

IN THE MATTER OF THE APPLICATION OF HARFORD JOINT VENTURE FOR A ZONING RECLASSIFICATION FROM R.C. 5 TO B.M.-C.R. ON PROPERTY LOCATED ON THE NORTH SIDE EVERETT ROAD, WEST SIDE YORK ROAD 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-94-142

OPINION

This case comes before the Board on a Petition for Reclassification filed by the property owner, Harford Joint Venture, requesting that his property's zoning be reclassified from R.C. 5 to B.M.-C.R. The subject property is located on the north side of Everett Road and the west side of York Road in the town proper of Hereford. The total site is approximately 1.38 acres and is split-zoned B.M.-C.R. and R.C. 5. The B.M.-C.R. portion is approximately .4 acre and fronts on York Road. The R.C. 5 portion, for which reclassification is requested, is approximately .9 acre and is located in the rear.

The property owner presented the expert testimony of Joseph Larson, an expert in engineering and land planning with over 20 years experience. He informed the Board that he prepared the plat and did a field survey on the property. The property is without utilities, is unimproved, and is within the Hereford Plan. He informed the Board that, in his opinion, the front portion of the property which is zoned B.M.-C.R. cannot be developed or built upon because of its small size, and the existing zoning regulations relating to the location of the well, the 100-foot buffer requirement between wells and septic systems, and the need for

Case No. R-94-142 Harford Joint Venture

10,000 sq. ft. for a septic field. He informed the Board that, if development were permitted on the front portion of the property, there would be no sight distance problems either northbound or southbound, and no impact on traffic. In his opinion, the County Council committed error on striking the zoning line which makes the property not developable.

In addition to the testimony of Mr. Larson, the Petitioner presented the expert testimony of Norman E. Gerber, a land planner who has qualified as an expert before this Board on many occasions. He informed the Board that he visited the site approximately four times, and that in his opinion nothing could be built in the R.C. 5 portion of the property because of the 1 acre minimum requirement, and that there was not enough land for sewer and septic. His opinion, like that of Mr. Larson, was that the County Council committed error. His reasons supporting error were that there was no reasonable use of the property, that to put a new home on the property would be inappropriate because of adjacent uses, and that the property is included in the Hereford Plan. Mr. Gerber stated that to reclassify the property would be consistent with the Hereford Community Plan and the Master Plan for Baltimore County. He believed that reclassification was warranted and would be compatible, taking into consideration the properties to the east and to the north. He did not see any impact on transportation, water supply or recreational facilities.

In addition to the two experts presented by the Petitioner, People's Counsel presented the expert testimony of Jeffrey Long, an

Case No. R-94-142 Harford Joint Venture

appe planner for Baltimore County. Mr. Long's testimony was consistent with the testimony presented by the experts for the Petitioner. In his direct testimony, Mr. Long offered a plan prepared by his office suggesting that the zoning line be moved back approximately 70 feet. He agreed with the opinions previously given to the effect that the property could not be developed because of the existing line, and that if the property were allowed to stay in its present zoning classification, the owner would be deprived of his use of the property.

The Board has considered all of the evidence and testimony presented in these proceedings, and finds that the expert testimony given in these proceedings in both the Petitioner's case and in People's Counsel's case supports a finding that the property as presently zoned is in error. The existing zoning line renders the property undevelopable because of existing zoning regulations concerning water and sewer, and the 1 acre minimum requirement. For these reasons, it is the decision of this Board that the existing zoning line running north/south and bisecting the R.C. 5 and B.M.-C.R. zoning be redrawn. The line is to be moved westerly into the R.C. 5 zoned portion 90 feet, to run north/south from the northern property line to the southern property line. This will enable the property owner to develop his property in accordance with existing zoning regulations.

ORDER

IT IS THEREFORE this 28th day of April, 1995 by the County Board of Appeals of Baltimore County

Case No. R-94-142 Harford Joint Venture

ORDERED that the Petition for Reclassification filed by the Petitioner be and is hereby GRANTED to the extent that the present existing zoning line separating the R.C. 5 and B.M.-C.R. portions of the property be moved westerly 90 feet to run north/south from the northern property line to the southern property line of this property.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Michael B. Sauey, Acting 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

April 28, 1995

Edward C. Covahey, Jr., Esquire COVAHEY & BOOZER, P.A. 614 Bosley Avenue Towson, MD 21204

RE: Case No. R-94-142 Harford Joint Venture

Dear Mr. Covahey:

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

Very truly yours, Kathleen C. Weidenhammer Administrative Assistant

Enclosure

cc: Harford Joint Venture Joseph Larson Mr. Don Pearce Mr. James Earl Kraft People's Counsel for Baltimore County Pat Keller Lawrence E. Schmidt W. Carl Richards, Jr. /ZADM Docket Clerk /ZADM Arnold Jablon, Director /ZADM

10-15-63

IN THE MATTER OF HARFORD JOINT VENTURE (LARSON PROPERTY) RE: RECLASSIFICATION COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-94-142

PETITION AND BRIEF IN SUPPORT OF RECLASSIFICATION REQUEST

Harford Joint Venture, by Edward C. Covahey, Jr., and Covahey & Boozer, P.A., its attorneys, presents this Petition and Brief pursuant to § 2-356 et. seq. of the Baltimore County Code. The grounds in support of the Petitioner's Reclassification Request are as follows:

- 1. The subject property was rezoned on the comprehensive zoning map effective December 1, 1992 as EM-CR as to the eastern portion of the property, and RC-5 as to the western portion of the property which constitutes 39,192 square feet of land.
2. The Baltimore County Council erred in failing to reclassify the entire property EM-CR for the following reasons:
A. The Hereford Community Plan, as adopted by the Baltimore County Council on May 6, 1991, specifically incorporated into the Hereford Community Commercial Rural District all of the subject property except a very small portion to the west, and further detailed same on Map 2 of the

Hereford Community Plan as being zoned EM-CR. Hereford Community Plan, p. 8.

B. The property situated immediately to the north of the subject property is zoned EM-CR in conformity with the Hereford Community Plan.

C. The Hereford Community Plan, by resolution submitted by Councilman C. A. Dutch Ruppertsberger, III, provided that said Plan was adopted into and incorporated into the Baltimore County Master Plan for 1989-2000, "to be a guide for the development of Hereford." County Council Resolution No. 24-91.

D. The Department of Planning and Zoning recommended that the subject property be reclassified as EM-CR in conformity with the Hereford Community Plan, Map 2. 1992 Comprehensive Zoning Maps, Log of Issues, Issue 3-104.

3. The Baltimore County Council erred in not reclassifying the subject property EM-CR in that it ignored the provisions of the Hereford Community Plan and the very Master Plan that had been adopted by the County Council as a guide to development in Baltimore County.

4. Reclassification of the subject property is warranted pursuant to § 2-356(j)(2) of the Baltimore County Code in that:

A. The increase in population in the neighborhood of the property supports additional retail zoning as is set forth on page 11 of the Hereford Plan. Specifically, the Legg Mason Realty Group (LMRG), commissioned by the County to prepare economic forecasts for the 1989 Master Plan, projected a 16.3% increase in population in the North Market Area between 1989 and 1995. Hereford Community Plan, p. 11.

B. The present transportation for the Hereford area is consistent with the surrounding neighborhood, and both the planned extension and improvements to Mt. Carmel Road and the planned expansion of York Road will enhance the accessibility of the property. Hereford Community Plan, pp. 28-30.

C. Water supply and sewerage are on site.

5. That the character of the neighborhood has continued to change since the adoption of the last comprehensive rezoning map.

6. The rezoning of the subject property will not affect recreational facilities or other public facilities.

7. Reclassification of the subject property to EM-CR would be compatible with the present character of the area, especially in that such reclassification in all respects comports with the Hereford Community Plan and the Master Plan.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7A Date of Posting: 3/1/94

Posted for: Redesignation

Petitioner: Harford Joint Venture

Location of property: N/S Everett Rd, W/S York Rd

Location of Sign: Being ready at corner of Everett & York Rds on property being reclassified

Remarks:

Posted by: [Signature] Date of return: 3/1/94

Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management

R-94-142

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: [Redacted]
Petitioner: MR. PAUL KATSAFANAS
Location: Northside of Everett Rd west of York Rd
PLEASE FORWARD ADVERTISING BILL TO:
NAME: MR. PAUL KATSAFANAS
ADDRESS: 1516 YORK RD.
LUTHERVILLE, MD. 21093
PHONE NUMBER: 296-9300

AJ:99s (Revised 04/09/93)

receipt

Account R-94-142
Number R-94-142
Cycle II, Item #2
DROPPED OFF REVISION PLANS
NO REVIEW

110 -- REVISIONS ----- \$100.00

Property Owner: Harford Joint Venture
Location: N/S Everett Road, W/S York Road
(Monkton Centre)
Zoning: R.C.-5
District: 7c3
Acres: .90 +/- acre
Proposed Zoning: B.H.-C.R.

Check from Harford Joint Venture

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

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

DATE: FEBRUARY 22, 1994 INVOICE

Harford Joint Venture
1516 York Road
Lutherville, MD 21093

CASE NUMBER/PROJECT NAME: R-94-142
(1) Zoning Notice Sign and Post Set(s) @ \$60.00/set = \$60.00 Due*

(In lieu of payment, we ask that you make use of the following waiver)

INVOICE WAIVER

CASE NUMBER/PROJECT NAME: R-94-142
Returned _____ Zoning Notice Sign and Post Set(s).

DATE _____ for ZADM

*Amount Due waived upon return of the COMPLETE sign and post set(s).
When you return same, bring this form with you.

cc: Edward Covahey, Esq.

CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb 24 1994

THIS IS TO CERTIFY that the enclosed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 24, 1994.

THE JEFFERSONIAN
A. Henickson
LEGAL AD. - TOWSON

Form C-2

Sandra Sarikas - 887-2660
Civil Assignment Commissioner

Kathy Rushton - 887-2660
Jury Assignments - Civil

Joyce Grimm - 887-2497
Director of Central Assignment

Jan Dockman - 887-2661
Non-Jury Assignments - Civil

EDWARD C. COVAHEY, JR., ESQ.
MARK S. DYVAN, ESQ.

BENJAMIN LIFSITZ, ESQ.

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754

July 29, 1994

RE: JURY 92 CV 11961 LEWIS B. CHITTY, ET. AL. VS. HYMAN K. COHEN, ET. AL.

SETTLEMENT CONFERENCE DATE: THURSDAY, JANUARY 12, 1995 @ 2:30 p.m. Note: Corrected notice

Conference Room # 507 before the Honorable Frank E. Cicone

All counsel and their clients MUST attend this Settlement Conference in person. All Insurance Representatives or, in domestic cases, a corroborating witness MUST attend this Settlement Conference in person. Failure of attendance in person of all parties listed above can result in sanctions being imposed, unless prior approval of the Court is obtained. THERE WILL BE NO EXCEPTIONS.

HEARING DATE: Merits: 3-4 days Tuesday, January 24, 1995 @ 9:30 a.m. Note: corrected notice of agreed date.

WITH THE EXCEPTION OF DOMESTIC CASES, COURT COSTS MUST BE PAID ON THE DATE OF SETTLEMENT CONFERENCE OR TRIAL, UPON SETTLEMENT OF THE CASE.

POSTPONEMENT POLICIES:

UPON RECEIPT OF THIS NOTICE Counsel shall contact each other to conform calendars for the above date(s).
Claim of not receiving notice will not constitute reason for postponement.

A request for postponement MUST BE MADE IN WRITING to the Assignment Office with a copy to all counsel involved.

COUNSEL MUST NOTIFY THE CIVIL ASSIGNMENT OFFICE WITHIN 15 DAYS OF RECEIPT OF THIS NOTICE AS TO ANY CONFLICTS THAT MAY EXIST WITH THE ABOVE REFERENCED DATES. OTHERWISE, IT WILL BE ASSUMED THAT THESE DATES ARE VALID AND NO POSTPONEMENT WILL BE GRANTED.

INDIVIDUALS WITH DISABILITIES, WHO MAY NEED ACCOMMODATIONS PRIOR TO COURT DATES, SHOULD CONTACT THE COURT ADMINISTRATOR'S OFFICE (887-2667) OR USE THE COURTS TDD LINE (887-3018) OR THE VOICE/TDD MD. RELAY SERVICE 1-800-735-2258.

County Board of Appeals of Baltimore County

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

OCTOBER 21, 1993

NOTICE OF HEARING

CASE NUMBER: R-94-142
Monkton Centre
N/S Everett Road, W/S York Road
7th Election District - 3rd Councilmanic
Petitioner(s): Harford Joint Venture

Petition to reclassify the property's zoning from R.C.-5 to B.M.-C.R..

HEARING: WEDNESDAY, MARCH 23, 1994 at 10:00 a.m.

LOCATION: COUNTY COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

Document placed submitted on record; etc. Planning; ZADM 3/24/94.
William T. Hackett/JS
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Harford Joint Venture
Joseph L. Larson
Ed Covahey, Esq.

10:11 PM 613000

TO: PATUXENT PUBLISHING COMPANY

FOR: FEB 24, 1994 ISSUE JEFFERSONIAN

PLEASE FORWARD BILLING TO:

Edward Covahey, Esq.
614 Bosley Avenue
Towson, Maryland 21204
828-9441

NOTICE OF HEARING

CASE NUMBER: R-94-142
Monkton Centre
N/S Everett Road, W/S York Road
7th Election District - 3rd Councilmanic
Petitioner(s): Harford Joint Venture

Petition to reclassify the property's zoning from R.C.-5 to B.M.-C.R..

HEARING: WEDNESDAY, MARCH 23, 1994 at 10:00 a.m.

LOCATION: COUNTY COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

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
September 27, 1994

NOTICE OF ASSIGNMENT /Amended Open Site Plan

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

CASE NO. R-94-142 HARFORD JOINT VENTURE
N/S Everett Road, W/S York Road
(Monkton Centre)
7th E; 3rd C

8/31/93 -Petition for Reclassification
filed by Petitioner.

Scheduled for public hearing for purpose of submitting Amended (open) Plan on the record; no evidence or testimony on merits of reclassification request to be received on this date; and has been

ASSIGNED FOR: WEDNESDAY, OCTOBER 12, 1994 at 9:30 a.m.

cc: Edward C. Covahey, Jr., Esquire Counsel for Petitioner
Paul Katsafanas and Rodney L. Ortel
General Partners /Harford Joint Venture Petitioner

Joseph L. Larson /
Spellman, Larson & Associates, Inc.

Mr. Don Pearce

James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Rodger Sullivan esq

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
November 22, 1994

NOTICE OF ASSIGNMENT

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

CASE NO. R-94-142 HANFORD JOINT VENTURE
N/s Everett Road, W/s York Road
(Monkton Centre)
7th E; 3rd C
8/31/93 -Petition for Reclassification
filed by Petitioner.
10/12/94 -Amended /Open plan submitted
at public hearing.

ASSIGNED FOR: WEDNESDAY, JANUARY 25, 1995 at 10:00 a.m.

cc: Edward C. Covahey, Jr., Esquire Counsel for Petitioner
Rodney L. Ortel, General Partner
/Harford Joint Venture Petitioner

Joseph L. Larson /
Spellman, Larson & Associates, Inc.

Mr. Don Pearce

James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
November 22, 1994

NOTICE OF ASSIGNMENT

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

CASE NO. R-94-142 HANFORD JOINT VENTURE
N/s Everett Road, W/s York Road
(Monkton Centre)
7th E; 3rd C
8/31/93 -Petition for Reclassification
filed by Petitioner.
10/12/94 -Amended /Open plan submitted
at public hearing.

ASSIGNED FOR: WEDNESDAY, JANUARY 25, 1995 at 10:00 a.m.

cc: Edward C. Covahey, Jr., Esquire Counsel for Petitioner
Rodney L. Ortel, General Partner
/Harford Joint Venture Petitioner

Joseph L. Larson /
Spellman, Larson & Associates, Inc.

