IN THE MATTER OF THE APPLICATION OF GERALD D. SHERMAN & ROGER A. SPERO FOR A ZONING RECLASSIFICATION FROM D.R. 1 & M.L.-I.M. & M.H.-I.M. TO D.R. 3.5 ON PROPERTY LOCATED ON THE NE & SW/S GLADWAY ROAD, APPROXIMATELY 1150' N OF BENGIES ROAD; ALSO 2390' SE OF BIRD RIVER ROAD 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. R-94-341 Cycle III, 1994

* * * * * * * * *

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on a Petition for Reclassification filed by Allen Betten, Esquire, on behalf of Gerald D. Sherman & Roger A. Spero, Property Owners; Lawrence R. Rachuba, Legal Representative on property located on the northeast and southwest sides Gladway Road, approximately 1150' north of Bengies Road; also 2390' southeast of Bird River Road in the Fifteenth Election District of Baltimore County.

WHEREAS, Petitions for Reclassification pending on the Board's Continued Docket on the date of adoption of the Comprehensive Zoning Maps are considered to be moot; and

WHEREAS, no further action has been taken in this matter since a postponement was granted to Petitioners on November 17, 1994;

IT IS, THEREFORE, this 25th day of February, 2002, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. R-94-341 be and the same is declared moot, and the Petition **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 139983

DATE 3-1-94 ACCOUNT

CYCLE III #13
R-94-341

AMOUNT $

RECEIVED FROM: FAIRMONT

FOR:

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 14946

DATE 9/13/94 ACCOUNT R 001-6150

AMOUNT $ 35.00

RECEIVED FROM: Duckett Lane Joint Venture

FOR: Postings R-94-341

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

235

DUCKETT LANE JOINT VENTURE

8/3 1994 7-61/520

PAY TO THE ORDER OF Patuxent Publishing $ 331.80

Three Hundred Thirty-One & 80/100 DOLLARS

MERCANTILE-SAFE DEPOSIT & TRUST COMPANY
10801 FALLS ROAD
LUTHERVILLE, MARYLAND 21093

FOR C-94-341

"000235" :052000618: 00063908 11"

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 26, 1994

Gerald D. Sherman and Roger A. Spero
c/o Allen Betten
Tabor, Betten and Berman
One N. Charles Street, #1115
Baltimore, Maryland 21201

Re: Case Number: R-94-341
NE & SW/S Gladway Road, 1150'+/- N of Bengies Road, also
2390' SE of Bird River Road
15th Election District - 5th Councilmanic

Dear Mr. Betten:

Attached you will find a copy of the memorandum originally forwarded to you on May 24, 1994. As noted thereon, payment 1 (posting charge), is now overdue. Payment 2 (your client's share of the $4,313.40 cost of the full page ads) is now due.

Please immediately forward the following to this office:

1) A check made payable to Baltimore County, Maryland in the amount of $35.00.

2) A check made payable to Patuxent Publishing in the amount of $331.80.

Non-payment of fees will hold your case in abeyance. If you have any questions regarding this letter, you may contact Ms. Gwen Stephens at 887-3391.

Very truly yours,

ARNOLD JABLON
DIRECTOR

AJ:ggs

Per Gwen Stephens - ZADM

ALL ADVERTISING PAID FOR

CYCLE III RECLASS PETITIONS

Printed with Soybean Ink
on Recycled Paper

MEMORANDUM

TO: RECLASSIFICATION PETITIONERS, ATTORNEY, AND/OR REPRESENTATIVES

FROM: ZONING ADMINISTARTION AND DEVELOPMENT MANAGEMENT
111 W. Chesapeake Avenue, Towson, Maryland 21204

RE:: PAYMENT OF POSTING AND ADVERTISING FEES - RECLASSIFICATIONS

As you are aware, all government entities should endeavor to cut dollor out-put, misuse of labor and the proliferation of paperwork.

In the past, mandated newspaper advertising of Zoning actions was billed to Baltimore County. The processing of these ads and their subsequent bills touched several county agencies. Although, we will continue to place ads for the petitioner, in the majority of cases, Baltimore County will no longer act as a middle-man with regard to the newspaper billing.

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

Cycle Reclassification Petitions are required to be heavily advertised and are now the only instance when we must again act as middle-man. The initial full-page ads, containing the particulars of all the petitions in this Cycle, will run in the July 7, 1994 and July 14, 1994 issues of the Jeffersonian.

Patuxent Publishing will bill the County an estimated $4,600.00 for these full-page ads. This cost is charged back to the petitioners, equally divided among them. When you receive this bill from us, we ask that you immediately mail your check back to us. However, the check's payee should read Patuxent Publishing Company. In this manner, you help lower the County's cost by reducing or eliminating the purchasing, budget, and/or finance departments' involvement. Costs are also lowered as no funds will come out of the County budget to pay the advertising costs.

Briefly, your payments will be as follows:

1) Posting charges of $35.00, now due. Please make check payable to "Baltimore County" and mail to Zoning Administration & Development Management.

2) Your share of the full page ads. Our office will forward billing to you in late July. Upon receipt, please make your check payable to "Patuxent Publishing" and mail it to Zoning Administration and Development Management.

3) Advertising cost for your individual ad, which will run approxiamtely 3 to 4 weeks before your hearing. Billing for this will come directly from Patuxent Publishing and your check should be made payable to and mailed directly to Patuxent.

If you have any questions concerning this matter, please contact Gwendolyn Stephens at 887-3391.

8/4/94 Y

3925-94

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 26, 1994

Gerald D. Sherman and Roger A. Spero
c/o Allen Betten
Tabor, Betten and Berman
One N. Charles Street, #1115
Baltimore, Maryland 21201

Re: Case Number: R-94-341
NE & SW/S Gladway Road, 1150'+/- N of Bengies Road, also
2390' SE of Bird River Road
15th Election District - 5th Councilmanic

Dear Mr. Betten:

Attached you will find a copy of the memorandum originally forwarded to you on May 24, 1994. As noted thereon, payment 1 (posting charge), is now overdue. Payment 2 (your client's share of the $4,313.40 cost of the full page ads) is now due.

Please immediately forward the following to this office:

1) A check made payable to Baltimore County, Maryland in the amount of $35.00.

2) A check made payable to Patuxent Publishing in the amount of $331.80.

Non-payment of fees will hold your case in abeyance. If you have any questions regarding this letter, you may contact Ms. Gwen Stephens at 887-3391.

Very truly yours,

Rec'd Pd 8/4/94

C/P Sherman Cooper

ARNOLD JABLON
DIRECTOR

AJ:ggs

Pd ck 234 235

Acct. 1212-00

Printed with Soybean Ink on Recycled Paper

RECEIVED
AUG 4 1994
ZADM

County Board of Appeals of Baltimore County

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

MAY 24, 1994

NOTICE OF HEARING

CASE NUMBER: R-94-341
NE & Sw/S Gladway Road, approx. 1150' N of Bengies Road; also
2390' SE of Bird River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Gerald D. Sherman and Roger A. Spero

Petition to reclassify the property's zoning from D.R.-1 and M.L.-I.M. and M.H.-I.M. to D.R.-3.5.

HEARING: Tuesday, December 6, 1994 at 10:00 a.m.

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

William T. Hackett/ffs

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Lawrence R. Rachuba
Alan Betten, Esq.

94 MAY 27 PM 2:55

COUNTY BOARD OF APPEALS

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County

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

H aring Room - Room 48
Old Courthouse, 400 Washington Avenue

October 4, 1994

NOTICE OF ASSIGNMENT /Amended Documented 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-94-341

GERALD D. SHERMAN AND ROGER A. SPERO - Petitioners NE & SW/s Gladway Road, approximately 1150' N of Bengies Road; also 2390' SE of Bird River Road
15th E; 5th C

3/01/94 -Petition for Reclassification filed by Petitioner.

Scheduled for public hearing **for purpose of submitting Amended (Documented) Plan on the record.** The hearing on the merits of the reclassification petition is scheduled for Tuesday, December 6, 1994 at 10:00 a.m. Board will receive copies of Amended Plan only on 10/18/94; no evidence or testimony on merits of reclassification request to be received on that date; and has been

ASSIGNED FOR: **TUESDAY, OCTOBER 18, 1994 at 9:30 a.m.**

cc: Allen Betten, Esquire — Counsel for Petitioners
Gerald D. Sherman and Roger A. Spero — Petitioners
Lawrence R. Rachuba — Legal Representative /Petitioner

Daft-McCune-Walker, Inc. — Engineer

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

Kathleen C. W id nhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

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

(410) 887-2188

94 NOV -9 PM 12:47

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 9, 1994

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

Re: Petition for Reclassification
NE & SW/S Gladway Road, appx. 1150' N of Bengies Rd. and 2390 feet south of Bird River Road
GERALD SHERMAN/ROGER SPERO, Petitioners; Cycle III, 1994
Case No. R-94-341, Item No. 13

Dear Chairman Hackett:

This case is presently scheduled on December 6, 1994 for hearing on the merits of zoning reclassification. For the following reasons, based on information which has come to the attention of this office, the Board should not proceed on the merits on December 6, but rather use this date as, in effect, a scheduling or pre-trial conference.

These are the reasons:

(1) It now appears that a number of residents in the neighborhood may not have any notice of the hearing. In this context, there was no general public notice provided for the October 18 hearing, at which a site plan was submitted to amend the Petition. There also may not have been any posting of the property, which in any event is located to the interior of main roads.

(2) We have not yet received comments from the Office of Planning and Zoning and other agencies regarding the amended Petition. Nor has the Planning Board yet acted on the Petition and forwarded a recommendation. Under these circumstances it appears that it will be impossible for interested parties to prepare for the hearing in the short time span between Planning Board action and December 6. In other words, even assuming adequate public notice, this office's view is that the case is not in a posture to go forward on the merits December 6.

Accordingly, given these circumstances, the Board should convene on December 6 for the purpose of a scheduling or pre-trial conference only. Moreover, this may be required to comport with the statutory procedure on reclassifications and to insure due process of law for all interested parties.

