

MARYLAND CONSERVATION COUNCIL

president
Dudley A. Lindsley
104 Vega Court
Hollywood, MD 20636
(301) 373-5603

first vice-president
Philip E. Hartman
1604 Ralworth Road
Baltimore, MD 21218
(410) 467-8055

vice-president for finance
Arthur F. Krueger
Route 1, Box 711-J
Accokeek, MD 20607
(301) 283-3263

vice-president for membership
Ruth Mathes
18-T Ridge Road
Greenbelt, MD 20770
(301) 345-6390

vice-president for meetings
Chris Holmes
584 Kevins Drive
Arnold, MD 21012
(410) 757-7056

vice-president for publications
Anneke Davis
2226 Crest Road
Baltimore, MD 21209
(410) 367-0567

corresponding secretary
Bonnie Bick
Box K, Marshall Hall Road
Bryans Road, MD 20616
(301) 283-2948

recording secretary
William G. Wilson
202 Otterbein Street
Baltimore, MD 21230
(410) 685-3309

treasurer
Robert J. Lavell
9909 Logan Drive
Potomac, MD 20854
(301) 299-5567

administrative assistant
George Tyson
1825 North Forest Park Avenue
Baltimore, MD 21207
(410) 448-2362

December 24, 1993

Hon. William T. Hackett, Chairman
Baltimore County Board of Appeals
Old Courthouse Room 49
400 Washington Avenue
Towson, Maryland 21204-4606

Dear Mr. Hackett:

The Maryland Conservation Council (MCC) is a 20 year old coalition of environmental organizations and interested individuals working to protect the natural resources of Maryland. Enclosed is our resolution opposing the rezoning request of the Security Management Corporation which we feel would seriously degrade the water supply for millions of people in the Baltimore area.

As a statewide organization, the MCC witnesses this type of conflict, *i.e.*, private gain *vs.* public good, constantly, as I'm sure that you do in your capacity as Chairman of the Board of Appeals. I wonder if you have any suggestions about how such conflicts could be minimized while still allowing legitimate needs of the public to be met.

I hope you will deny this appeal and that the SMC will find a location for its project which is not environmentally damaging.

Thank you for your consideration. I would appreciate hearing from you.

Sincerely,

Dudley A. Lindsley

Dudley A. Lindsley
President

Enclosure

cc: Hon. Roger B. Hayden
County Council Members
Mr. P. David Fields
Mr. Arnold Jablon

93 DEC 29 PM 4:57

MARYLAND CONSERVATION COUNCIL

president
Dudley A. Lindsley
104 Vega Court
Hollywood, MD 20636
(301) 373-5603

first vice-president
Philip E. Hartman
1604 Ralworth Road
Baltimore, MD 21218
(410) 467-8055

vice-president for finance
Arthur F. Krueger
Route 1, Box 711-J
Accokeek, MD 20607
(301) 283-3263

vice-president for membership
Ruth Mathes
18-T Ridge Road
Greenbelt, MD 20770
(301) 345-6390

vice-president for meetings
Chris Holmes
584 Kevins Drive
Arnold, MD 21012
(410) 757-7056

vice-president for publications
Anneke Davis
2226 Crest Road
Baltimore, MD 21209
(410) 367-0567

corresponding secretary
Bonnie Bick
Box K, Marshall Hall Road
Bryans Road, MD 20616
(301) 283-2948

recording secretary
William G. Wilson
202 Otterbein Street
Baltimore, MD 21230
(410) 685-3309

treasurer
Robert J. Lavell
9909 Logan Drive
Potomac, MD 20854
(301) 299-5567

administrative assistant
George Tyson
1825 North Forest Park Avenue
Baltimore, MD 21207
(410) 448-2362

December 24, 1993

Hon. Michael B. Sauer, Member
Baltimore County Board of Appeals
Old Courthouse Room 49
400 Washington Avenue
Towson, Maryland 21204-4606

Dear Mr. Sauer:

The Maryland Conservation Council (MCC) is a 20 year old coalition of environmental organizations and interested individuals working to protect the natural resources of Maryland. Enclosed is our resolution opposing the rezoning request of the Security Management Corporation which we feel would seriously degrade the water supply for millions of people in the Baltimore area.

As a statewide organization, the MCC witnesses this type of conflict, *i.e.*, private gain *vs.* public good, constantly, as I'm sure you do as a member of the Board of Appeals. I wonder if you have any suggestions about how such conflicts could be minimized while still allowing legitimate needs of the public to be met.

I hope you will deny this appeal and that the SMC will find a location for its project which is not environmentally damaging.

Thank you for your consideration. I would appreciate hearing from you.

Sincerely,

Dudley Lindsley

Dudley A. Lindsley
President

Enclosure

93 DEC 29 PM 4:57
COUNTY BOARD OF APPEALS
RECEIVED

MARYLAND CONSERVATION COUNCIL

president
Dudley A. Lindsley
104 Vega Court
Hollywood, MD 20636
(301) 373-5603

first vice-president
Philip E. Hartman
1604 Ralworth Road
Baltimore, MD 21218
(410) 467-8055

vice-president for finance
Arthur F. Krueger
Route 1, Box 711-J
Accokeek, MD 20607
(301) 283-3263

vice-president for membership
Ruth Mathes
18-T Ridge Road
Greenbelt, MD 20770
(301) 345-6390

vice-president for meetings
Chris Holmes
584 Kevins Drive
Arnold, MD 21012
(410) 757-7056

vice-president for publications
Anneke Davis
2226 Crest Road
Baltimore, MD 21209
(410) 367-0567

corresponding secretary
Bonnie Bick
Box K, Marshall Hall Road
Bryans Road, MD 20616
(301) 283-2948

recording secretary
William G. Wilson
202 Otterbein Street
Baltimore, MD 21230
(410) 685-3309

treasurer
Robert J. Lavell
9909 Logan Drive
Potomac, MD 20854
(301) 299-5567

administrative assistant
George Tyson
1825 North Forest Park Avenue
Baltimore, MD 21207
(410) 448-2362

December 24, 1993

Hon. Judson H. Lipowitz, Member
Baltimore County Board of Appeals
Old Courthouse Room 49
400 Washington Avenue
Towson, Maryland 21204-4606

Dear Mr. Lipowitz:

The Maryland Conservation Council (MCC) is a 20 year old coalition of environmental organizations and interested individuals working to protect the natural resources of Maryland. Enclosed is our resolution opposing the rezoning request of the Security Management Corporation which we feel would seriously degrade the water supply for millions of people in the Baltimore area.

As a statewide organization, the MCC witnesses this type of conflict, *i.e.*, private gain *vs.* public good, constantly, as I'm sure you do as a member of the Board of Appeals. I wonder if you have any suggestions about how such conflicts could be minimized while still allowing legitimate needs of the public to be met.

I hope you will deny this appeal and that the SMC will find a location for its project which is not environmentally damaging.

Thank you for your consideration. I would appreciate hearing from you.

Sincerely,

Dudley A. Lindsley

Dudley A. Lindsley
President

Enclosure

93 DEC 29 PM 4:57
COUNTY BOARD OF APPEALS
RECEIVED

Baltimore County Planning Board
c/o Office of Planning and Zoning
401 Bosley Avenue, Suite 406
Towson, MD 21204

Re: Petition to Rezone the Towson Nurseries Watershed Protection Property

Ladies and Gentlemen:

I am writing to express my wholehearted support of your earlier decision to oppose Security Management's petition to rezone the Towson Nurseries property. In addition, I implore you to "stick to your guns" if you are asked to reconsider this matter.

This project is inappropriate for the site chosen by the developer. Watershed protection areas such as this 215-acre tract of forested buffer are critical to the maintenance of Loch Raven Reservoir and its tributaries. Further contamination of this already overstressed natural resource represents an irreversible and unconscionable act.

Finally, I do not want my tax dollars spent on providing the additional infrastructure and services that will be required to sustain a development such as "Colvista."

Thank you for your consideration.

Very Truly Yours,

Mr. + Mrs. Michael Esple

I am a resident of:

- [x] Baltimore County
- [ ] Baltimore City
- [ ] _____ (other)

41128.286
131mg001.ltr

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

Re: Petition to Rezone the Towson Nurseries Watershed Protection Property

Ladies and Gentlemen:

I am writing to express my wholehearted support of your earlier decision to oppose Security Management's petition to rezone the Towson Nurseries property. In addition, I implore you to "stick to your guns" if you are asked to reconsider this matter.

This project is inappropriate for the site chosen by the developer. Watershed protection areas such as this 215-acre tract of forested buffer are critical to the maintenance of Loch Raven Reservoir and its tributaries. Further contamination of this already overstressed natural resource represents an irreversible and unconscionable act.

Finally, I do not want my tax dollars spent on providing the additional infrastructure and services that will be required to sustain a development such as "Colvista."

Thank you for your consideration.

Very Truly Yours,

Jane Gourley

I am a resident of:

- [x] Baltimore County
- [ ] Baltimore City
- [ ] _____ (other)

41128.286
131mg001.ltr

RECEIVED
COUNTY BOARD OF APPEALS
93 NOV 12 PM 2:22

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

Re: Petition to Rezone the Towson Nurseries Watershed Protection Property

Ladies and Gentlemen:

I am writing to express my wholehearted support of your earlier decision to oppose Security Management's petition to rezone the Towson Nurseries property. In addition, I implore you to "stick to your guns" if you are asked to reconsider this matter.

This project is inappropriate for the site chosen by the developer. Watershed protection areas such as this 215-acre tract of forested buffer are critical to the maintenance of Loch Raven Reservoir and its tributaries. Further contamination of this already overstressed natural resource represents an irreversible and unconscionable act.

Finally, I do not want my tax dollars spent on providing the additional infrastructure and services that will be required to sustain a development such as "Colvista."

Thank you for your consideration.

Very Truly Yours,

I am a resident of:

☒ Baltimore County
☐ Baltimore City
☐ _____ (other)

41128.286
131mg001.ltr

Howard County
MARYLAND

DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director

August 28, 1995

Mr. Jack Anderson, Coordinator
Reservoir Watershed Protection Program
c/o Baltimore Metropolitan Council
601 North Howard Street
Baltimore, Maryland 21201

Dear Mr. Anderson:

I am writing in response to the Reservoir Watershed Protection Program's August 15, 1995 letter to the Baltimore County Board of Appeals with comments on rezoning request Case No. CR-93-307-SPHXA, Security Management Corporation.

This letter was discussed in draft form at the August 10, 1995 meeting of the Reservoir Technical Group, at which time it was stated that, as has long been its practice, Howard County wished to abstain from commenting on a specific local land use issue in another jurisdiction. Because the August 15 letter does not specifically note Howard County's abstention, this letter is being sent to clarify the County's position.

Please feel free to call me at (410) 313-2393 if you wish to discuss this matter further.

Sincerely,

David R. Holden

David R. Holden, Planner III
Division of Comprehensive Planning
and Zoning Administration

DRH:so

cc: Mr. Robert Schuetz, Chairman, Baltimore County Board of Appeals
Joseph W. Rutter, Jr., Director, Department of Planning and Zoning

CBA RECEIVED 8/30/95 1:10 PM

October 11, 1993

William T. Hackett - Chairman
c/o County Board of Appeals
Old Courthouse Room 49
400 Washington Avenue
Towson, MD 21204

Mr. Chairman,

I am a tax paying citizen in the Sparks-Glencoe area of Northern Baltimore County. A matter of **great concern** will be taking place over the next few months, and I feel I must voice my concerns to you and the County Board of Appeals.

The area/matter in question is the ultimate zoning and use of the Towson Nurseries property located at York Road and Phoenix Road. The owners of this property, Security Management Corp, a.k.a. Victor Posner wants new zoning in order to build over 3000 town homes and apartment-like complexes called "Colvista".

This area is a tract of watershed protection land **critical** to the maintenance of not only our drinking water but the water supply of the Loch Raven Reservoir. If this complex were to be built it would result in:

- **Massive de-forestation** (135+ acres) of forest land buffer adjacent to the reservoir
- **Loss of wildlife habitat** which is already at a minimum
- Enormous impact on the area's **infrastructure** which includes police, fire, schools and public works
- Greater demand on the **tax payers to fund incidental costs of development**

Not only would the Sparks area be overwhelmed by this development project but the entire concept of Baltimore County's Town Centers would be **threatened**. This project can only spoil the peaceful rural character of the area north of Hunt Valley.

Now is not the time to cave in to the **childish and thoughtless demands of developers** hoping to turn a bad investment into a goldmine of untold wealth. This developer bought the property knowing what it was zoned for and is now hoping both the County Planning Commission and the citizens surrounding the Towson Nurseries property will welcome him with open arms.

DO NOT LET THIS DEVELOPER AND OTHERS LIKE HIM RAPE THE RURAL LANDSCAPES OF NORTHERN BALTIMORE COUNTY ANY LONGER.

It is time to **voice our concerns** and **stand firm** on the policies and master plan already established.

Sincerely

Carolyn S. Gill

14221 Dove Creek Way #102
Sparks, MD 21152

93 OCT 14 AM 10:08
COUNTY BOARD OF APPEALS

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT 13 AM 11:16

1204 Maple Leaf Court
Hunt Valley MD. 21030
October 10, 1993

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

Dear Mr. Hackett:

The purpose of this letter is to express our concerns and objections to the proposed Colvista project and to urge you not to waiver from your refusal to rezone this watershed property.

One of the major factors which induced us to buy our present home was the adjacent RC-4 zoning which offered protection from the high density building patterns of Mays Chapel and Loveton Farms. According to information we have received, Mr. Posner's proposal is for DR-16 density, twice that of Loveton Farms!

The proposed 3,000 units would have a significant financial impact to Baltimore County residents. Roads would have to be built or improved, schools constructed and additional sewer, water, and police/fire protection services added. These all compute to greatly increased property taxes.

In addition, we feel that the current economic condition and tenuous job market should be considered before granting approval for additional new units. Companies are downsizing and many jobs continue to be in jeopardy. With uncertain futures, many people cannot consider obligating themselves for additional mortgage encumbrances and sharply increased taxes could pose undue hardship on some current residents. On the other side of the coin, people losing jobs may have to sell their existing homes and a market glutted with new construction destroys the resale market.

From an environmental standpoint, we support continued use of RC-4 zoning to protect watershed property and the public water supply.

White Marsh and Owings Mills have already been designated for high density development and we suggest Mr. Posner locate his project in an area more consistent with the

The Case for Rezoning Colvista

The proposed rezoning of Colvista is desirable and appropriate for reasons which include the following:

1. Consistency with the Master Plan, Jobs/Housing Balance and Housing Needs

The Colvista site is located between intensely developed parcels that are within the Urban-Rural Demarcation Line (URDL). Given its setting, this site's exclusion from the URDL is patently anomalous and inappropriate. Moreover, Colvista is consistent with fundamental principles and goals of the County's Master Plan in balancing the job/housing needs of this Urban Center and reinforcing development along radial highways where infrastructure investments have already been made, including the light rail extension. These objectives are supported by the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) legislation as well as the State of Maryland's 1992 Planning Act.

Colvista fills a documented and substantial need for housing in the Hunt Valley/Timonium area, particularly for a wider range of housing types and prices than is now available; its elderly housing and affordable housing components fill specific needs identified by the County; the provision of this housing close to jobs will enhance the economic development of Hunt Valley and reduce in-commuting which clogs area roads and increases air pollution. These objectives are also consistent with the mandates of the Federal Clean Air Act.

2. Positive Fiscal Impacts

Colvista will have a strong positive fiscal impact on the County, both during construction and beyond.

3. Infrastructure and Services

If by widening York Road from Shawan to Phoenix to four lanes and improving the Shawan Road intersection, improvements which will be needed even without this development will accommodate Colvista's traffic. Security Management Corp. is willing to participate in the funding of these improvements.

Colvista is in the Metropolitan District and sewer and water are at hand to serve the site; sewer planning in the late 1960's when this was acquired by

October 9, 1993

My dear Mr Hackett,

It seems absurd to have to re-state the obvious objections to the rezoning of the Seaman Tx Management matter ie sheets, weeds, water, watershed protection etc. The issue is clear! No rezoning of RC 4 for this or any other plan

I might point out that I own 40+ acres zoned RC 4 and it should stay that way

Sincerely,

93 OCT 12 AM 11:15
RECEIVED
COUNTY BOARD OF SUPERVISORS

[illegible] English Run Turn
Sparks, MD. 21152
October 7, 1993

William T. Hackett, Chairman
County Board of Appeals
Old Courthouse Room 49
400 Washington Ave.
Towson, MD. 21204

RE: Towson Nurseries/ "Colvista" Project

Dear Mr. Hackett,

As a resident of Sparks, I would like to express my strong opposition to the proposed high density rezoning for the Colvista project. I am outraged at the continuing efforts of Mr. Posner to make money for himself at the expense of our community and indeed, at the expense of the entire metropolitan area served by the Loch Raven Reservoir. As you are undoubtedly already aware, all relevant county officials have spoken out against the requested rezoning which would go counter to the county's growth plan and tax the already strained roads, sewers, schools, and other public services here.

Thanking you in advance for protecting the common good and general interests of the citizens of Baltimore County. (Hopefully soon Mr. Posner will stop taking up the time of county and state employees, regulatory boards, and elected officials!!)

Sincerely,

Eleanor Baker

(Mrs.) Eleanor Baker

cc: Dutch Ruppersberger, Roger Hayden

93 OCT 12 AM 11:33
COUNTY BOARD OF [illegible]
RECEIVED

Baltimore, Maryland
October 11, 1993

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

Dear Sir:

It is my opinion that the zoning board should deny any approval for high density housing anywhere abutting the Loch Raven watershed property.

The area already contains more residents than should reside in such close proximity to a resource that is so vital to the vast population of not only the County residents, but the City residents that actually own the reservoir. Should approval be granted and the housing built and severe problems be encountered it would be too late to rectify the condition. It might be more appropriate if the builder/developer were required to place a one hundred billion dollar bond for a period of not less than fifty years, fee payable in advance, to cover any contingency that might occur if he wishes any approval at the site proposed. In addition it would be a wise decision to require a complete environmental impact study to the entire watershed region before any consideration be given the project.

If the builder/developer would agree to such terms and produce the impact study and the paid bond, then consideration could be given his project. Under no circumstances should a single shovel of earth be allowed to be moved without such protection to the area residents. It might be prudent to examine the past operations of the principal in the development company that have occured locally.

None of this is intended to coerce the developer, but to force a degree of consideration to the residents of the metropolitan area that will be affected by any action in the watershed.