Mr. Don Pearce

James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



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 POSTPONEMENT & REASSIGNMENT

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

CASE NO. R-94-142 HANFORD JOINT VENTURE
N/s Everett Road, W/s York Road
(Monkton Centre)
7th E; 3rd C
8/31/93 -Petition for Reclassification
filed by Petitioner.
10/12/94 -Amended /Open plan submitted
at public hearing.

which was scheduled for hearing on January 25, 1995 has been POSTPONED at the request of Counsel for Petitioner due to Circuit Court conflict; and has been

REASSIGNED FOR: THURSDAY, MARCH 9, 1995 at 10:00 a.m.

cc: Edward C. Covahey, Jr., Esquire Counsel for Petitioner
Rodney L. Ortel, General Partner
/Harford Joint Venture Petitioner

Joseph L. Larson /
Spellman, Larson & Associates, Inc.

Mr. Don Pearce

James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21284

(410) 887-3353

March 11, 1994

Edward Covahey, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Case No. R-94-142, Item No. 154
Petitioner: Harford Joint Venture
Petition for Reclassification

Dear Mr. Covahey:

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

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 31, 1993, and a hearing was scheduled accordingly.

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

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

Zoning Plans Advisory Committee Comments
Edward Covahey, Esquire (Item 154)
Date: March 11, 1994
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

MCR:cm
Enclosures

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 25, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting
for 2nd Reclassification Cycle II
October 1993 - April 1994

The Development Plan Review Section has reviewed the subject 2 nine items and we have no comments for Item 4.

Item 1 is subject to Baltimore County Development Regulations and State Highway Administration approval.

Item 2 is subject to the Baltimore County Development Regulations.

Item 3 must comply with Division 2 of the Baltimore County Development Regulations.

For Item 5, please see our comments on the Beachwood Estate subdivision. In addition, major intersection improvements at Morse Lane and Route 151 will be required.

RWB:cc



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hai Kassoff
Administrator

December 1, 1993

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 145
Monkton Centre
Harford Joint Venture
1516 York Road
Zoning Reclassification
Case No. R-94-142

Dear Mr. Minton:

This office has reviewed the plan for the referenced project and offer the following:

We have had an opportunity to review a preliminary development plan for this site that was provided to us by the developer's engineer, Mr. Joseph L. Larson.

The entrance improvements indicated on the plan are generally acceptable to the State Highway Administration, subject to the following condition:

The proposed entrance should be a 30' entrance with 20' radii.

If the zoning reclassification is approved, the entrance improvements indicated on the aforementioned plan, will require an access permit to be issued by this office with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection)

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

Ms. Charlotte Minton
Page two
December 1, 1993

- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Upon receipt of the above items, this office will process the permit. Please note that an incomplete application package will significantly delay both building permit and access permit issuance. Should you have any questions, or require additional information, please contact Bob Small of this office at (410) 333-1350. Thank you for your cooperation.

Very truly yours,

David Ramsey
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/maw

cc: Mr. Joseph L. Larson



111 West Chesapeake Avenue
Towson, MD 21204
OCTOBER 25, 1993 (410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA: OCTOBER, 1993 - APRIL, 1994

Owner: J.F.O. Holding Corporation & Josephine Cyres Grinnings
Location: 1838-1850 Reisterstown Road
Item No.: #1, Cycle II

Owner: Harford Joint Venture
Location: Monkton Centre
Item No.: Item #2, Cycle II

Owner: The Prosser Company, Inc.
Location: 12107 & 12109 Long Green Pike and 5328 Old Farm Road
Item No.: Item #3, Cycle II

Owner: State Highway Administration
Location: 8204 Belair Road
Item No.: Item #4, Cycle II

Owner: Beachwood II Limited Partnership & Signal Dev. Corp.
Location: Beachwood
Item No.: Item #5, Cycle II

Gentlemen:

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

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

Approved: *Robert H. Swartz*
Fire Prevention Bureau

November 12, 1993

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-142 - Harford Joint Venture
N.W. Corner York & Everett Road (Monkton Centre)
Reclassification & Redistricting Petition for October 1993 -
April 1994 Cycle II

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Any intensive development must provide a suitable storm drain outfall while addressing stormwater management concerns. Contact Stormwater Management for additional information (887-3768). SWM issues should be identified and analyzed before considering upzoning.

Ground Water Management

The subject site is outside of the metropolitan district and in a no planned service area for both water and sewerage utilities. Any development on this site would require water supply development with wells and sewage disposal through a septic system. Insufficient detail is provided to further comment on the site specific limits of such on-site utility development.

Applicant should be directed to apply for soil percolation tests relevant to a development proposal in order to determine waste water loading limits in feasibility determination.

JLP:JM:TE:sp

HARFORD/DEPRM/TXTS/BP



111 West Chesapeake Avenue
Towson, MD 21204
FEBRUARY 22, 1994 (410) 887-3353

Harford Joint Venture
1516 York Road
Lutherville, Maryland 21093

RE: PAYMENT OF POSTING AND ADVERTISING FEES - RECLASSIFICATION PETITION
R-94-142

Dear Petitioners:

Cycle Reclassification Petitions are required to be heavily advertised. The initial ads, one-half page in size and running in four separate newspapers, contained a listing of all the reclass petitions in the cycle. The newspapers have billed the County \$3,018.85. This cost is charged back to the petitioners, equally divided among them.

Posting cost at \$35.00 and your share of the advertising charges of \$603.77, for a total of \$638.77, is now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office. The zoning sign and post must be returned to Zoning Administration on the day of the hearing.

An individual ad for your petition will run approximately one month before the scheduled hearing date. Billing for the individual ad, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Order.

If you have any questions concerning this letter, you may contact Owen Stephens at 887-3391.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

AJ:ggg
cc: Edward Covehey, Esq.



TO : P. David Fields, Director
Office of Planning & Zoning
Attention: Jeffrey Long
DATE: March 24, 1994

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

SUBJECT: Submittal of Amended (Documented) Site Plan and Petition
for Variance -- Case No. R-94-142 /Harford Joint Venture
(Monkton Centre)

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on March 23, 1994, we are transmitting to you a copy of the Amended (Documented) Site Plan and Petition for Variance submitted to the County Board of Appeals. This amended site plan is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding nine copies of this Amended (Documented) Site Plan to the Office of Zoning Administration & Development Management.

William T. Hackett
William T. Hackett

Attachment (1 copy of Amended Site Plan)

cc: Pat Keller
W. Carl Richards, Jr. w/9 copies of Amended Site Plan

TO: William T. Hackett
Chairman
County Board of Appeals
April 1, 1994

FROM: John L. Lewis
Planner II
ZADM

SUBJECT: Zoning Comments
Amended Reclassification Plan - #R-94-142
Harford Joint Venture (Monkton Centre)

During a zoning review in accordance with Section 2-356(d)(1) and 2-356(e)(2) of the Baltimore County Code, this office has determined that the petition as amended (from open to documented) is not acceptable for filing.

A copy of the Baltimore County Board of Appeals reclassification guide and checklist (with some, but not necessarily all, non-compliance indicated) is attached.

Attachments:

cc: Jeffrey Long
Planning Office

94 APR - 4 AM 9-31

Such petition request should include:

- Three completed typewritten petition forms, indicating the existing and requested zoning; the special exception use, if applicable; and if applicable, the section number of the Baltimore County Zoning Regulations from which a variance is requested, as well as the nature and extent of the variance requested. All forms must be signed (original signature and title, if applicable; xerox copies are unacceptable) by the petitioner or his legally authorized representative. For persons signing in place of the legal owner, an authorization letter or copy of the power of attorney is required at the time of petition filing.
- Four copies of the property description for THE AREA OF RECLASSIFICATION ONLY, prepared and sealed by a surveyor or civil engineer. THERE ARE SPECIAL REQUIREMENTS AND VARIANCES REQUIRED BOTH IN THE AREA OF RECLASS AND OUTSIDE THE AREA OF RECLASS. RECLASS SECT 256(P) OF THE COUNTY CODE LISTS THE SPECIAL REQUIREMENTS. *SEE REVISION #100.00, SPECIAL REQUIREMENTS \$300.00, VARIANCE \$250.00*
- Four copies of a brief or an explanation of the reasons why, in the petitioner's opinion, the reclassification sought should be made, set forth in sufficient detail to properly advise the county authorities required to review the petition of the petitioner's case. Any allegation of change in conditions as justification for the action sought shall be supported in the petition by precise description of such change, and any allegation of error shall be so supported in similar detail and as further required by Section 2-356.(j) of the Baltimore County Code. If the petition filed is not a documented conditional use request, then this brief cannot document a proposed use without filing a complete documented petition.
- Four xerox copies each of that part of the appropriate official 1" = 200' and 1" = 1,000' scale zoning maps, with the outline of the property to be reclassified indicated thereon.
- The appropriate filing fee should accompany the petition request. However, the advertising and posting cost should be paid as soon after billing as possible. Opinions may not be issued until all such costs are paid.
- Twelve copies of a site plan, the boundaries and location of which have been certified by a registered surveyor or professional (civil) engineer. Said site plan shall include all applicable items on the attached checklist for reclassification petitions.

7. DOCUMENTED -- If said petition includes a "documentation" which identifies a proposed use and development of the property, that documentation must include the following information:

- Five copies of an environmental impact statement, as defined in Section 101 of the Baltimore County Zoning Regulations, that concerns the proposed use of the property under petition and that has been completely prepared and certified by a professional engineer or planner of appropriate qualifications.
- All information (items 1-22) on the following checklist.
- If a precise building envelope is used in lieu of the exact positioning of the building(s) on the site plan, the proposed buildings' floor plan and elevation, including character and exterior materials, must be shown elsewhere on the site plan or on attached plans together with other documentation required in the aforementioned checklist. Said envelope may be larger than the actual proposed building, but must be precise enough in size and location to allow for a complete functional site layout, including but not limited to: entrances, driveways, parking and loading facilities, paved areas, proposed landscaping, screening, and major vegetation to be retained, etc. If an envelope is used, the envelope must meet all bulk and parking requirements or variances must be included in the petition.
- No such petition may be accepted for filing unless it complies with these rules of practice and procedure, and all other pertinent zoning laws and regulations. These include the informational requirements of the current zoning public hearing checklists, which are required for determination of zoning compliance. *SEE ZONING PLAN HEARING CHECKLIST PARTICULARLY PLAT REQUIREMENTS PAGE 7 & 8. SPECIAL USE REQUIREMENTS. THIS INCLUDES SECTION 2-57, 3, OR DISPERSED USES. CONTAINING THE WHICH IS NOT MENTIONED IN PLAT. PROPOSED USE OF THE PROPERTY UNDER PETITION, REGARDLESS OF ANY REQUIREMENT IN THESE RULES TO THE CONTRARY. IF AN INTENDED USE IS NOT INDICATED, THE SITE PLANS MUST INDICATE ONLY THE FIRST EIGHT ITEMS ON THE FOLLOWING CHECKLIST.*

RECLASS.PET (TATSOPH)
Revised 10/22/93

*Open Plan - No Use Indicated

- North arrow (indicating the direction of north). Scale of drawing (engineer's scale).
- Title block: "Plan To Accompany Reclassification Petition". Include name, address, telephone number, and signed certification seal of engineer or surveyor preparing the plan.
- Election district, councilmanic district, and whether or not the property is located in the Chesapeake Bay Critical Area.
- Dimensions of property to BE RECLASSIFIED (including bearings). Parcel under petition should be in bold outline. If separate areas within the area of reclassification require individual zoning hearings, these must be shown with all separate bearings and distances and individually described as required on guide sheet #2). *THE ENTIRE EBM-CR SITE INCLUDING EXISTING EBM-CR AREA MUST BE INCLUDED AND SHOWN AS PART OF THE PROPOSED PLAN. THE ENTIRE EBM-CR AREA MUST BE INCLUDED AND SHOWN AS PART OF THE PROPOSED PLAN. THE ENTIRE EBM-CR AREA MUST BE INCLUDED AND SHOWN AS PART OF THE PROPOSED PLAN. THE ENTIRE EBM-CR AREA MUST BE INCLUDED AND SHOWN AS PART OF THE PROPOSED PLAN.*
- Relation of "envelope" in question to additional property owned and ownership of all adjacent property. *SEE SECTION 256(P) OF THE COUNTY CODE. THE AREA OF THE SITE AND PART OF THE ADJACENT PROPERTY (DOWN TO THE BOUNDARY LINE) MUST BE SHOWN.*
- Area of property to be reclassified (acres or square feet). If separate areas of reclassification require zoning hearings, these areas must be shown also, *NEED COMPLIANCE WITH SECTION 256(P) OF THE COUNTY CODE.*
- Existing and proposed zoning of property under petition and adjoining properties.
- Use, location, coverage, floor area, heights (including engineered scales and dimensioned elevation drawings), dimensions, character and exterior materials of all proposed and existing structures to be retained. Also, all existing structures to be removed must be indicated. *THESE ARE NOT THE SAME AS THE EXISTING STRUCTURES. THESE ARE NOT THE SAME AS THE EXISTING STRUCTURES. THESE ARE NOT THE SAME AS THE EXISTING STRUCTURES.*
- Location, use and orientation of all principal building(s) within a distance of 200 feet from each joint side property line. Distance from said buildings to centerline of street must be shown in order to determine street setback line of proposed building(s) on subject site. *SHOW THE POINT OF SETBACK OF EACH BUILDING AND ANY BLDG. WITHIN THE SETBACK SIDE SETBACK'S REQUIREMENTS BY S. 257(C) OF THE COUNTY CODE.*
- Maximum levels of emanations (including sound and other vibrations, dust, odors, gases, and light and heat). In cases where method of operation is not obvious, an explanation of same must be provided (i.e. proposed nursery school should include days and hours of operation, maximum number of teachers and students, method of transportation, etc.).
- Existing and proposed public and quasi-public facilities on and adjacent to the site, including storm drain systems, water lines, sewerage, streets and drives, and railroad sidings. In the event public water and/or sewer do not exist, location of the private system must be indicated.
- Existing ponds, streams, natural drainage courses and other bodies of water, watercourses, 100-year flood plains, major vegetation, unusual natural formation, and proposed changes with respect to any of these must be indicated.
- Dimensions of existing and proposed right-of-ways and types of paving of any street adjacent to site. *SHOW STREET OWNERSHIP, STATE/COUNTY.*

CHECKLIST FOR INFORMATION TO BE SHOWN ON SITE PLANS FOR RECLASSIFICATION PETITIONS PAGE 2

- 15. Location and width of proposed ingress and egress, and all directional arrows indicating interior circulation of traffic. SEE SECT. 259.3.C.4. REQUIREMENTS FOR PARKING ACCESSIBILITY IN ALL LOTS. SHOW PHYSICAL CONDITIONS AND LAND USES. ZONING VARIANCE. 16. Parking and loading facilities in accordance with Section 409 (BZZA). 17. Screening (Screens) Landscaping must be indicated as required in the Baltimore County Landscape Manual and the BCZM. SEE SECT. 259.3.C.4. REQUIREMENTS FOR LANDSCAPING. 18. Existing topography and proposed major changes in grade. 19. Location, dimension height, square footage, single/double-face, ... variance must be included in the reclassification petition. 20. Buildings must meet building code, as well as fire code, requirements with regard to type of construction, windows, etc. 21. Location of all existing and proposed fire hydrants. 22. A sealed location plan, inserted on the site plan, must accurately reflect the outline of the parcel(s) for zoning action. 23. All site plans must be folded to an approximate size of 8-1/2 inches by 11 inches, with clear distinct lettering.