Very truly yours,

Peter Max Zimmerman

PMZ/caf

cc: Alan Betten, Esquire
Attorney for Petitioner

Arnold F. (Pat) Keller,
Director, Office of Planning and Zoning
and Secretary, Baltimore County Planning Board

LAW OFFICES OF
TABOR, BETTEN AND BERMAN
PROFESSIONAL ASSOCIATION
SUITE 1115-THE BLAUSTEIN BUILDING
ONE NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3719

NEIL TABOR
ALAN BETTEN
CYNTHIA A. BERMAN

TELEPHONE 547-1500
FACSIMILE 547-0436
AREA CODE 410

November 15, 1994

94 NOV 17 PM 2:46

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

Re: Petition for Reclassification NE & SW/S
Gladway Road, appx. 1150' N of Bengies Rd.
and 2390 feet south of Bird River Road
GERALD SHERMAN/ROGER SPERO, Petitioners;
Cycle III, 1994 Case No. R-94-341,
Item No. 13 (the "Sherman Property")

Dear Chairman Hackett:

The above-captioned case concerning the Petition for Zoning Reclassification of the Sherman Property is presently scheduled for December 6, 1994. The Petitioners are in the process of considering further amendments to the Petition as a result of concerns expressed by the affected community. Thus, the Petitioners request that the hearing scheduled for December 6, 1994 be postponed until further notice that the Petitioners are ready to proceed with this matter.

If you or any member of your staff have any questions concerning this matter, please feel free to give me a call.

Very truly yours,

Alan Betten
Counsel to Petitioners

AB:jlb

cc: Mr. Lawrence R. Rachuba
Mr. George E. Gavrelis
Peter Zimmerman, Esquire
Mr. Arnold F. (Pat) Keller, Director,
Office of Planning and Zoning
and Secretary, Baltimor County
Planning Board

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 18941

DATE 9/13/94 ACCOUNT R-001-6150

AMOUNT $ 35.00

RECEIVED FROM: Duckett Lane Joint Venture

FOR: Postings R-94-341

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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 18, 1994

NOTICE OF POSTPONEMENT

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

CASE NO. R-94-341

GERALD D. SHERMAN AND ROGER A. SPERO - Petitioners NE & SW/s Gladway Road, approximately 1150' N of Bengies Road; also 2390' SE of Bird River Road
15th E; 5th C

3/01/94 -Petition for Reclassification filed by Petitioner.

which was scheduled for hearing on December 6, 1994 has been **POSTPONED** at the request of Counsel for Petitioner; to be reset only upon request.

---

cc: Allen Betten, Esquire — Counsel for Petitioners
Gerald D. Sherman and Roger A. Spero — Petitioners
Lawrence R. Rachuba — Legal Representative /Petitioner

Daft-McCune-Walker, Inc. — Engineer

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

Kathleen C. Weidenhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-26-94

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

Re: Baltimore County
~~Item~~ No.: R-94-341

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID W. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 20, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-341 - Sherman Tract
Gladway Road
Zoning Advisory Committee Meeting of April 25, 1994

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Forest Conservation Regulations.

Extensive, nontidal wetlands associated with the headwaters of Windlass Run exist on site.

This Department's lack of objection to the proposed zoning reclassification does not imply approval of any future development plan/concept. The severity of the environmental constraints on the property may preclude significant development regardless of land use zoning.

JLP:GS:sp

SHERMAN/DEPRM/TXTSBP

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

November 9, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item ~~#94-341~~ - Sherman Tract - REVISED
Gladway Road, South of Bird River
Zoning Advisory Committee Meeting of October 31, 1994

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

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Forest Conservation Regulations.

JLP:GS:sp

SHERMAN/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 7, 1994
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for Nov. 7, 1994
Item No. 13 Case No.R-94-341

The Developers Engineering Section has reviewed the subject zoning item. See comments addressed to Pat Keller, dated October 14, 1994 from this office regarding the Sherman Property-Documented Site Plan.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTENTION: MS JOYCE WATSON

Re: Baltimore County
Item No.: #13
CASE NO: R-94-341

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Director
Office of Planning & Zoning
Attention: Jeffrey Long

DATE: October 19, 1994

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

SUBJECT: Submittal of Amended Documented Site Plan --
Case No. R-94-341 /Sherman Property

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on October 18, 1994, we are transmitting to you a copy of the Amended Documented 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 Documented Site Plan to the Office of Zoning Administration & Development Management.

William T. Hackett

Attachment (1 copy of Amended/Documented Site Plan)

cc: W. Carl Richards, Jr. w/10 copies of Amended/Documented Site Plan
People's Counsel for Baltimore County

R-94-341

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board

DATE: November 3, 1994

FROM: Pat Keller, Director
Office of Planning & Zoning

SUBJECT: Sherman Propery

Pursuant to Section 2-356(m) of the Baltimore County Code, Gerald D. Sherman and Roger A Spero, through their attorney, Allen Betten, Esquire, filed a Documented Site Plan with the Baltimore County Board of Appeals at a public hearing on October 18, 1994. The Documented Site Plan reflects the Petitions' desire to develop the subject site with 161 single-family, detached dwellings.
In compliance with Section 2-356(m)(2) of the Baltimore County Code, the amendment was forwarded to other County agencies and it was requested that each agency provide comments for distribution to the Baltimore County Planning Board (see attached).

Based upon a review of the Documented Site Plan and inter-agency comments regarding the reclassification of the subject property, it is clear that the issues raised by the County would be more appropriately considered during the 1996 Comprehensive Zoning Map Process. Therefore, this office recommends that the existing zoning be retained at this time.

Pat Keller

Pat Keller

JL
SHERMAN/PZONE/TXTJWL

BALTIMORE COUNTY
DEPARTMENT OF ECONOMIC DEVELOPMENT

MEMO

RECEIVED
NOV 2 1994
OFFICE OF
PLANNING & ZONING

TO: Jeff Long
Office of Planning

FROM: Peter Swanson PS

RE: Sherman Property

DATE: November 1, 1994

Jeff,

Generally speaking, the Department of Economic Development does not support requests to downzone industrially zoned land to a residential zone classification. As a rule, the department seeks to maintain and reserve as much industrial land as possible for large industrial users; either existing companies going through an expansion or net new companies entering the area.

In the case of the Sherman Property, the request has been made to rezone 35.47 acres of ML-IM land and .56 acres of MH-IM land to DR 3.5. This property is also adjacent to the A.V. Williams property, which is the largest industrially zoned property in Baltimore County, at approximately 1,000 acres of MH and ML zoned land.

Given the size and industrial development potential of the adjacent Williams property, the Department of Economic Development is concerned about rezoning 36 acres of the Sherman Property to DR 3.5 for residential homes. Our office, therefore, does not support the request for down-zoning.

c: Neil Jacobs
Adam Wasserman

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Jeffrey Long, OPZ

DATE: October 14, 1994

FROM: Glenn Shaffer, EIR

SUBJECT: Documented Site Plan for Sherman Property

The above referenced plan has been reviewed by the Environmental Impact Review (EIR) Section of DEPRM for compliance with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and the Forest Conservation Regulations. Based upon this review, the following concerns were raised:

1. The wetlands on and within 50 feet of the site must be delineated by a qualified environmental consultant and the delineation approved by EIR staff. The approved wetland limit shall be surveyed and shown on this and all plans.

2. All streams on and within 200 feet of the site must be field surveyed and accurately shown on this and all development plans.

3. The Forest Buffer limits must be accurately shown on all development plans in accordance with Section 14-341.

4. A Forest Stand Delineation (FSD) and Preliminary Forest Conservation Plan (FCP) must be prepared in accordance with Sections 14-405 and 14-407 by a landscape architect or other qualified professional as defined in COMAR 08.19.06.01 and approved by this Department.

5. The amount and pattern of forest clearing depicted on the Documented Site Plan appear to pose a conflict with Section 14-409(B).

6. EIR cannot comment more specifically on the proposed plan without the information above, and recommends not approving the Documented Site Plan for the Sherman Property until the above items are addressed and the plan revised accordingly.

If there are any questions regarding these comments, please contact me at extension 3980.

RECEIVED

OCT 14 1994

OFFICE OF
PLANNING & ZONING

GS:sp

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 14946

DATE 9/13/94 ACCOUNT R 001-6150

AMOUNT $ 35.00

RECEIVED FROM: Duckett Lane Joint Venture

FOR: Postings R-94-341

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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

DEPARTMENT OF PUBLIC WORKS

L E T T E R O F T R A N S M I T T A L

TO: Pat Keller, Director
Office of Planning & Zoning

DATE: October 18, 1994

ATTENTION: Jeffery Long

FROM: Thomas H. Hamer, P.E.
Acting Director
Department of Public Works

SUBJECT: Sherman Property, Documented Site Plan
Public Works - Preliminary Site Comments

Attached are preliminary comments for the documented site plan, per your request of October 5, 1994.

Should additional information be required, please contact Mr. Robert Bowling of the Developers Engineering Section at 887-3751.

THH:LS:ckt

Attachments

cc: R. Bowling, D.E.S. (w/attachments)

SHERMAN/DASGENC.94

RECEIVED

OCT 24 1994

OFFICE OF
PLANNING & ZONING

BALTIMORE COUNTY, MARYLAND

TO: Pat Keller, Director
Office of Planning & Zoning

DATE: October 17, 1994

Attn.: Jeffrey Long X-3450 M.S. 3402

SUBJECT: DOCUMENTED SITE PLAN
SHERMAN PROPERTY

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

The Developer's Engineering Section has reviewed the Site Plan, and our preliminary comments are as follows:

1. This site will need to go through the development plan process approval before construction can begin.

2. The existing access to the proposed development is not adequate and is unacceptable.

3. All interior roads in the actual subdivision will be 30 foot paving cross-sections with concrete curbs and gutters on 50 foot right-of-ways with Baltimore County standard cul-de-sacs.