William K. Devlin

3031 Balder Avenue
Baltimore, Maryland
21234-4103

93 OCT 12 AM 11:16
COUNTY BOARD OF APPEALS
RECEIVED

HAROLD S. STEINITZ, PH.D.
LICENSED PSYCHOLOGIST

6501 N. CHARLES STREET
TOWSON, MARYLAND 21204
938-3000

21 MANOR BROOK ROAD
MONKTON, MARYLAND 21111
771-4542

October 8, 1993

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

Dear Mr. Hackett,

Please do all you can to **prevent** Colvista from coming into existence and ruining Northern Baltimore County. The magnitude and location of this massive project would destroy the water supply, the infrastructure, and the overall atmosphere of that area. The schools are already seriously overburdened (as you know, Sparks Elementary is 54% over-capacity, and the Jacksonville school being built will be full at opening).

The County officials to date have wisely declined to change the zoning request of Security Management Corporation. The Master Plan has specified White Marsh and Owings Mills as the town centers for the County, and we should not allow Mr. Posner to bully Baltimore County or its residents into a project that would not be in anyone's interest except the developer.

I attended a meeting on October 6th at Sparks Elementary School where a capacity audience was vigorously opposed to Colvista, yet were alarmed that the County officials might not be clear enough, strong enough, or prepared enough to fend off Security Management's persistent, greedy proposal. Perhaps the County needs to assign more legal time to defending the peoples' interests in this regard.

I urge you to **prevent** Colvista from marring our landscape and taxing our resources. Thank you for your attention to this important matter.

Sincerely,

Harold S. Steinitz

Harold S. Steinitz, Ph.D.

cc C.A. Ruppersberger, III
Roger B. Hayden

93 OCT 12 AM 11:13

Holland America Line

William T. Hackett
Board of Supervisors Chairman

Oct 5, 1993

I have just returned from the Greater Upper Marlboro Community Council meeting. The topic which was discussing is Nelson Westerlund's property rezoned industrial, and one word comes to mind: disgusting.

It is disgusting that this will even be considered. It is disgusting that a decision reached democratically by a majority of citizens can be overturned so that a disgustingly dense zoning can be authorized so that one can eat, pay rates and rates around, drink disgusting water and breathe disgusting air and send our children to disgustingly crowded schools! Your previous decision has my support. Can't let money make a mockery of democracy!

Lynn Shuck
7 Shuck Ct
Upper Marlboro MD 20772

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT 12 AM 11:09

Security Management Corp. envisaged higher densities for this area than the current zoning; water availability and pressure are excellent.

Through binding agreements profferred by the developer, Colvista will not procede without properly addressing the adequacy of school capacity.

4. Environmental Impacts, Open Space and Site Design Quality

Colvista's development design and the use of innovative Best Managment Practices (BMP's) will reduce pollutant loadings to the Loch Raven Reservoir, an outcome directly in line with the Regional Watershed Management Agreement. This result occurs because BMP's applied both to on-site and off-site development will reduce overall phosphorous and sediment loadings compared to today's conditions. Similarly, careful environmental planning has resulted in the streams, wetlands or forested buffer areas.

Colvista's provisions for recreation and open space exceed the County's current standards; the plan calls for over half of the site either as undisturbed woodlands or as green courtyards, play areas or walkways.

Colvista's site design is a unique response to its topography and environmental character; both the site plan and the units have been carefully developed to promote visual interest, interior courtyards, formal plantings and open spaces, pedestrian walkways and covered parking.

WALLACE E. DOW

2937 SHEPHARD ROAD, MONKTON, MARYLAND 21111 TELEPHONE (301) 771-4710

410

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT -8 PM 12:47

October 7, 1993

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

Dear Chairman:

We ask to be recorded as opposed to the Colvista Residential Progject, and all excessive development of the area of Baltimore County around the Loch Raven Reservoir area.

We share the widespread concern for unrestricted growth along the York Road area to the Maryland Line though the framing area on both sides of the Road.

Further development of the area within District 3 demands long-term study and prudent decisions for without restricted growth of residential, business and like construction the County and State will lose more than can ever be gained for tax and other County and State needs.

The continued thoughtful study and action to restrict development of your community is requested of your Board, the District Councilman and our County Executive.

Thank you.

Sincerely yours,

Wallace E. Dow

(Mrs.) Elizabeth Sparks Dow

Copy to

Mr. C. A. "Dutch" Ruppersberger, III

Mr. Roger B. Hayden

RECEIVED
COUNTY BOARD OF APPEALS

93 OCT -8 PM 12:47

John E. Slawski
18 Meadow Run Ct.
Sparks, Maryland 21152

Mr. William Hackett
Chairman Board of Appeals
County Board of Appeals
Old Court House Room 49
400 Washington av.
Towson, Maryland 21204

Dear Mr. Hackett:

I am writing to you in reference to case number CR 93-307-SPHXA. Cole Vista project that is before your board on appeal.

I urge you not to approve this project because it has been turned down by the zoning board and Baltimore County.

Thank you for your consideration in this matter.

Sincerely
John E. Slawski

October 4, 1993

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT -8 PM 12:47

Mr. William T. Hackett, Chairman
County Board of Appeals
Old Court House, Room 49
40 Washington Avenue
Towson, MD 21204

RE: COL/VISTA RESIDENTIAL DEVELOPMENT

Dear Mr. Hackett:

As residents of property almost immediately adjacent to this proposed development we are writing to you to register our vehement protest to approval of this outrage.

Nine years ago we moved to the outskirts of Phoenix to live in a rural environment where it was clean and quiet, with minimal traffic. We were most pleased to have a substantial portion of the watershed property along our eastern boundary. We were happy with the narrow, winding, ungraded Phoenix Road.

Prior to buying here we spent several hours with the County Zoning Department reviewing proposed developments near our chosen property. We talked at length with the Planning Department to learn their short and long-term plans. We then purchased this property as an ideal place to spend our final years of working, and for our impending retirement.

We are sure you are aware of the long record of law violations of Victor Posner, in both Maryland and Florida. He, and his hired hands, certainly cannot be trusted no matter what he, and they, may say. While we hope that the penal system will claim him before he can destroy our neighborhood, we urge you to deny his appeal in its entirety.

The County has made enough mistakes in our area. Loveton was a mistake, to favor a local firm whose lucrative food business was still not enough money for them. Another error was approval of the UPS site, which the courts have ruled against. Please preserve the remaining watershed and adjacent areas as they are, and deny this appeal by the forces of greed and rural destruction.

Thank you for your attention to our request.

Sincerely,

Denise Hale

Denise Hale

William N. Hale, Jr.

3 Starlight Farm Drive
Phoenix, MD 21131

cc: C.A. Dutch Ruppersberger, III
Roger B. Hayden, County Executive
Greater Sparks-Glencoe Community Council

RECEIVED
COUNTY BOARD OF APPEALS

93 OCT -8 PM 12:46

October 5, 1993

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

Dear Mr. Hackett:

My wife and I would like to protest the proposed zoning changes that would allow Mr. Posner's Colvista project to proceed.

We live off Paper Mill Road in the vicinity of the project. One only has to drive in this area at rush hour to know that there ar already plenty of people living in this area.

Mr. Ruppersberger and Mr. Hayden have heard from me in the past about this rezoning. They have indicated to me that they oppose this rezoning and I assume that their feelings have not changed.

We can think of no good reason other than Mr. Posner's enrichment to deviate from the county's zoning plan. Please kill this project.

Sincerely yours,

Jam s J. Doyle, M.D.
10 Timberwood Ct.
Cockeysville, MD 21030

cc: C.A. Ruppersberger, III
Roger B. Hayden

October 5, 1993

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT -7 AM 11:42

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

Dear Mr. Hackett:

I am writing to express my concern over the rezoning appeal for the Colvista project in the Sparks-Glencoe area. There are many reasons why I believe that this project would have a negative impact on our community. First, the schools in the area are already operating above capacity. The Sparks Elementary school is overcrowded and an additional 3000 dwellings would add many more students that the public school system is not prepared to handle. Secondly, the road systems in the area cannot handle the additional traffic. In addition to the impact to county services, the land currently remains forested and there is little forested land remaining in Baltimore County.

The Colvista development goes against the guidelines set forth in the Master Plan, and we, the citizens, cannot let every developer with dollars come in and rearrange the Master Plan to suit their desire to make even more money. We need to think of the future of the county and the quality of life for future generations.

Sincerely,

Janice A. Winter

Janice A. Winter
11 Far Corners Loop
Sparks, MD 21152

RECEIVED
COUNTY BOARD OF APPEALS

93 OCT -6 PM 2:16

October 1, 1993

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

Dear Mr. Hackett,

I am writing you to express my concern about the proposed Colvista Residential Project of Victor Posner's Security Management Corporation. I find it totally unacceptable that Mr. Posner feels he can manipulate our courts to achieve his purpose. By suing Baltimore County for $ 80,000,000., he feels he can make a major departure from the County Master Plan.

Inadequate sewer capacity, shortage of space in area schools and poor access to the site area are just a few of the problems encountered with this project. It would also cause a major problem with the metropolitan water supply.

This huge development would take away the peaceful, rural character of this beautiful portion of northern Baltimore County.

Please do not let this happen!!

Sincerely,

Irene Cicone
14217 Quail Creek Way
#202
Sparks, Maryland 21152

cc: Dutch Ruppersberger, III
Roger Hayden, County Executive

Dear Mr. Hackett,

We as homeowners in Hunt Valley Station hope that once again you will vote NO on Victor Posner's proposed development.

It is of utmost importance that Maryland maintain its beauty and to allow such a development would be detrimental to the area.

If the threat of a suit frightens you, then propose to Mr. Posner that should he wish to get your approval he must first build Clark Road to accommodate the added traffic, schools in which to teach the children, his own water and sewer plant and provide jobs for all the employees. To build each unit no higher than the trees and limit the amount of trees removed.

If Mr. Posner expects the county and its citizens to provide the above for him - "just say no!"

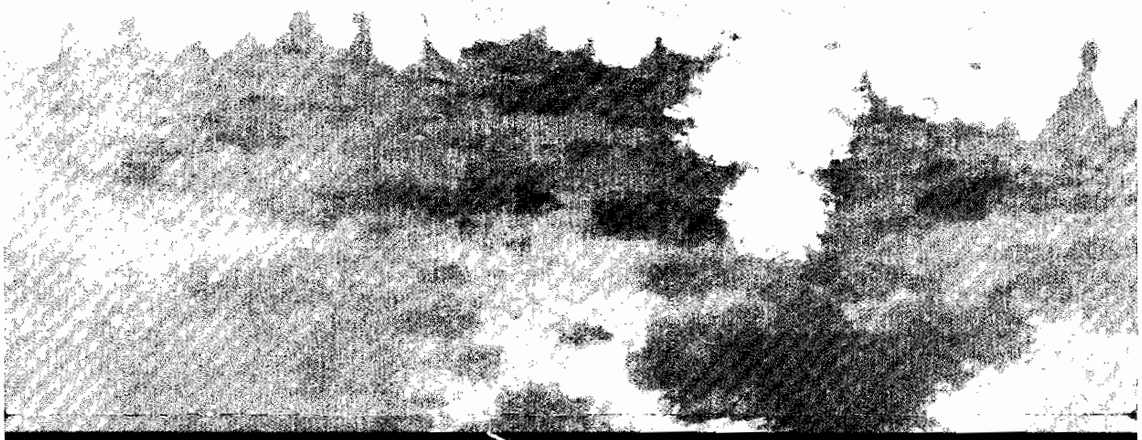
Without proper drainage the run off which would occur from the "Villa" added would be threatening to the surrounding areas.

Please think of your children and their children when making your decision. Are they going to have a beautiful state in which to live or are they going to have small buildings

Very truly yours,

Pamela A. Kitchen

over



Scala/Art Resource NY

11630 Hunters Run Dr.
Hunt Valley, MD 21030
(410) 527-0526

Claude Monet
The Poppy Field
Musee d'Orsay, Paris

1992-191
Printed on Recyclable Paper

919 N. Michigan Suite 1000 Chicago, Illinois 60611-1676

KMM-200
Printed in USA

H. Hamilton Hackney
1916 Belfast Road
Butler, Maryland 21023

93 OCT -4 PM 12:32

October 1, 1993

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

Dear Mr. Hackett:

Please understand that our entire family is strongly OPPOSED to the Colvista Residential Project at the Towson Nurseries property.

Please do all you can to prevent this development from going through.

Thank you.

Sincerely,

H. Hamilton Hackney

cc: C.A. "Dutch" Ruppersberger, III
Roger B. Hayden, County Executive

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT -1 PM 12: 08

Arthur M. Rinehart, M.D.
13801 York Road N3
Cockeysville, MD 21030-[redacted]

27 September 1993

Mr. William T. Hackett, Chairman
County Board of Appeals
Dear Mr. Hackett

CR-93-307
(DAH 10-13-93)

As an appreciative resident of Baltimore County for over twenty-five years I ardently support the Zoning Boards denial of a zoning change that would permit the development of "Colvista", or for any such large development especially in a agricultural or rural area. The loss of rural forest and land and its multiple adverse effectson our enviorment (for humans, animals, plants, land stability, and etc.) would be a significant further loss not only to those presently nearby, but also would be an increased threat of greater chalange to appropriate zoning decisions in many other areas of the county. The additional problems of schoolspace, of roads and traffic, of power, of water, of sewage, and etc. would also seem to be a major problem. We urge the Zoning Boards present decision be upheld.

Sincerely,

Arthur M. Rinehart M.D.

Copy to Mr. C.A. Rogers Lazenby III
& Mr. Roger B. Hayden.

Dpt Copyright

RECEIVED
COUNTY BOARD OF APPEALS

93 OCT -1 AM 11:52

9/28/93

CR 93-307 (10-13-93)

MR. HACKETT
BOARD OF APPEALS
BALTIMORE COUNTY

I AM WRITING THIS LETTER IN RESPONSE TO THE ARTICLE IN THE NORTH COUNTY NEWS. THIS ARTICLE IS VERY DISTURBING TO ME SINCE I WAS RAISED IN BUTLER. IT SEEMS TO ME THAT THE ZONING LAWS WERE PUT THERE FOR A PURPOSE AND THIS PURPOSE IS TO PROTECT THE WATERSHED AREA. THE PROPOSED DEVELOPMENT IS CERTAINLY AGAINST THESE RULES. IT ALSO SEEMS TO ME THAT THE DEVELOPER IS DOING TWO THINGS. FIRST HE IS ASKING FOR A LOT MORE THEN HE REALLY WANTS SO THAT THE COUNTY WILL FEEL APPEASED WHEN HE AGREES TO A LESS DENSE DEVELOPMENT. SECONDLY. HE IS THREATENING TO SUE BALTIMORE COUNTY IF IT IS TURNED DOWN.

I WOULD ALSO LIKE YOU TO KNOW THAT I AM AN INSPECTOR IN THE CONSTRUCTION MANAGEMENT DIVISION OF PUBLIC WORKS AND HAVE BEEN FOR SIXTEEN YEARS. DEVELOPMENT WORK IS PRIMARILY THE TYPE OF WORK I HAVE DONE. BEFORE I CAME TO BALTIMORE COUNTY. I WAS IN ROAD CONSTRUCTION. THEREFORE. I FEEL I CAN GIVE A PROFESSIONAL OPINION. THERE IS NO WAY ANY HOUSING CONSTRUCTION OF FIVE UNITS OR MORE CAN BE DONE WITHOUT HAVING AN IMPACT ON THE WATERSHED. I DON'T CARE HOW MUCH SILT FENCE. SEDIMENT PONDS. SEDIMENT TRAPS OR ANY OTHER SEDIMENT CONTROL DEVICES ARE USED. THERE IS NO WAY POSSIBLE THIS TO BE DONE. EVEN WHEN ALL REQUIRED SEDIMENT CONTROL DEVICES ARE USED AND WORKING PROPERLY. SEDIMENT IS EXPECTED TO GET THROUGH. I SEE THIS AFTER EVERY NORMAL RAIN AND HAVE SEEN EXTREME AMOUNTS AFTER HEAVY RAINS.

IN ADDITION TO THIS. YOU MUST CONSIDER THE RUN OFF OF THE EXPANDED ROADS AND DRIVEWAYS. THE OIL FROM DRIVEWAYS THAT HAVE DRIPPED FROM CARS. SEPTIC TANKS EVENTUALLY DRAINING THROUGH THE SOIL AND REMEMBER THAT SOMEONE ALWAYS DUMPS THE WASTE OIL FROM THERE ENGINE ON THE GROUND.

PLEASE DON'T LET THIS GUY TAKE ADVANTAGE OF BALTIMORE COUNTY. I HAVE SEEN IT OVER AND OVER AGAIN. I ALSO HOPE YOU ARE NOT PRESSURED BY THE ADMINISTRATION TO PASS THIS CONSTRUCTION OR SOME REDUCED VERSION BY LOOKING AT INCREASED REVENUES. FEEL FREE TO CONTACT ME IF YOU WOULD LIKE ANY ADDITIONAL INFORMATION.

SINCERELY YOURS.

William A. Fowble III

WILLIAM A. FOWBLE III

Tel. # 833-9087

RECEIVED
COUNTY BOARD OF APPEALS
93 SEP 30 PM 12:49

September 28, 1993

Mr. William T. Hackett
Chairperson, County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Dear Mr. Hackett:

As a resident of Sparks, I am writing to you to express opposition to the proposed Colvista residential project. It appears that this zoning request is inconsistent with the area's adopted land use policies, the county's Master Plan and the guidelines governing the comprehensive zoning maps process. In addition, from what I have been informed through several sources, there would be inadequate sewer capacity and a shortage of classroom space in area schools. From first-hand observation, I am also concerned about the access and traffic pattern should this project be approved. It is my recommendation that this project be denied.

Sincerely,

John F. Hasler

John F. Hasler
1631 Sparks Road
Sparks, MD 21152

xc: Mr. C. A. Ruppersberger, III
Councilman, District 3
Old Courthouse
Towson, MD 21204

Mr. Roger B. Hayden, County Executive
400 Washington Avenue
Towson, MD 21204

RECEIVED
COUNTY BOARD OF APPEALS
93 SEP 30 PM 12:51

5 Lochwynd Court
Phoenix, Maryland 21311
September 27, 1993

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

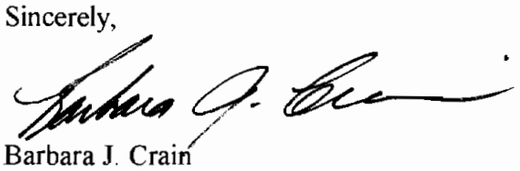
RE: COLVISTA RESIDENTIAL PROJECT

Dear Mr. Hackett:

Security Management Corporation's request to rezone the Towson Nurseries property has already been rejected by several local government agencies. The Department of Public Works indicates that water treatment facilities are inadequate. The road system could not begin to handle the increased traffic. The area schools are already overcrowded. The developers claim that they will guarantee off-site road improvements and "contribute" toward school construction. Will they really guarantee a new elementary school and perhaps a new middle school? Furthermore, this entire high-density housing project is located within the watershed zone. Mr. Posner and his colleagues claim that they will support "environmental improvements". How can a housing development of this magnitude possibly be compatible with clean drinking water for the Baltimore area?