In order to alleviate any future delays, prior to preparing the required plan, the petitioner or his engineer should contact ZADM, Development Control (during office) and the following agencies and/or State agency, if located on a State road, for pertinent information that may be required:

Table with 2 columns: Agency Name and Phone Number. Includes Department of Environmental Protection and Resource Management (DEPRM), Zoning Administration and Development Management (ZADM), State Highway Administration, and others.

RECLASS. PET (TXTSOPH) Revised 10/27/93

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 11, 1994 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief Developers Engineering Section

RE: Zoning Advisory Committee Meeting for April 11, 1994 Case No. R-94-142

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual when the Development Plan is submitted.

All improvements affecting the State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

A schematic landscape plan that complies with Sec. 259.3.c.2. and 3. of the Zoning Regulations and the Baltimore County Landscape Manual must be submitted and approved prior to consideration of the zoning reclassification and zoning variance.

The submitted site plan has the following deficiencies, which preclude complying with the landscape requirements.

- 1. 15' parking lot setback against all property lines. 2. Usable 7% interior of parking lot for landscaping. 3. Parking 6' off face of building.

RWB:aw

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: April 13, 1994 Zoning Administration and Development Management

FROM: J. Lawrence Pilon, DEPRM Development Coordinator

SUBJECT: Zoning Item #R-94-142 - Monkton Centre - REVISED N/S Everett Road, W/S York Road Zoning Advisory Committee Meeting of April 4, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item. Environmental Impact Review

A suitable outfall must be obtained for the proposed stormwater management facility which meets the standards of the Department of Environmental Protection and Resource Management and the Department of Public Works.

Ground Water Management

Soil percolation tests have been conducted on property. Commercial occupancy, if approved, would be limited to low water use facilities.

- A water balance assessment may be required. - Can the proposed septic system be located in RC-5 zoned property to support a commercial use? - Locate and identify adjacent wells and septic systems. - A Water Appropriation Permit application will be required. - The proposed well must be 15' from the Right-of-Way line of York Road. - Any underground storage tanks on this or adjacent properties? - The septic tank must be 20' from the building. - Are there existing buildings on site? Wells? Septic systems? - It is recommended that the proposed well be drilled prior to building permit.

JLP:JW:TE:sp MONKTON/DEPRM/TXTSOP

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Pat Keller, Director DATE: October 12, 1994 Office of Planning & Zoning Attention: Jeffrey Long

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

SUBJECT: Submittal of Amended (Open) Site Plan -- Case No. R-94-142/Harford Joint Venture (Monkton Centre)

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on October 12, 1994, we are transmitting to you a copy of the Amended (Open) Site Plan submitted to the County Board of Appeals. This amended site plan is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding ten copies of this Amended (Open) Site Plan to the Office of Zoning Administration & Development Management.

William T. Hackett William T. Hackett

Attachment (1 copy of Amended Site Plan)

cc: W. Carl Richards, Jr. w/10 copies of Amended Site Plan

"REVISED" AGENDA ZONING ADVISORY COMMITTEE ROOM 301, COUNTY OFFICE BUILDING DISTRIBUTION MEETING OF OCTOBER 17, 1994 - 2:30 p.m. FORMAL OR INFORMAL RESPONSE DUE AT OCTOBER 24, 1994 MEETING

- *Distributed at Meeting *Agenda Only *Agenda and Petition *Agenda, Petition and Plan

Distribution:

- *Zoning Commissioner's Office (Lawrence Schmidt); Mail Stop 2112 *ZADM, Development Control H.O. Hearing File (Gwendolyn Stephens) *ZADM, Development Control Work File (Joyce Watson) *ZADM, Development Management (David Flowers) *ZADM, Development Management (Kurt Kugelberg) *ZADM, Development Management (John Alexander) *Public Works, Development Plan Review (Dennis A. Kennedy) *Planning Office Director (Pat Keller) *Planning Office (Jeffrey Long) *Recreation and Parks (Ronald Schaeffer); Mail Stop 52 *DEPRM (Larry Pilon) - 2 plans *DEPRM, Air Quality Management (Dave Filbert); Mail Stop 3404 *State Highway Administration, Access Permits Division (David N. Ramsey) *Fire Prevention, Plans Review (Lt. Robert Sauerwald); Mail Stop 1102P *Dept. of Permits & Licenses, Building Plans Review (Dick Seim) *Economic Development Commission, Business Development (Susan Brennan); N.S. 2MC7 *Highways (Richard Cox); Mail Stop 1003 *Community Development (Amy Johanson); Mail Stop 1102M *People's Counsel (Peter Zimmerman); Mail Stop 2010 *IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup) *IF ELDERLY HOUSING, Community Development (Frank Welsh); Mail Stop 1102M

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office's or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received by the committee within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency is not represented at the meeting, you should return your written comments to Zoning Administration and Development Management, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21284 (Mail Stop #1108), Attention: Joyce Watson. If you have any questions regarding these zoning petitions, please contact Joyce or the Development Control planner (see initials after item number) at 887-3391 (FAX - 887-5708).

ZAC AGEN (ZADM/TXTSOPH) Revised 9/15/94

See memo 10/19/94 from Pat Keller: Comments remain as previously submitted which suggest filing of open plan.

"REVISED" AGENDA ZONING ADVISORY COMMITTEE ROOM 301, COUNTY OFFICE BUILDING MEETING OF OCTOBER 17, 1994 - 2:30 p.m.

REVISED PLANS WERE RECEIVED AT THE BOARD OF APPEALS ON OCTOBER 12, 1994 FOR THE FOLLOWING RECLASSIFICATION PETITION. PLEASE SUBMIT YOUR COMMENTS AS SOON AS POSSIBLE AS THIS IS A CURRENT HEARING WITH THE BOARD OF APPEALS.

Table with 2 columns: Item Number and Details. Item #2, Cycle II, Case Number R-94-142, Legal Owner Harford Joint Venture, Contract Purchaser N/A, Critical Area No, Location N/S Everett Road, W/S York Road (Monkton Centre), Existing Zoning R.C.-5, Proposed Zoning B.M.-C.R., Area .90 +/- acre, District 7th Election District, 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman Baltimore County Board of Appeals DATE: October 18, 1994

FROM: Pat Keller, Director Office of Planning and Zoning

SUBJECT: Harford Joint Venture Case No. R-94-142

Please be advised that the Baltimore County Planning Board previously reviewed the open site plan filed Reclassification Petition for the subject property, and submitted a report on its recommendation to the Board of Appeals on January 31, 1994. Subsequent to the Planning Board's consideration, however, the Petition was amended with a documented site plan which was later withdrawn. The current open site plan is identical to the plan commented on in the report of January 31, 1994; therefore, this office finds it unnecessary to request the Planning Board's review and comment.

Thank you in advance for your consideration of this matter.

JL HARFORD/PZONE/TXTSOP

Harford Joint Venture /Monkton Centre (reclassification)

8/30/93 -Original Petition and Plan filed

3/23/94 -Amended/Documented Site Plan and Petition submitted to the Board in open hearing (scheduled hearing date for original plan)

4/01/94 -Comments from John Lewis /ZADM -plan not acceptable for filing; requires extensive revision/changes; Mr. Covahay notified by ZADM. Upon revision of plan to comply with ZADM requirements, will require additional brief hearing for submission of second amended plan

5/19/94 -Letter from Ed Covahay -since the untimely death of Paul Katsafanas (managing partner of joint venture composed of two partners), and upon re-review of plan as amended, etc., wishes now to proceed on original Plan and Petition dated 8/30/93 (as originally submitted)

Questions:

- 1) To be advertised (since petitioner is now proceeding on plan other than that submitted in open hearing in March)? 2) Submit 12 copies of 8/30/93 plan (most agencies involved in review process would have destroyed the original plan when amended plan was submitted). 3) Can this proceed on original petition since the managing partner who signed Petition for reclassification on behalf of the joint venture is now deceased?

FINAL RESOLUTION:

Per conversation with WTH 5/19/94 and Carl Richards 5/20/94 --appropriate way to proceed on the original plan would be (1) to contact the engineer and advise him that we need the original plan with a new date and sufficient copies to distribute to appropriate agencies for comment (Carl will do this today); and (2) upon notification by engineer that plans are ready, Board will schedule an early morning hearing to accept newly amended plan on the record.

HOLD per above note.

7/29/94 -T/C from Joe Larson - explained to him above notation; he will be getting back to CBA when ready for early morning hearing to accept newly amended (original open plan) on the record; to be circulated for agency comments and ultimately scheduled for hearing before Board on Petition for Reclassification /Open Plan, as originally filed.

94 OCT 19 AM 10:57

3/09/94 -T/C from Joseph Larson /Engineer --submitted reclassification as open plan; were trying to resolve differences with community associations but unable to do so prior to filing. Ready to come in now with documented plan; plan to do that on Wednesday, March 23, 1994 in lieu of proceeding on merits of petition (plan as originally filed). Will talk with Ed Covahay, attorney for petitioners contacted this office to confirm procedure for coming in with amended plan.

3/23/94 -Case opened on record 3/23/94; documented amended plan submitted.
3/24/94 -Amended (Documented) Site plan and Petition for Variance forwarded by Board to Planning Director and ZADM.

4/04/94 -T/C from ZADM (John Lewis) and follow-up memorandum -Amended Documented Plan as submitted is not acceptable; comments received by ZADM -the changes needed (not necessarily all changes) to bring Amended Documented Plan into compliance. See material in file.

4/05/94 -CBA received copy of letter from ZADM (C. Minton) to E. Covahay, Esquire (Counsel for Petitioner) forwarding to his copy of ZADM's comments. KM to call E. Covahay regarding changes requested by ZADM & Harford; need to resubmit Amended Documented Plan at another public hearing, to be scheduled by Board as soon as amended site plan and hearing is ready. Left message w/secretary for E. Covahay to contact her re this reclass. 7:45 p.m.; 4/06/94.

5/02/94 -Contacted ZADM; no further action regarding this matter until noted in file (comments to E. Covahay from ZADM, HEB, and DL, re Amended Plan). Per Julie, no further amendments have been noted by ZADM. CBA will hold this file pending request from Petitioner for the counsel to submit second amended plan in order hearing before Board.

4/04/94

RE: Attached comments /amended plan /Harford Joint Venture

Attached is a copy of comments from John Lewis (Planner in ZADM) regarding the amended, documented plan submitted to the Board in open hearing on behalf of Harford Joint Venture. Apparently there were many problems with this plan.

Telephone call to Sophie this date --has the Developer, his engineer or attorney been notified that these problems exist and need correcting? Original, red-marked comments were sent by memo to Chairman Hackett; copy to me for file.

Developer should be contacted by ZADM; should be made aware of what needs to be done in order for this plan to be acceptable for filing. Also, Developer should be notified at that time that when the plans meet requirements for filing he will have to contact the Board and come in again to once again submit the amended plan.

Sophie advised me that John Lewis was not in this date; expected back in on Tuesday, 4/05/94. She will leave a note for him and either she or John will call me on Tuesday 4/05.

kcw

4/05/94

John Lewis telephoned. He has spoken with Larsen and will provide him with copy of attached comments. Pete Zimmerman also has a copy; believes that if plan is amended to comply with ZADM comments on attached, there should be another 9:30 a.m. hearing time scheduled in order for the newly revised plan to be submitted on record, since there are many changes requested by ZADM.

9/27/94 -Following parties notified of open hearing to receive amended (Open) site plan only set for Wednesday, October 12, 1994 at 9:30 a.m.:

- Edward C. Covahay, Jr., Esquire
Paul Katsafanas and Rodney L. Ortel
General Partners /Harford Joint Venture
Joseph L. Larson /
Spellman, Larson & Associates, Inc.
Mr. Don Pearce
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

10/12/94 -Amended /Open Plan submitted by Roger Sullivan, Esquire, on behalf of Petitioner; copy forwarded to Planning Director, atn Jeff Long; 10 copies forwarded to ZADM /Carl Richards.

10/13/94 -T/C from Jeff Long; comments /review as originally provided by Planning remain unchanged (originally had filed open plan; plan submitted 10/12/94 identical open plan; no change in comments). Jeff will forward letter to CBA advising of same in order that a hearing on merits can be scheduled in this matter.

10/19/94 -Memo from Pat Keller /open site plan submitted 10/12/94 is identical to that submitted originally; comments/report of Planning Board dated January 31, 1994 remains unchanged; therefore, will not request Planning Board's review and comment. Matter can be set for hearing.

11/22/94 -Notice of Assignment sent to parties; case scheduled for hearing on Wednesday, January 25, 1994 at 10:00 a.m.

12/09/94 -Letter from E. Covahay, Jr., Esquire - requesting postponement from 1/25/95 hearing date; Circuit Court conflict.

12/13/94 -Notice of PP and Reassignment sent to parties; matter rescheduled to Thursday, March 9, 1995 at 10:00 a.m.

3/09/95 -Hearing concluded before Board (S.B.M.); matter deliberated publicly at conclusion of hearing. Board's unanimous decision - Petition for Reclassification to be granted, as indicated during deliberation, zoning lines to be designated as stated in open session. Written opinion/order to be issued; appellate period to run from date of written order.

RE: PETITION FOR RECLASSIFICATION * BEFORE THE
N/S Everett Road, W/S York Road * COUNTY BOARD OF APPEALS
(Monkton Centre) * OF BALTIMORE COUNTY
7th Election District, *
3rd Councilmanic *
CASE NO.: R-94-142
HARFORD JOINT VENTURE *
Petitioner *
* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to personally appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Thursday, March 9, 1995, at 10:00 a.m. in Room 48 Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

WITNESS: MR. WALLACE S. LIPPINCOTT, JR.
Coordinator, Agricultural Land Preservation Program
Baltimore County Dept. of Environment Protection and Resource Mgmt.
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

The witness named above is hereby ORDERED to so appear before the County Board of Appeals. The Board requests () the Sheriff, () Private Process Server, to issue the Summons set forth herein.

James Earl Kraft
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Cost: \$ _____)
Summoned: _____, 19 _____) SHERIFF OF BALTIMORE COUNTY
Not Served: _____, 19 _____)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Harford Joint Venture
Case No. R-94-142
DATE: March 9, 1995 /at conclusion of hearing
BOARD /PANEL: Michael B. Sauer, Acting Chairman (MBS)
S. Diane Levero (SDL)
Harry E. Buchheister, Jr. (HEB)
SECRETARY: Kathleen C. Weidenhammer
Administrative Assistant

Those present included Edward C. Covahay, Jr., Esquire, on behalf of Petitioner; Peter M. Zimmerman, People's Counsel for Baltimore County; and Carole S. Demilio, Deputy People's Counsel.

PURPOSE --to deliberate matter of Petition for Reclassification; testimony and evidence taken this date. Opinion and order to be issued by Board setting forth written findings of fact.

Opening statement by Acting Chairman Sauer: Let the record show that all evidence and testimony has been submitted in this case; closing argument made by Counsel; case has taken approximately one full hearing day. Under open sessions laws of this State, it is required that deliberations take place in public; the Board consists of three members: Mr. Sauer, Ms. Levero, and Mr. Buchheister. Board has heard all evidence and testimony; given it consideration; each will now respond.

MBS: Would like to point out that the reasons and findings of fact and conclusions of law required by this Board will be given by way of written Opinion by the Board; any appeal will be from date of written Opinion and not today's date; deliberation is taking place today.

Will go right to bottom line; change should be made on the Petition for Reclassification; property owner is entitled to relief; no evidence or testimony that property owner is entitled to complete rezoning of the RC 5 property, all the way back to the property line, back to the residential zoning, adjacent property owner. The question is whether or not the County Council has committed error; testimony that the Harford Community Plan was adopted and made part of the Master Plan by County Council; Master Plan is advisory only, as both attorneys know, and is not binding on Board with particular regard to zoning changes. In that Harford Plan, Map 2 adopted in 1988, entire piece of property, BM and RC 5, was considered part of the district; thereafter, the boundaries changed in 1990; boundaries changed on Map 4 of Harford Community Plan; excludes as commercial the back

Minutes of Deliberation /Harford Joint Venture, R-94-142

portion of subject property; reasons unknown; know there was a change; know that at one time it was considered to be part of a commercial section.