4. Sidewalks and street lights will be required.

5. A flood study and stormwater management will be required.

6. The 8" water line for this site may not be adequate, and there are low pressure possibilities.

7. It is against County policy to pump sanitary sewer from one sewer shed to another one, which this plan indicates. Sewer is not available to this site, offsite right-of-way will be required.

8. Landscaping will be required per the manual.

9. Additional and specific comments will be generated in the future under the development plan process.

If additional information is required, do not hesitate to contact me.

RWB:JWS:jrb

cc: R. W. Bowling
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Jeffrey Long
Office of Planning & Zoning

Date October 17, 1994

FROM Ronald R. Schaeffer
Department of Recreation and Parks

SUBJECT Review of Documented Site Plan
Sherman Property

Our staff has reviewed the attached Documented Site Plan for the Sherman Property. Clarence Rowell, Eastern Region Superintendent, and Norman Knoerlein, Program Coordinator in Middle River, made a physical inspection of the property on Friday, October 7.

It was the feeling of our staff that this property would make an ideal park site for the Middle River Community; however, as the property is apparently unavailable, it would appear that rezoning the property to DR 3.5 would at least provide some Local Open Space for possible recreational use. However, we would recommend supporting a PUD on this property rather than the rezoning to DR 3.5. In this way, we would require ten acres of active open space which will help to meet the needs of the Middle River Community. Please see attached sheet regarding the deficit of acreage in Middle River.

There was some concern expressed regarding the access roads to this property as all roadways are exceptionally narrow. Whatever development is done will probably require that access roads be widened and improved so as to accommodate traffic.

If our department can be of further assistance, please advise.

R. R. S.

RRS:mab
Att.
c: Wayne R. Harman
F. Clarence Rowell
Norman Knoerlein
Pat Keller

Printed with Soybean Ink on Recycled Paper

MIDDLE RIVER REC. & PARKS COUNCIL
PARKLAND & FACILITIES NEEDS ASSESSMENT
OCTOBER, 1994

The following summarizes the Middle River Recreation and Park Council's current parkland acreage supply and need. . .

1. Current Supply:

Small-scale Parklands (Neighborhood & Community Parks; SRCs):	129 acres
Mid-scale Parklands (Regional Parkland Share):	49 acres
Large-scale Parklands (Countywide Parkland Share):	236 acres
TOTAL:	414 acres

2. Current Needs:

Countywide Parkland Goal:	25 acres per 1,000 residents
1990 Middle River Council Population*:	approximately 22,400
Total Parkland Need:	560 acres

3. Overall Supply Deficit: 146 acres

4. Basic Facility Needs:

Facility Type	Current Supply	Current Need	Current Deficit
Ball Diamonds	14	18	4
Athletic Fields	8	9	1
Tennis Courts	5	9	4
Multi-Use Cts.	8	5	0

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The property owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

3-1-94

R-94-341

NOTES TO FILE:

1. APPLICANT IS USING SITE PLAN AS SUBSTITUTE FOR ZONING MAP.

Joe

SHERMAN, SPERO & SAFARINO, LTD.
A PROFESSIONAL CORPORATION
CERTIFIED PUBLIC ACCOUNTANTS
780 LYNNHAVEN PARKWAY
SUITE 380
VIRGINIA BEACH, VA 23452
TEL: 804-468-2279
FAX: 804-468-2196

SIDNEY G. SPERO, C.P.A. (1906—1987)
GERALD D. SHERMAN, C.P.A.
ROGER A. SPERO, C.P.A.
GEORGE SAFARINO, C.P.A.
PAUL A. BALLENTINE, C.P.A.
WILLIAM K. OLIVER, C.P.A.

MEMBERS
THE VIRGINIA SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
THE NEW YORK STATE SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

February 28, 1994

Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Gentlemen:

This letter authorizes Lawrence R. Rachuba to take all actions and sign all forms necessary in the zoning reclassification petition of my property located at Sterling Avenue, 2400 ft.± easterly of Wampler Road, Baltimore County, Maryland.

Sincerely,

Gerald D. Sherman, joint owner

Roger A. Spero, joint owner

R-94-341

TRANSMITTAL

R-94-341

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: Baltimore County Board of Appeals
c/o ZADM, County Office Building, Towson, MD

Date: 1 March 1994

Job No.: 93077

Attention:

Reference: Sherman Tract

We are sending you
☐ Shop drawings ☐ Samples ☐ Plans
☐ Specifications ☐ attached ☐ under separate cover: ☑ via Carry
☐

Copies	Date	Number	Description
3 ~~4~~ each	3/1/93		Reclass. petition & power of attorney
4	3/1/93		Written zoning description
4	-		Justification for requested reclass.
12	3/1/93		Plat to Accompany Petition

These are transmitted as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☐ For review and comment ☑ Processing

Remarks

Also submitted:

- 4 separate xerox copies of part of 1000 scale Zoning Map
- 4 extra prints, 200 scale zoning maps NE·5I & 5J, attached & showing tract.
- Filing fee of $ 1,250.00

cc:

Signed George E. Gavrelis

TRANSMITTAL

REVISED 3/29/94

R.94-341

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: Sophie Jennings
ZADM
County Office Bldg

Date: 3/29/94
Job No.: 93077
Attention:
Reference: Cycle #13 item

We are sending you ☐ attached ☐ under separate cover: ☑ via Linda
☐ Shop drawings ☐ Samples ☐ Plans
☐ Specifications ☐

Copies	Date	Number	Description
1	-		Original signed reclassification petition by legal owner's representative and attorney

These are transmitted as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☐ For review and comment ☐

Remarks

As discussed today on the telephone, we are sending a copy of petition with attorneys signature added. Linda Jones will white-out the DR 3.5 as listed for existing zoning.

cc: Allen Betten
One North Charles Street
Suite 1115
Baltimore, MD 21201

Signed George E. Gavrelis

235

DUCKETT LANE JOINT VENTURE

8/3 1994 7-61/520

PAY TO THE ORDER OF Patuxent Publishing $ 331.80

Three Hundred Thirty-One & 80/100 DOLLARS

MERCANTILE-SAFE DEPOSIT & TRUST COMPANY
10801 FALLS ROAD
LUTHERVILLE, MARYLAND 21093

FOR C-94-341

"000235" :052000618: 00063908 11"

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: KATHY WEIDENHAMMER
BD of APPEALS

Date: 10.5.94

Job No.: 93077.A

Attention:

Reference: SHERMAN PROP.
CASE R-94-341

We are sending you
☐ Shop drawings
☐ Specifications

☒ attached ☐ under separate cover: ☒ via DMW
☐ Samples ☒ Plans
☐

Copies	Date	Number	Description
12		1-3/3	REVISED RECLASS. PLANS

These are transmitted as checked below:
☐ For approval
☐ For your use
☐ As requested
☐ For review and comment
☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections
☐
☐ Resubmit
☐ Submit
☐ Return
____ copies for approval
____ copies for distribution
____ corrected prints

Remarks BD. of APPEALS MEETING 10/18.
HEARING 12/6/94.

PLEASE SUBSTITUTE THESE for PLANS FORMERLY FILED.

Thank you!

cc: ALAN BEREN, ESQ.

Signed

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: SOPHIE ZADM

Date: 10.12.94

Job No.: 9[illegible]M.A

Attention:

Reference: [illegible]

We are sending you ☒ attached ☐ under separate cover: ☑ via [illegible]

☐ Shop drawings ☐ Samples ☒ Plans

☐ Specifications ☐

Copies	Date	Number	Description
1	10/12	9034	OK. $160

These are transmitted as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints

☐ For review and comment ☐

Remarks REVISION FEE, PLANS [illegible]

10.15.94 [illegible]

cc: L. RACHUBA

Signed [illegible]

5127-94

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: CARL RICHARDS
ZADM

Date: 10.18.94

Job No.: 93077A

Attention:

Reference: SHERMAN PROP.

We are sending you ☒ attached ☐ under separate cover: ☒ via DLVRY
☐ Shop drawings ☐ Samples ☒ Plans
☐ Specifications ☐

Copies	Date	Number	Description
5	10/94		ENVIRO. IMPACT STMTS

RECEIVED
OCT 18 1994
ZADM

These are transmitted as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☒ For review and comment ☐

Remarks ZONING RECLASS. CASE #R-94-341
AMENDED PLANS SUBMITTED TO BD. of APPEALS TODAY
PLANNING BD. HRG. MR NOV. 17
RECLASS. HRG. DEC. 6

PLEASE DISTRIBUTE TO APPROPRIATE AGENCIES

cc: L. RACHUBA
A. BETTEN

Signed

T/C 10/12/94 w/ Jean Tansey - DMD -
will drop off remission fee to
Sophie in ZASM sometime between
today and 10/18/94.

K.

KATHI

I have the only petition with an original attorney signature

Sophia

REVISED 3/29/94

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: Sophie Jennings
ZADM
County Office Bldg

Date: 3/29/94
Job No.: 93077
Attention:
Reference: Cycle #13 item

We are sending you ☐ attached ☐ under separate cover: ☑ via Linda
☐ Shop drawings ☐ Samples ☐ Plans
☐ Specifications ☐ _____

Copies	Date	Number	Description
1	-		Original signed reclassification petition by legal owners representative and attorney

These are transmitted as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☐ For review and comment ☐ _____

Remarks

As discussed today on the telephone, we are sending a copy of petition with attorneys signature added. Linda Jones will white-out the DR 3.5 as listed for existing zoning.

cc: Allen Betten
One North Charles Street
Suite 1115
Baltimore, MD 21201

Signed George E. Gavrelis

WINDLESS RUN IMPROVEMENT ASSOCIATION, INC.
1004 GLADWAY ROAD
BALTIMORE, MD 21220
687-5877

March 7, 1995

95 MAR -8 PM 12:

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

RE: Petition for Reclassification NE & SW/S
Gladway Road, appx. 1150' N of Bengies Rd.
and 2390 feet south of Bird River Road
GERALD SHERMAN/ROGER SPERO, Petitioners;
Cycle III, 1994 Case No. R-94-341,
Item No. 13 (the "Sherman Property")

Dear Chairman Hackett,

As of this date, Windless Run Improvement Association, Inc. is under the impression that no future date has been set in for the above captioned case.