Nearly twenty years ago, Baltimore County adopted a sensible long-term zoning and land use policy. However, such a policy is only meaningful if we abide by it. Approval of the Colvista project will sacrifice our plan for protecting the county's green spaces, jeopardize our water supply, and make a mockery of our plan to management the inevitable growth of our population The only beneficiaries of the proposed zoning change is Security Management Corporation, which will reap a financial windfall at the expense of the citizens and taxpayers of Baltimore County. I strongly urge you to maintain your convictions and reject this developer's request for re-zoning.

Sincerely,



Barbara J. Crain

cc: C. A. "Dutch" Ruppersberger, III
Councilman, District 3

Roger B. Hayden
County Executive

Emily Reed
13801 York Road, C-6
Cockeysville, Maryland 21030

RECEIVED
COUNTY BOARD OF APPEALS

93 SEP 29 PM 2:26

RECEIVED
COUNTY BOARD OF APPEALS
93 SEP 29 PM 2:29

16 Rainflower Path
Unit 201
Sparks, MD 21152

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

Dear Mr. Hackett:

As a resident of Sparks, Maryland, I am strongly against the proposed 215 acre Colvista project. I understand that Security Management, Inc. desires rezoning of this tract of land just south of Phoenix Rd. so that they can build 3000 townhouses and condominiums. The roads, the water supply, the sewage system and the schools would be overburdened by such a development, and the quality of life here in Sparks would decline. I hope that you will deny Victor Posner and Security Management their request for rezoning.

Sincerely,

Mark F. Lund

Mark F. Lund

WATERSHED PROTECTION COALITION
P.O. BOX 212, TIMONIUM, MD. 21094-0212
252-5515

RECEIVED
COUNTY BOARD OF APPEALS
93 SEP 28 AM 11:00

September 25, 1993

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

Re: Case No. CR-93-307-SPHXA

Dear Mr. Hackett:

The Watershed Protection Coalition strongly opposes the rezoning of RC-4 land to DR-16 by the Security Management Corporation.

The intent of the County's most recent Master Plan was "no net loss of RC-4".

The Planning Act of 1992 requires jurisdictions to provide for growth and at the same time to protect the environment and our threatened resources.

The 1990, the Action Strategy for Reservoir Watersheds, was issued by The Baltimore Metropolitan Council, persuant to the Declaration of Reaffirmation of the Waterhsed Management Agreement, Baltimore County, as part of this agreement, is a co-partner in the protection of the watersheds and their reservoirs which provide drinking water for almost two million people. RC-4 zoning and its enforcement is Baltimore County's part of the partnership in protecting this resource.

That any developer would consider it a right to contravene established policy carefully and thoughtfully developed for the public good is inconceivable.

The Best Management Practices proposed by Security Management are only an improvement over failed management practices. These practices only **lessen** sediment loads and use chemicals **less** frequently. A more accurate name for these practices would be, "Slightly Better Management Practices." Best Management Practices are only as good as the proper monitoring during all levels of the operation. They also require forever-after surveilance which can't be guaranteed. Guarantees do not exist. There is no proof that such development will not affect the environment, only promises. Promises are not realities..

The sediment loading of Loch Raven Reservoir / Watershed has reduced the depth of the lake at the dam from 68' to 38'. Large algal blooms now float on the Lake. Grasses choke the shore line from an overabundance of nutrients.

Baltimore County must plan for growth and for its citizens welfare by insuring that their vital necessity - drinking water - is protected. Growth must occur in designated growth areas. The demand for pure drinking water and water uses promises to escalate along with predicted growth. Baltimore County must do its share to insure and protect this vital resource.

Citizens should not have to support the adequate facilities this proposal would demand, nor to become victims of the breakdown of those facilities.

[illegible] Lot Jarrett Court Road
Upper Mt 21042

RECEIVED
COUNTY BOARD OF APPEALS
93 SEP 27 PM 12:09

Mr William J Hackett - Chairman
County Board of Appeals
Old Courthouse Room 49
400 Washington Avenue
Towson Md 21204

Dear Mr Hackett

I am totally opposed to the zoning request for the project called the "Carriage Hill Center" in Loveton Farms for the storage warehouse area and a good deal of Jarrett Road.

Just sitting on my balcony & hearing that Jarrett Road was resurfaced [illegible] perhaps should. Additional building of the Colonial would greatly add to the existing traffic. Any more building in this area would increase rain water run off. Run off water is standing presently behind my condo and it takes between 15-24 hours to leave the area because it is restricted by a clogged not restricted the creek cannot flow.

Traffic along York Road between 6:45 4pm makes it very difficult for those leaving Loveton Farms, one can between 15-20 cars waiting for their turn to leave the crossing of the road. During this time UPS trucks appear to be a train coming south. All to this vehicle traffic with the [illegible] business in the circle and it's something to write home about. The 40 mile an hour speed limit is not observed and you usually take your life into your hands when you venture out. Add to this accident traffic when there is a problem on I 83 and traffic is diverted.

I would not like to be in your position because you can't win. There are more opposing testimonies than those in favor. Chairman wants the facts. I already have made up my mind.

Yours truly,
R K Ridgitt

cc Mr C A Ruppersberger III c/o Mr Roy Hayes
Councilman 3rd District County Executive
Old Courthouse 400 Washington Ave
Towson Md 21204 Towson Md 21204

February 3, 1994

94 FEB 15 PM 3:22

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

Dear Mr. Hackett:

I am not sure if the cluster development guidelines have been ratified or not. But, I want to write to you anyway. First, to let you know that I support ratification of the cluster development guidelines one hundred persent. Secondly, I would like to see the farms and woods of Baltimore County perserved as much as possible. I applaud you for the great strides already taken in this direction and urge you to do even more. Please do not let the Elvista development (Posner's Project) go through. Please do not allow the rezoning of any farmland or woodland. Thank you for considering my views.

Sincerely,

Sally Cocks
15747 Irish Avenue
Monkton, Md 21111

GREENPEACE
Buy Recycled Paper – Then Recycle!

93 OCT 27 AM 9:40
COUNTY BOARD OF APPEALS

Alice & Dick Lehnert
707 Old Belfast Rd.
Sparks, MD 21152

October 24, 1993

Baltimore County Planning Board
C/O Office of Planning & Zoning
401 Bosley Ave. Suite 406
Towson, MD 21204

Reference: Petition to rezone the Towson
Nurseries Watershed Protection Property

Ladies And Gentlemen:

We are writing to express our wholehearted support of your earlier decision to oppose "Security Management's petition to rezone Towson Nurseries" property. In addition , We implore your to "stick to your guns" if you are asked to reconsider this matter.

This project is inappropriate for the site chosen by the developers. Watershed protection areas such as this 215 acre tract of forested buffer are critical to the maintenance of Loch Raven Reservoir and its tributaries. Further contamination of the already overstressed natural resources represents an irreversible and unconscionable act.

Finally, We do not want our tax dollars spent on providing infrastructure and services that will be required to sustain a development such as "Colvista"

Thank you for your consideration.

Very truly yours,

Alice Lehnert Dick Lehnert

We are long term residents of Baltimore County

cc:

Wm. T. Hackett, Chairman County Board of Appeals
C.A. "Dutch Ruppersberger, Baltimore County Councilman
Honorable Ellen R. Sauerbrey, Delegate
Roger Hayden, Executive of Baltimore County
Honorable Janice Piccininni, Delegate

November 4, 1993

Mr. William T. Hackett
Chairman,
County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Mr. Hackett:

I am a resident of Baltimore County and am writing to express my wholehearted support of the decision by the Baltimore County Planning Board to oppose Security Management's petition to rezone the Towson Nurseries property.

The project is inappropriate for the site chosen by the developer. Watershed protection areas such as this 215-acre tract of forested buffer are critical to the maintenance of Loch Raven Reservoir and its tributaries. Further contamination of this already over stressed natural resource represents an irreversible and unconscionable act.

Finally, I do not want my tax dollars spent on providing the additional infrastructure and services that will be required to sustain a development such as "Colvista."

Thank you for your consideration.

Very truly yours,

Mildred F. Besche

Mildred F. Besche

Mildred F. Besche
14015 Quail Creek Way
Sparks - Glenco - MD
21152

93 NOV -9 PM 1:11

January 12, 1994

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

Re: Petition to Rezone the Towson Nurseries Watershed
Protection Property

Dear Mr. Hackett:

I am writing to express my concern of Security Management's petition to rezone the Towson Nurseries property. I implore you to keep this petition from passing.

This project is inappropriate for the site chosen by the developer. Watershed protection areas such as this 115 acre tract of forested buffer are critical to the maintenance of Loch Raven Reservoir and its tributaries. Further contamination of this already over-stressed natural resource represents an irreversible and unconscionable act.

As a resident of Baltimore County, I do not want my tax dollars spent on providing the additional infrastructure and services that will be required to sustain a development such as "Colvista".

Sincerely,

Anthony J Marra

Anthony J. Marra
29 Old Forge Garth
Sparks, Md. 21152

94 JAN 13 PM 2:06

14210 Dove Creek Way
Sparks, Maryland 21152
October 27, 1993

Mr. William T. Hackett
Chairman of County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Subject: Petition to Rezone the Towson Nurseries Watershed Protection Property

Dear Mr. Hackett:

I am writing to solicit your support in opposition of Security Management's petition to rezone the Towson Nurseries property.

This project is inappropriate for the site chosen by the developer. Watershed protection areas such as this 215 acre tract of forested buffer are critical to the maintenance of Loch Raven Reservoir and its tributaries. Further contamination of this already over stressed natural resource represents an irreversible and unconscionable act.

Finally, I do not feel my tax dollars should be spent on providing the additional infrastructure and services that will be required to sustain a development such as Colvista.

Thank you for your consideration in this matter.

Yours very truly,

Jean L. Spanos

I am a resident of Baltimore County

93 NOV -3 PM 3:39

14221 Dove Creek Way
Unit 104
Sparks, Maryland 21152
November 1, 1993

Baltimore County Planning Board
C/O Office of Planning and Zoning
401 Bosley Avenue, Suite 406
Towson, Maryland 21204

RE: Petition to Rezone the Towson Nurseries Watershed Protection Property

Ladies and Gentlemen:

I am writing to express my support of your decision to deny Security Management's petition to rezone the Towson Nurseries property. I further request that you reaffirm your decision in any continuing appeals, etc.

The proposed development is completely out of character with the area and would do incalculable damage to the infrastructure of the Loch Raven watershed.

The present zoning of the property was not unknown to the purchasers of the property so their claim of financial hardship is without merit. If their intended use of the property was the "Colvista" plan, they should have made their purchase contingent on the securing of the needed zoning change.

We are witnessing another attempt by a well financed developer to reap enormous profits at the expense of the citizens of Baltimore County and the State of Maryland.

Please be firm in your resolve to convince this out of state developer that Baltimore County and the State of Maryland are not required legally or morally to ruin heritage in order to line his pockets.

Sincerely,

Richard P. Franke

RPF/cb

CC: William T. Hackett
C. A. Dutch Ruppersberger III
Roger B. Hayden
The Honorable Ellen R. Sauerbrey
The Honorable Janice Piccinini

93 NOV -3 PM 3:39

November 4, 1993

I am writing this letter to express my opposition to the proposed re-zoning appeal for the Colvista development in the Phoenix/Sparks area. Traffic is already bumper-to-bumper, the schools are over-crowded, and the Gunpowder River is already full of silt from the run-off of surrounding development.

The Loch Raven Watershed was created for a purpose and the present zoning designation should be retained.

If Colvista is allowed to bribe its way into the Watershed, I will be moving elsewhere.

Sincerely,

Joyce A Lammlein MD

JOYCE LAMMLEIN
14315 Phoenix Rd
Phoenix MD 21239

93 NOV -9 PM 1:11

GJA Greater Jacksonville Association inc.

P. O. BOX No. 126 PHOENIX, MARYLAND 21131

1 October 1993

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT -4 PM 12: 33

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

Dear Mr Hackett:

The Greater Jacksonville Association (GJA) has recently been apprised of the efforts by Security Management Corporation (SMC) to overturn a Zoning Board decision to retain the RC4 designation for the property they term "Colvista", at the intersection of York and Phoenix Roads. They wish to have the property reclassified as DR-16, the highest density available, and twice as high as that of Loveton Farms nearby.

The consensus of our membership is that such a high density development would be totally inappropriate for land which has been, in our view, correctly designated as a watershed protection area. Such an area has normally been subjected to very low density development, in order to retain the ability to control and filter runoff and to recharge the underlying aquifer.

While this consideration is paramount, the support infrastructure needed to adequately service this proposed development is non-existent, and could only be provided over a long period and at great expense to the taxpayers, far beyond any benefit from revenues to be gained from the immediate development.

We understand that consultants retained by SMC have maintained that it is possible to actually improve water quality in the face of such high density development as that proposed. Such a conclusion certainly raises a question in our minds as to the level of expertise exhibited and the professional integrity of such people. Their position flies in the face of all traditional practice in forestry and land management and would not be taken seriously, were the stakes not so high.

Oct. 12, 1993

Dear Mr. Hackett

I beg of you Not to let the massive "Colvista" development be accepted by the Zoning board. "Board of appeals"

The cost of development to the Taxpayers would be immense.

The Loch Raven watershed is already overdeveloped (Pine Ridge etc.) around the edge and the poor wildlife. where will they go?

Please, Stop this development we do not need 3,000 more units additional.

Please contact me personally write any information regarding Zoning pertaining to such, date of the hearing when rescheduled.

Thank you

Joyce Stump
1336 Beaver Dam Rd
Cockeysville
md 21030
584-2587

93 OCT 15 AM 10:12
RECEIVED
COUNTY BOARD OF APPEALS

RECEIVED
COUNTY BOARD OF APPEALS

93 OCT 13 AM 10:56

October 11, 1993

Mrs. Donna Hungerford
1400 Phoenix Road
Phoenix, MD 21131-1024
(410) 561-0300 (W)
(410) 472-3022 (H)

Mr. William T. Hackett, Chairman
County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Dear Mr. Hackett:

This letter serves to express my views and concerns on the proposed rezoning and development of the Towson Nurseries Watershed Protection Area. It also requests that the Board of Appeals kindly contact me personally with any information relevant to the Security Management Corp. rezoning petition, including dates of the hearing when rescheduled.

I am sure you are already aware, based on my address above, that I am adamantly opposed to the rezoning of this property and to the proposed development for reasons which are obviously apparent to a great deal of people and county agencies and officials, as well as reasons not so apparent. In order to ensure that some of these more blatantly obvious reasons for opposition are kept foremost in your mind, I have included a brief list in this letter both for your benefit and mine:

(1) Protection of the environment, water supply/watershed and rural areas;

(2) Impact on the area's infrastructure;

(3) Maintenance of the county's carefully developed growth plan;

(4) Restrict land developers from raping the land in order to pad their own pockets; and

(5) Maintenance and protection of the interests of Baltimore County residents.

Now for the not so obvious reasons. I am 26 years old and have been a resident of Phoenix for my entire life. I value the lifestyle and the environment that rural life affords. And, I can safely assume, that all the residents of this area and Northern Baltimore County have made their homes here because this type of lifestyle was attractive to them. Additionally, we have had

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT 13 AM 11: 17

October 11, 1993

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

Dear Chairman Hackett,

I am writing this letter to express my concern and outrage concerning the proposed "Colvista" development on the Towson Nurseries property. As a concerned citizen and community member, I do not feel that this development is in the best interest of the county or the immediate neighborhood. There are numerous reasons why this rezoning petition should be ***denied over and over again***, however I will review the important ones which are foremost on my mind.

Baltimore County already has a "Master Plan" which allows for large scale controlled growth in the White Marsh and Owings Mills areas. Have these areas met there stated goals and reached there full growth potential ? I do not believe they have and would urge that these areas be fully evaluated before attempting other such "growth areas".

This development, as I understand it, would put a tremendous burden on the areas already overtaxed infrastructure. This includes the police department, the volunteer fire department, schools (already overcrowded, with the new Jacksonville Elem. set to open at capacity), roads and public works (it is my understanding that this development would use all of the sewer/septic reserve that the county now has).

The taxpayer cost to fund the additional services for the development would far outweigh any supposed economic benefit to the county.

This land is zoned RC-4 because it is adjacent to the Loch Raven reservoir and was zoned this way for a reason. A deforestation of this magnitude will have a resultant negative impact on the watershed no matter what the developer says or has designed to stop it. I firmly believe that no man made design can successfully buffer the way a natural environment can and thus this development would create a high potential for contamination of our water supply.

Presently there are approximately 20,000 acres zoned RC-4 in the county. If this land is rezoned, it will set a legal precedent and place all of the remaining land in jeopardy.

Mr. Chairman, I realize that the county has already ruled against this development and that the developer, in his rage, has sued the county for 80 million dollars. We, the citizens of the county, cannot allow ourselves to be manipulated by men, such as Victor Posner, whose soul interest is making another dollar. The unique northern Baltimore County area is a resource to the people of

RECEIVED
COUNTY BOARD OF APPEALS

93 OCT 13 AM 10: 54

Broadmead H-3
13801 York Road
Cockeysville, Md.
21030

October 12, 1993

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

Dear Sir:

This is to express my very strong opposition to the proposed 3000-unit Colvista development.

Such a development would be a serious hazard to the maintenance of the important drinking water supply for this large area served by the Loch Raven Reservoir.

In addition the Development would result in massive deforestation of the forest land buffer adjacent to the reservoir.

The Development would also have a serious harmful impact on this area's services for fire, police, schools and other public works.

Such impact would bring about greater demands on taxpayers to fund the costs of this Development.

Please advise me the dates of the hearings when rescheduled and any information relevant to the Security Management rezoning petition.

Sincerely yours,

Margaret H. Fulford

Margaret H. Fulford
(Mrs. H. L. Fulford)

RESERVOIR WATERSHED PROTECTION PROGRAM
c/o Baltimore Metropolitan Council
601 North Howard Street
Baltimore, Maryland 21201

October 12, 1993

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

RE: Request to be placed on the list of persons interested in Rezoning Request Number 5 -- Security Management

Please place me on the list of persons interested in Rezoning Request Number 5, Security Management, for the purpose of receiving notices of proceedings, hearings, etc.