Testimony of Mr. Long, while he did not expressly state error, offered by People's Counsel in their case, results in MBS conclusion that County Council did in fact commit error; question is whether or not the Board accepts what Mr. Long proposes as being warranted in this case; what he is basically saying is to move zoning line back approximately 70 feet so as to give property the 10,000 sq. ft. required for sewer and septic; agree with Mr. Zimmerman's statement in closing argument that septic system cannot be placed in RC area to support commercial use; under those circumstances, to be able to develop property there is need for 10,000 sq. ft.; uncontradicted by all experts who testified here today that property is basically undevelopable; believes that property is undevelopable because of septic system problems and well constraints; distance requirements for well and septic system, and problems that would exist were development limited to front portion of property zoned commercial. Believes that zoning line is in error; Board has authority in Petition for Reclassification to determine where most appropriate location of zoning line should be; his opinion it should be moved back 100 ft. from the existing zoning line; that would leave buffer of RC 5 zoning of approximately 84 to 88 feet, which would be compatible with what Mr. Long is saying in his report made by Planning Board to this Board; buffer is required. In a nutshell, County Council when it acted on this in 1992, perhaps may have required entire area as buffer; this Board is almost cutting it in half by moving line back 100 ft. Property Owner will be able to develop property and remaining part of property will remain RC zoned and will serve as buffer, although not as large a buffer area as before case started, it's buffer area for people who live on street.

Will point out that property owners that testified here today were impressive with testimony; did not testify in a very strong, reactionary manner; were mature in approach; recognized issues and they testified with a spirit of compliance; already recognized fact that they were living in a fringe area of commercial zone; president of improvement association, Mr. Bollinger, testified that he would not have any objections to a building up to 8800 sq. ft.; would oppose 14,000 or 15,000 sq. ft., and rightfully so.

Believes his decision is best Board can do under circumstances; Board has the authority to draw zoning line; as such, moving it back 100 ft.; will run north and south, parallel to presently existing zoning line. For that reason, Board would be granting Petitioner's request for reclassification, assuming that one of the other two members agrees with MBS.

Minutes of Deliberation /Harford Joint Venture, R-94-142

HEB: Believes Mr. Zimmerman is correct; lot to evaluate here today; testimony has been convincing on both sides; feels that plan that Mr. Long and office of Planning & Zoning proposed here gives Board worthy possibilities to objectives of property owner; questions as plan exists about well; may not work; need for more room, or alternatives to the eventual plan; the 10,000 sq. ft. added and the changing of the zoning as Mr. Long has proposed leaves a lot of RC 5 land that, in HEB opinion, would be undevelopable. In listening to testimony of Mr. France and Mr. Bollinger, both were not hoping to deny property owner the use of this commercial piece of property; but size of building seemed to be main concern, as well as need for buffer. Limitation of building to 8800 sq. ft. with a possible increase in size with a special exception, and believes it's been made clear that community has strong opportunity to come forward and argue against any kind of special exception, feels that Harford Community Plan /Harford Center Plan, should be carefully considered as it's been referred to in this hearing. Preliminary concern is that there be a buffer and limitation of size of any structure; regarding drawing of zoning line, would agree with 100 ft. as suggested by Mr. Sauer.

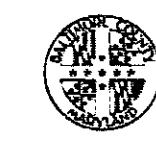
SDL: No question that Board must decide whether or not County Council erred; all three land planning experts (may not all have used exact words) have said or, in one case admitted, that the Council erred, because property was not buildable as zoned. First inclination was to grant entirely Petition of Petitioners; but listening to fellow Board members, and recognizing need for a buffer, seeing what homes look like and what a huge building would be juxtaposed next to their homes, agrees there is need for buffer; had question about Mr. Long's plan; he's not engineer; no one's had chance to look over plan; needs to be a little leeway. However, would agree with 100 ft. line and agree with decision.

Closing statement by Acting Chairman Hackett; that concludes deliberation; Board will issue written Opinion and Order; appellate period runs from date of that written Opinion and not today's date.

Respectfully submitted,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

April 4, 1994

(410) 887-3353

Edward Covahay, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Case No. R-94-142, Item No.154
Petition for Reclassification

Dear Mr. Covahay:

Enclosed are copies of comments received from the Office of Zoning Administration and Development Management, Development Control, and the Office of Planning and Zoning on April 1, 1994 for the above-referenced case.

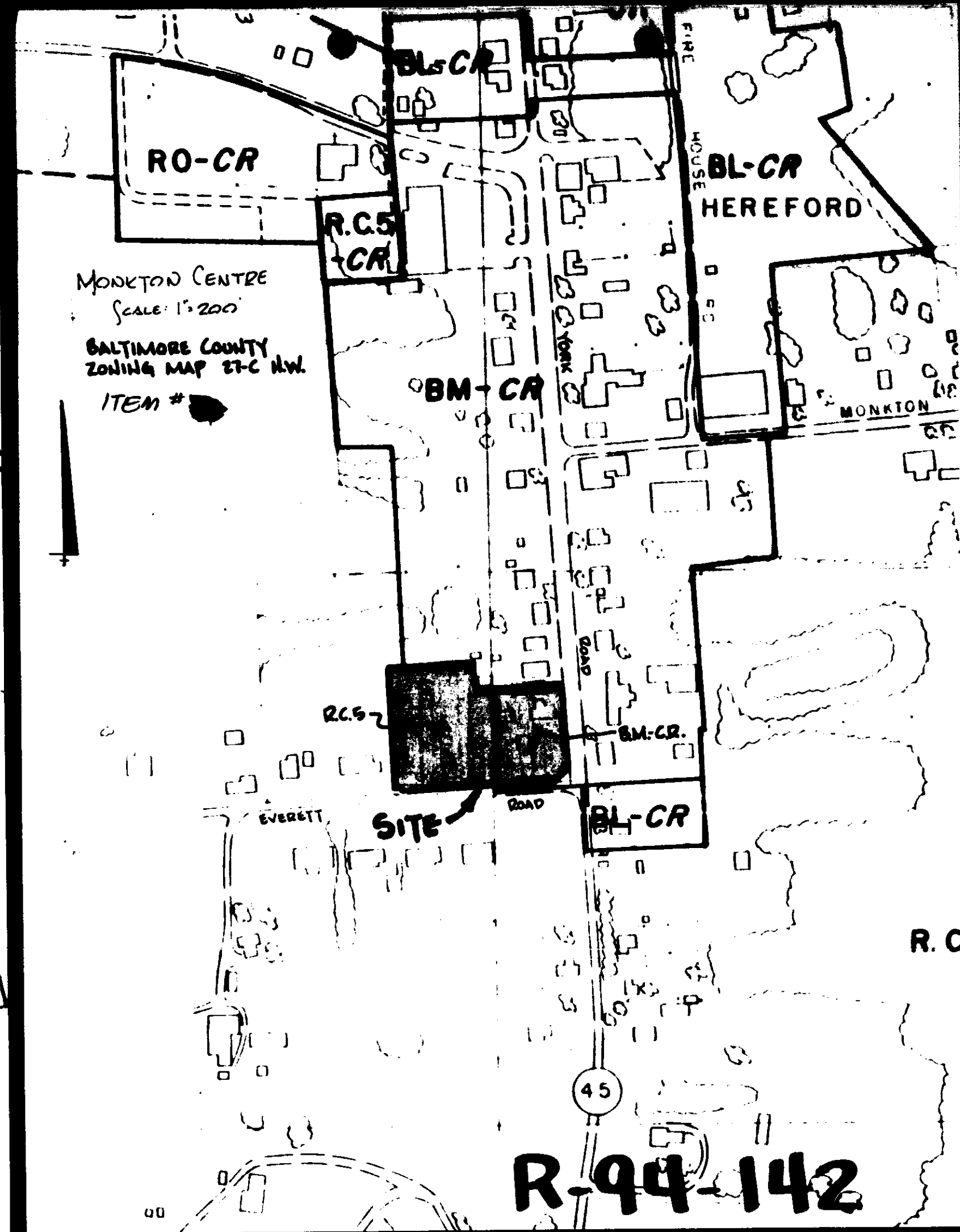
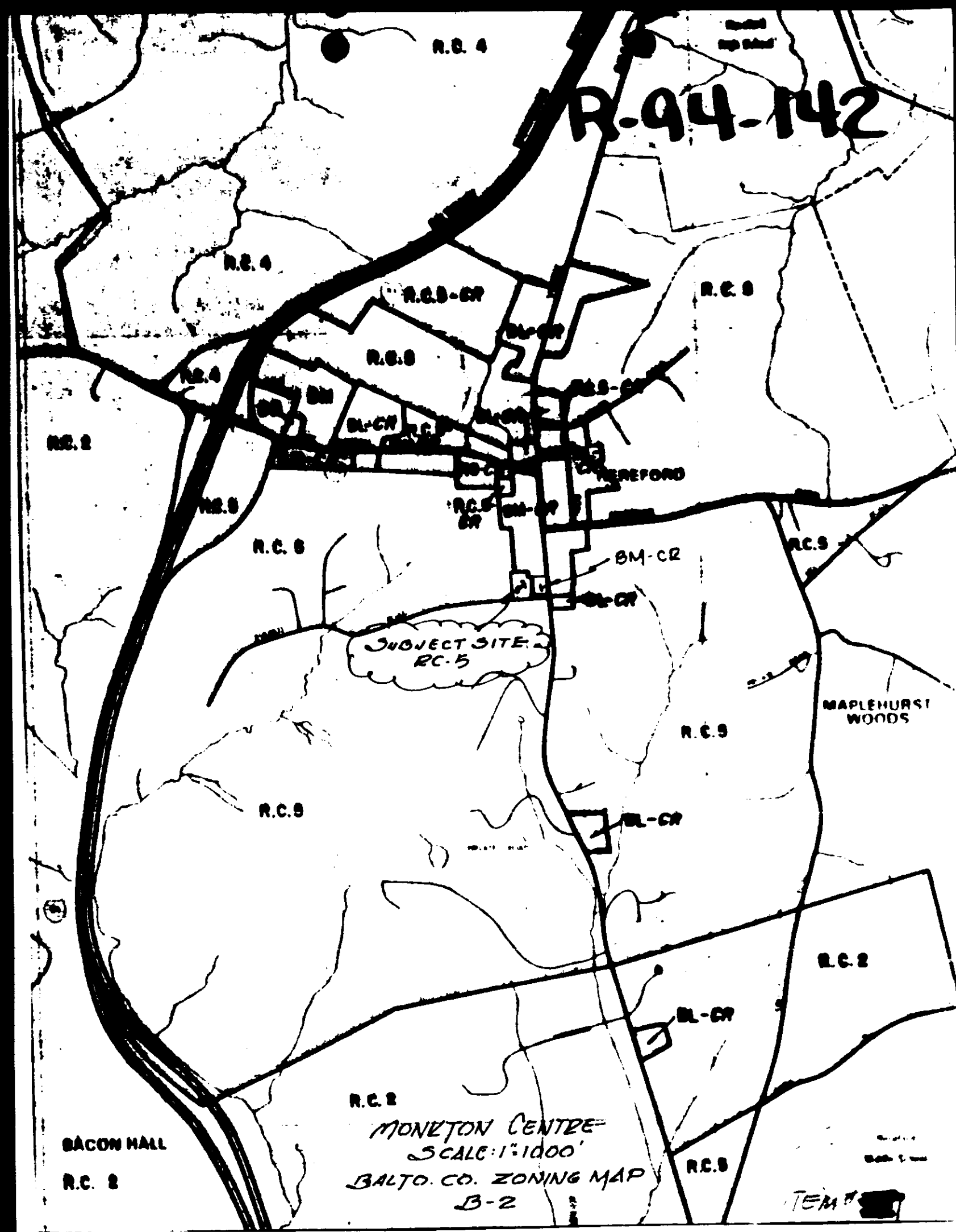
If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure

9C-11 Md S-147 86



People's Counsel
Ex. 1

DATE: 3/9/95

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: HARFORD JOINT VENTURE

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

Check if you wish to testify.	Name/Address Phone No.	(Community Group You Represent?) Basis of Your Concerns
YES	KEV BOLLINGER 400 EIGHT RD 357-5718	HEREFORD COMMUNITY ASSOC LANDS OWNERS - EVERTT RD
YES	BRUCE BARRETT 46 EVERTT 357-6944	ADJACENT LAND OWNER
YES	Paul A. Huffer 831 WALTERS LN 357-5752	GREATER HARFORD COMMUNITY COUNCIL
YES	Paul Francis 325-9213	HEREFORD COMMUNITY ASSOC.
YES	Mr. & Mrs. Lawrence W. Miller 417 E. EVERETT RD 357-5718	HEREFORD COMMUNITY ASSOC.
YES	Charles Barrett 477 E. EVERETT RD 343-2138	Adjacent land owner
YES	Loch Meeker Monkton the Property Owners	Property Owners
YES	Chas Klepato 242 E. EVERETT RD. 343-0547	Property Owners
YES	Donald E. Poppe 923 W. EVERETT RD 357-5718	Harford Community Association - 357-5718
No	Janet Kalkbrenner Harford	

People's Counsel Ex. 2

BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

Final Log of Issues
Adopted October 15, 1992

People's Counsel
Ex. 3

REVISED STAFF FINAL RECOMMENDATIONS LISTING
Effective June 5, 1992

1-059	OT - 2.20 AC.
1-013	BL - 1.50 AC.
1-020	BL - 0.30 AC.
1-021	SE - 15.24 AC.
1-002	EM - 9.98 AC.
1-059	RC 2 - 9.08 AC., BL-CR - 3.00 AC.
1-087	RCC - 1.70 AC.
1-004	RC 5 - 0.90 AC.
1-110	DR 5.5 - 19.81 AC., DR 16 - 40.63 AC.
1-119	BL - 0.46 AC.
1-119	EM - 10.40 AC., BL-CNS - 0.40 AC.
1-111	EM - 1.84 AC.
1-062	RC 2 - 109.75 AC.
1-068	O-2 - 48.76 AC., OT - 4.14 AC.
1-068	RC 2 - 72.10 AC.
1-173	O-1 - 2.70 AC.
1-173	SE - 15.80 AC.
1-177	DR 5.5 - 20.39 AC.
1-194	RC 2 - 32.00 AC., RC 5 - 11 AC.
1-150	BL-CR - 0.41 AC.
4-056	DR 1 - 8.41 AC., DR 5.5 - 1.35 AC., O-1 - 3.11 AC.
5-003	BL - 0.60 AC., DR 16 - 0.31 AC.
5-004	MH-IM - 5.00 AC.
5-043	BL-CNS - 1.96 AC.
5-044	SE - 1.93 AC.
5-063	DR 16 - 0.01 AC., BL-CSA - 0.69 AC.
5-072	DR 5.5 - 0.59 AC.
5-082	BR-IM - 6.12 AC.
5-100	BL - 0.06 AC., DR 5.5 - 1.92 AC.
6-004	BL - 10.47 AC., BL-CNS - 1.23 AC.
6-011	DR 5.5 - 9.87 AC., MLR-IM - 3.33 AC., ML-IM - 4.81 AC.
6-021	DR 3.5 - 4.13 AC., ROA - 1.07 AC.
6-022	ML - 0.90 AC., MLR - 0.50 AC.
6-025	DR 16 - 19.21 AC.
6-046	MLR-IM - 0.34 AC.
6-081	RO - 0.70 AC.
7-001	BL - 0.50 AC.
7-005	DR 3.5 - 132 AC., DR 5.5 - 33 AC.
7-016	DR 5.5 - 24.50 AC.
7-022	DR 5.5 - 0.73 AC.