I would appreciate your office contacting me if the situation should change or notify us of anything happening with this property.

You can contact me by mail at my home address, 1111 Gladway Road, Baltimore, MD 21220 or by phone 574-5255.

Sincerely,

WINDLESS RUN IMPROVEMENT ASSOCIATION, INC.

Leslie Kaminski

Leslie Kaminski
Vice President

cc: Adrianne Bayle, President

OK 3/8/95 K.

LAW OFFICES OF
TABOR, BETTEN AND BERMAN

NEIL TABOR
ALAN BETTEN
CYNTHIA A. BERMAN

PROFESSIONAL ASSOCIATION
SUITE 1115-THE BLAUSTEIN BUILDING
ONE NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3719

TELEPHONE 547-1500
FACSIMILE 547-0436
AREA CODE 410

September 30, 1994

VIA HAND DELIVERY

Board of Appeals of Baltimore County
Room 49
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204
Attention: Ms. Kathy Weidenhammer

Re: Case No. R-94-341

Dear Ms. Weidenhammer:

Please be advised that this Firm represents the Petitioners in the above-captioned matter. This letter is intended to request that you schedule a formal hearing at a public session of the Board of Appeals so that the Petitioners' Documented Plan can be submitted in lieu of the Open Plan previously filed with the Petition for Reclassification. As you know, a hearing has been scheduled in this matter before the Board of Appeals for December 6, 1994.

I look forward to hearing from you shortly concerning the date and time of the hearing concerning the submission of the Documented Plan.

Very truly yours,

Alan Betten

AB:jlb

cc: Mr. Lawrence R. Rachuba (via facsimile)
Mr. George Gavrelis (via facsimile)
Ms. Jean Tansey (via facsimile)
Mr. Jeff Long

COUNTY BOARD OF APPEALS
94 OCT -3 AM 10:39

10/18/94 @ 9:30 am } for subm. of Doc Plan only

GERALD D. SHERMAN & ROGER A. SPERO
NE & SW/s Gladway Road, approx. 1150' N of Bengies Road; also 2390' SE of Bird River Road

#R-94-341
Item #13, Cycle III, 1994

15th Election District
5th Councilmanic District

From D.R. 1 & M.L.-I.M. & M.H.-I.M. to D.R. 3.5

51.66 acres

March 1, 1994 Petition for Reclassification filed by Alan Betten, Esquire, and TABOR, BETTEN & BERMAN, on behalf of Gerald D. Sherman & Roger A. Spero, Property Owners; Lawrence R. Rachuba, Legal Representative.

✱ Allen Betten, Esquire — Counsel for Petitioners
TABOR, BETTEN AND BERMAN
One North Charles Street, Suite 1115
Baltimore, MD 21201

Gerald D. Sherman and
Roger A. Spero — Petitioners
Suite 380, 780 Lynnhaven Parkway
Virginia Beach, VA 23452

Lawrence R. Rachuba — Legal Representative /Petitioner
2360 West Joppa Road, Suite 310
Lutherville, MD 21093

Daft-McCune-Walker, Inc. — Engineer
200 E. Pennsylvania Avenue (Ms. Jean Jansen)
Towson, MD 21286

James Earl Kraft /Board of Education
Mail Stop #1102-J

People's Counsel for Baltimore County

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

√ 6

Ms. Leslie Kaminski
1111 Gladway Road
Baltimore, MD 21220

(Ms. Kaminski is VP of the
Windless Run Improvement Assn Inc
1004 Gladway Road
Baltimore, MD 21220

10/04/94 -Following parties notified of open hearing to receive amended (Documented) site plan only set for Tuesday, October 18, 1994 at 9:30 a.m.:

Allen Betten, Esquire
Gerald D. Sherman and
Roger A. Spero
Lawrence R. Rachuba
Daft-McCune-Walker, Inc.
James Earl Kraft /Bd of Ed
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

NOTE: Above hearing scheduled for purpose of submission of Documented Site Plan at the request of Allen Betten, Esquire, by letter dated September 30, 1994.

10/18/94 -Documented Site Plan submitted to Board on record and in open hearing. To be forwarded to Planning and ZADM.

10/19/94 - Amended Documented Plans forwarded to ZADM and Planning Director.

11/09/94 -Letter from People's Counsel; requesting continuance on 12/06/94 only.

11/17/94 -Letter from Alan Betten, Esquire, Counsel for Petitioners; requesting postponement of 12/06/94 hearing, until further notice; considering further amendments to Petition.

11/17/94 -Notice of Postponement sent to parties; to be reset when requested by Petitioner. NOTE: Amended Plan submitted to Board 10/18/94 was pulled from Planning Board agenda by Petitioner; no comments will be forthcoming from Planning Board at this time.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 26, 1994

Gerald D. Sherman and Roger A. Spero
c/o Allen Betten
Tabor, Betten and Berman
One N. Charles Street, #1115
Baltimore, Maryland 21201

Re: Case Number: R-94-341
NE & SW/S Gladway Road, 1150'+/- N of Bengies Road, also
2390' SE of Bird River Road
15th Election District - 5th Councilmanic

Dear Mr. Betten:

Attached you will find a copy of the memorandum originally forwarded to you on May 24, 1994. As noted thereon, payment 1 (posting charge), is now overdue. Payment 2 (your client's share of the $4,313.40 cost of the full page ads) is now due.

Please immediately forward the following to this office:

1) A check made payable to Baltimore County, Maryland in the amount of $35.00.

2) A check made payable to Patuxent Publishing in the amount of $331.80.

Non-payment of fees will hold your case in abeyance. If you have any questions regarding this letter, you may contact Ms. Gwen Stephens at 887-3391.

Very truly yours,

ARNOLD JABLON
DIRECTOR

AJ:ggs

Per Gwen Stephens - ZADM

ALL ADVERTISING PAID FOR

CYCLE III RECLASS PETITIONS

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: May 3, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton trs
Board of Appeals

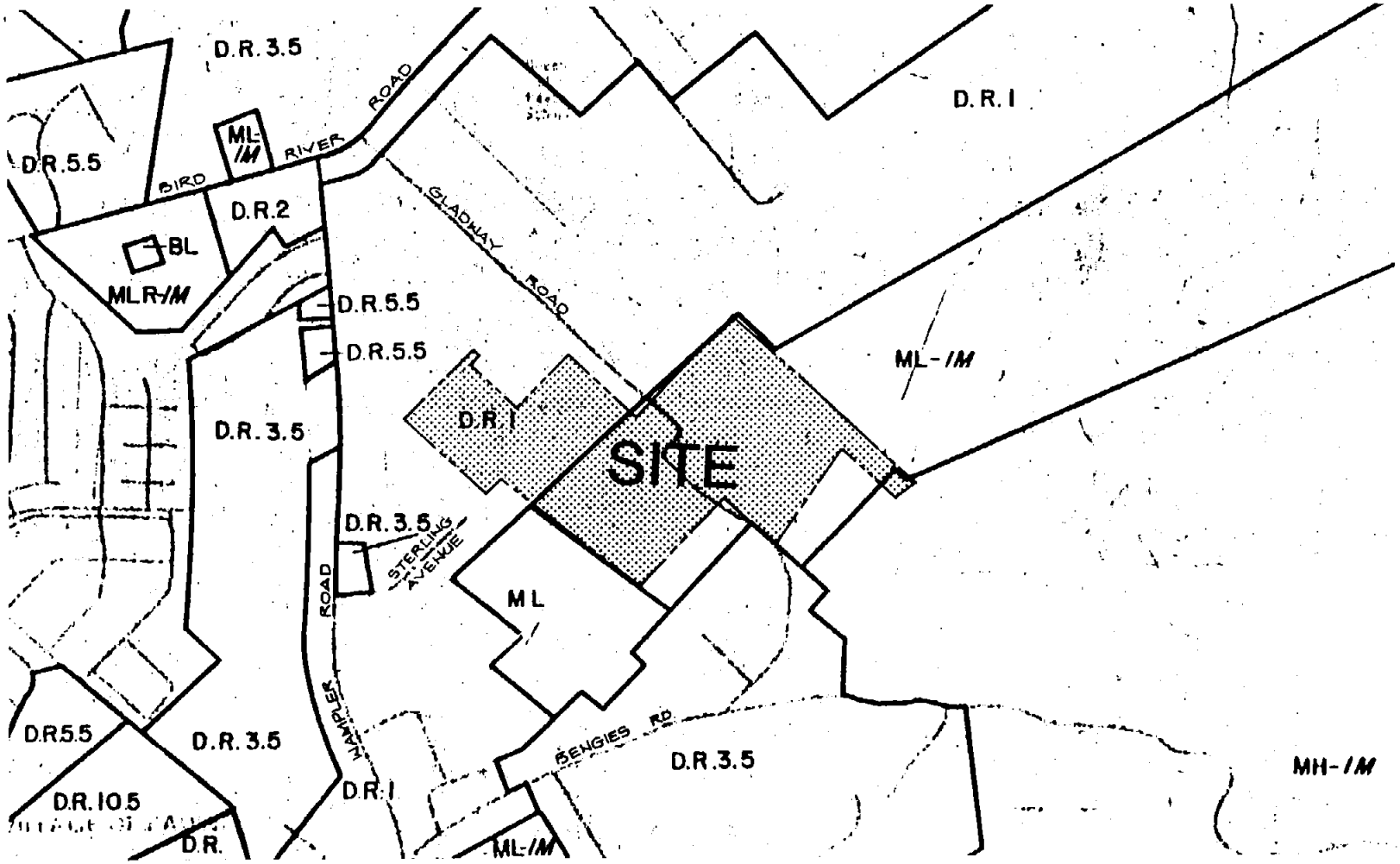
SUBJECT: **CLOSED APPEAL CASE FILE**

The following case has been finalized and the Board of Appeals is closing the copy of the appeal case file and returning the file and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	***PDM FILE NUMBER***	**NAME**	**LOCATION**
R-94-341	*R-94-341*	GERALD D. SHERMAN AND ROGER A. SPERO	BENGIES AND BIRD RIVER ROADS