Thank you.

Sincerely,

Jack Anderson
Program Coordinator
Reservoir Watershed
Protection Program

93 OCT 12 PM 1:39
COUNTY BOARD OF APPEALS
RECEIVED

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT -8 PM 12:48

October 5, 1993

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Re: CR-93-307
Security Management Corp.

FROM: Mrs. Beverly C. Crook
2829 Merryman's Mill Road
Phoenix, Maryland 21131
666-1163

Will you please send me information on any hearings that are scheduled on the above zoning appeal of the Security Management Corporation.

Thank you.

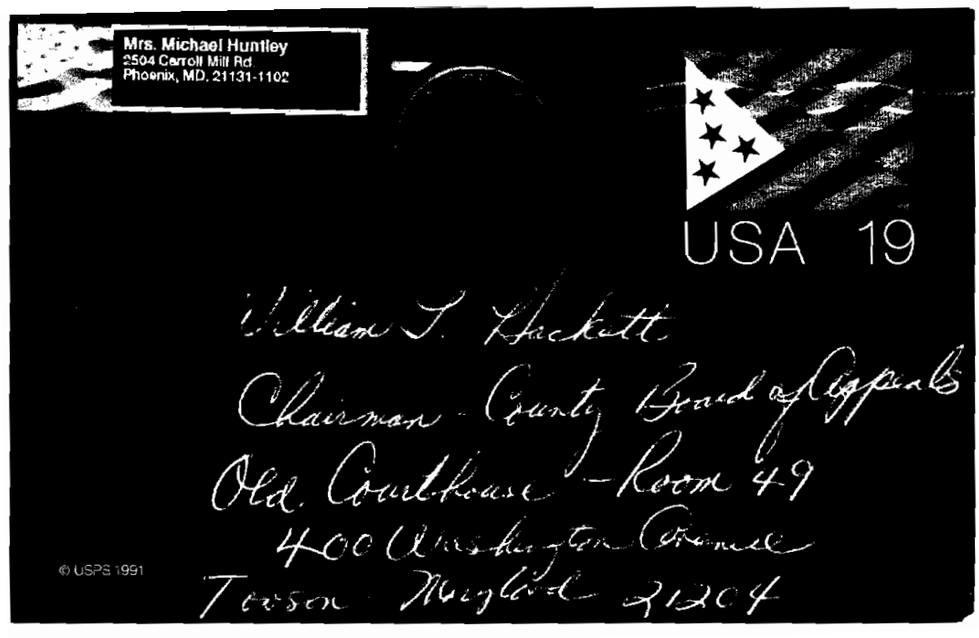
2514 Carroll Ave
Phila PA 19131

Today Oct 13

Dear Mr. Hackett,

Please Stop Victor Powell
Continued Rape of the Oakland
Plaintiff corridor. The man and
the despicable attorneys representing him
can only be held off by your board. Please
contact the attorney relevant to [illegible] date. Thank you

Barbara Kelly


Mrs. Michael Huntley
2504 Carroll Mill Rd
Phoenix, MD. 21131-1102
USA 19
William T. Hackett
Chairman - County Board of Appeals
Old Courthouse - Room 49
400 Washington Avenue
Towson Maryland 21204
© USPS 1991

LYLE A. BRECHT

9-13-93

Case # CR-93-307-SPHXH

Please add my name to those notified concerning the Securities Management Corp appeal concerning the Towson Nurseries Watershed protection Property.

I am an abutter to the Watershed near the proposed rezoning.

Sincerely,

Lyle A. Brecht

5 Starlight Farm Ct

Phoenix, MD 21131

RECEIVED
COUNTY BOARD OF APPEALS
93 SEP 14 PM 12:02

RESERVOIR WATERSHED PROTECTION SUBCOMMITTEE
c/o Baltimore Metropolitan Council
601 North Howard Street
Baltimore, Maryland 21201

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT 12 PM 1:39

October 12, 1993

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

RE: Comments on Rezoning Request Number 5 pursuant to the Reservoir Watershed Management Agreement of 1984

Dear Mr. Hackett:

I am pleased to forward to you for consideration by the Board of Appeals the Watershed Protection Subcommittee's comments on rezoning request Number 5 (Security Management Corp.). Our recommendations on rezoning requests are made pursuant to the Reservoir Watershed Management Agreement of 1984, executed by Baltimore City, and Baltimore and Carroll Counties, in partnership with the Maryland Departments of Agriculture and the Environment and the Baltimore County Soil Conservation District and the Carroll Soil Conservation District; and in accordance with the Action Strategy for the Reservoir Watersheds agreed to by Baltimore County and the other signatories.

We first considered this application in 1992 when it appeared before the Baltimore County Planning Board as Petition Number 3-131 to change 215 acres of RC-4 (Watershed Protection) to DR-3.5 or DR-5.5 or DR-10.5. At that time we recommended against that proposal as not consistent with the Reservoir Watershed Protection Strategy. We also noted that 1) the site is intersected by Western Run, a tributary of Loch Raven Reservoir, 2) the site contains very steep slopes, and 3) development of this site would require expansion of the County's sewer and water system.

We developed our recommendations with the assistance of the Reservoir Technical Group-- composed of water quality staff from Baltimore City, and Baltimore, Carroll and Howard Counties; Baltimore Soil Conservation District, Carroll Soil Conservation District, Maryland Department of Agriculture, Maryland Department of the Environment, and environmental staff from the Baltimore Regional Council of Governments.

At its meeting on August 12, 1993, the Reservoir Watershed Protection Subcommittee considered the current petition before the Board of Appeals, Item No. 5 -- Security Management, which again

RECEIVED
COUNTY BOARD OF APPEALS

93 OCT 25 AM 9:56

October 23, 1993

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

Re: Towson Nurseries/Colvista

D ar Mr. Hacket:

My wife and I are residents of northern Baltimore County, and I am writing to you to express our deep and uncompromising opposition to the proposed Colvista development on the Towson Nurseries property.

It is well established that the development site is critical to the continued integrity of the Loch Raven Reservoir and its tributaries. Moreover, the development would require heavy public spending to improve public services that would be impacted by the project. In that regard, my son attends an already over-crowded public elementary school that simply cannot tolerate a large influx of new students.

We moved to this area to escape the congestion of heavily d v loped areas, and I think that it is fair to say that most of the residents of this part of the county live here precisely because it is undeveloped. To now permit the kind of development that Colvista represents is, at the least, very bitter irony. At worst, it represents the sacrificing of the investments and sensibilities of private individuals in order to appease the insatiable drive for profits by a speculator who does not have to live with or experience the real life consequences of his development activities.

As far as my wife and I are concerned, there is nothing to commend the proposed development. I applaud the opposition to this project by county government, which is, by so opposing, living up to its obligation to serve and protect the citizens of the county.

Thank you for your attention to this matter.

Sincerely yours,

Joseph L. Evans

Joseph L. Evans
2224 Tracey's Road
Sparks, Maryland 21152
Home (410) 771-4654
Office (410) 962-4822

WILLIAM H. KAUFMAN, M.D. (retired)
16535 YEOHO ROAD
SPARKS, MARYLAND 21152
TELEPHONE 301-472-9110

October 25, 1993

William T Hackett, Esq.
Chairman County Board of Appeals
old Courthouse, Towson, Maryland 21204

Dear Mr. Hackett: This is to express opposition to Colvista.

Born here in 1913, returned in 1977 to retire in what I once considered to be one of the most beautiful places on earth, even though much of it has been black-topped.

Experiences as an exchange student, University of London in 1937, and serving with the 36th Fighter Group in Kent near Dover in 1944, have caused me to reflect that the British have not tormented their tiny country in the 2000 years since Julius Caesar's arrival in 55 B.C., to the extent we have here in 300 years.

Can nothing be done? I've known the almighty dollar rules developers and tax-hungry politicians. Can't we have something other than a ruin for our children?

Thank you for the good job you are doing.

Sincerely,

William H Kaufman

93 NOV -1 AM 10:59
COUNTY BOARD OF APPEALS
RECEIVED

CHARLES W. NEUHAUSER

COUNTY BOARD OF APPEALS
93 OCT 18 AM 9:22

October 12th
1993

Dear Mr. Hackett,

On October 1st my husband and I purchased our first house at 14836 Carroll Road

After attending the October 7th meeting of the Greater Sparks Glencoe Community Council, I was greatly distressed by what I heard from all who spoke That evening.

We spent many months looking for a house, with an historical background, in a rural setting That is convenient to downtown The Things That are important to us, history, community, our animals gardening.

The <u>last Thing</u> we need in This area is a project of This magnitude. To destroy over 100 acres of Trees alone is not acceptable. our resources must be protected, The drinking water much of The area is far Too

CHARLES W. NEUHAUSER

precious To loose To Securities Management corp.

I very much look forward To a long and active life in a rural Phoenix/ sparks area. I <u>will</u> <u>not</u> stand for Colvista, nor for a change in The zoning To allow it

I would like To be notified of The new dates for The re-zoning petition and any related matters.

Very sincerely,

Liane Neuhauser

(Mrs. Charles W.)

NO ADDRESS ON LTR.

ENVELOPE REMOVED & DISCARDED

RECEIVED
COUNTY BOARD OF APPEALS

93 OCT 18 AM 9:25

October 15, 1993

410-494-6275

William T. Hackett, Chairman
County Board of Appeals
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Proposal for Colvista Residential Project

Dear Mr. Hackett:

My husband and I reside at 1116 Walnutwood Road, Hunt Valley Station. We purchased this property because it is set in a relatively undeveloped part of Baltimore County. We are opposed to the development of the Colvista Residential Project. To allow development of the Colvista Residential Project would be to destroy the serenity of the area.

Please make this letter a part of the permanent record, so that our objection to the Colvista Residential Project will be recorded.

Sincerely,

Bonnie Messina

Bonnie L. Messina, Esquire

Dominick Messina

BLM/ctb

cc: C. A. Ruppersberger, III, Councilman
Hon. Roger B. Hayden, County Executive

HACKETT2.BLM

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT 20 AM 9:29

RUTH B. MASCARI
Preservation Consultant

MEMBER

NATIONAL TRUST FOR HISTORIC PRESERVATION
MARYLAND ASSOCIATION OF HISTORIC DISTRICT COMMISSIONS
PRESERVATION MARYLAND
BALTIMORE COUNTY LANDMARKS PRESERVATION COMMISSIONER
BALTIMORE COUNTY HISTORICAL TRUST
BALTIMORE COUNTY HISTORICAL SOCIETY

Dear Mr. Hackett,

I am writing to you today, not as a member of The County Landmarks Preservation Commission, but as a citizen.

Over the years I have seen extensive and grievous impact on the community and the environment by encroaching development - oft done by persons who have no home, concern or interest - The area except as a weekend escape.

The proposed use of The Inman Mansion property is completely out of line with planning - The County, Smart Growth, The Maryland and most of all The established Baltimore philosophy.

I hope that the Board of Appeals will not allow this completely offensive and extraordinarily detrimental proposal in the belief of security to Long Term Care.

I hope that the effect on the taxpayers and the community resident will be part of the fore.

Thank you very much for your time and your long standing work for the County.

Sincerely yours,
Ruth Mascari

17210 Whiteley Road • Monkton, Maryland 21111 • 301-343-1495

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT 20 AM 9:31

Edward S. Palanker
2900 Paper Mill Rd.
Phoenix Md. 21131

October 17,1993

Mr. William T. Hackett, Chairman
County Board of Appeals
Old Courthouse, Room 49
400 Washington Ave.
Towson Md. 21204

Dear Mr. Hackett,

I would like you to reject the proposal for the Colvista Residential Project. I find it appalling that Security Management Corp. is suing the county after the county staffers unanimously rejected their proposal. We do not need such over growth in our community just so a hand full of investors can get rich. I urge you to abide by the County Master Plan for all of our sake.

Sincerely,

Edward S Palanker

Copies to Mr.Ruppersberger,III and Mr.Hayden

95-307-SPHXA

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

receipt

Account: R-001-6150

Number CR-93-307-SPHXA

DROP-OFF —— NO REVIEW

Date 4/11/95

#100 - REVISIONS ---------- $100.00
(Revised petition, plats, descriptions, 1,000 zoning map, environmental impact statement)

Legal Owner: Security Management Corp.
SE intersection York & Phoenix Roads - Colvista
Attorney: G. Scott Barhight

Check from Whiteford, Taylor & Preston

01A01#0349MICHRC $100.00
BA C002:38PM04-14-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

KATHERINE D. TOBIN, M.D.
33 Copperfield Court
Phoenix, Md 21131

July 27, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Avenue
Towson, Md 21204

RECEIVED
JUL 27 1995
BOARD OF APPEALS

Dear Mr. Schuetz

I am writing in reference to the Security Management Corp proposal to rezone the Colkata property for high density housing.

I wish to protest this proposal which is obviously not for the benefit of the

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT 22 AM 9:30

3900 Eland Road
PHOENIX, MD 21131

October 14, 1993

Mr. William T. Hackett, Chairman
County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
TOWSON, Maryland

Dear Mr. Hackett;

I am writing to you to express my strong objection to any proposal for re-zoning of the area known as the "Towson Nursuries" property in Hunt Valley. According to recent articles in the newspapers, this re-zoning is being sought by the owner of the land, Security Management Corporation, in order to construct a high-density apartment complex of 3000 units.

The proposal by Security Management Corporation is inconsistent with the land use policy in Northern Baltimore County, a policy which has been carefully developed with concern for the environment and, in particular, with concern for the safety of the water supply in Loch Raven and other reservoirs. Rescinding the zoning in favor of development will open the door for even more development in similar areas bordering our reservoirs. In addition, the appearance of 3000 new housing units in an area currently essentially devoid of public services would require massive investment of public funds for roads, schools, and other services, an investment which would nullify the effects of increased property tax revenues for many years to come. The only winner in this deal would be the owners of Security Management Corporation, and a significant part of their profit would in fact be coming from property owners in the entire area who would see their rates increase to help provide services for the new residents.

I urge you to reject the appeal of Securities Management Corporation to change the zoning of the "Towson Nursuries" property, and furthermore, to reject it with such force and clarity as to discourage this developer and any others from initiating frivolous legal action intended to intimidate the elected and appointed officials of our County.

Sincerely,

R. J. Allen

14204 Dove Creek Way
Sparks, Maryland 21152
November 1, 1993

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

Dear Mr. Hackett:

I presently reside at 14204 Dove Creek Way in the Quail Creek Condominium Community. On October 7, I attended a meeting sponsored by the Greater Sparks-Glencoe Community Council regarding the project known as "Colvista." I'm sure you are aware of the fact that the Council is actively opposing this development plan for a myriad of reasons.

Specifically, they include the detrimental effect on the environment and watershed; the additional strain on our already overburdened public services; the marked increase in the volume of traffic, which York Road is currently incapable of accommodating; the added burden on our overcrowded educational facilities; and last, but not the least, an increase in our taxes.

I am writing this letter to express my concern and opposition to "Colvista" and to urge that you reject the rezoning requests of Mr. Victor Posner and his Security Management Corporation. As President of the Board of Directors, I am confident that my position on this matter reflects that of the vast majority of the residents of this community.

Let me take this opportunity to express my appreciation for your attention to this matter.

Sincerely,

James G. Brinsfield

JGB/ejh

93 NOV -4 AM 11:02

JAMES A. BIDDISON, JR.
ATTORNEY AT LAW
13801 York Rd #J--7
Cockeysville MD 21030
~~(301) 667-3287~~
(410) 527-0654

October 20, 1993

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

Re: Case No. CR-93-307-SPHXA
Security Management Corporation
S.E. Intersection York & Phoenix Roads
(Colvista)
Reclassification from RC4 to DR16 and B.L.

Gentlemen:

Pursuant to Board Rule 8, on behalf of the Broadmead Residents Association, 13801 York Road, Cockeysville, Md. 21030, I am forwarding herewith Resolutions in duplicate adopted by the Association's Board of Directors authorizing me as President to represent that Board and state its opposition to the requested rezoning in this case, as well as the Affidavit in duplicate establishing my election as a member of the Association's Board.

Copies of the documents referred to above have been mailed to the persons listed below.

Very truly yours,

Broadmead Residents Association
By James A. Biddison, Jr.
James A. Biddison, Jr.
President

cc: G. Scott Barhight, Esq., Counsel for Petitioner
J. Carroll Holzer, Esq.
Peter M. Zimmerman, Esq., People's Counsel for Baltimore County

93 OCT 20 PM 12:12
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY

RECEIVED
COUNTY BOARD OF APPEALS

93 OCT 22 AM 9:37

13 Berrycrest Court
Cockeysville, MD 21030

October 16, 1993

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

Dear Chairman Hackett:

As a Baltimore County resident of Hunt Valley, I urge you to reject again the proposed Colvista rezoning request of the Towson Nurseries property. The additional residences and retail village will burden the county services. Environmental and ecological stress will be intensified, i.e., more landfills and incinerators, more pollution, and less clean water.

I really do not believe I or any other county resident should subsidize Victor Posner's profits through higher taxes to maintain his development. He is an absentee landlord, and Baltimore City's abandoned-house problems typify how a truant owner can cause disorder. I'd rather pay higher taxes to keep development out of the area.

Additionally, Mr. Posner's litigation is covert blackmail, i.e., either come up with $180 million for new public services so that he can build his "community" or pay him $80 million for not building it. Please reject the rezoning and deny his discrimination suit.

We are besieged by a constant threat of irresponsible overdevelopment. Our minds must be open to the realization that preservation and protection of long-immune woodlands are very important for our future. The primary goal, to foster the conservation and welfare of northern Baltimore County for the sake of our quality of life, overwhelms all of us.

Sincerely yours,

Angela M. Marthacine

Angela M. Marthacine

cc: Robert B. Hayden
C. A. Ruppersberger, III

CR-93-307-SPHXA

Receipt

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

Item #337
Account: R-001-6150
Number

#3
#4

Date 2-26-93

RECLASS. PETITION	1250.00
ZONING PETITIONS (COMBINATION)	650.00
	1900.00

OWNER: SECURITY MNGT. CORP.

S.E. INTERSECTION OF YORK ~~Rds.~~ & PHOENIX RDS.

RC-4 to DR16 & B.L.