FAB/EM
FAC/ER INTERVIEW June 10, 1992 11:31:26 AM

People's Counsel Ex. 4

Report by the
Baltimore County
Office of Planning and Zoning
to the
Baltimore County Planning Board

ZONING RECLASSIFICATION PETITIONS

Cycle II 1993
November 30, 1993

People's Counsel Ex. 5

RURAL BUSINESS ZONES

MAY 19, 1988

A FINAL REPORT OF THE BALTIMORE COUNTY PLANNING BOARD
REGARDING THE C.R. DISTRICT AND A NEW RESOURCE
CONSERVATION COMMERCIAL ZONE

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

People's Counsel Ex. 7

Hereford Community ASSOCIATION

RESOLVED: That at the Regular Monthly meeting of the Hereford Community Association held on December 12, 1984, it was decided by the Association that responsibility for review and action on all zoning matters for the period 1985 be placed in the (Board of Directors) (Zoning Committee) consisting of the following members:

Donald E. Rouse, Zoning Chairman
Kenneth Bollinger, President
Lillian Yaremski, Vice President
Ricky A. Pearce, Secretary
Carol McDaniel, Treasurer

AS WITNESS OUR HANDS AND SEAL THIS 13th day of December, 1984.

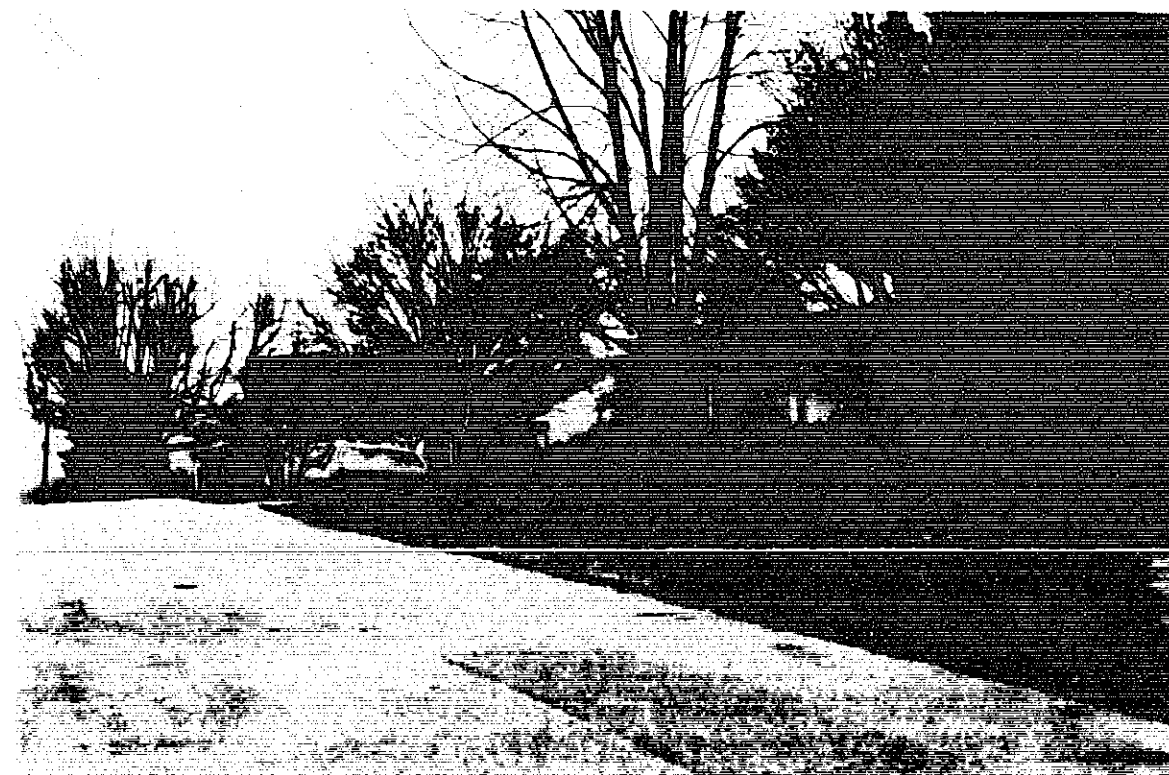
ATTEST: Hereford Community Association

Ricky A. Pearce
Secretary

Kenneth Bollinger
President

COMMERCIAL PROPERTIES
IN HERFORD
WITH LOT SIZES OF
APPROX. 1/2 AC OR LESS

Peoples Council Ex 8

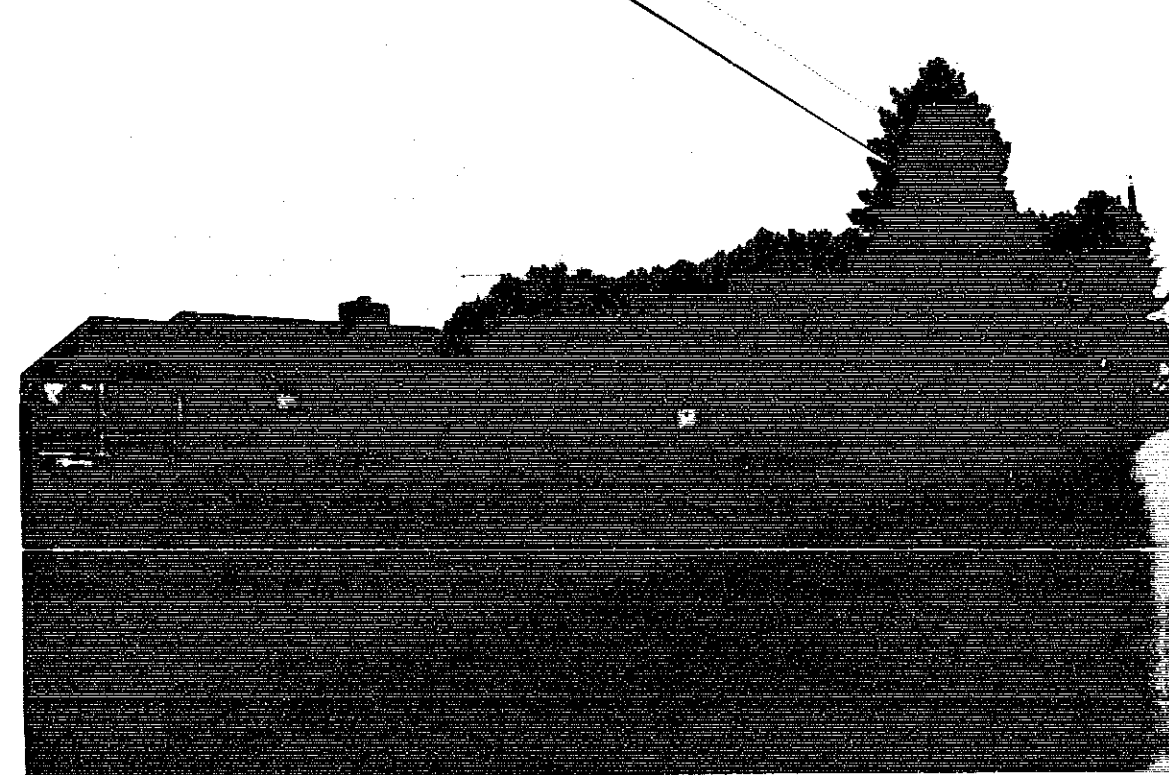


PRIVATE RESIDENT PRIVATE RESIDENT PRIVATE RESIDENT

NOVEMBER 1993
MAY BUDGET

NOVEMBER 1993
MAY BUDGET

PC 9A

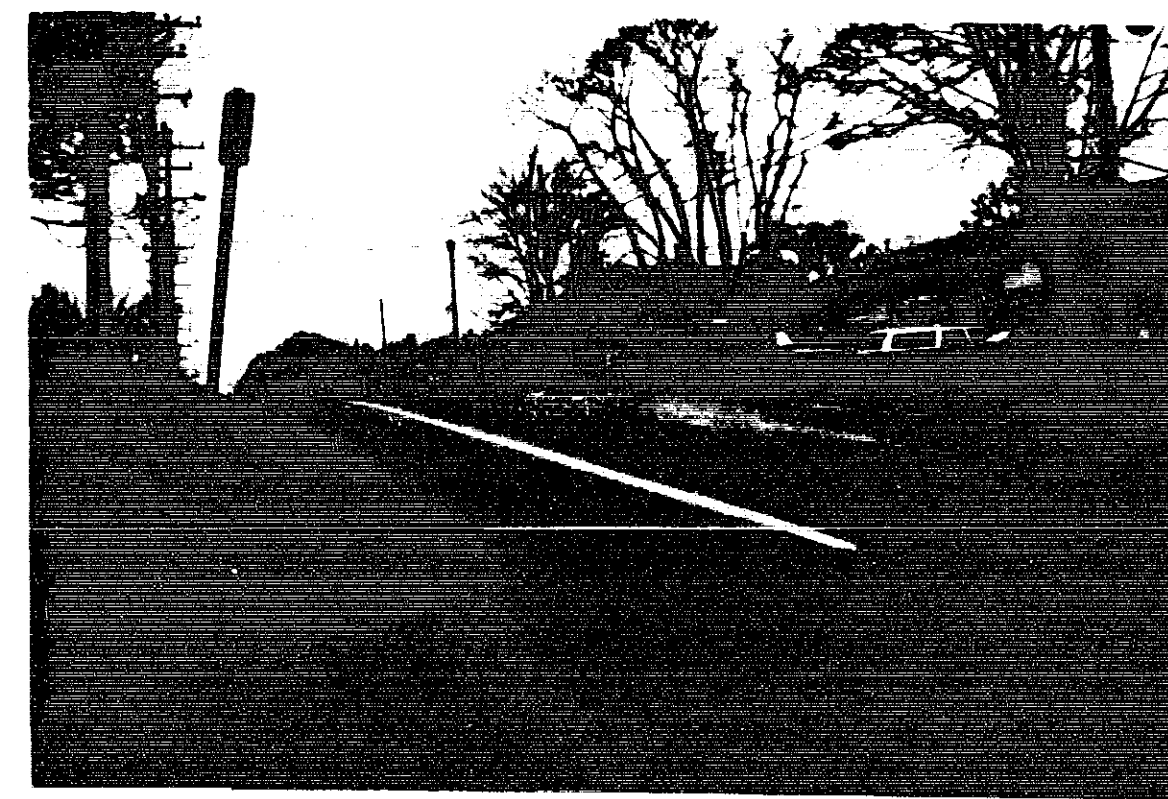


PARISH HOUSE PRIVATE RESIDENT
OUR LADY OF GRACE CATHOLIC CHURCH FRANCE



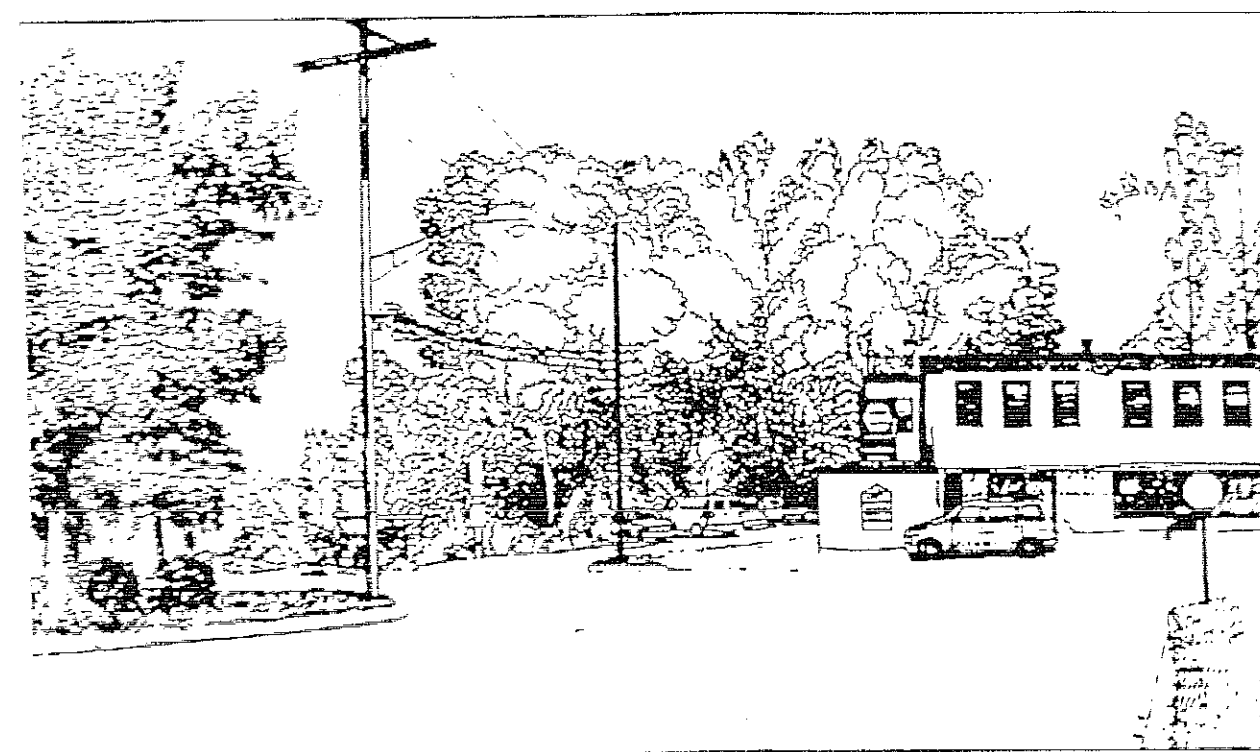
PRIVATE RESIDENT PRIVATE RESIDENT

PC 9B



INTERSECTION
YORK/EVERETT ROADS

PC 9C



• Baltimore County • Focus on Community •

**HEREFORD
COMMUNITY PLAN**

Pet. Ex 5
(last 14 pages)

As Adopted By The Baltimore County Council on May 6, 1991



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

December 1, 1993

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 145
Monkton Centre
Harford Joint Venture
1516 York Road
Zoning Reclassification
Case No. R-94-142

Dear Mr. Minton:

This office has reviewed the plan for the referenced project and offer the following:

We have had an opportunity to review a preliminary development plan for this site that was provided to us by the developer's engineer, Mr. Joseph L. Larson.

The entrance improvements indicated on the plan are generally acceptable to the State Highway Administration, subject to the following condition:

The proposed entrance should be a 30' entrance with 20' radii.

If the zoning reclassification is approved, the entrance improvements indicated on the aforementioned plan, will require an access permit to be issued by this office with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection)

My telephone number is 410-333-1350 (Fax# 333-1041)

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

Pet. Ex 4

CURRICULUM VITAE

NORMAN E. GERBER, AICP

35 Pickburn Court Cockeysville, MD 21030

Business
(410)667-4543

Facsimile
(410)683-4079

PROFESSIONAL EXPERIENCE

Preparation of Master Plans and Land Use Regulations

Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets.

Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.

Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

Reviewed and approved new development.

Enforced zoning, agricultural and historic preservation regulations.

Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.

Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.

Prepared RFP's, grant applications, selected consultants and administered contracts.

WORK EXPERIENCE

2-88 to present

NORMAN E. GERBER, AICP, Cockeysville, MD

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

2-85 to 10-90

The City of Laurel, Laurel, MD

The Office of Planning and Zoning

Director

Administered the planning program and enforced the zoning code.