Attachment: SUBJECT FILE(S) ATTACHED

R-94-341



PORTION OF BALTIMORE COUNTY
1000 SCALE ZONING MAP E-4

WILLIAM J. MACHER, ET AL
5046/295

FORWARD DEVELOPMENT COM
7449/520

JOHN C. & OLLIE M. WOLH
2102/142

PHILIP C. & ADRIANNE M. BA
8257/670

ounty Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Allen Betten, Esquire
TABOR, BETTEN AND BERMAN
One North Charles Street, Suite 1115
Baltimore, MD 21201

ounty Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Gerald D. Sherman and
Roger A. Spero
Suite 380, 780 Lynnhaven Parkway
Virginia Beach, VA 23452

ounty Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Mr. Lawrence R. Rachuba
2360 West Joppa Road, Suite 310
Lutherville, MD 21093

unty Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Daft-McCune-Walker, Inc.
200 E. Pennsyvlania Avenue
Towson, MD 21204

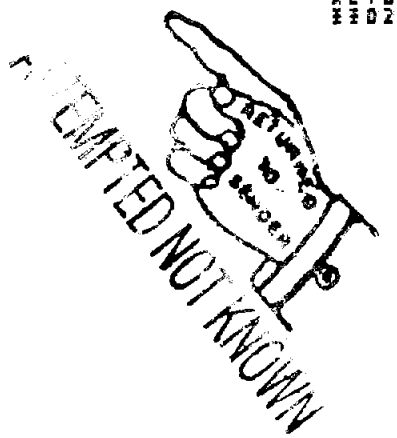
County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

RETURN SERVICE REQUESTED
**02-26-02 BALTO MD212

PRESORTED
FIRST CLASS

TOWSON MD



ALLEN BETTEN ESQUIRE
TABOR BETTEN & BERMAN
ONE NORTH CHARLES STREET
SUITE 1115
BALTIMORE MD 21201

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

RETURN SERVICE REQUESTED
E302-26-02 BALTO MD212

PRESORTED
FIRST CLASS

TOWSON
MD

02 MAR -5 PM 12:47

LAWRENCE R RACHUBA
2360 WEST JOPPA ROAD
SUITE 310
LUTHERVILLE MD 21093

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

R-94-341
REN 10/18/94

Sherman Property

Environmental Impact Statement

October 1994

Project No. 93077.A

Prepared for:
Ducketts Lane Joint Venture
2360 West Joppa Road, Suite 310
Lutherville, MD 21093

Prepared by:
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

1.0 INTRODUCTION

The following Environmental Impact Statement was prepared to describe general site conditions and to analyze environmental effects of the proposed development of the Sherman Property. It has been prepared prior to final design, detailed analysis and modeling of site hydrology and other potential environmental impacts.

The site currently exists as an undeveloped wood lot. Proposed development consists of an approximately 160 lot, single-family dwelling, residential subdivision.

2.0 SITE CONDITIONS

2.1 Location

The Sherman Property is a 52-acre parcel located north of Glenn L. Martin State Airport in the Middle River area of the county. The site is further identified as Parcel 238 of Grid 24 on Tax Map No. 82. The southern 2/3 of the site is zoned light industrial (ML-IM) with the remainder zoned low density residential (DR-1). The site is accessed from the west by Sterling Road, and from the north by Gladway Road. The surrounding land uses are a mixture of varying density residential areas interspersed with light manufacturing/ industrial uses.

2.2 Geology

The site is located upon the unconsolidated sands, silts, clays, and gravels of the Coastal Plain physiographic province. More specifically, the site is underlain by the sand facies of the Patapsco Formation which is described as "well sorted, medium to fine grained quartz sand with locally abundant quartz gravel and clay clasts" (Geologic Map of Baltimore County and City, Maryland Geological Survey 1976).

2.3 Soils

Soils at the site are mapped as part of the Sassafras-Woodstown-Fallsington Association which is described as "well drained, moderately well drained, and poorly drained soils that have a subsoil of sandy clay loam; underlain by thick stratified sediment; on uplands." The Sassafras soils are found predominantly on the higher knolls; Woodstown soils are found on the slopes above the flood plains; and the Fallsington soils are found in association with the lower elevations.

2.4 Topography and Hydrology

Site elevations range from approximately 84 feet above mean sea level on a centrally located knoll, to approximately 36 feet above mean sea level along the flood plain of Windlass Run (Use -I) which is located near the southern reaches

MEMORANDUM

TO: RECLASSIFICATION PETITIONERS, ATTORNEY, AND/OR REPRESENTATIVES

FROM: ZONING ADMINISTARTION AND DEVELOPMENT MANAGEMENT
111 W. Chesapeake Avenue, Towson, Maryland 21204

RE:: PAYMENT OF POSTING AND ADVERTISING FEES - RECLASSIFICATIONS

As you are aware, all government entities should endeavor to cut dollor out-put, misuse of labor and the proliferation of paperwork.

In the past, mandated newspaper advertising of Zoning actions was billed to Baltimore County. The processing of these ads and their subsequent bills touched several county agencies. Although, we will continue to place ads for the petitioner, in the majority of cases, Baltimore County will no longer act as a middle-man with regard to the newspaper billing.

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

Cycle Reclassification Petitions are required to be heavily advertised and are now the only instance when we must again act as middle-man. The initial full-page ads, containing the particulars of all the petitions in this Cycle, will run in the July 7, 1994 and July 14, 1994 issues of the Jeffersonian.

Patuxent Publishing will bill the County an estimated $4,600.00 for these full-page ads. This cost is charged back to the petitioners, equally divided among them. When you receive this bill from us, we ask that you immediately mail your check back to us. However, the check's payee should read Patuxent Publishing Company. In this manner, you help lower the County's cost by reducing or eliminating the purchasing, budget, and/or finance departments' involvement. Costs are also lowered as no funds will come out of the County budget to pay the advertising costs.

Briefly, your payments will be as follows:

1) Posting charges of $35.00, now due. Please make check payable to "Baltimore County" and mail to Zoning Administration & Development Management.

2) Your share of the full page ads. Our office will forward billing to you in late July. Upon receipt, please make your check payable to "Patuxent Publishing" and mail it to Zoning Administration and Development Management.

3) Advertising cost for your individual ad, which will run approxiamtely 3 to 4 weeks before your hearing. Billing for this will come directly from Patuxent Publishing and your check should be made payable to and mailed directly to Patuxent.

If you have any questions concerning this matter, please contact Gwendolyn Stephens at 887-3391.

of the site. An unnamed tributary of Windlass Run, located in the southern-most property corner, drains the western portions of the site. An area of non-tidal wetlands is associated with this drainage. Another unnamed tributary of Windlass Run, located along the northeastern property boundary, drains the eastern portions of the site. This area also has an area of wetlands in association.

2.5 Vegetation

The entire site is forested with a typical Coastal Plain community dominated by 30 to 50 year old chestnut oak and scarlet oak. Virginia pine is scattered throughout the overstory and red maple is a common component of wetland areas. The understory is dominated by laurel, blueberry and azalea with very dense patches of greenbriar. There were no specimen trees observed anywhere on site.

3.0 ENVIRONMENTAL EFFECTS

3.1 Proposed Action

The proposed action is to develop an approximately 160 lot residential subdivision on this site. Public utility connections will be made at existing utility infrastructure. Two temporary sewage pumping stations will be constructed to pump site sewage into an existing line in Sterling Avenue until such time as construction of a gravity system is complete. Sediment and stormwater management facilities will be employed during and following construction activities.

3.2 Probable Environmental Impact

The environmental matrix of the area surrounding the site is residential and light industrial land use with transportation, sanitary sewer, and water supply infrastructure. The environmental impacts from the additional traffic and other emanations from the site including sound and other vibrations, dust, odors, gases, light, and heat should be relatively insignificant when compared to existing conditions, but further study would be required to fully quantify such impacts. Furthermore, such impacts resulting from a residential subdivision should not be significantly different from those permitted under existing zoning.

Seven to 18 acres of the 52 acre wooded site would be retained primarily around streams and wetlands. The lost acreage represents an isolated forest fragment which provides some forested habitat in an otherwise developed area. Forested areas which are slated for retention including those associated with the wetlands and flood plains of Windlass Run represent the most valuable habitat available at the site. These areas will be retained thereby continuing to provide food and cover for most of the area's fauna. However, there may be some decline in forest interior bird species richness and abundance following development.

Removal of large areas of forest often reduces the water quality of surrounding streams. However, the waters of Windlass Run, a Use-I stream, will be protected during and following construction by employing best management practices for sediment and erosion control and stormwater management.

3.3 Adverse Environmental Effects

The major adverse environmental effect which cannot be avoided is the loss of approximately 34 to 45 acres of forest as previously described. This would occur under any development scenario, and potentially to a greater degree under currently zoned ML development standards.

3.4 Alternatives

The alternatives to the proposed action which might avoid some or all of the adverse impacts include:

1. No build
2. Reduced density
3. Retention and/or Enhancement of Open Space

Alternative 1, "no build", would leave the site intact until some other land use were to be proposed. As the site is currently zoned ML-IM, and since the area already has existing public utility infrastructure it represents an ideal development site. Hence, at best, "no build" represents a temporary delay in the loss of this wooded acreage. The proposed use, in all probability, will have less impact than other potential manufacturing/industrial uses which are permitted under current zoning.

Alternative 2, "reduction in density", would possibly permit the retention of additional open space; however, the overall project becomes less economically feasible as the number of proposed lots decreases.

Alternative 3, "retention and/or enhancement" of open space is the most viable alternative. The remaining forested areas, including the wetlands associated with the two tributary streams will be left intact and will continue to provide wildlife habitat. There will be two stormwater management ponds which when planted with the appropriate vegetation can provide additional habitat which will somewhat offset the loss of the forested areas. Off-site afforestation may also be used to offset any loss of habitat.