02A02H0147MICHRC $1,900.00
BA C011:36AM02-26-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT 22 AM 9:38

October 20, 1993

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

Re: Colvista Residential Project

Dear Mr. Hackett:

We would like to make known our objection to the proposed Colvista Residential Project. For reasons such as increased traffic on York Road, sewer problems, possible water shortages, not enough classroom space in area schools, and damage to, or possible elimination of, some of the surrounding forests, bike paths and bridle trails, we do not believe this project should be allowed to proceed.

Thank you for your attention to this matter.

Sincerely,

Frank & Barbara Welsh

Frank and Barbara Welsh
13951 Thornton Mill Road
Sparks, Maryland 21152

cc: C. A. "Dutch" Ruppersberger, III
Councilman, District 3
Old Courthouse
Towson, Maryland 21204

Roger B. Hayden, County Executive
400 Washington Avenue
Towson, Maryland 21204

January 12, 1994

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

Re: Petition to Rezone the Towson Nurseries Watershed
Protection Property

Dear Mr. Hackett:

I am writing to express my concern of Security Management's petition to rezone the Towson Nurseries property. I implore you to keep this petition from passing.

This project is inappropriate for the site chosen by the developer. Watershed protection areas such as this 21-acre tract of forested buffer are critical to the maintenance of Loch Raven Reservoir and its tributaries. Further contamination of this already over-stressed natural resource represents an irreversible and unconscionable act.

As a resident of Baltimore County, I do not want my tax dollars spent on providing the additional infrastructure and services that will be required to sustain a development such as "Colvista".

Sincerely,

Stephenie H. Marra

Stephenie H. Marra
29 Old Forge Garth
Sparks, Md. 21152

94 JAN 10 PM 1:20

August 6, 1995

Mr. Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Avenue., Room 49
Towson, Maryland 21204

Re: Colvista Project - CR93-307-SPHXA
Intersection of York and Phoenix Roads

Dear Mr. Schuetz,

I understand the hearing dates for the Colvista Project will be August 16, 17, 23, and 24 and September 13, and 14. I will be at those hearings personally to protest the proposed zoning changes, but I would like to set forth my opposition to that proposal in writing.

The proposal would change the density for the Colvista Project from zoning level RC-4, 40 houses per 200 acres, to DR-16, 16 houses per acre. This would have a deleterious affect on my community. Pesticide and fertilizer pollution would run off the property into the adjacent Loch Raven watershed in higher amounts, endangering the drinking water of Baltimore City and Baltimore County. The school system in that area of the county is already overloaded. I do not think that a "contribution" from the developer would alleviate the stress that this development would cause. Roads and services would be extremely overcrowded. And very importantly, the stable property values in the area would doubtlessly plummet as a result of the glut of new houses in the area.

Aside from the practical considerations, there are the aesthetic and philosophical considerations. What kind of county is Baltimore County going to become? Do we want to see unbridled development in all rural areas? How can the exploitation of all open spaces lend to the attractiveness of Baltimore County as a place to live and work?

The comprehensive zoning plan set forth by previous Baltimore County administrations reserved high density developments to the Owings Mills and White Marsh corridors. These are the areas where a Colvista project belongs. If the zoning commission approves the Colvista Project, then there will be a precedent for such other development in northern Baltimore County. And then there will be no hope for preserving the County's rural heritage.

It is for the foregoing reasons that I ask the Board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained RC-4. Thank you for your attention to this matter.

Sincerely,

Rebecca A. Watt

Ms. Rebecca A. Watt
3610 Lord Baltimore Way
Monkton, Maryland 21111-1916

AUG 21 AM 95

August 6, 1995

Mr. Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Avenue., Room 49
Towson, Maryland 21204

Re: Colvista Project - CR93-307-SPHXA
Intersection of York and Phoenix Roads

Dear Mr. Schuetz,

I understand the hearing dates for the Colvista Project will be August 16, 17, 23, and 24 and September 13, and 14. I will be at those hearings personally to protest the proposed zoning changes, but I would like to set forth my opposition to that proposal in writing.

The proposal would change the density for the Colvista Project from zoning level RC-4, 40 houses per 200 acres, to DR-16, 16 houses per acre. This would have a deleterious affect on my community. Pesticide and fertilizer pollution would run off the property into the adjacent Loch Raven watershed in higher amounts, endangering the drinking water of Baltimore City and Baltimore County. The school system in that area of the county is already overloaded. I do not think that a "contribution" from the developer would alleviate the stress that this development would cause. Roads and services would be extremely overcrowded. And very importantly, the stable property values in the area would doubtlessly plummet as a result of the glut of new houses in the area.

Aside from the practical considerations, there are the aesthetic and philosophical considerations. What kind of county is Baltimore County going to become? Do we want to see unbridled development in all rural areas? How can the exploitation of all open spaces lend to the attractiveness of Baltimore County as a place to live and work?

The comprehensive zoning plan set forth by previous Baltimore County administrations reserved high density developments to the Owings Mills and White Marsh corridors. These are the areas where a Colvista project belongs. If the zoning commission approves the Colvista Project, then there will be a precedent for such other development in northern Baltimore County. And then there will be no hope for preserving the County's rural heritage.

It is for the foregoing reasons that I ask the Board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained RC-4. Thank you for your attention to this matter.

Sincerely,

J. Jerome Neser II, C.P.A.
138 English Run Circle
Sparks, MD 21152

To whom it should concern,

I would like to comment that, while I have not nearly enough knowledge of Colvista to have an opinion, I do have an opinion of the broader perspective.

While I would not at all mind seeing an 'environmentally friendly" golf course as opposed to countless homes, apartments, streets and parking lots, I can see the need, on the overall, for an increased tax base. While I only frequent Pine Ridge golf course twice per year at most now, I would be inclined to play 10-20 rounds if it were not for 5½ hour rounds! Is that not more taxes?

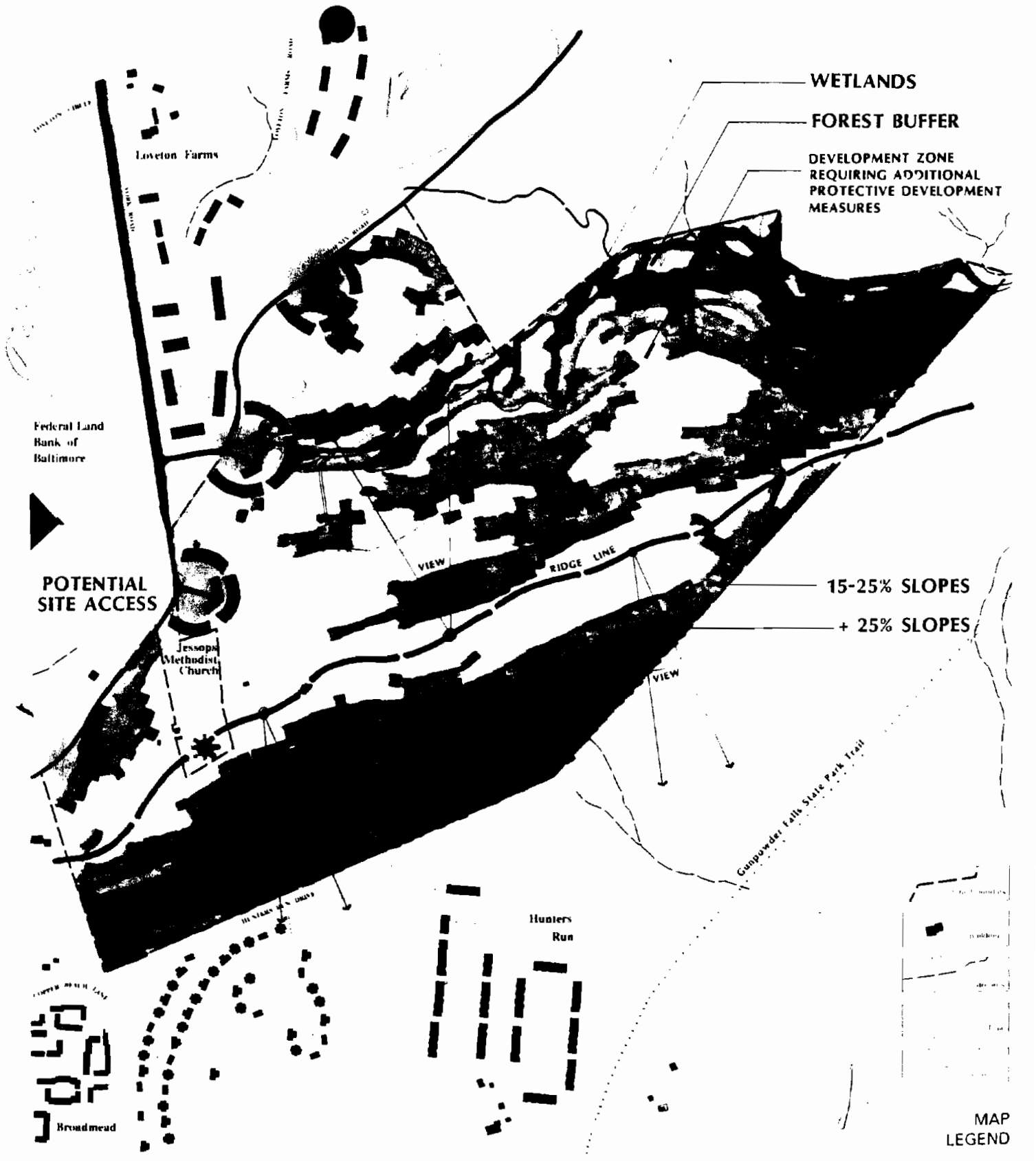
I am sure that enough knowledge currently exists respective to pesticides, and the like, to do a quality job while preserving the bulk of the landscape. Often even a 'bad' golf course is better aesthetically than 'good' cement.

There is a sincere need for more recreational facilities (golf) and tax money. A new course would meet these criteria and make countless MORE people happy!

93 NOV 24 PM 3:09

RECEIVED
COUNTY BOARD OF APPEALS

THOMAS J. GREM
60 HAMLET DR
OWINGS MILLS, 21117



Site Analysis

SIGN LOCATIONS

Colvista

0 200 400 600 1000

Security Management Corporation – Land Owner/Developer
LDR International, Inc. – Planners and Landscape Architects
Data Chromatics, Inc. – GIS Applications
EA Engineering, Science and Technology – Environmental Engineers
George William Stephens, Jr. – Civil Engineers
Columbia Design Collective – Architects and Site Designers
Legg Mason Realty Group, Inc. – Economic Consultants
Traffic Group – Traffic Engineers
Whiteford, Taylor & Preston – Land Use Attorneys

FOR RECLASS CASE BEFORE BOA

Source: LDR International, Inc.

Figure 13

August 14, 1995

Robert O. Schuetz
Chairmn
Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Re: Colvista Project - CR93 - 307- SPHXA

Dear Mr. Schuetz:

I am writing to express my concern over the rezoning appeal for the Colvista project in the Sparks-Glencoe area. There are many reasons why I believe that this project would have a negative impact on our community. First, the road systems in the area cannot handle the additional traffic.. Secondly, the schools are overcrowded and an additional 1600 dwellings would add many more students that the public school system is not prepared to handle. In addition to the impact to county services, the land currently remains forested and there is little forested land remaining in Baltimore County.

The Colvista development goes against the guidelines set forth in the Master Plan, and we, the citizens, cannot let every developer with dollars come in and rearrange the Master Plan to suit their desire to make even more money. We need to think of the future of the county and the quality of life for future generations.

Sincerely,

Janice A. Winter

Janice A. Winter
11 Far Corners Loop
Sparks, MD 21152

COUNTY CHARTER SEC. 602

DIVISION 5. [RESERVED]*

ARTICLE VI. COUNTY BOARD OF APPEALS†

Sec. 601. Appointment; terms; compensation.

There is hereby created and established a county board of appeals consisting of seven members who shall be appointed by the county council. Each member of the county council shall have the right to nominate one person to serve on the board of appeals. The first board of appeals appointed after this amendment shall consist of two members appointed for a term of one year, two members appointed for a term of two years and three members appointed for a term of three years. Thereafter, all appointments or reappointments shall be for three-year terms except that an appointment to fill a vacancy occurring before the expiration of a term shall be for the remainder of the unexpired term. All members of the board shall be residents of Baltimore County, and appointments shall be made so no more than five (5) of the members of the board shall be members of the same political party. The county council shall by legislative act set the compensation of the county board of appeals; provided, however, that no reduction in salary shall affect the compensation of a member of the county board of appeals during his current term. The board of appeals as constituted at the time of this amendment shall remain in effect until changed as provided in this section of the Charter.
(Bill No. 85, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 53, 1982, § 1; approved by voters Nov. 2, 1982; effective Dec. 2, 1982)

Sec. 601.1. [Repealed.]

Repealed by Bill No. 85, 1978, § 2. (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

*Editor's note—Division 5, consisting of section 544, was repealed by Bill No. 132, 1990, § 1, which was approved by the voters on Nov. 6, 1990; effective Dec. 7, 1990.

†Editor's note—The title of this article was changed by Bill No. 85, 1978. Approved by voters Nov. 7, 1978; effective Dec. 8, 1978.

Sec. 602. Powers and functions of county board of appeals.

The county board of appeals shall have and may exercise the following functions and powers:

(a) *Appeals from orders relating to zoning.* The county board of appeals shall have and exercise all the functions and duties relating to zoning described in Article 25A of the Annotated Code of Maryland [Ann. Code of Md., art. 25A] as such functions and powers may be prescribed by legislative act of the County Council. All references in law to the board of zoning appeals shall be construed to refer to the county board of appeals. In all cases, except those excluded by this Charter or by legislative act of the county council, the order of the county board of appeals shall be final unless an appeal is taken therefrom in the manner provided in section 604 of this article. (Bill No. 85, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

(b) *Appeals from orders relating to licenses.* The county board of appeals shall have and exercise all the functions and powers of the board of license appeals as such functions and powers are prescribed in the public local laws of the county in effect at the time of the adoption of this Charter. All references in said laws to the board of license appeals shall be construed to refer to the county board of appeals created by this article. As soon as the county board of appeals has been duly constituted by the appointment and qualifications of its members as herein provided, the board of license appeals shall cease to exist.

(c) *Appeals from orders relating to building.* The county board of appeals shall hear and decide all appeals from orders relating to building. (Bill No. 85, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

(d) *Appeals from executive, administrative and adjudicatory orders.* The county board of appeals shall hear and decide appeals from all other administrative and adjudicatory orders as may from time to time be pro-

vided by Article 25A of the Annotated Code of Maryland (1957 Edition), as amended, or by legislative act of the county council not inconsistent therewith.

(e) The county board of appeals shall have original and exclusive jurisdiction over all petitions for reclassification. (Bill No. 85, 1978, § 3) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

Sec. 603. Rules of practice and procedure.

Subject to the approval of the county council, the county board of appeals shall have authority to adopt and amend rules of practice and procedure to cover the conduct of its proceedings. Such rules may include matters relating to filing fees, meetings and hearings conducted by the board, the manner in which the chairman of the board shall be selected and the term for which he shall serve as chairman, and all other matters deemed appropriate or necessary for the board to conduct its proceedings. Said rules and regulations when approved by the county council shall have the force and effect of law. All decisions of the county board of appeals shall be made after notice and opportunity of hearing upon the issues before said board. All hearings held by the board shall be heard de novo, unless otherwise provided by legislative act of the County Council, and shall be open to the public. The board shall cause to be maintained complete public records of its proceedings, with a suitable index.
(Bill No. 85, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

Sec. 604. Appeals from decisions of the board.

Within thirty days after any decision by the county board of appeals is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the circuit court of Baltimore County, which shall have power to affirm the decision of the board, or, if such decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing, as justice may require. Whenever such appeal is taken, a copy of the notice of appeal shall be served on the board by the clerk of said court, and the board shall promptly give notice of the appeal to all parties to the proceeding before it. The board shall, within fifteen days after the filing of the appeal, file with the court the originals or certified copies of all papers and evidence presented to the board in the proceeding before it, together with a copy of its opinion which shall include a statement of the facts found and the grounds for its decision. Within thirty days after the decision of the circuit court is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the court of appeals of this state. The review proceedings provided by this section shall be exclusive.

Annotation—One must be a taxpayer or a "party aggrieved" to seek review by the circuit court of a decision of the board of zoning appeals and to appeal from the circuit court to the court of appeals. Southland Hills Improvement Assn. v. Raine, 220 Md. 213, 151 A.2d 735 (1959).

Cited in Prince George's County v. Donohue, 220 Md. 372, 152 A.2d 560 (1959).

Referred to in Renz v. Bonfield Holding Co., 223 Md. 34, 158 A.2d 615 (1960); and in Jobar Corp. v. Rodgers Forge, 236 Md. 106, 202 A.2d 612 (1964).

Certain persons owning property near property proposed for rezoning constitute "parties aggrieved" within the meaning of this section. Wier v. Witney Land Company, 257 Md. 600, 263 A.2d 833 (1970).

Sec. 605. Employees of the board.

The board may appoint such employees, and the county executive shall make available to the board such services and facilities of the county as are necessary or appropriate for the proper performance of its duties. The county attorney or some member of the legal staff whom the county attorney designates shall serve as counsel to the board.
(Bill No. 172, 1981, § 1) (Approved by voters Nov. 2, 1982; effective Dec. 3, 1982)

Sec. 606. Furthering legislation.

The county council shall have the power to enact furthering legislation not inconsistent with the provisions of this article to implement and define the powers and functions of the county board of appeals as herein specified. To the extent permitted by the public general laws of this state, the county council shall also have the power, by legislative act, to prescribe other appeals to be heard

COUNTY CODE SEC 2-356 (j)

least fifteen (15) days prior to the time of such hearing, each property shall be conspicuously posted with notice of the time and place of the hearing on the petition relating thereto; and individual notice thereof shall also be given in two (2) newspapers of general circulation in the county for the period in which on-premises posting is required.

(h) *Hearings.* The board of appeals, during each Period IV, shall hold the hearings scheduled pursuant to subsection (g) of this section, subject to such postponement or continuation as circumstances may require.

(i) *Exemption from cyclical procedures.* In any case where the planning board certifies to the county council that early action upon a zoning reclassification petition is manifestly required in the public interest or because of emergency and the county council by an affirmative vote approves said certification, such petition shall be exempted from the regular, cyclical procedure of subsections (c) through (h) of this section and also from the suspension of reclassification petition filing required under section 2-357 of this division. For any such petition, the board of appeals shall schedule a public hearing for a date not less than thirty (30) nor more than ninety (90) days after the county council's approval of the planning board's certification. For a period of at least fifteen (15) days prior to the time of such hearing, notice of the time and place of the hearing relating to the property under petition shall be conspicuously posted thereon and shall be given in at least two (2) newspapers of general circulation in the county. Such notice shall describe the property under petition and the action requested therein. Within five (5) days after receipt of such a petition, the board of appeals shall forward a copy of such petition to the office of the zoning commissioner and the director of planning and zoning and, in the case of each petition pertaining to any land within the Chesapeake Bay Critical Area, a copy to the director of the department of environmental protection and resource management, for consideration and written report thereon containing their findings thereon with regard to compliance with zoning regulations, planning factors, or critical area standards, subject to sections 26-123(g) and (h) and 26-124(d) of this Code.