2-80 to 1-88

Baltimore County, Baltimore County Maryland

The Office of Planning and Zoning

Director

Administered the planning program, and the budgets of the Office of Zoning and the Peoples Council, Baltimore County Baltimore County Maryland The Office of Planning and Zoning

Pet. Ex 5

**1992
COMPREHENSIVE ZONING MAPS**

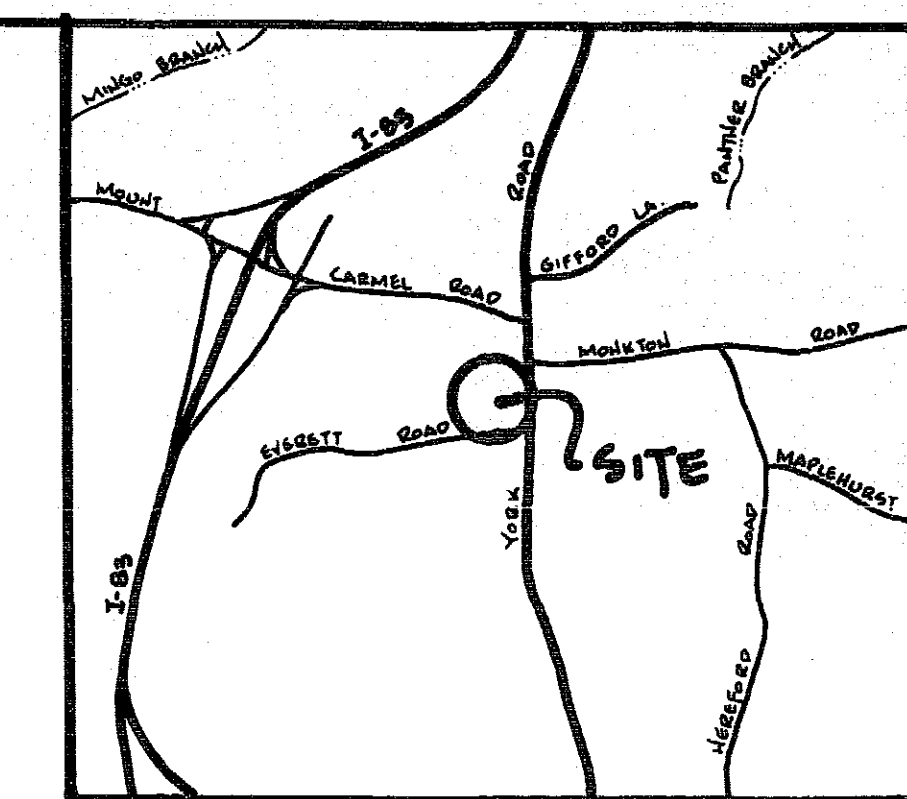
Baltimore County, Maryland
Log of Issues

with
Preliminary Staff Recommendations

March, 1992

Pet. Ex 6

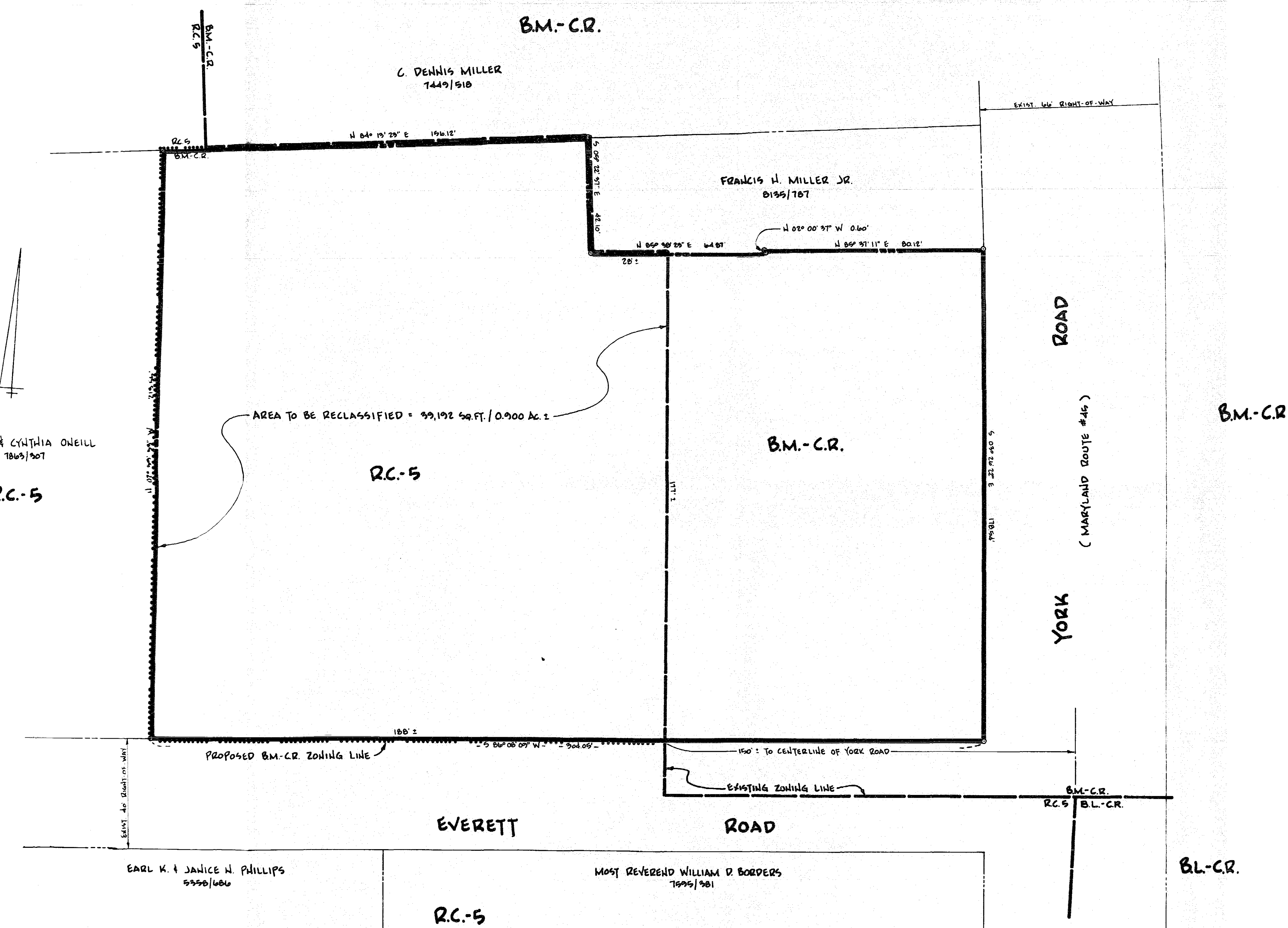
ECRNS



VICINITY MAP
SCALE 1"=2000'

SITE DATA:

1. COUNCILMANIC DISTRICT: 3
2. ELECTION DISTRICT: T
3. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHEESAPEAKE BAY CRITICAL AREA.
4. CENSUS TRACT: 4071
5. WATERCOURSE: 13
6. AREA OF TRACT: 1.98 AC. ±
7. EXIST. ZONING: BM-CR. ± 0.48 AC. ±
RC-5 ± 0.90 AC. ±
8. DEED REF.: W489/236
9. TAX ACCT. #: 07-13-056750



JOSEPH M. & CYNTHIA ONEILL
7865/307

RC-5

C. DENNIS MILLER
7449/518

BM-CR.

FRANCIS H. MILLER JR.
0195/787

BM-CR.

EARL K. & JANICE N. PHILLIPS
5758/686

RC-5

MOST REVEREND WILLIAM D. BORDERS
7995/381

BL-CR.

R-94-142 REV 10/12/94

REVISIONS		
NO.	DATE	DESCRIPTION
1	9-20-94	REV PER COMMENTS FROM ZADM

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3535

OWNER/DEVELOPER
HARFORD JOINT VENTURE
1516 YORK ROAD
LUTHERVILLE, MARYLAND 21093
Phone: 206-9900

PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

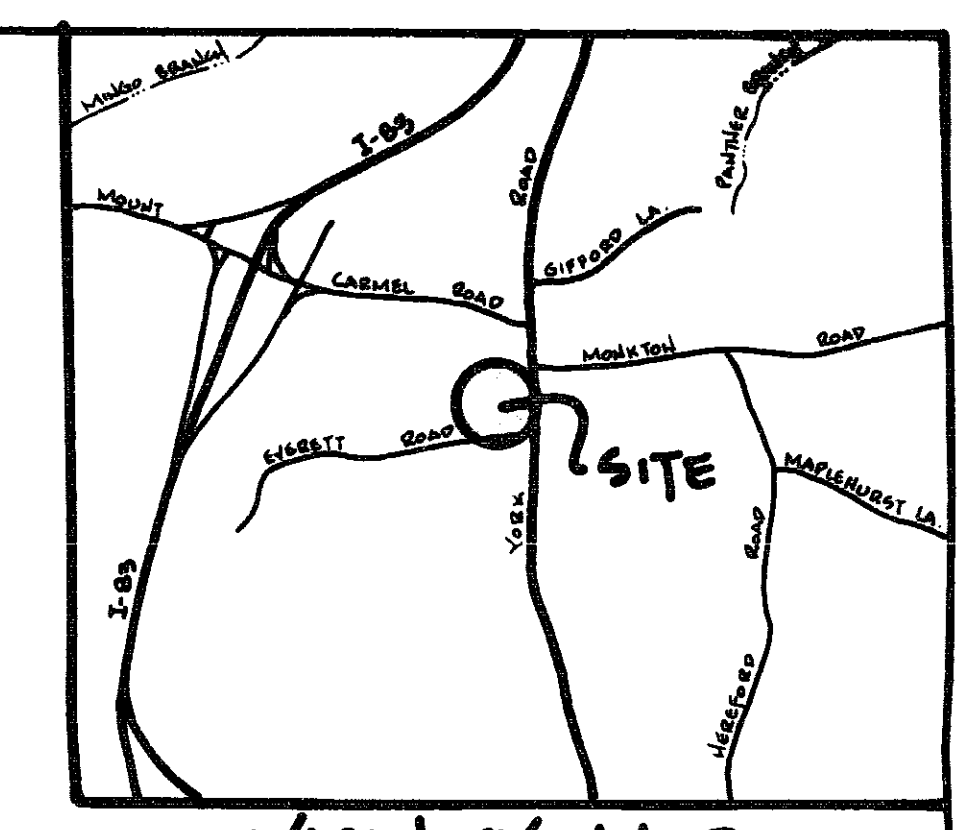
'MONKTON CENTRE'
NORTH SIDE EVERETT ROAD & WEST SIDE YORK ROAD
BALTIMORE COUNTY, MD.

SCALE: 1" = 20'
DATE: Aug. 30, 1993
DES. BY: -
DRN. BY: JMB.
SHT. 1 OF 1

ZONING NOTE

THIS PLAN SUPERCEDES THE OPEN PLAN THAT WAS SUBMITTED WITH THE ORIGINAL REQUEST FOR ZONING RECLASSIFICATION BEFORE THE BOARD OF APPEALS AND IDENTIFIED AS CASE NO. 94-142.

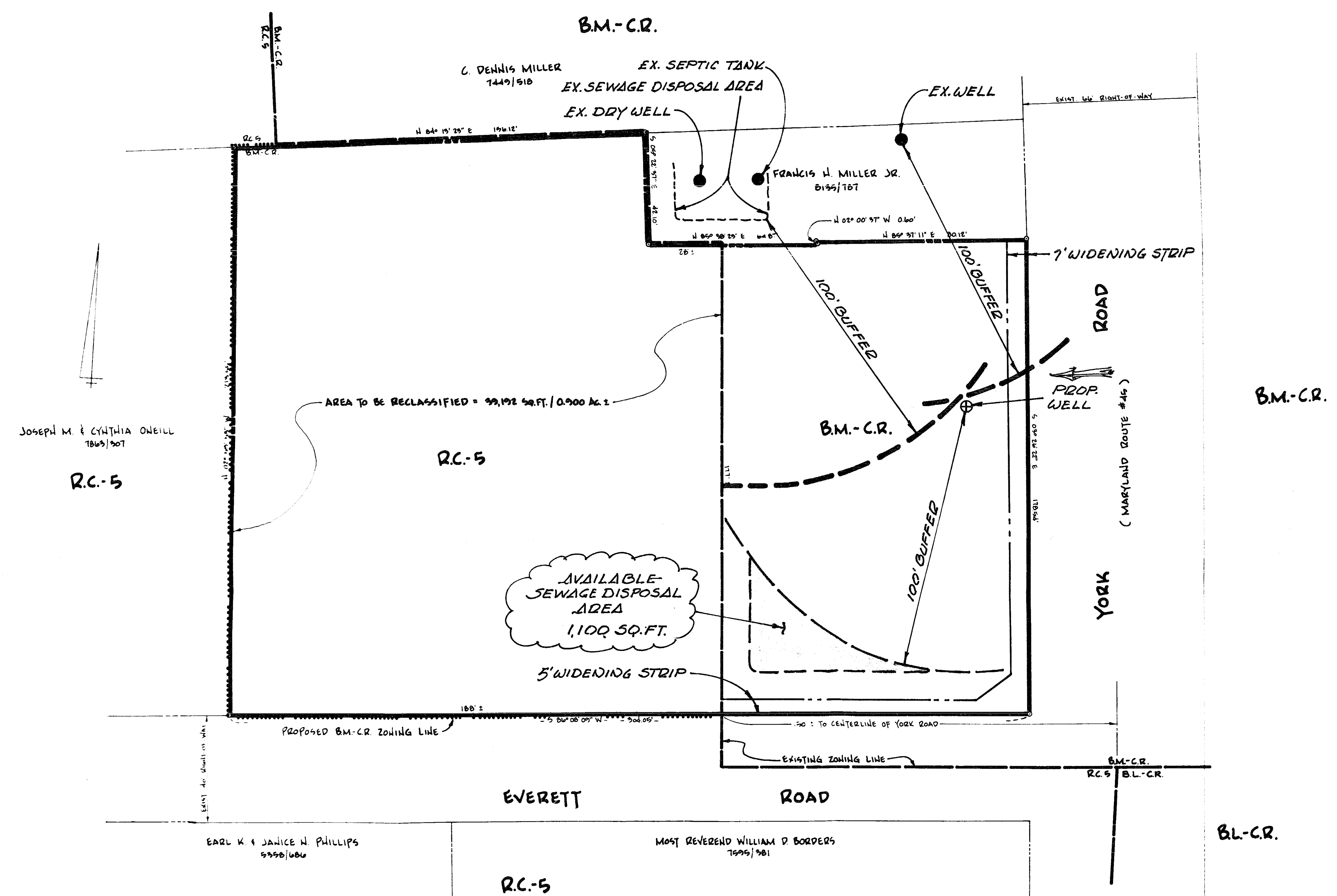
EXHIBIT



VICINITY MAP
SCALE: 1" = 200'

SITE DATA:

1. COUNCILMANIC DISTRICT: 3
2. ELECTION DISTRICT: 7
3. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
4. CENSUS TRACT: 4071
5. WATERWHEEL 13
6. AREA OF TRACT: 1.98 AC.
7. B.M.T. ZONING: BM-CR = 0.48 AC. 1
RC-5 = 0.90 AC. 1
8. DEED REF.: 488/256
9. TAX ACCT. NO.: 07-13-059750



ZONING NOTE
THIS PLAN SUPERCEDES THE OPEN PLAN THAT WAS SUBMITTED WITH THE ORIGINAL REQUEST FOR ZONING RECLASSIFICATION BEFORE THE BOARD OF APPEALS AND IDENTIFIED AS CASE NO. 94-142.