3.5 Cumulative Long Term Effects

The cumulative long term effect of the proposed development would be the loss of approximately 35 acres of forest. The Baltimore County's Forest Conservation Act conservation threshold for projects zoned DR 3.5 is 20 percent. Projects zoned ML-IM have a conservation threshold of 15 percent. Therefore there is a greater incentive for forest conservation with this parcel rezoned to DR 3.5. As well,

residential developments plant street trees and individual lot owners plant, thereby often increasing the number of trees over the years. While not a "forest" by definition, the contribution is significant.

3.6 Irreversible Commitment of Resources

There are no irreversible commitments of resources involved in the proposed development. The streams and wetlands at the two ends of the site will not be impacted and will remain viable resources. Forested areas remaining will be placed into perpetual use as community open space.

Item #13 R-94-341

Report by the
Baltimore County Planning Board
to the
Baltimore County Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

July 31,1994

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

94 JUL 28 PM 2:18
RECEIVED
COUNTY BOARD OF APPEALS

July 22, 1994

Mr. William T. Hackett, Chairman
County Board of Appeals
Courthouse
Towson, Maryland 21204

Dear Mr. Hackett:

Enclosed herewith is the report containing the County Planning Board's recommendations regarding the zoning reclassification petitions in Cycle III, 1994.

After full discussion in the Committee meeting on July 7, 1994, the Report was adopted by the Planning Board in its monthly meeting on July 21, 1994, and is hereby published and submitted in accordance with County Code Section 2-356(f).

Sincerely,

Pat Keller

Pat Keller
Secretary to the Planning Board

PK/TD/mjm
LTRS/PZONE/TXTMJM

Enclosure

cc: Merreen E. Kelly, Administrative Officer
Peter Max Zimmerman, People's Counsel

Copies to individual files

Printed with Soybean Ink
on Recycled Paper

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

Report by the Baltimore County Planning Board to the Baltimore County Board of Appeals

July 31, 1994

Baltimore County
Office of Planning and Zoning
Towson, Maryland

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INTRODUCTION

Under the provisions of Section 2-356(e), Baltimore County Code, 1988, (see Appendix A), the Director of Planning and Zoning is required to submit to the Planning Board, during Period 1 of each zoning cycle, a report on the petitions accepted by the County Board of Appeals for filing during the previous zoning cycle. The report is to contain the following information:

1. Maps showing properties under petition and the reclassifications sought therefore; such maps may also identify groups of such properties located close to each other and show other indications of the inter-relation of petitions with respect to planning considerations.

2. Recommendations on the petitions.

3. Supporting data for the recommendations, including any pertinent data and recommendations submitted by other County agencies.

4. Recommendations for scheduling of all hearings (to be held during the next Period IV, prepared in consultation with the County Board of Appeals).

The thirteen petitions in the current cycle have been reviewed by the planning staff, and the following pages report the Office of Planning and Zoning staff's analyses and recommendations. The process of formulating these recommendations included: staff inspections of each site; a review of the policies and statements in the current Baltimore County Master Plan; and a review of files from the preparation and adoption of the 1992 Comprehensive Zoning Map. Comments also were requested from other county agencies including the Board of Education, the Department of Environmental Protection and Resource Management, the Fire Department, the Police Department, the Department of Public Works, the Department of Recreation and Parks, and the Bureau of Traffic Engineering.

In reaching its decision on each petition, the Board of Appeals is required to use the standards in Section 2-356(j) of the County Code. During the first cycle following a Comprehensive Zoning Map Process, Section 2-356(k) further limits the Board's authority to granting reclassifications only where the Board finds that the change is warranted upon consideration of the specified factors and also if "the last classification of the property [i.e., by the County Council's vote on October 15, 1992] was established in error." The concept of "error" is not further defined in the Code, and the staff does not presume to make an interpretation.

CYCLEA/PZONE/CYCLE

PETITIONS FOR RECLASSIFICATION
CYCLE III, 1994

Assigned Hearing Dates
County Board of Appeals

Week of September 12, 1994
Item #1, Case No. R-94-329
Masters-Severe, Inc. /Legal Owner
Village Sound Company, Inc. /Contract Purchaser
Tuesday, September 13, 1994 @ 10:00 a.m.

Week of September 19, 1994
Item #2, Case No. R-94-330
C&E Realty Company
Wednesday, September 21, 1994 @ 10:00 a.m.

Week of September 26, 1994
Item #3, Case No. R-94-331
Morningside Six Limited Partnership
Wednesday, September 28, 1994 @ 10:00 a.m.

Week of October 3, 1994
Item #4, Case No. R-94-332
Baltimore Gas & Electric Company, Inc. AND Baltimore County, Maryland AND CSX Transportation, Inc. /Legal Owners
Nace, Inc. /Contract Purchaser
Tuesday, October 4, 1994 @ 10:00 a.m.

Item #5, Case No. R-94-333
Hico Park M Limited Partnership
Thursday, October 6, 1994 @ 10:00 a.m.

Week of October 10, 1994
Item #6, Case No. R-94-334
Baltimore Gas & Electric Company, Inc.
Wednesday, October 12, 1994 @ 10:00 a.m.

BALTIMORE COUNTY, MARYLAND

Recommendations of the Office of Planning and Zoning

July 31, 1994

Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 1 Masters-Severe, Inc.	Southwest side of Reisterstown Road, 400' southeast of Sunset Road (#11418 Reisterstown Road)	.4	R.O.	B.L.	R.O.
Item No. 2 C & E Realty Company	Northeast side of Reisterstown Road	14.54	D.R. 16	B.M.	D.R. 16
Item No. 3 Morningside Six Limited Partnership	Northwest side of Pleasant Ridge Drive, 360' northeast of Reisterstown Road	6.4	D.R. 16	B.L.	D.R. 16
Item No. 4 Baltimore Gas & Electric Company, Inc. and Baltimore County, MD & CSX Transportation, Inc.	West side of Owings Mills Boulevard, north and south of Bonita Avenue	26.83	D.R. 1	M.L.-I.M.	D.R. 1
Item No. 5 Hico Park M Limited Partnership	West side York Road, 97' south of the centerline of Ridgebrook Road	113.0	M.L. M.L.R.	D.R. 5.5	M.L. M.L.R.
Item No. 6 Baltimore Gas & Electric Company, Inc.	Southwest corner of York and Warren Roads	1.76	M.L.-A.S. M.L.-I.M. B.R.-A.S.	B.R.-A.S. B.R.-I.M.	M.L.-A.S. M.L.-I.M. B.R.-A.S.

8/4/94 Y

3925-94

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 26, 1994

Gerald D. Sherman and Roger A. Spero
c/o Allen Betten
Tabor, Betten and Berman
One N. Charles Street, #1115
Baltimore, Maryland 21201

Re: Case Number: R-94-341
NE & SW/S Gladway Road, 1150'+/- N of Bengies Road, also
2390' SE of Bird River Road
15th Election District - 5th Councilmanic

Dear Mr. Betten:

Attached you will find a copy of the memorandum originally forwarded to you on May 24, 1994. As noted thereon, payment 1 (posting charge), is now overdue. Payment 2 (your client's share of the $4,313.40 cost of the full page ads) is now due.

Please immediately forward the following to this office:

1) A check made payable to Baltimore County, Maryland in the amount of $35.00.

2) A check made payable to Patuxent Publishing in the amount of $331.80.

Non-payment of fees will hold your case in abeyance. If you have any questions regarding this letter, you may contact Ms. Gwen Stephens at 887-3391.