(j) *Findings prior to reclassification.* Before any property is reclassified pursuant to this section, the board of appeals must find:

(1) That, except as limited by the terms of subsection (j)(3) of this section, there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified or that the last classification of the property was established in error.

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

(3) Any reclassification pertaining to land within the Chesapeake Bay Critical Area is subject to the following limitations:

a. 1. In accordance with Ann. Code of Md., Natural Resources article, § 8-1809(h), a reclassification, except for changes involving growth allocation that do not require changes to the underlying zones, may be granted only on proof of a mistake in the existing zoning or in the existing boundaries shown in the official critical area map or both; change in the character of the

remanded to that court for purpose of permitting defendant to exercise his right to jury trial if that was his choice.

Mark E. Herman and William G. Kolodner, Baltimore, for petitioner.

Tarra DeShields-Minnis, Asst. Atty. Gen., Baltimore, for respondent.

Argued before MURPHY, C.J., and ELDRIDGE, RODOWSKY, CHASANOW, KARWACKI, BELL and RAKER, JJ.

PER CURIAM.

We granted certiorari to consider whether statements made by the circuit court judge in chambers during a pretrial conference were so coercive as to deprive the Petitioner of his right to a *de novo* jury trial on appeal from a judgment of the District Court of Maryland.

Our review of the case discloses that the circuit court judge indicated that if petitioner asserted his right to a jury trial, and the verdict was guilty, he would be sentenced to a term of incarceration rather than afforded probation or a suspended sentence; and would also be assessed the cost of the jury.

The Attorney General, on behalf of the State, in its answer to the petition, suggests that if this Court should conclude that the petition is meritorious, we should dispose of the matter by summary disposition. We agree with that recommendation and, finding merit in the petition, we shall vacate the judgment of the Circuit Court for Baltimore County and remand the matter to that court for the purpose of permitting the Petitioner to exercise his right to a jury trial if that continues to be his choice.

JUDGMENT REVERSED; CASE REMANDED TO THE CIRCUIT COURT FOR BALTIMORE COUNTY FOR A NEW TRIAL IN ACCORDANCE WITH THIS OPINION. COSTS TO BE PAID BY BALTIMORE COUNTY, MARYLAND.

650 A.2d 226

**UNITED PARCEL SERVICE, INC. et al.
and Baltimore County, Maryland**

v.

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Maryland et al.

No. 140, Sept. Term, 1992.

Court of Appeals of Maryland.

Dec. 6, 1994.

Neighboring landowners appealed county board of appeals' affirmance of zoning commissioner's issuance of building permit, and property owners cross-appealed. The Circuit Court, Baltimore County, Joseph F. Murphy, Jr., J., reversed board's decision and remanded. Property owners appealed. The Court of Special Appeals affirmed, 93 Md.App. 59, 611 A.2d 993, and certiorari was granted. The Court of Appeals, Eldridge, J., held that: (1) time to appeal decision of county zoning commissioner could not be extended by application of "discovery rule"; (2) zoning commissioner's letter responding to objection to approval of building permit application was not "approval" or "decision" appealable to board of appeals; and (3) Express Powers Act did not give board of appeals original jurisdiction over letter seeking appeal from zoning decision.

Reversed and remanded.

1. Administrative Law and Procedure ⇐791, 796

Court's role in reviewing agency action is limited to determining whether there is substantial evidence in record as whole to support agency's findings and conclusions, and to determine if administrative decision is premised upon erroneous conclusion of law.

2. Zoning and Planning ⇐442

Time to appeal decision of county zoning commissioner could not be extended by application of "discovery rule"; county statute establishing 30–day appeal period was mandatory and did not speak in terms of accrual. Baltimore (Md) County Code § 26–132(a).

3. Zoning and Planning ⇐440.1

Zoning commissioner's letter responding to objection to approval of building permit application was not "approval" or "decision" appealable to board of appeals; commissioner did not grant, deny, decide or order anything but simply explained and defended decision approving application for building permit. Code 1957, Art. 25A, § 5(U); Baltimore (Md) County Code § 26–132(a).

4. Administrative Law and Procedure ⇐753

Principle that appellate court will ordinarily affirm judgment on direct appeal on any ground adequately shown by record even though trial judge may not have ruled upon such ground is not applicable to judicial review of administrative agency decisions.

5. Zoning and Planning ⇐441

Zoning board of appeals' decision to exercise jurisdiction over letter seeking to appeal zoning decision could not be sustained on theory of original jurisdiction, where board treated case as appeal and specifically ruled upon two arguable grounds for exercising appellate jurisdiction, and neither ruled upon nor mentioned possibility that it might have original jurisdiction in the matter.

6. Zoning and Planning ⇐441, 548

Express Powers Act did not give county zoning board of appeals original jurisdiction over letter seeking appeal from zoning decision. Code 1957, Art. 25A, § 5(U).

Henry R. Lord (Cynthia J. Morris, Piper & Marbury, Baltimore, on brief), Jack L.B. Gohn (Whiteford, Taylor & Preston, Baltimore, H. Emslie Parks, County Atty., Michael J. Moran, Associate County Atty., Towson, on brief), for petitioner.

Peter M. Zimmerman, Deputy People's Counsel (Phyllis Cole Friedman, People's Counsel for Baltimore County, J. Carroll Holzer, Maher, Demilio & Lee, on brief), Towson, for respondent.

Judson P. Garrett, Jr., Anne Arundel County, Neal M. Janey and Burton H. Levin, Baltimore, Barbara M. Cook and Paul T. Johnson, Ellicott City, Joyce R. Stern and Karen Federman Henry, Rockville, Michael P. Whalen and J. Michael Dougherty, Jr., Upper Marlboro, J. Joseph Curran, Jr., Atty. Gen., Andrew H. Baida and Norman E. Parker, Jr., Asst. Attys. Gen., Baltimore, for amici curiae.

Argued before MURPHY, C.J., and ELDRIDGE, RODOWSKY, McAULIFFE,* CHASANOW, KARWACKI and BELL, JJ.

ELDRIDGE, Judge.

This case involves procedural issues relating to the exercise of jurisdiction by a county board of appeals.

I.

The controversy originated with United Parcel Service's, and its subsidiary Verbal Corporation's,[1] desire to establish a parcel distribution facility in the Loveton Industrial Park at 14402 York Road, in Baltimore County. The Loveton Industrial Park has been zoned Manufacturing Light (ML) since 1973. UPS had targeted Loveton Industrial Park as an

---

* McAuliffe, J., now retired, participated in the hearing and conference of this case while an active member of this Court; after being recalled pursuant to the Constitution, Article IV, Section 3A, he also participated in the decision and adoption of this opinion.

1. Hereinafter United Parcel Service and Verbal Corporation will collectively be referred to as "UPS."

dence to support the judgment and will sustain the judgment for a reason plainly appearing on the record whether or not the reason was expressly relied upon by the trial court. However, in judicial review of agency action the court may not uphold the agency order unless it is sustainable on the agency's findings and for the reasons stated by the agency. *See Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 167–68, 83 S.Ct. 239, 245–46, 9 L.Ed.2d 207, 215–16 (1962); *Securities and Exchange Comm'n v. Chenery Corp.*, 318 U.S. 80, 94, 63 S.Ct. 454, 462, 87 L.Ed. 626, 636–37 (1943); *Harborlite Corp. v. I.C.C.*, 613 F.2d 1088, 1092–93 (D.C.Cir.1979): *International Paper Co. v. Federal Power Comm'n*, 476 F.2d 121, 128 (5th Cir.1973); *USV Pharmaceutical Corp. v. Secretary of Health, Education & Welfare*, 466 F.2d 455, 461–62 (D.C.Cir.1972); *Marco Sales Co. v. F.T.C.*, 453 F.2d 1, 7 (2d Cir.1971); *Davis v. Weinberger*, 390 F.Supp. 813, 816 (M.D.Pa.1975); *Blodgett Uncrated Furniture Service, Inc. v. United States*, 288 F.Supp. 591, 598–99 (W.D.Mich.1968); *Bell Lines, Inc. v. United States*, 263 F.Supp. 40, 44–46 (S.D.W.Va.1967); 3 Davis, *Administrative Law Treatise* § 14:29 (2d ed. 1980). 'The courts may not accept appellate counsel's *post hoc* rationalizations for agency action....' *Burlington Truck Lines, Inc., supra*, 371 U.S. at 168, 83 S.Ct. at 246, 9 L.Ed.2d at 216."

See Mossburg v. Montgomery County, 329 Md. 494, 507–508, 620 A.2d 886, 893 (1993); *Harford County v. Preston*, 322 Md. 493, 505, 588 A.2d 772, 778 (1991); *Motor Vehicle Admin. v. Mohler*, 318 Md. 219, 231, 567 A.2d 929, 935 (1990); *Baltimore Heritage v. City of Baltimore*, 316 Md. 109, 113, 557 A.2d 256, 258 (1989).

Turning to the present case, Mr. Hupfer's letter of February 8, 1987, invoked only the appellate jurisdiction of the Board of Appeals. Furthermore, the Board of Appeals treated the case as an appeal and specifically ruled upon two arguable grounds for exercising appellate jurisdiction. The Board neither ruled upon nor mentioned the possibility that it might have original jurisdiction in the matter. Thus, the

Board's decision to exercise jurisdiction cannot be sustained on any theory of original jurisdiction. To reiterate, we " 'may not accept appellate counsel's *post hoc* rationalizations' " for the Board's decision, *United Steelworkers v. Beth. Steel, supra*, 298 Md. at 679, 472 A.2d at 69, quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168, 83 S.Ct. 239, 246, 9 L.Ed.2d 207, 216 (1962).

B.

[6] Moreover, if the original jurisdiction theory had been submitted to and decided by the Board of Appeals, the result would not be different. The Board had no original jurisdiction in the present case.

The Baltimore County Charter, in § 602(e), grants to the Board of Appeals "original and exclusive jurisdiction over all petitions for reclassification." This is the only original jurisdiction granted to the Board of Appeals by the Charter or laws of Baltimore County. Except for reclassifications, the Board's jurisdiction is exclusively appellate. Section 602(a) of the Charter authorizes "[a]ppeals from orders relating to zoning." Under § 602(b), the Board is given appellate jurisdiction "from orders relating to licenses." "Appeals from orders relating to building" are authorized by § 602(c) of the Charter, and "appeals from all other administrative and adjudicatory orders" are authorized by § 602(d). The protestants have not pointed to any provision in the Charter or laws of Baltimore County which would have given the Board of Appeals original jurisdiction in this case.

The basis for the protestants' argument that the Board of Appeals had original jurisdiction is the Express Powers Act, Maryland Code (1957, 1994 Repl.Vol.), Art. 25A, § 5(U). As previously pointed out, § 5(U) authorizes a charter county

"[t]o enact local laws providing (1) for the establishment of a county board of appeals ...; and (4) for the decision by the board ... of such of the following matters arising (*either originally or on review of the action of an administrative officer or agency*) under any law, ordinance, or regulation of

> ... the county council ...: An application for a zoning ... exception ...; the issuance, renewal, denial, revocation, suspension, annulment, or modification of any license, permit, approval...." (Emphasis added).

Relying upon the above-quoted reference to original jurisdiction in § 5(U), and relying upon this Court's opinion in *Hope v. Baltimore County*, 288 Md. 656, 421 A.2d 576 (1980), the protestants contend "that any county with a [board of appeals] takes it with all the powers enumerated in the Express Powers Act, including original jurisdiction." (Brief of Appellees at 41). The protestants argue that, if a charter county establishes a board of appeals, § 5(U) and *Hope v. Baltimore County, supra*, require that such board of appeals have original jurisdiction over all of the matters delineated in § 5(U), including all zoning matters, all licensing, etc. The protestants maintain that, to the extent that a county's charter or ordinances limit the board of appeals to appellate jurisdiction over any matters set forth in § 5(U), such charter provisions or ordinances are invalid.

The plain language of § 5(U) contradicts the protestants' argument. A charter county is authorized to enact laws providing for decisions by the board of appeals "either originally or on review of the action of an administrative officer or agency." A charter county is thus given the option, as to any particular matter encompassed by § 5(U), to vest the board of appeals with original jurisdiction or with appellate jurisdiction. Baltimore County has decided to give its Board of Appeals original jurisdiction in only one category of cases, namely reclassifications. In all other matters, Baltimore County has decided to vest only appellate jurisdiction in the Board of Appeals. This is consistent with the language and design of § 5(U). It must be kept in mind that the General Assembly in § 5(U) was legislating with regard to a "board of *appeals*" and not a trial board. *Cf. Shell Oil Co. v. Supervisor*, 276 Md. 36, 41, 343 A.2d 521, 524 (1975) ("appellate jurisdiction only ... is inherent in the concept of the 'Court of Appeals'"). While the General Assembly did authorize a charter county, at its option, to vest original jurisdiction in a board of appeals

with respect to any particular matter, it was obviously contemplated by the language of § 5(U) that a board of appeals would predominantly be an appellate tribunal.

This Court's opinion in *Hope v. Baltimore County, supra*, furnishes no support for the protestants' original jurisdiction argument. The *Hope* opinion was concerned with and discussed only the appellate jurisdiction of the Baltimore County Board of Appeals. At the time of *Hope*, a section of the Baltimore County Code provided for direct judicial review in the Circuit Court for Baltimore County of a decision by the Planning Board approving or disapproving a subdivision plat. In other words, the Baltimore County Code provided for bypassing the Board of Appeals with respect to one type of adjudicatory order. This Court held that, in light of § 5(U) of the Express Powers Act, and §§ 601 and 602 of the Baltimore County Charter which created a board of appeals and vested in it all of the subject matter jurisdiction set forth in § 5(U), a Baltimore County local law could not validly authorize a party to bypass the Board of Appeals. We held that an interested party objecting to a Planning Board decision on a subdivision plat would be required to appeal to the Board of Appeals and could obtain judicial review only after a final decision by the Board of Appeals. Although *Hope* held that the Baltimore County Board of Appeals had all of the subject matter jurisdiction set forth in § 5(U), nothing in the *Hope* opinion intimated that the Board was required to have both original and appellate jurisdiction with respect to the various matters encompassed by § 5(U).

The protestants also rely upon *People's Counsel v. Crown Development*, 328 Md. 303, 316, 614 A.2d 553, 559 (1992), where this Court held, *inter alia*, that on an appeal from the decision of administrative officials granting final approval of a development plan, the Baltimore County Board of Appeals was authorized under the Express Powers Act and local law to receive and consider evidence in addition to that contained in the record before the administrative officials. The *Crown Development* case, like the *Hope* case, was concerned only with the appellate jurisdiction of the Board of Appeals. Our

holding with regard to additional or *de novo* evidence before the Board of Appeals does not support the view that the Board has original jurisdiction over all subjects delineated in § 5(U). The fact that an appellate tribunal may be authorized to receive additional evidence or hear a case *de novo* does not mean that it is exercising original jurisdiction. A *de novo* appeal is nevertheless an exercise of appellate jurisdiction rather than original jurisdiction. *See Hardy v. State*, 279 Md. 489, 492, 369 A.2d 1043, 1046 (1977). Whether a tribunal's exercise of jurisdiction is appellate or original does not depend on whether the tribunal is authorized to receive additional evidence. Instead, as Chief Justice Marshall explained, "[i]t is the essential criterion of appellate jurisdiction that it revises and corrects the proceedings in a cause already instituted, and does not create that cause...." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 175, 2 L.Ed. 60, 73 (1803). *See Shell Oil Co. v. Supervisor, supra*, 276 Md. at 42, 343 A.2d at 525.

Finally, the protestants rely upon *Miller v. Pinto, supra*, 305 Md. 396, 504 A.2d 1140, in which the Court held that the Board of Appeals of Kent County had original jurisdiction to determine whether a particular use of property violated the local zoning ordinance. In *Miller*, however, the local zoning ordinance expressly granted such original jurisdiction to the Kent County Board of Appeals. *See* 305 Md. at 405–406, 504 A.2d at 1145. Baltimore County has no ordinance vesting similar original jurisdiction in the Baltimore County Board of Appeals.

The construction of the Express Powers Act advocated by the protestants would create chaos in charter counties. If a county board of appeals were required by state law to exercise original jurisdiction in all of the matters delineated in § 5(U), the board would likely become the chief operating agency in the county. Any applicant for any type of zoning decision, permit, license, governmental approval, etc., could initially go to the board of appeals and require the board to act. The board would be taking the place of numerous county departments and agencies. County boards of appeals in Maryland are not and never have been structured to perform such a

function. Under the Express Powers Act, a board of appeals is primarily an appellate tribunal, having only such original jurisdiction as a county's charter and ordinances expressly grant to the board.

In deciding that it had authority to entertain the appeal in this case, the Baltimore County Board of Appeals erred as a matter of law. It should have dismissed the appeal.[7]

JUDGMENT OF THE COURT OF SPECIAL APPEALS REVERSED, AND CASE REMANDED TO THAT COURT WITH DIRECTIONS TO REVERSE THE JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AND TO REMAND THE CASE TO THE CIRCUIT COURT FOR BALTIMORE COUNTY WITH DIRECTIONS TO VACATE THE DECISION OF THE BOARD OF APPEALS AND REMAND THE CASE TO THE BOARD OF APPEALS WITH DIRECTIONS TO DISMISS THE ADMINISTRATIVE APPEAL. COSTS IN THIS COURT AND IN THE COURT OF SPECIAL APPEALS TO BE PAID BY THE RESPONDENTS.

---

7. Our decision does not leave the protestants without a remedy. Section 26–120(a) of the Baltimore County Code provides as follows:

"[A]ny person whose property is affected by any violation [of zoning regulations], ... whether specially damaged or not, may maintain an action in any appropriate court for an injunction enjoining the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, and land in violation of zoning regulations and restrictions adopted pursuant to this title and requiring the return of property, to the extent possible, to its condition prior to the violation, including removal of the source of the violation."

In an equity action under this section, consideration can be given to equitable defenses such as laches. An action under § 26–120(a), involving the UPS facility, is presently pending in the Circuit Court for Baltimore County.