Pet. Ex 2

REVISIONS		
NO.	DATE	DESCRIPTION
1	9-20-94	REV. PER COMMENTS FROM ZADM

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 103, JEFFERSON BLDG. TOWSON, MD., 21204
PHONE 823-3535

OWNER/DEVELOPER
HARFORD JOINT VENTURE
1516 YORK ROAD
LUTHERVILLE, MARYLAND 21093
PHONE 206-9300

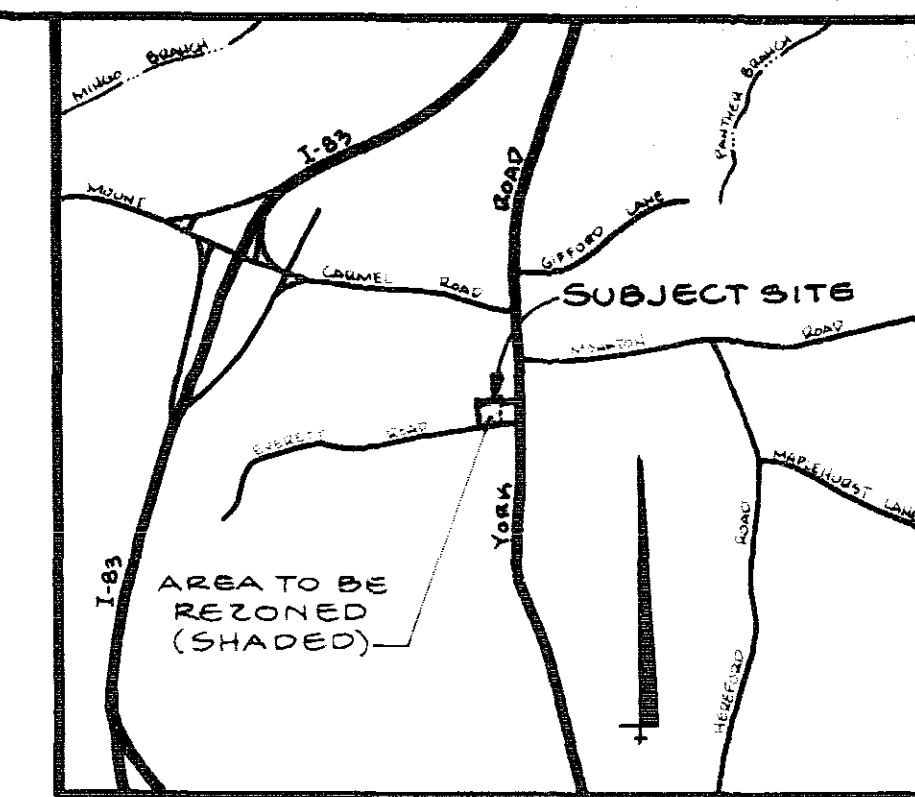
PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

'MONKTON CENTRE'
NORTH SIDE EVERETT ROAD & WEST SIDE YORK ROAD
BALTIMORE COUNTY, MD.

SCALE: 1" = 20' DES. BY: - SHT. 1 OF 1
DATE: AUG. 30, 1993 DRN. BY: JMB.

LANDSCAPE NOTE

THE LANDSCAPING FOR THE SUBJECT SITE SHALL BE IN ACCORDANCE WITH SECTION 259.3 C 3 & 4 OF THE BALTO COUNTY ZONING REGULATIONS AND FULLY APPROVED PRIOR TO DEVELOPMENT PLAN APPROVAL.



VICINITY MAP
SCALE: 1" = 2,000'

SITE DATA

1. AREA OF TRACT: 1.08 AC.±
2. OBED REFERENCE: 6483/236
3. TAX ACCOUNT NO.: 07-12-085750
4. EXISTING ZONING: B.M.-C.R. = 0.46 AC.±
5. COUNCILMANIC DISTRICT: 3
6. ELECTION DISTRICT: 7
7. CENSUS TRACT: 4071
8. WATERSHED: 13
9. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
10. UTILITIES: WATER - PRIVATE WELL
SEWER - PRIVATE SEPTIC SYSTEM
11. THERE ARE NO EXISTING PONDS, STREAMS, NATURAL DRAINAGE COURSES AND OTHER BODIES OF WATER, WATER COURSES, 100 YEAR FLOOD PLAINS, MAJOR VEGETATION, AND UNUSUAL NATURAL FORMATIONS ON THIS SITE.
12. HOURS OF OPERATION - 9 A.M. TO 5 P.M.
13. MAXIMUM NUMBER OF EMPLOYEES - 27

ZONING RECLASSIFICATION NOTE

EXISTING ZONING = RC-5
PROPOSED ZONING = B.M.-C.R.

ZONING VARIANCE NOTE

1. A VARIANCE TO SEC. 259.3 C. 1A TO PERMIT A BUILDING OF GROSS FLOOR AREA OF 14,400 SQ. FT. INSTEAD OF THE PERMITTED 8,600 SQ. FT. AND A GROUND FLOOR AREA OF 14,400 SQ. FT. INSTEAD OF 6,600 SQ. FT.
2. A VARIANCE TO SEC. 259.3 C. 1B TO PERMIT A FLOOR AREA RATIO OF 0.24 INSTEAD OF THE PERMITTED FLOOR AREA RATIO OF 0.2

PARKING CALCULATIONS

RETAIL (5,100 SF) 5 X 14.4 = 72
PARKING SPACES REQUIRED = 72 SPACES
PARKING SPACES PROVIDED = 104 SPACES

R-94-142
REV 3/25/94

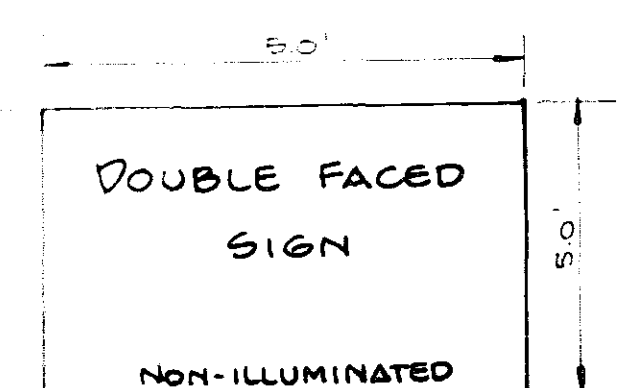
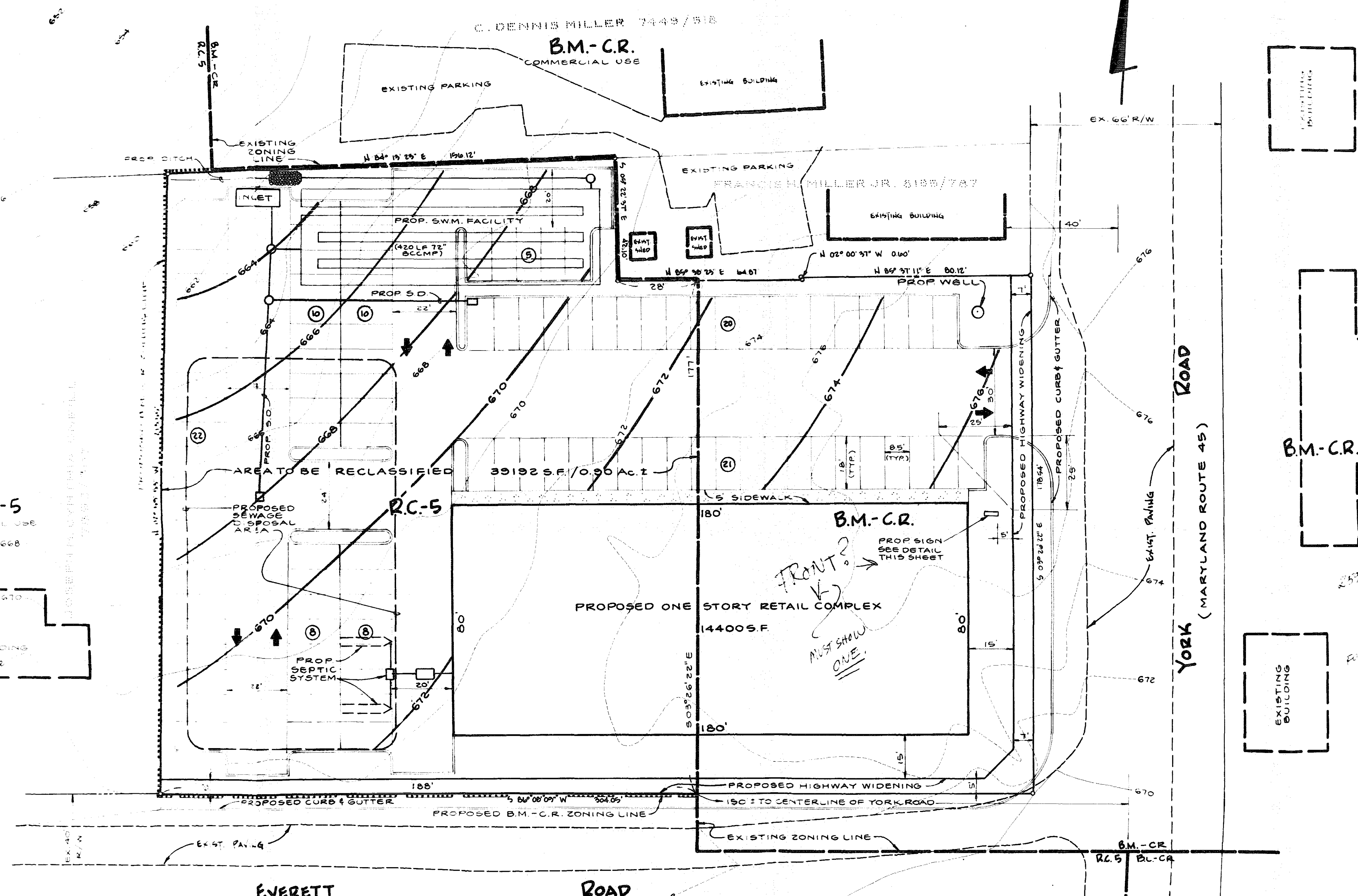
REVISIONS		
NO.	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3535

OWNER/DEVELOPER
HARFORD JOINT VENTURE
1516 YORK ROAD
LUTHERVILLE, MARYLAND 21093
PHONE: 206-7900

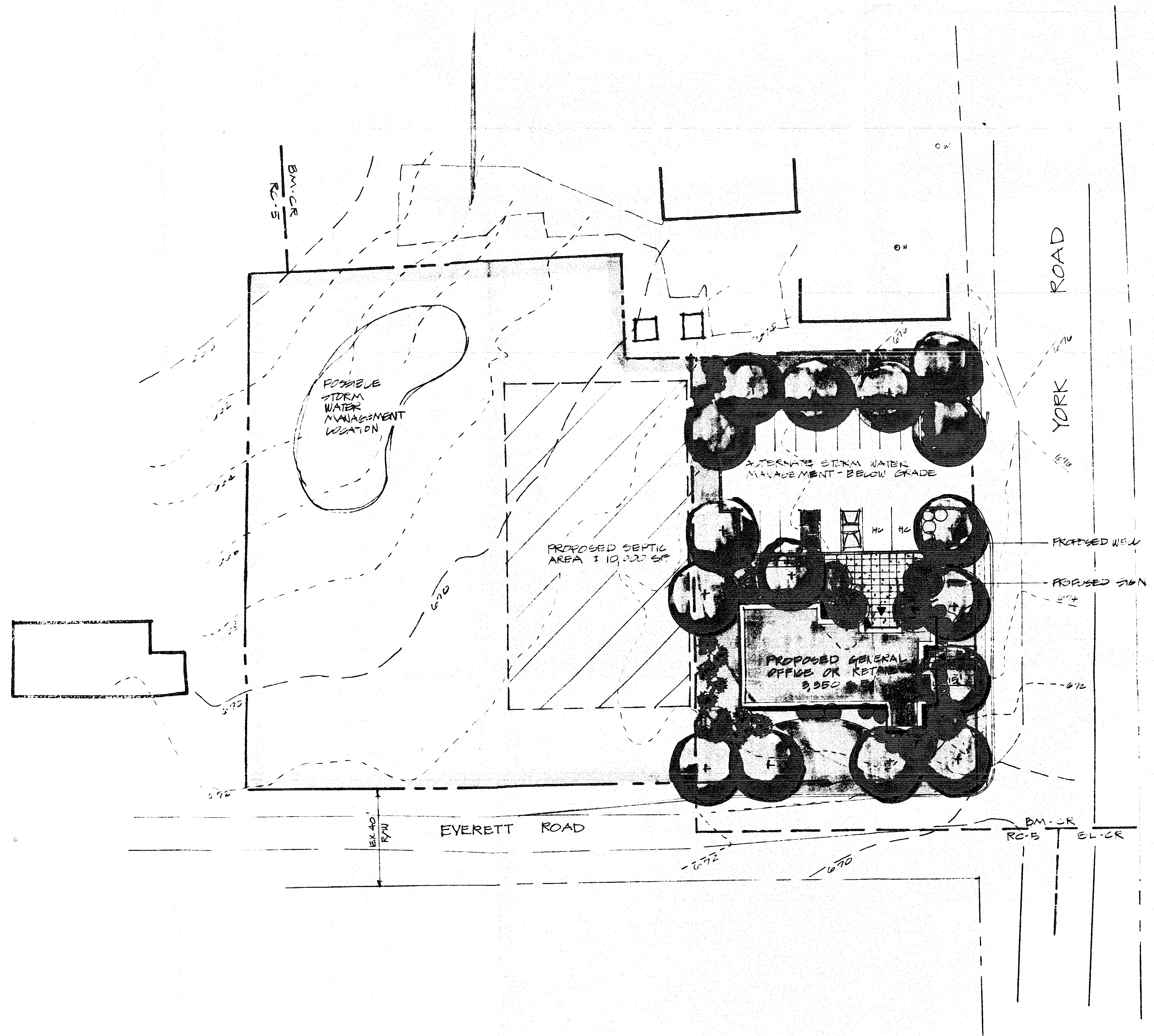
PLANT TO ACCOMPANY RECLASSIFICATION, PERMIT AND SPECIAL EXCEPTION PERMITS
'MONKTON CENTRE'

ELECTION DISTRICT 7 BALTIMORE COUNTY, MD.
SCALE: 1" = 20'
DATE: 2-18-94
DES. BY: J.L.L.
DRN. BY: WOG-J.M.B.
SHT. 1 OF 1



SIGN DETAIL NTP



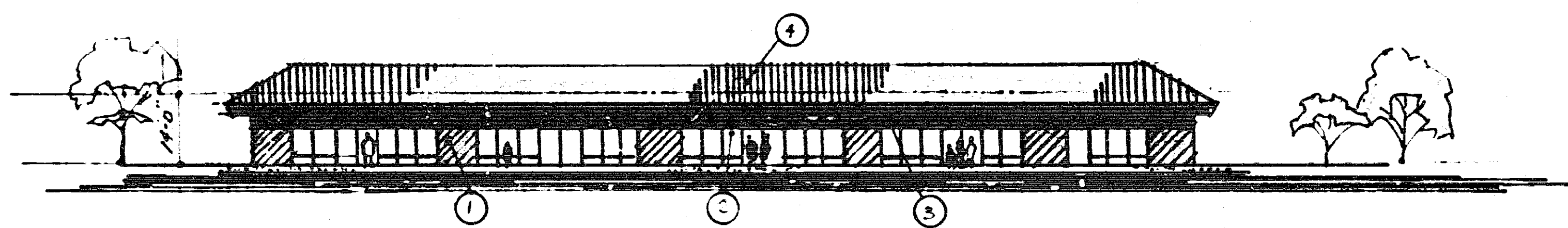
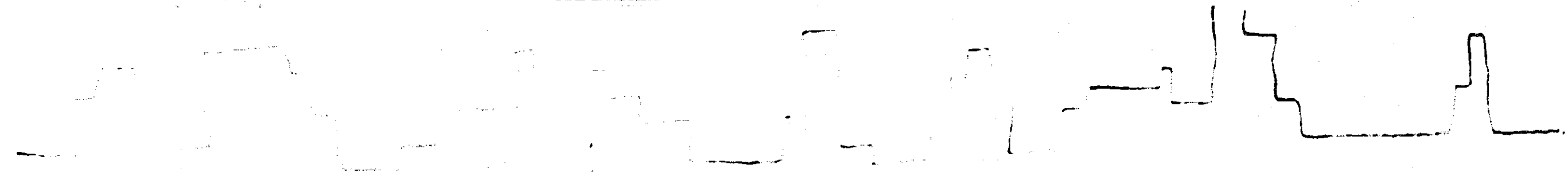