Very truly yours,

Rec'd Pd 8/4/94

C/P Sherman Cooper

ARNOLD JABLON
DIRECTOR

AJ:ggs

Pd ck 234 235

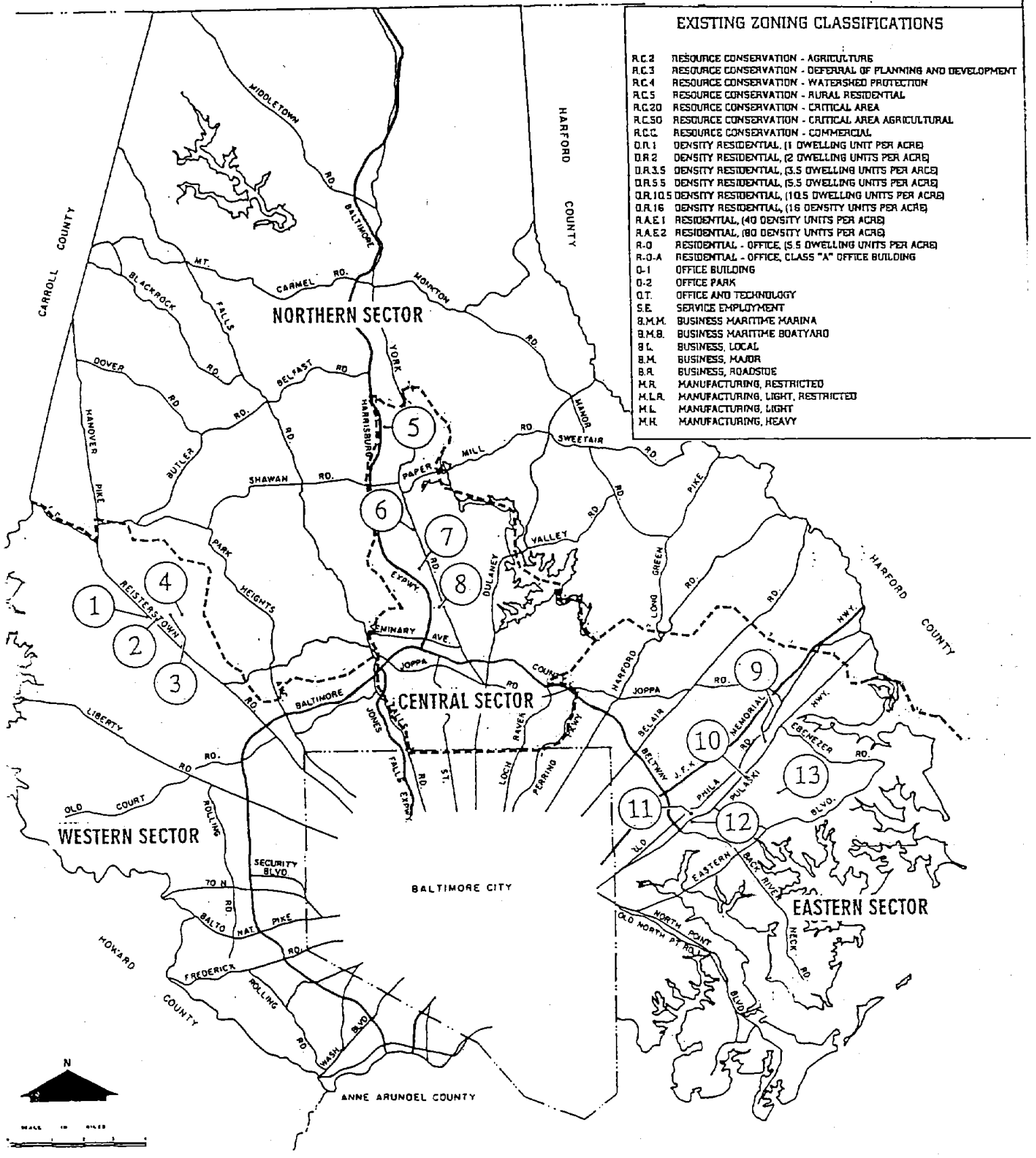
Acct. 1212-00

Printed with Soybean Ink on Recycled Paper

RECEIVED
AUG 4 1994
ZADM

LOCATIONS OF PROPERTIES UNDER PETITION

YORK COUNTY, PA.



EXISTING ZONING CLASSIFICATIONS

R.C.2	RESOURCE CONSERVATION - AGRICULTURE
R.C.3	RESOURCE CONSERVATION - DEFERRAL OF PLANNING AND DEVELOPMENT
R.C.4	RESOURCE CONSERVATION - WATERSHED PROTECTION
R.C.5	RESOURCE CONSERVATION - RURAL RESIDENTIAL
R.C.20	RESOURCE CONSERVATION - CRITICAL AREA
R.C.50	RESOURCE CONSERVATION - CRITICAL AREA AGRICULTURAL
R.C.C.	RESOURCE CONSERVATION - COMMERCIAL
D.R.1	DENSITY RESIDENTIAL, (1 DWELLING UNIT PER ACRE)
D.R.2	DENSITY RESIDENTIAL, (2 DWELLING UNITS PER ACRE)
D.R.3.5	DENSITY RESIDENTIAL, (3.5 DWELLING UNITS PER ACRE)
D.R.5.5	DENSITY RESIDENTIAL, (5.5 DWELLING UNITS PER ACRE)
D.R.10.5	DENSITY RESIDENTIAL, (10.5 DWELLING UNITS PER ACRE)
D.R.16	DENSITY RESIDENTIAL, (16 DENSITY UNITS PER ACRE)
R.A.E.1	RESIDENTIAL, (40 DENSITY UNITS PER ACRE)
R.A.E.2	RESIDENTIAL, (80 DENSITY UNITS PER ACRE)
R-O	RESIDENTIAL - OFFICE, (5.5 DWELLING UNITS PER ACRE)
R-O-A	RESIDENTIAL - OFFICE, CLASS "A" OFFICE BUILDING
O-1	OFFICE BUILDING
O-2	OFFICE PARK
O.T.	OFFICE AND TECHNOLOGY
S.E.	SERVICE EMPLOYMENT
B.M.M.	BUSINESS MARITIME MARINA
B.M.B.	BUSINESS MARITIME BOATYARD
B.L.	BUSINESS, LOCAL
B.M.	BUSINESS, MAJOR
B.R.	BUSINESS, ROADSIDE
M.R.	MANUFACTURING, RESTRICTED
M.L.R.	MANUFACTURING, LIGHT, RESTRICTED
M.L.	MANUFACTURING, LIGHT
M.H.	MANUFACTURING, HEAVY

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

SOURCE MATERIAL

Recommendations for the thirteen (13) petitions filed are based on the following:

1. Information compiled during the processing of the Comprehensive Zoning Maps adopted by the County Council on October 15, 1992.
2. Capital Budget and 5-Year Capital Program.
3. Zoning Plans Advisory Committee comments.
4. Discussions with other governmental agencies.
5. Field inspections of subject sites.
6. Baltimore County Master Plan

CYCLEA/PZONE/CYCLE

Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 7 Genstar Stone Products Company	South side of Galloway Avenue, 670' west of York Road, north side of Padonia Road, and east and west of proposed Beaver Dam Road	38.3	M.L.-I.M.	B.M.-I.M.	M.L.-I.M.
Item No. 8 Stebbins-Anderson Company, Inc.	Southwest corner of Timonium and Aylesbury Roads (21 West Timonium Road)	14.6	M.L.-I.M.	B.R.-I.M.	M.L.-I.M.
Item No. 9 Genstar Stone Products Company	Northwest corner of Pulaski Highway and White Marsh Boulevard, and southeast side of Philadelphia Road	205.8	M.L.-I.M. M.H.-I.M.	B.R.-I.M.	M.L.-I.M. M.H.-I.M.
Item No. 10 Janet Terry	Southeast side of Pulaski Highway, 1915' southwest of the centerline of Mohrs Lane	11.85	M.L.-I.M. M.L.-A.S.	B.R.-I.M.	M.L.-I.M. M.L.-A.S.
Item No. 11 The Giles Building and Development Company	North side of Race Road, 95' west of the centerline of Yellow Brick Road	.94	M.L.-I.M.	B.L.	M.L.-I.M.
Item No. 12 Savino Bollino & Rose Bollino	Southeast side of Pulaski Highway, 300' southwest of the centerline of Rossville Boulevard	4.3	B.R. M.L.-A.S. M.L.-I.M.	B.R.-I.M. B.R.-A.S.	B.R. M.L.-A.S. M.L.-I.M.
Item No. 13 Gerald D. Sherman & Roger A. Spero	Northeast and southwest side of Gladway Road, 1150' north of Bengies Road and 2390' southeast of Bird River Road	51.6	D.R.-1 M.L.-I.M. M.H.-I.M.	D.R. 3.5	D.R. 1 M.L.-I.M. M.H.-I.M.

JL/mjm PETITION.MAY/PZONE/TXTMJM

Week of October 17, 1994
Item #7, Case No. R-94-335
Genstar Stone Products Company
Wednesday, October 19, 1994 @ 10:00 a.m.

Week of October 24, 1994
Item #8, Case No. R-94-336
Stebbins-Andersen Company, Inc.
Tuesday, October 25, 1994 @ 10:00 a.m.

Item #9, Case No. R-94-337
Genstar Stone Product Company
Thursday, October 27, 1994 @ 10:00 a.m.

Week of October 31, 1994
Item #10, Case No. R-94-338
Janet Terry
Wednesday, November 2, 1994 @ 10:00 a.m.

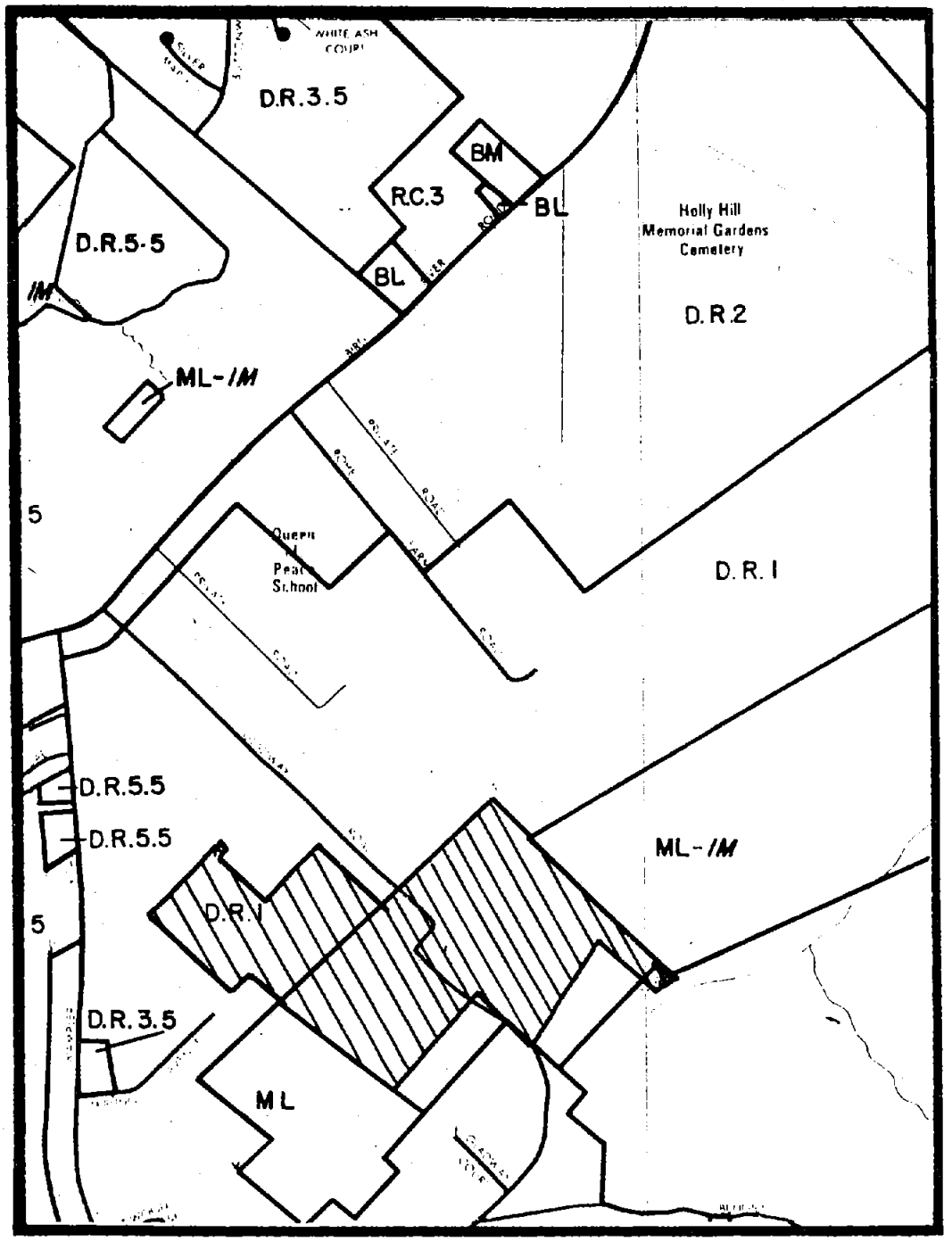
Week of November 14, 1994
Item #11, Case No. R-94-339
The Giles Building & Development Company
Tuesday, November 15, 1994 @ 10:00 a.m.