BCZR

ARTICLE 6--INTERPRETATION AND VALIDITY [B.C.Z.R., 1955.]

Section 600--INTERPRETATION [B.C.Z.R., 1955.]

In their interpretation and application, these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, and general welfare. Where these Regulations impose a greater restriction on the use of buildings or land or on the height of buildings, or require larger yards, courts, or other open spaces, or impose other higher standards than are imposed by the provisions of any law, ordinance, regulation or private agreement, these Regulations shall control. When greater restrictions are imposed by any law, ordinance, regulation, or private agreement than are required by these Regulations, such greater restrictions shall not be affected by these Regulations. [B.C.Z.R., 1955.]

Section 601--VALIDITY [B.C.Z.R., 1955.]

If any section, paragraph, subdivision, clause or provision of these Regulations shall be adjudged invalid, such adjudications[1] shall apply only to the section, paragraph, subdivision, clause, or provisions so adjudged, and the remainder of the Regulations shall be deemed valid and effective. [B.C.Z.R., 1955.]

The Board of County Commissioners of Baltimore County hereby declares that it would have adopted these Regulations and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid. [B.C.Z.R., 1955.]

BC2R

continuing development in the critical watersheds of those water-supply sources is causing increased pollution and sedimentation in the impoundments, resulting in increasing water-treatment costs and decreasing water-storage capacity. The R.C. 4 zoning classification and its regulations are established to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds. [Bill No. 98, 1975; No. 178, 1979.]

1A03.2--Rezoning by petition. [Bill No. 98, 1975; No. 178, 1979.]

No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies: [Bill No. 98, 1975; No. 178, 1979.]

1. that the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir; [Bill No. 178, 1979.]

2. that the parcel lies at least 300 feet from any 1st - or 2nd order or greater stream that flows directly into a public water reservoir; [Bill No. 178, 1979.]

3. that the parcel lies at least 300 feet from any 3rd - order or greater stream that flows directly or indirectly into a public water reservoir; [Bill No. 178, 1979.]

4. that no more than 30% of the parcel has a slope of more than 20%; [Bill No. 178, 1979.]

5. that the parcel does not lie within a 100-year floodplain; and [Bill No. 178, 1979.]

6. that, as shown by an environmental impact statement, the manner in which proposed reclassification will affect water quality in the watershed or any public water reservoir. [Bill No. 178, 1979.]

For the purpose of this subsection, streams are classified by order as shown on the map of stream orders adopted by the Planning Board on March 25, 1976. [Bill No. 178, 1979.]

1A00.3--Rezoning.

A. Filing of rezoning petitions. [Bill No. 98-1975.]

1. No petition to reclassify an R.C. zone or portion thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner unless- [Bills No. 98, 1975; No. 32, 1988.]

a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Subtitle 5 of Title 9 in the Environment Article of the Annotated Code of Maryland 1987, as amended, show that the property under petition is to be serviced by public sewerage and watersupply systems within TWO years after the date the petition is submitted; and [Bills No. 98, 1975; No. 32, 1988.]

b. (i) No zoning reclassification may be granted for property zoned R.C.20 or R.C.50 by the Board of Appeals of Baltimore County unless the Board has received, in addition to any other recommendations from county agencies required by law or regulations, a recommendation on such requested reclassification from the Director of the Department of Environmental Protection and Resource Management. [Bill No. 32, 1988.]

(ii) The recommendations shall be provided to the Board of Appeals within thirty (30) days after the Department is notified by certified mail, return receipt requested, by the petitioner of the filing of the petition for reclassification, unless the Department by written request to the Board of Appeals, with good cause shown, moves that additional time not to exceed an additional thirty (30) days is required to prepare and file said recommendations with the Board of Appeals. [Bill No. 32, 1988.]

B. The meeting of criteria established in this article for the filing of zoning reclassification petitions

APPROVED JUL 0 1 1989

neighborhood shall not be a basis for granting reclassification.

2. A reclassification involving growth allocation that does not require changes to the underlying zone or zones may be granted pursuant to the criteria set out in subsection (j)(3)b. of this section.

b. In evaluating requests for reclassification, the board shall consider the criteria in COMAR 14.15.02 and the standards in appendix IV-B of the local protection program adopted by county council Resolution No. 13-88. No reclassification may be granted unless the board has made written findings that the proposed reclassification will:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife, and plant habitat; and
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

c. Reclassifications in cases involving growth allocation shall be referred to the county planning board by the board of appeals for consideration and written report thereon, subject to section 26-123(g) and (h) of this Code.

(k) *Limitations on granting reclassification.* No zoning reclassification of property shall, for a period of one (1) year after a zoning map applicable thereto may by an ordinance of the county council have been adopted, be granted on the ground that the character of the neighborhood has changed.

(l) *Documentation.* If a zoning reclassification petition includes documentation relating to the proposed use of the property under petition, that documentation must include:

(1) Elevation drawings and a plan satisfying the zoning commissioner's rules of practice and procedure and showing locations, coverage, floor areas, heights, character, and exterior materials of all proposed structures and all existing structures to be retained; and all existing structures to be removed; signs visible outdoors; all principal uses; hours of operation, maximum number of employees, and maximum levels of emanations (including sound and other vibrations, dust, odors, gases, light, and heat); parking and loading facilities; existing and proposed public and quasipublic facilities on and adjacent to the site, including storm-drain systems, waterlines, sewerage, streets and drives, and railroad sidings; existing ponds and other bodies of water, watercourses, one-hundred-year floodplains, major vegetations, and unusual natural formations and proposed changes with respect to any of these; screening and landscaping; and existing topography and proposed major changes in grade; and

(2) An environmental impact statement, as defined in the county zoning regulations, that concerns the proposed use of the property under petition and that has been competently prepared by a professional planner or engineer of appropriate qualifications.

A plan submitted pursuant to this subsection may show the location of a precise building envelope (a clearly delimited area within which a building is to be entirely located but which is larger than the area covered by the building itself) in lieu of the precise location of a building; may show precise maxima and minima in lieu of fixed values; may set forth lists of precisely described possible uses of a given space, in lieu of specifying a single use; and may otherwise reasonably allow for flexibility or alternatives, provided that appropriate precise limits are set forth.

(m) *Amendments.* A zoning reclassification petition (including any documentation relating to the proposed use of the property under petition)

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you f[illegible] attention to this matter.

Name: PAUL HENDERSON
Address: 7 MEADOW RUN COURT
Sparks, MD 21152
Signature: [signature]

Form Letters of Opposition

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Myta and Susan Bayless
Address: 22 Newton Farm Ln.
Sparks, MD 21152
Signature: Myta Bayless

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr)/Ms. Glenn K. Thomas
Address: 77 English Run Circle
Sparks, MD 21152

Signature: Glenn K. Thomas

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: DavidF. Smalley
Address: 27 Meadow Run Court
Sparks, MD 21152
Signature: David F. Smalley

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Patricia Lawler
Address: 90 Old Forge Garth
Sparks, MD 21152

Signature: Patricia S Lawler

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: **August** 16, 17, 23, and 24, **September** 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr. ~~Ms~~. RICHARD B. SIMMONS
Address: 62 ENGLISH RUN CIRCLE
Sparks, MD 21152

Signature: Richard B. Simmons 8/8/95

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: KEITH C. MADIGAN
Address: 46 Meadow Run Court
Sparks, Maryland 21152

Signature:

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. PAUL E. DAVIS
Address: 4 CROSS FALLS WAY
Sparks, MD 21152

Signature: [signature]

WE DON'T WANT ANY CHANGE IN THE RC-4 ZONING!

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr. (Ms.) Michelle Skurnick
Address: 36 English Run Turn
Sparks, MD 21152

Signature: Michelle L. Skurnick

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Christine Byrd
Address: 14 Loveton Farms Ct.
Sparks, MD 21152
Signature: Christine Byrd

With the present traffic, i.e. UPS Mega Vehicles, on York Rd., just the thought of traffic increasing is a frightening prospect for present [illegible]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Michael Brooks
Address: 27 English Run Circle
Sparks, MD 21152

Signature: Michael Brooks

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Mr. Schuetz - A developer who lives in Miami is not concerned about the adverse impact of this project. He wants to make money, clear and simple. He does not have to live with the adverse impact on our roads, schools and environment. Please, please do not change the zoning of this property. Thank you - Tom Grubb

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. THOMAS M. GRUBB
Address: 30 CROSS FALLS WAY
Sparks, MD 21152

Signature: Thomas M. Grubb

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr.)/Ms. William D.M. Savitsky
Address: 66 English Run Circle
Sparks, MD 21152

Signature: William D.M. Savitsky

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Helen Rothschild
Address: 32 Meadow Run Ct
Sparks, MD 21152
Signature: Helen T. Rothschild

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Carolyn M. Daughty
Address: 22 Meadow Run Ct
Sparks, MD 21152
Signature: Carolyn M. Daughty

ES 96

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Jeffrey S. Williams
Address: 24 Meadow Run Ct.
Sparks, MD 21152
Signature: Jeffrey S. Williams 9-1-95

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Lois & Jack McGerrigan
Address: 3 Coveton Farms Ct
Sparks, MD 21152
Signature: Lois & Jack McGerrigan

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Carol A. Dennis (CAROL ANN DENNIS)
Address: 17 Meadow Run Court
Sparks, MD 21152
Signature: Carol A. Dennis

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: STEPHEN D. WILSON
Address: 16 MEADOW RUN CT
Sparks, MD 21152
Signature: [signature]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Susan Sterling Crocetti Susan S. Crocett.
Address: 23 Victoria Falls Court
Sparks, MD 21152

Signature: Susan S Crocetti

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Jo Ellen Pearson
Address: 48 Mallard Run Court
Sparks, MD 21152
Signature: Jo Ellen Pearson

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Peter & Miranda Pazura
Address: 10 Meadow Run Court
Sparks, MD 21152
Signature: Peter M. Pazura

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Cherianne Bender
Address: 22 Far Corners Loop
Sparks, MD 21152
Signature: Cherianne J Bender

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Robert A. Rinaldi
Address: 10 The Strand
Sparks, MD 21152
Signature: Robert A. Rinaldi

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mrs. Nancy Linehan
Address: 14 Meadow Run Ct
Sparks, MD 21152
Signature: Nancy Linehan

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Allison Stine Patten
Address: No. 1 Ear Corners Loop
Sparks, MD 21152
Signature: Allison S Patten

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: MARIA KARVOUNIS
Address: 28 MEADOW RUN CT Sparks, MD 21152
Sparks, MD 21152
Signature: Maria Karvounis

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

We just returned from vacation. Sorry for the delay in getting this to you.

Name: Mr./Ms. Claude & Anita Gianino
Address: 97 English Run Circle, Sparks MD 21152
Sparks, MD 21152

Signature: Claude Gianino Anita J. Gianino August 28, 1995

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Curtis & Karrie Lorimer
Address: 25 Meadow Run Court
Sparks, MD 21152
Signature: Karrie Lorimer

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. E.J. VANDERBILT III
Address: 42 English Run Turn
Sparks, MD 21152

Signature: E.J. Vanderbilt III

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Patricia Bohonowicz
Address: 21 Meadow Run Ct
Sparks, MD 21152
Signature: Patricia Bohonowicz

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: William & Melissa Hyde
Address: 103 Fair Corners Lane
Sparks, MD 21152
Signature: William Hyde Melissa Hyde

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: [illegible] Kimberly S. Fanning
Address: 26 Meadow Run Ct
Sparks, MD 21152
Signature: [illegible]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: THOMAS V. BONVISSUTO
Address: 86 FAR Corners Loop
Sparks, MD 21152
Signature: Thomas V. Bonvissuto

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. James J. Salwell
Address: 152 English Oaks Circle
Sparks, MD 21152

Signature: James J. Salwell

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. JAMES & DEBORAH SCUTT
Address: 9 OLD FORGE COURT SPARKS MD 21152
Sparks, MD 21152

Signature: Deborah E. Scutt

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: ~~Mr.~~/Ms. GENEVIEVE ANN KIEL
Address: 112 ENGLISH RUN CIRCLE
Sparks, MD 21152

Signature: Genevieve Ann Kiel

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Dean E. Christopherson
Address: 66 Far Corners Loop
Sparks, MD 21152
Signature: Dean E. Christopherson

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: CHARLES J. LOGAN AND JACQUELINE B LOGAN
Address: 21 FOX CHASE MEWS
Sparks, MD 21152
Signature: Charles J. Logan Jacqueline B. Logan

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Anne Leavitt
Address: 20 English Rose Circle
Sparks, MD 21152

Signature: Anne B. Leavitt

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. THOMAS B. BROOKS
Address: 144 ENGLISH RUN CIRCLE
Sparks, MD 21152

Signature: Thomas B. Brooks

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Murray Miller
Address: 14 English Rose Circle
Sparks, MD 21152

Signature: Constance A. Miller

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. ETHAN AND MARLENE ANDERMAN
Address: 120 ENGLISH RUN CIRCLE
Sparks, MD 21152

Signature: [signature]

p.s. This smells!!

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. mr. and mrs Kenneth Wulff
Address: 16 Cross Falls Circle
Sparks, MD 21152

Signature: KWulff
Kenneth C. Wulff

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Lynne P. Locke
Address: 15 Four Corners Loop
Sparks, MD 21152
Signature: Lynne P Locke

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 - 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Richard A. Schaefer Richard A. Schaefer
Address: 91 FAR CORNERS LOOP
Sparks, MD 21152
Signature: Richard A. Schaef

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: D. Conoscenti
Address: 19 Far Corners Mews
Sparks, MD 21152
Signature: D. Conoscenti

TOWSON, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Glenn + Alison Anderson
Address: 28 Old Forge Court
Sparks, MD 21152

Signature: Alison Anderson
Glenn T Anderson

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: **August** 16, 17, 23, and 24, **September** 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this **drinking water** source for Baltimore City and County. It is apparent that the already overloaded **school system** would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that **roads and services** would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that **property values** in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr./Mrs./Ms.) Wm. Barry Gill
Address: 95 English Run Circle
Sparks, MD 21152

Signature: Wm Barry Gill

Please read the following, and if you agree, kindly sign at the bottom, filling in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 199[illegible]

Robert O. Schuetz
Chairman
Board of Appeals
100 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project -- CR93 307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level DR 16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained -- RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. MS. EILEEN MORRILL & MS. TERRY WOODWARD
Address: 10 VICTORIA FALLS CT
Sparks, MD 21152

Signature: Eileen A. Morrill

Terry M. Woodward

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Ernest Berardi
Address: 3 Cross Falls Circle
Sparks, MD 21152

Signature: Margaret Young-Berardi

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: LAURETTE JANKOWSKI
Address: 10 FAR CORNERS LOOP
Sparks, MD 21152
Signature: Laurette Jankowski

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: [illegible]
Address: [illegible]
Sparks, MD 21152
Signature: [illegible]
[illegible]
Sparks, Md., 21152

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: KEYUR SHARMA
Address: 14 FAR CORNERS LOOP
Sparks, MD 21152
Signature: Keyur Sharma 8/11/95

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. F. MICHAEL SMITH
Address: 172 ENGLISH RUN CIRCLE SPARKS MD 21152
Sparks, MD 21152

Signature: F Michael Smith

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Antoinette Boehm (Antoinette Boehm)
Address: 16 Four Corners Ct.
Sparks, MD 21152
Signature: Antoinette Boehm

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: C Douglas Pennington Jr
Address: 2 Fan Counters Court
Sparks, MD 21152
Signature: C Douglas Pennington

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: [redacted]./Ms. Nancy J. Williams
Address: 25 Old Forge Court
Sparks, MD 21152

Signature: Nancy J. Williams

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: George T. Zullo
Address: 5 FAR CORNERS MEWS
Sparks, MD 21152
Signature: George Zullo

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Richard V Pruss
Address: 15 Victoria Falls Drive
Sparks, MD 21152

Signature: Richard V. Pruss

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. MARK F. LUND
Address: 59 English Run Cr.
Sparks, MD 21152

Signature: Mark F. Lund

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: [illegible]
Address: 27 FAR CORNERS LOOP
Sparks, MD 21152
Signature: CHARLES M KIEBLER III

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained RC-4. Thank you for your attention to this matter.

Susan Reynolds

Name: Mr./Ms. 21 Old Forge Ct.
Address: Sparks, MD 21152

Signature: Susan Reynolds

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Brian & Teri Stites
Address: 53 Fox Corners Cap
Sparks, MD 21152
Signature: Brian Stites

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./~~Ms.~~ Edwin C Brooks
Address: 2 Cross Falls Circle
Sparks, MD 21152

Signature: Edwin C Brooks

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./~~Ms.~~ Robert J. O'Donnell
Address: 7 Old Forge Court
Sparks, MD 21152

Signature: Robert J. O'Donnell

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. LARRY & TERESA Greenspan
Address: 41 English Run Circle
Sparks, MD 21152

Signature: Teresa A. Greenspan

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr./Ms.) Ronald P. Hanson
Address: 56 English Run Circle
Sparks, MD 21152

Signature: Ronald P. Hanson

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. DONNA J. HANSEN
Address: 56 ENGLISH RUN CIRCLE
Sparks, MD 21152

Signature: Donna J. Hansen 8/1/95

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Ann L. Lucas
Address: 10 Old Forge Ct
Sparks, MD 21152

Signature: Ann Lucas

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. JAMES KEANE
Address: 36 OLD FORGE COURT
Sparks, MD 21152

Signature: James Keane

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Melissa A Pierce
Address: 98 Far Corners Loop
Sparks, MD 21152
Signature: MELISSA A PIERCE

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Frederick William Wagner IV, Julie Ann Wagner
Address: 80 Far Corners Loop
Sparks, MD 21152
Signature: Frederick William Wagner IV, Julie Ann Wagner

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Lea L Gucciardi
Address: 1Farcorners Mews
Sparks, MD 21152
Signature: Lea L. Gucciardi

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Michael T LAMB
Address: 27 OLD FORGE EARTH
Sparks, MD 21152

Signature: Michael T Lamb

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: ~~Mr.~~/Ms. Constance L. Cole
Address: 24 Old Forge Castle
Sparks, MD 21152

Signature: Constance L Cole

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Fred Cheek
Address: 16 Far Corners Ct
Sparks, MD 21152
Signature: Fred Cheek

August 1, 1993

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Frances Morell FRANCES MORELL
Address: 17 Far Corners Drive
Sparks, MD 21152
Signature: Frances E. Morell

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Helen E. Hendrick
Address: 40 Fair Corners Loop
Sparks, MD 21152
Signature: _____

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. GERALD A. BROWN
Address: 18 VICTORIA FALLS CT.
Sparks, MD 21152

Signature: Gerald A. Brown

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Chris & Maureen Peterson
Address: 44 Far Corners Loop
Sparks, MD 21152
Signature: Maureen Christopher Peterson
MP

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: **August** 16, 17, 23, and 24, **September** 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: ~~Mr.~~/Ms. BERTHA L. TAYLOR
Address: 21 OLD FORGE GARTH
Sparks, MD 21152

Signature: Bertha L Taylor

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr. ~~Ms.~~ Ward J. Taylor
Address: 21 OLD FORGE GARTH
Sparks, MD 21152

Signature: Ward J. Taylor

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. MICHAEL ARMS
Address: 13 VICTORIA FALLS CT
Sparks, MD 21152

Signature: Michael Arms

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 1 and 6, beginning at 9:00 a.m., in room 48 of the Old Courthouse, Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that ~~roads~~ and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, ~~I want~~ to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

many!