PROPOSED BUILDING
 ONE STORY: 3,950 SF

PARKING CALCULATIONS FOR DIFFERENT USES
 RETAIL (5/1000 SF) 5 x 3.250 = 17 REQUIRED
 GENERAL OFFICE (3.3/1000 SF) 3.3 x 3.950 = 12

CONCEPTUAL PLAN
 1510 YORK ROAD
 1"=20'
 2/10/15

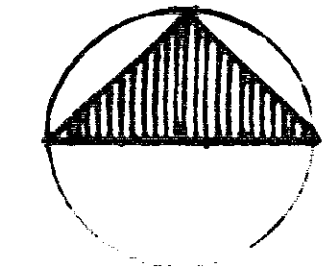
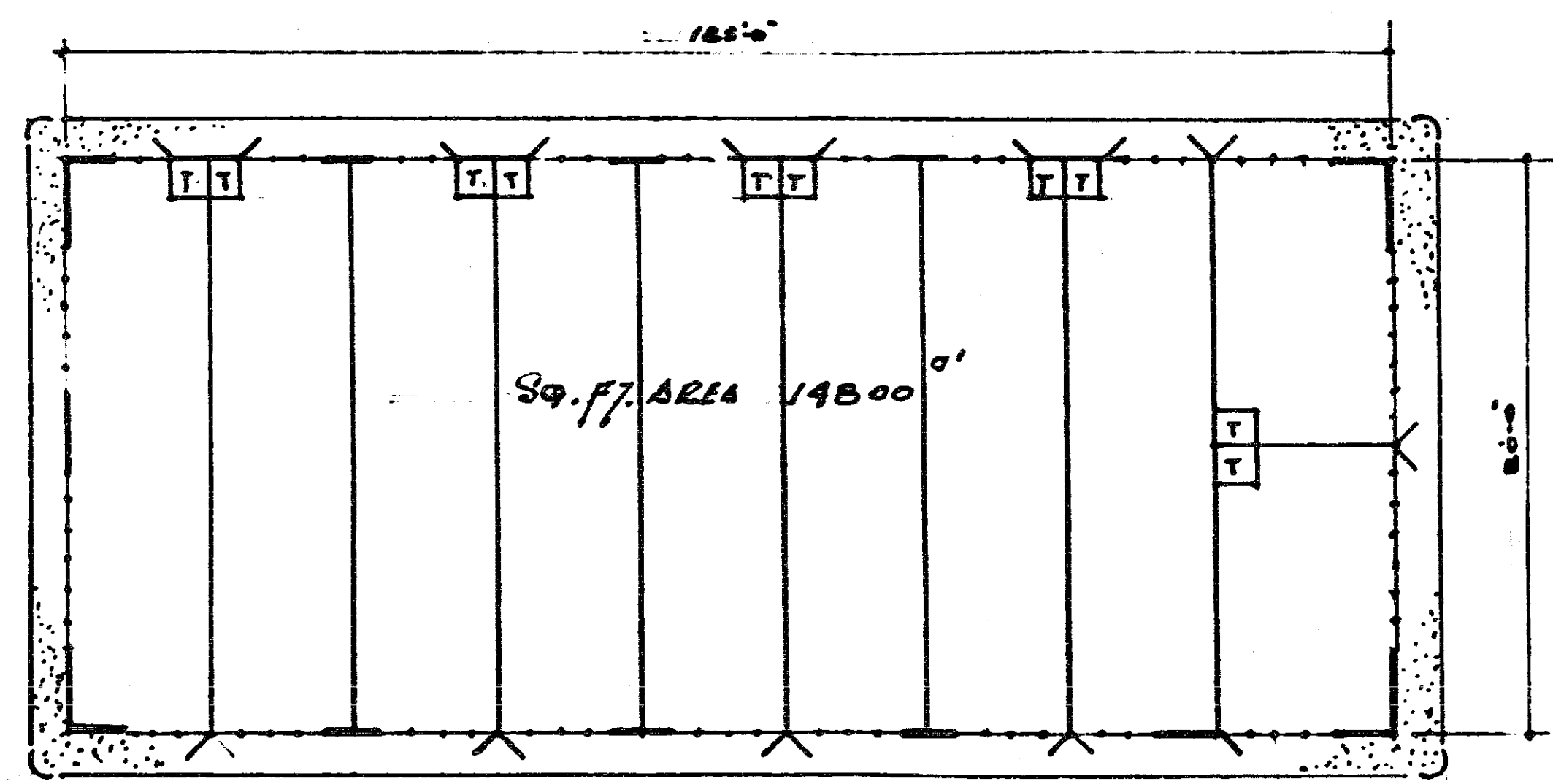
PC 6/6



NOTE:

- ① V. S. G. WOOD
- ② BECHTLE ALUM. STORE FRONT
- ③ ROUGH-CUT WOOD
- ④ STANDING CELM ROOF

SOUTH ELEVATION



YORK ROAD

PLAN

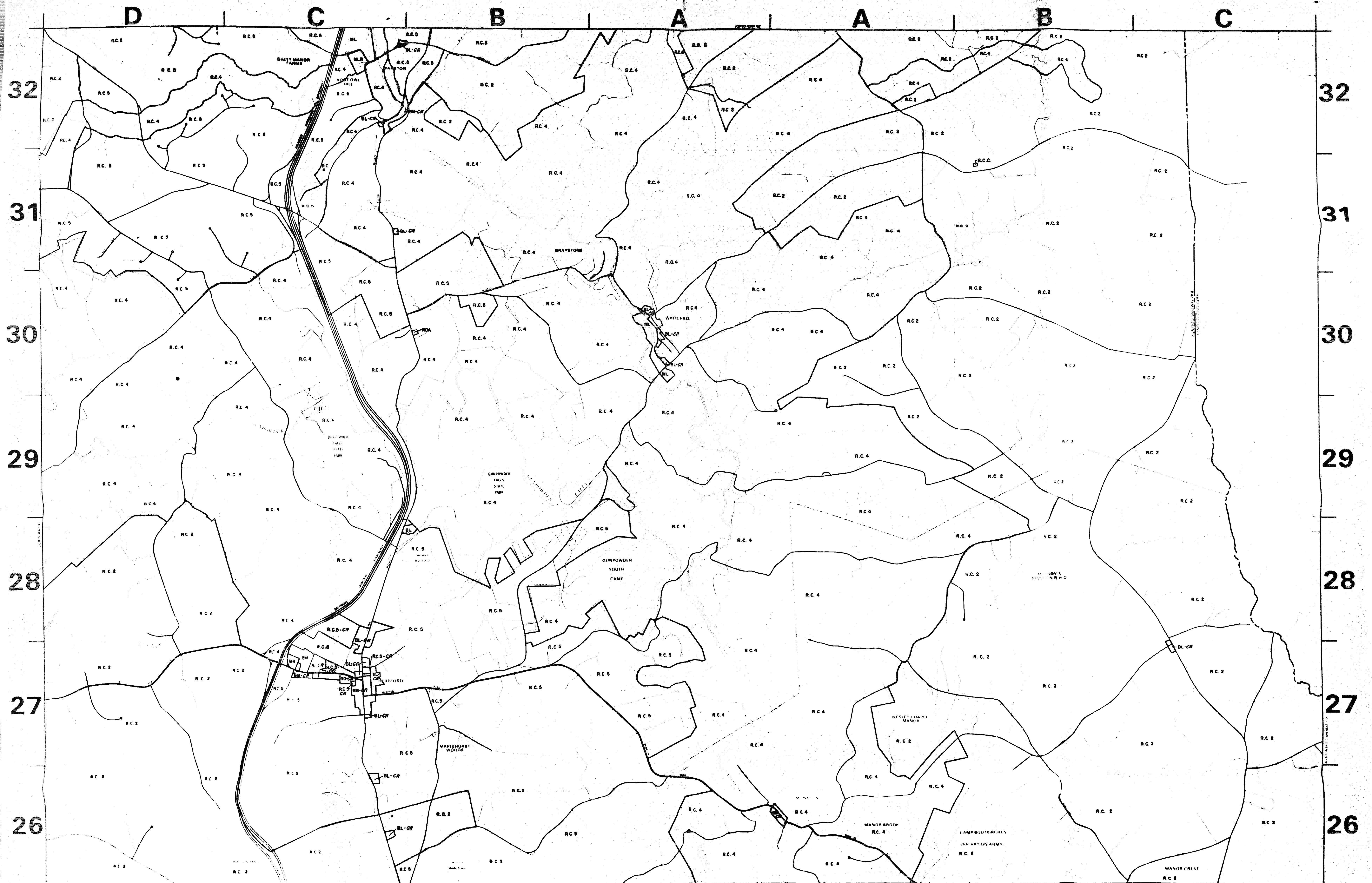
EVERETT ROAD

M O N K I O N C E N T E R

JOHN M. HILLIARD

ARCHITECT

3-17-94



OFFICE
COPY
DO NOT
REMOVE!

Baltimore County, Maryland

A1	A2		
B1	B2		
C1	C2	C3	
D1	D2	D3	D4
E1	E2	E3	E4
F1	F2	F3	F4
G1	G2		

Revisions

Grid North

Scale: 1"=1000'

Miles: 0, 1/4, 1/2, 3/4

Feet: 0, 1,000, 2,000, 3,000, 4,000, 5,000

SHEET **B-2**

12/57

8. The planned development of the property will be in conformity with the Hereford Community Plan and will preserve the rural character of the Hereford community while providing valuable services to the citizens of northern Baltimore County.

EDWARD C. COVAHEY, JR.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12 day of October, 1993, a copy of the foregoing Petition and Brief in Support of Reclassification Request was mailed, first class, postage prepaid, to Baltimore County Office of Law, 400 Washington Ave., 2nd Floor, Towson, Maryland 21204.

EDWARD C. COVAHEY, JR.

93-10-15-12d

Petition for Reclassification
to the Board of Appeals of Baltimore County
for the property located at Northside of Everett Rd. west of York Rd.
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section(s) 259.3.C.1.a. from the Baltimore Co. Zoning Regulations to permit a building of gross floor area of 14,400 sq. ft. instead of the permitted 8,800 sq. ft. and a ground floor area of 14,400 sq. ft. instead of 6,600 sq. ft.; and Sec. 259.3.C.1.b. from Balto. Co. Zoning Regs. to permit a floor area ratio of 0.24 instead of the permitted floor area ratio of 0.2.

and (b) 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 Variance 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.

Contact Purchaser/Lessor: NA
Legal Owner: HARFORD JOINT VENTURE, PAUL KATSIFANAS, General Partner
Address: 1516 YORK RD 296-9300
City: LUTHERVILLE MD 21093
Address: JOSEPH L LARSON, 105 W CHESAPEAKE AVE 823-3535
City: Towson MD 21204

RECEIVED BY: RTI DATE: 8-31-93
ITEM #

ZONING RECLASSIFICATION BRIEF
NORTH SIDE EVERETT ROAD, WEST OF YORK ROAD

The subject property as shown on the attached Plat and identified as Monkton Centre is herewith being submitted for a zoning reclassification as evidenced by the attached Zoning Petition.

This reclassification is being sought due to what has been a significant change in the neighborhood in the general Hereford area over the past several years. This neighborhood change is supported by the approved Hereford Plan which has designated the subject site to be rezoned to be BM-CR. This Hereford Plan has been endorsed by the Planning Staff and also the Hereford community.

Further we would proffer that it is a strong possibility that the original zoning designation for this property was in error since the zoning line was struck to divide the property in half and only allocated the front portion of the property as commercial zoning. It would seem to be a more practical approach to zone the entire ownership as one designation. Also a corner property such as this should have ample depth and width with which to provide a functional site for ingress and egress and also interior circulation.

In closing our Petition is proposed to do nothing more than simply reclassify the property as the Baltimore County Planning staff has deemed to be proper in their Hereford Plan.

ITEM #

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at N/S Everett Road, W/S York Road
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 259.3.C.1.a. from the Baltimore Co. Zoning Regulations to permit a building of gross floor area of 14,400 sq. ft. instead of the permitted 8,800 sq. ft. and a ground floor area of 14,400 sq. ft. instead of 6,600 sq. ft.; and Sec. 259.3.C.1.b. from Balto. Co. Zoning Regs. to permit a floor area ratio of 0.24 instead of the permitted floor area ratio of 0.2.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance 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.

Contact Purchaser/Lessor: HARFORD JOINT VENTURE
Legal Owner: HARFORD JOINT VENTURE, Rodney L. Ortel, General Partner
Address: 614 Bosley Ave. 828-9441
City: Towson, MD 21204

RECEIVED BY: DATE:

EXHIBIT A

Failure to grant the variances requested in the subject Petition would subject the Petitioner to practical difficulty and unreasonable hardship because of the following salient factors:

- 1. The floor area ratios as applied to the subject property failed to take into consideration the fact that the parking provided exceeds minimum parking and open space provided preserves the environment and complies with all open space and landscaping requirements and regulations.
- 2. Irregular shape of the property in that the lot line was not extended easterly to intersect York Road deprived the site of additional square footage that would have placed the improvements within the floor area ratio requirements.
- 3. That constructing improvements as set forth on the designated site plan would be in conformity with the Hereford Community Plan aesthetics and would comply generally with the existing floor area ratios in the Hereford community.
- 4. Improving the site in accordance with the Hereford Community Plan would be of definite benefit to the Hereford neighborhood and remove what, for all practical purposes, is a vacant lot in the center of a historic community.

REVISED 9/25/93
R-94-142

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at N/S Everett Road, W/S York Road
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 259.3.C.1.a. from the Baltimore Co. Zoning Regulations to permit a building of gross floor area of 14,400 sq. ft. instead of the permitted 8,800 sq. ft. and a ground floor area of 14,400 sq. ft. instead of 6,600 sq. ft.; and Sec. 259.3.C.1.b. from Balto. Co. Zoning Regs. to permit a floor area ratio of 0.24 instead of the permitted floor area ratio of 0.2.

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- 4. Improving the site in accordance with the Hereford Community Plan would be of definite benefit to the Hereford neighborhood and remove what, for all practical purposes, is a vacant lot in the center of a historic community.

R-94-142

SPELLMAN, LARSON & ASSOCIATES, INC.
SUITE 109 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL: 410-823-3535
FAX: 410-823-5215

DESCRIPTION FOR RE-ZONING, NORTH SIDE OF EVERETT ROAD, WEST OF YORK ROAD, THE DISTRICT, BALTIMORE COUNTY, MARYLAND
BEGINNING FOR THE SAME AT A POINT ON THE NORTH SIDE OF Everett Road where it is intersected by the zoning line dividing that land zoned BM-CR and that land zoned RC-5 and running thence and binding on the north side of Everett Road south 86 Degrees 8 Minutes 09 Seconds west 188 feet more or less and running thence and leaving the north side of Everett Road and running north 2 Degrees 59 Minutes 53 Seconds west 213.55 feet, thence north 81 Degrees 13 Minutes 23 Seconds east to and along the zoning line dividing that land zoned BM-CR and that land zoned RC-5, in all 156.12 feet, south 5 Degrees 22 Minutes 37 Seconds east 12.10 feet north 85 Degrees 38 Minutes 23 Seconds east 28 feet, more or less, thence still binding on said dividing zoning line southeasterly 177 feet, more or less, to the place of beginning.

Containing 0.39 acres of land, more or less.
08/30/93
RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION
ITEM #