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: THERESA DeMATTEO
Address: 24 Far Corners Loop
Sparks, MD 21152
Signature: TDeMatteo

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Hope & John Pezzulla
Address: 30 Far Corners Loop
Sparks, MD 21152
Signature: Hope Pezzulla / John Pezzulla
Hope Pezzulla

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Helene Cartwright
Address: 16 Far Corners Loop
Sparks, MD 21152
Signature: Helene Cartwright

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 4, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: ~~Mr.~~ (Ms) Bonnie MASON
Address: 2 Cross Falls Way
Sparks, MD 21152

Signature: B B Mason

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: **August** 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. ANDREW MCLAUGHLIN
Address: 45 GNAGUISH RUN CIR
Sparks, MD 21152

Signature: [signature]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. EMERY E. LARSON
Address: 5 OLD FORGE CT
Sparks, MD 21152

Signature: Emery E. Larson

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. LISA PFEFFER
Address: 11 Cross Farms Circle
Sparks, MD 21152

Signature: Lisa Pfeffer

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr./Ms.) Joseph P Flood
Address: Victoria Falls Dr
Sparks, MD 21152

Signature: Joseph P. Flood Jane Flood

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Russell T. Bees
Address: 3 Glen Falls Path
Sparks, MD 21152

Signature: [signature]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./(Ms.) Denise Hoskins
Address: 17 Cross Falls Circle
Sparks, MD 21152

Signature: Denise Hoskins

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Edward G. Down
Address: 5 Victoria Falls Ct.
Sparks, MD 21152

Signature: Susan Down

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. ~~Harry W. Moxley~~ Harry W. Moxley Jane L. Moxley
Address: 10 Cross Falls Way
Sparks, MD 21152

Signature: ~~Harry W. Moxley~~ Harry W. Moxley
Jane L. Moxley

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. JOANNE FALCEY
Address: 9 GLEN FALLS PATH
Sparks, MD 21152

Signature: Joanne Falcey

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Sarah E Keller
Address: 15 Cross Falls Circle
Sparks, MD 21152

Signature: Sarah E Keller

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Gale Corsetti
Address: 94 Old Forge Ct
Sparks, MD 21152

Signature: Gale Corsetti

Please read the following, and if you agree, kindly sign at the bottom, filling in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail. Thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project -- CR93 307 SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained RC 4. Thank you for your attention to this matter.

Name: Mr./Ms. MR. & MRS. MICHAEL RUBINO
Address: 12 VICTORIA FALLS COURT
Sparks, MD 21152

Signature: Michael Rubino

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Sandra Hodges
Address: 57 English Run Cir
Sparks, MD 21152

Signature: Sandra J. Hodges

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Andrew Stump
Address: 32 Old Forge Ct
Sparks, MD 21152

Signature: Andrew Stump

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: **August** 16, 17, 23, and 24, **September** 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this **drinking** water source for Baltimore City and County. It is apparent that the already overloaded **school** system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that **roads and services** would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that **property values** in the area are stable. It high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Lee Ann & Terry Sandusky
Address: 118 English Elm Circle
Sparks, MD 21152

Signature: Lee Ann Sandusky

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Mr. Christopher and Ms. Lauren Schofield
Address: 6 Cross Falls Circle Sparks
Sparks, MD 21152

Signature: Lauren Schofield

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. HELEN L. BRODKA
Address: 2 CROSS FALLS CIRCLE
Sparks, MD 21152

Signature: Helen L Brodka

Rec. 8/5
Neighbor
#2

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr. (Ms.) Ms. Marianne L. Hewitt
Address: 32 Cross Falls Way
Sparks, MD 21152-9704

Signature: Marianne L. Hewitt

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. James R Spencer
Address: 72 English Run Cir
Sparks, MD 21152

Signature: James R Spencer
Risa C Spencer

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Phillip G. Day
Address: 25 ENGLISH RUN CIRCLE
Sparks, MD 21152

Signature: Phillip G. Day

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./(Ms.) Mary B. Adams
Address: 122 English Rub Ct.
Sparks, MD 21152

Signature: Mary B. Adams

How can you even consider this I am appalled

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr. ~~Ms.~~ Michael G. Holecek
Address: 2 Old Forge Court
Sparks, MD 21152

Signature: Michael G. Holecek

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. STEPHEN BICKFORD
Address: 45 OLD FORGE GARTH
Sparks, MD 21152

Signature: Stephen E Bickford

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Michael J Scandora Sr
Address: 22 Old Forge Garth
Sparks, MD 21152

Signature: Mr & Mrs Michael J Scandora Sr

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Katherine Weglein
Address: 4 English Run Run
Sparks, MD 21152

Signature: Katherine D. Weglein

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr.)/Ms. Jeffrey S. Bainbridge
Address: 81 English Rose Circle
Sparks, MD 21152

Signature: JSB

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

FRANK H CLARK JR

Name: Mr. [redacted]
Address: 190 ENGLISH ACRE CIRCLE
Sparks, MD 21152

Signature: Frank H Clark Jr

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: [redacted]./Ms. Eleanor Baker
Address: 24 English Run Turn
Sparks, MD 21152

Signature: Eleanor Baker

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: **August** 16, 17, 23, and 24, **September** 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this **drinking water** source for Baltimore City and County. It is apparent that the already overloaded **school system** would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that **roads and services** would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that **property values** in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. WILLIAM J. LAUGHLIN
Address: 124 ENGLISH RUN CIRCLE
Sparks, MD 21152

Signature: William J Laughlin + Anna H Laughlin

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Robert E Ross II
Address: 26 Cross Falls Way
Sparks, MD 21152

Signature: Robt E Ross II

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Mr & Mrs Robert L Rouse Jr
Address: 98 English Run Ct
Sparks, MD 21152

Signature: [signature]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr.)/Ms. David M. Katarick
Address: 114 English Oak Circle
Sparks, MD 21152

Signature: David M. Katarick

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Mr. Thomas W. Dea & Mrs. Brenda A. Lyons
Address: 67 English Run Circle
Sparks MD 21152-3853
Sparks, MD 21152

Signature: Thomas W. Dea
Mrs. Brenda A. Lyons

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: ~~Mr.~~ /Ms. RITA DOUGLAS
Address: 61 ENGLISH RUN CIRCLE
Sparks, MD 21152

Signature: Rita Douglas

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: **August** 16, 17, 23, and 24, **September** 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mrs/~~Ms~~. Norma A Atkinson
Address: 37 Old Forge Garth
Sparks, MD 21152

Signature: Norma A Atkinson

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. NANCY STAGGE
Address: 88 Eighth Farm Cir
Sparks, MD 21152

Signature: Nancy Stagge

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur.. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. JOHN F. AMTMANN, SR.
Address: 94 ENGLISH RUN CIRCLE
Sparks, MD 21152

Signature: John F. Amtmann Sr 8/1/95
Elizabeth M. Amtmann 8-7-95

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Diana Bullard
Address: 11 Cross Falls Circle
Sparks, MD 21152

Signature: Diana Bullard

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr./Ms.) Dominick PADELETTI
Address: 5 GLEN FALLS PATH
Sparks, MD 21152

Signature: Mr & Mrs Dominick Padeletti

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: ~~Mr. /Mrs.~~ Mrs. Nancy R Sanders
Address: 46 English Run Turn - PO Box 1088
Sparks, MD 21152

Signature: Nancy R Sanders

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. George Fitzpatrick
Address: 7 Old Forge Garth
Sparks, MD 21152

Signature: Florence Fitzpatrick George Fitzpatrick

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Joseph M. Busky
Address: 73 English Run Circle
Sparks, MD 21152

Signature: J. M. B.

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. PAUL R. KEEFER
Address: 9 VICTORIA FALLS DR
Sparks, MD 21152

Signature: Paul R. Keefer

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Scott Hughes
Address: 90 English Run Circle
Sparks, MD 21152

Signature: Scott Hughes

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: **August** 16, 17, 23, and 24, **September** 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. David K. Kellaris
Address: Janice Kellaris - 11 Old Forge Garth
Sparks, MD 21152

Signature: Janice & David Kellaris

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. _____
Address: _____
Sparks, MD 21152

Signature: _____

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. DANIEL J. [illegible] III
Address: 110 [illegible]
Sparks, MD 21152

Signature: [signature]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Thomas Mitchell Rock
Address: 8 Old Forge Ct.
Sparks, MD 21152

Signature: T Mitchell Rock

August 16th is the most likely day I will attend!

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

MRS. DOROTHY HAGGERTY

Name: Mr./Ms.
Address: 33 VICTORIA FALLS COURT,
Sparks, MD 21152

Signature: Dorothy Haggerty

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr.)/Ms. John P. Roy
Address: 30 English Run Turn
Sparks, MD 21152

Signature: [signature]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Jason E Ford
Address: 38 Lovetown Farm Ct
Sparks, MD 21152
Signature: Jason E Ford

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: DAWN GRIEST
Address: 16 Loveton Farms Ct
Sparks, MD 21152
Signature: [illegible]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: JOHN E. SLAWINSKI
Address: 18 MEADOW RUN CT.
Sparks, MD 21152
Signature: John E. Slawinski

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Nigel P Weymont
Address: 31 Meadow Ruth Ct.
Sparks, MD 21152
Signature: Nweymont

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents, and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Robyn H. Skwirsk
Address: 18 Meadow Run Ct
Sparks, MD 21152
Signature: Robyn H. Skwirsk

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr.)/Ms. P.L. Tracy
Address: 3 Victoria Falls Court
Sparks, MD 21152

Signature: [signature]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Scott W. Gray
Address: 19 Meadow Run Ct.
Sparks, MD 21152
Signature: [signature]

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr. & Mrs. Glen W. Wood
Address: 13 Loveton Farms Ct.
Sparks, MD 21152
Signature: Glen W. Wood

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Kenneth & Helen Raines
Address: 30 Meadow Run Ct.
Sparks, MD 21152
Signature: Helen M. Raines Ken Raines

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Lawrence M. Johnson
Address: 2 Loveton Farms Ct
Sparks, MD 21152
Signature: Lawrence M. Johnson

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: FREMONT S KNOTT III
Address: 5 MARSON RUN CT
Sparks, MD 21152
Signature: [signature]

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Linda Lanzara + Richard Lanzara
Address: 4 Meadow Run Court
Sparks, MD 21152
Signature: Linda Lanzara - Richard Lanzara

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mary C Friedel
Address: 54 Loseton Farms Ct
Sparks, MD 21152
Signature: Mary C Friedel

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Stephen Perilli & Kim Perilli
Address: 44 Coveton Farms Ct
Sparks, MD 21152
Signature: Stephen Perilli Kimberly J. Perilli

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: George + Sue MacKay
Address: 60 Fox Cover Loop
Sparks, MD 21152
Signature: G & S MacKay

August 1, 1993

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. CAROLE WOEHLKE
Address: 15 English Run Circle
Sparks, MD 21152

Signature: Carole Woehlke

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Judith S. Kit
Address: 93 Far Corners Loop
Sparks, MD 21152
Signature: Judith Schneider Kit

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: **August** 16, 17, 23, and 24, **September** 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Mr Edward P Blades
Address: 1 Victoria Falls Ct
Sparks, MD 21152

Signature: Edward P Blades

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
100 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project -- CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC 4. Thank you for your attention to this matter.

Name: Mr./Ms. Mary L. Tuccia
Address: 92 English Run Cir
Sparks, MD 21152

Signature: Mary L Tuccia

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. [illegible]
Address: [illegible]
Sparks, MD 21152

Signature: [illegible]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Kyle Hungerford
Address: 1400 Phoenix Rd, Phoenix, MD 21131
~~Sparks, MD 21152~~
Signature: [signature]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Craig Kotras
Address: 19 Four Corners Loop
Sparks, MD 21152
Signature: Craig Kotras

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Nancy Felix
Address: 76 Far Corners Loop
Sparks, MD 21152
Signature: Nancy Felix

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Bernard H. Dwyer
Address: 1410 Phoenix Road Phoenix MD 21131-1014
Sparks, MD 21152
Signature: B H Dwyer

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Veronica Foutz
Address: 20 Fair Corner Loop
Sparks, MD 21152
Signature: Veronica Foutz

August 1, 1993

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area ~~are~~ stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Earl E. Russell
Address: 46 English Run Circle
Sparks, MD 21152

Signature: E E Russell

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Andrew C Eyles Jr
Address: 50 English Run Circle
Sparks, MD 21152

Signature: Andrew C Eyles Jr

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: MR. & MRS. PAGE G. FRIED IV
Address: 72 FAR Corners Loop
Sparks, MD 21152
Signature: Page G. Fried IV, Jeraca K. Fried

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. David Marsh, Susan Marsh
Address: 29 Old Forge Court
Sparks, MD 21152
David Marsh Susan Marsh
Signature: David Marsh, Susan Marsh

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./(Ms) Rebecca B Williams
Address: 84 English Rum Circle
Sparks, MD 21152

Signature: Rebecca B. Williams

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. [illegible]
Address: [illegible]
Sparks, MD 21152

Signature: [illegible]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. [illegible]
Address: [illegible]
Sparks, MD 21152

Signature: [illegible]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: ~~Mr./Ms.~~ Mrs. Karen Regan
Address: 14 Cross Falls Circle
Sparks, MD 21152

Signature: Karen Regan

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93 307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. David H. Sautz
Address: 35 Old Gage Court
Sparks, MD 21152

Signature: David H. Sautz

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. ALAN and CINDY DETLING
Address: 21 VICTORIA FALLS CT.
Sparks, MD 21152

Signature: Alan Detling Cindy Detling

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: PAUL AND KATHLEEN FRANZONI
Address: 49 FOX CORNERS LOOP
Sparks, MD 21152
Signature: Paul Franzoni Kathleen F

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr./Ms.) Thomas A. Howe
Address: 19 English Lane Circle
Sparks, MD 21152

Signature: Thomas A. Howe

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Gloria G. Knittle
Address: 1414 Phoenix Road
Phoenix Md 21131
Signature: Gloria G. Knittle

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: T. [illegible]
Address: 1417 Phoenix Rd Phoenix Md.

Signature: T. James Kinnie Jr.

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: CATHY KOCH
Address: 89 FAR CORNERS LOOP
Sparks, MD 21152
Signature: Cathy Koch

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. VINCENT P MENDEL
Address: 10 ENGLISH RUN CIRCLE
Sparks, MD 21152

Signature: [signature]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: James Rogers
Address: 5 Far Corners Loop
Sparks, MD 21152
Signature: James Rogers

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: MICHAEL D. HAMILTON
Address: 1408 PHOENIX RD
~~Sparks, MD 21152~~ PHOENIX, MD. 21131
Signature: Michael D Hamilton

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. Brian Kronberger
Address: 35 Victoria Falls Ct
Sparks, MD 21152

Signature: [signature]

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., in room 48 of the Old Courthouse in Towson, and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Robert J. Prout
Address: 1504 Phoenix Road
Sparks, MD 21152
Signature: Robert J. Prout

Please read the following, and if you agree, kindly sign at the bottom, filling in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1994

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: **August** 16, 17, 23, and 24, **September** 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this **drinking water** source for Baltimore City and County. It is apparent that the already overloaded **school system** would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that **roads and services** would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that **property values** in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained -- RC 4. Thank you for your attention to this matter.

Name: Mr./Ms. Sally & Lawrence DeMarco
Address: 5 Cross Falls Circle
Sparks, MD 21152

Signature: Sally Jo DeMarco

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. [illegible]
Address: [illegible]
Sparks, MD 21152

Signature: [illegible]

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: (Mr./Ms.) Gregory B. Hammond
Address: 11 Glen Falls Path
Sparks, MD 21152

Signature: Gregory B. Hammond

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. ANDREW NAGLE
Address: 30 OLD FORGE CT.
Sparks, MD 21152

Signature: Andrew A. Nagle

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the [redacted] are stable. If high density housing is approved, the glut houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: ~~Mr.~~/Ms. Susan M. Brown
Address: 20 Red Forge Ct.
Sparks, MD 21152

Signature: Susan M. Brown

Please read the following, and if you agree, kindly sign at the bottom, filing in the information, fold it -- tape or staple it shut so that the address shows on the outside -- put a stamp on it and drop it in the mail -- thank you for your support of our neighborhood.

August 1, 1995

Robert O. Schuetz
Chairman
Board of Appeals
400 Washington Ave., Room 49
Towson, MD 21204

Re: Colvista Project - CR93-307-SPHXA

Dear Mr. Schuetz:

Per the sign posted just below the intersection of Phoenix and York Roads, I understand that the hearing dates for reconsideration of the current zoning for the Colvista project are as follows: August 16, 17, 23, and 24, September 13, and 14 beginning at 9:00 a.m., and that I may attend and voice my opinion.

I understand that the density levels would change -- if approved -- from the current zoning level RC-4 -- 40 houses per 200 acres to a high density level of DR-16 -- 16 houses per acre.

It is apparent that if that property is developed to any density over its current zoning, pesticide and fertilizer pollution would run off of the property in high amounts into the watershed which runs into the Loch Raven Reservoir. The dense housing would pollute this drinking water source for Baltimore City and County. It is apparent that the already overloaded school system would be impacted so negatively that "contributions" by the developer would hardly make up for it. It is apparent that roads and services would be so impacted that overcrowding, accidents and frustration would occur. Also, significantly, I want to know that property values in the area are stable. If high density housing is approved, the glut of houses would negatively impact property values for my neighborhood.

It is for the foregoing reasons, that I ask your board to disapprove the request by the developer of Colvista. Please let your board members know of my letter requesting that the current zoning be maintained - RC-4. Thank you for your attention to this matter.

Name: Mr./Ms. David & Teresa Mosier
Address: 6 Old Forge Court
Sparks, MD 21152

Signature: David Mosier + Teresa Mosier