Week of November 28, 1994
Item #12, Case No. R-94-340
Savino Bollino and Rose Bollino
Wednesday, November 30, 1994 @ 10:00 a.m.

Week of December 5, 1994
Item #13, Case No. R-94-341
Gerald D. Sherman & Roger A. Spero
Tuesday, December 6, 1994 @ 10:00 a.m.

The concept of "error" is not further defined in the Code, and the staff does not presume to make an interpretation. The staff's review of each petition, however, did take into consideration the manner in which the Comprehensive Zoning Map Process is structured, and was conducted during 1991-92, to minimize the likelihood that relevant properties would inadvertently be omitted from consideration along with the Issues otherwise raised.

Obviously, each property that was raised as an Issue received separate consideration, especially properties that were sequestered from separate voting by the Planning Board and/or the County Council. In addition, after the close of the Open Filing Period, the planning staff reviewed each Issue in relation to neighboring properties to determine whether any other properties should also be raised as Issues for consideration at this time. Wherever, in the staff's judgment, action on an already-filed Issue would require or advise a change in the zoning of a neighboring property or properties, those also were raised as Issues. If, in the opinion of the staff, the current zoning in the vicinity would continue on the Issue, no additional Issues were raised. The County Council and Planning Board had the same opportunity to raise an Issue during their respective filing periods.



ITEM NUMBER 13

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-341 CYCLE III, ITEM 13

PETITIONER:

Gerald D. Sherman & Roger A. Spero

REQUESTED ACTION:

Reclassification to D.R. 3.5 (Density Residential)

EXISTING ZONING:

D.R. 1 (Density Residential), M.L.-I.M. (Manufacturing Light-Industrial Major), M.H.-I.M. (Manufacturing Heavy)

LOCATION:

Northeast and southwest side of Gladway Road, approximately 1150 feet north of Bengies Road and 2390 feet southeast of Bird River Road

AREA OF SITE:

51.66 acres ±

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 1 - single family residential

South: D.R. 3.5, M.H.-I.M. - Single family residential

East: M.L.-I.M. - single family residential, vacant

West: D.R. 1 - single family residential

SITE DESCRIPTION:

This heavily wooded site is currently unimproved.

PROPERTIES IN THE VICINITY:

The site is surrounded by low density residential development to the north, vacant land, low density residential development to the east, low density residential to the south, as well as to the west.

WATER AND SEWERAGE:

The area is designated as W-5, S-5 on the Master Water and Sewerage Plan.

TRAFFIC AND ROADS:

The site is accessed by Gladway Road, which is a narrow local road. This access is of concern due to the development potential of the requested zoning. A maximum density of 181 units could potentially impact Bengies Road, Sterling Avenue, and the northern and southern portions of Gladway Road.

ZONING HISTORY:

The parcel's zoning classification has not changed since 1976.

MASTER PLAN/COMMUNITY PLANS:

The Baltimore County Master Plan, (p. 110) makes mention of the Bird River area in relation to future development and its effects, stating that the County should be "attentive to protecting established residential areas through the routing of [new] traffic and the inclusion of effective buffers in the design of site(s)."

The Proposed Land Use Plan map, as part of the Growth Management Program, targets the site for single family residential use, with industrial land use as an alternate, and places the site in the community conservation designation of Growth Management areas. A portion of the property (M.L.-I.M., M.H.-I.M. zoned land) falls within the boundary of a PUD-C opportunity area, as mapped on the proposed PUD-C maps.

PROPOSED VS. EXISTING ZONING:

Regulations governing D.R. zones may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The proposed D.R. 3.5 zoning would permit a density of 3.5 dwelling units per acre of land.

Regulations for the M.H. zone may be found in Section 256.1 of the B.C.Z.R. The M.H. zone permits a number of heavy manufacturing uses by right. It also permits several uses by Special Exception.

Building height is unlimited, except on lots abutting a residence or business. In these cases, the maximum permitted height is 40 feet or three stories if any part of the building lies within 100 feet of the boundary line of a residence or business zone.

Regulations guiding the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses,

provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, staff recommends the applicant's request be denied for the following reason:

-Support for any zoning change would be dependent upon the quality of site specific details. In the absence of a documented site plan, by which the quality of development could be controlled, staff can only recommend that the applicant's request be denied.

JL:lw

INTER-AGENCY COMMENTS

County Board of Appeals of Baltimore County

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

MAY 24, 1994

NOTICE OF HEARING

CASE NUMBER: R-94-341
NE & Sw/S Gladway Road, approx. 1150' N of Bengies Road; also
2390' SE of Bird River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Gerald D. Sherman and Roger A. Spero

Petition to reclassify the property's zoning from D.R.-1 and M.L.-I.M. and M.H.-I.M. to D.R.-3.5.

HEARING: Tuesday, December 6, 1994 at 10:00 a.m.

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

William T. Hackett/ffs

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Lawrence R. Rachuba
Alan Betten, Esq.

94 MAY 27 PM 2:55

COUNTY BOARD OF APPEALS

Printed with Soybean Ink on Recycled Paper

Baltimore County Public Schools

Dr. Stuart Berger, Superintendent

Towson, Maryland

Office of Pupil Assignments
Educational Support Services Building
6901 N. Charles Street
Towson, Maryland 21204

June 1, 1994

Mr. Jeffrey Long
Community Planner
Office of Planning & Zoning
Mail Stop 1108

RE: Zoning Reclassification Cycle III
April, 1994 - October, 1994

Dear Jeff:

Thank you for taking time out of your busy schedule to meet with me to discuss the Cyclical Zoning Reclassification Process. The vast majority of these petitions are non-residential and, therefore, will have no impact on Baltimore County Public Schools.

Those petitions involving increases in residential zoning and the subsequent affect on our school system are summarized below:

Item 5 - Case No. R-94-333

Existing Zoning - M.L. & M.L.R. (8th Election District)

Proposed Zoning - D.R.-5.5

Zoning would allow 621.5 mixed housing units. Since I do not have the housing type breakdown, I developed a student yield based on 310 single family units and 311 townhouse units.

This property is located in the Sparks Elementary, Hereford Middle and Hereford High School Districts.

310 S.F. x .319 = 99
311 T.H. x .192 = 60
159 Elementary Students

310 S.F. x .155 = 48
311 T.H. x .055 = 17
65 Middle Students

310 S.F. x .146 = 45
311 T.H. x .090 = 28
73 High Students

A total yield of 297 students

Item 13 - Case No. R-94-341

Existing Zoning - D.R.-1 & M.L.-I.M. & M.H.-I.M.
(15th Election district)

Proposed Zoning - D.R.-3.5

Zoning would allow 180.8 single family homes.

181 S.F. x .236 = 43 Elementary Students
181 S.F. x .071 = 13 Middle Students
181 S.F. x .107 = 19 High Students
75 Total Yield

If you have any questions, please do not hesitate to contact me at 887-4215.

Sincerely,

Barbara Pickelsimer

Barbara Pickelsimer,
Field Representative
Office of Pupil Assignments

bp

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The property owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION:

Item No.: Zoning Agenda:

Gentlemen:

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

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: R-94-329 THRU R-94-343.

RECEIVED
APR 28 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 20, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-341 - Sherman Tract
Gladway Road
Zoning Advisory Committee Meeting of April 25, 1994

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Forest Conservation Regulations.

Extensive, nontidal wetlands associated with the headwaters of Windlass Run exist on site.

This Department's lack of objection to the proposed zoning reclassification does not imply approval of any future development plan/concept. The severity of the environmental constraints on the property may preclude significant development regardless of land use zoning.

JLP:GS:sp

SHERMAN/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-26-94

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

Re: Baltimore County
CASE ~~Item~~ No.: R-94-341

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. B[illegible] · Baltimore, MD 21203-0717
Street Address: 707 North C[illegible]reet • Baltimore, Maryland 21202

County Board of Appeals of Baltimore County

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

H aring Room - Room 48
Old Courthouse, 400 Washington Avenue

October 4, 1994

NOTICE OF ASSIGNMENT /Amended Documented 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-94-341

GERALD D. SHERMAN AND ROGER A. SPERO - Petitioners NE & SW/s Gladway Road, approximately 1150' N of Bengies Road; also 2390' SE of Bird River Road
15th E; 5th C

3/01/94 -Petition for Reclassification filed by Petitioner.

Scheduled for public hearing **for purpose of submitting Amended (Documented) Plan on the record.** The hearing on the merits of the reclassification petition is scheduled for Tuesday, December 6, 1994 at 10:00 a.m. Board will receive copies of Amended Plan only on 10/18/94; no evidence or testimony on merits of reclassification request to be received on that date; and has been

ASSIGNED FOR: **TUESDAY, OCTOBER 18, 1994 at 9:30 a.m.**

cc: Allen Betten, Esquire — Counsel for Petitioners
Gerald D. Sherman and Roger A. Spero — Petitioners
Lawrence R. Rachuba — Legal Representative /Petitioner

Daft-McCune-Walker, Inc. — Engineer

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

Kathleen C. W id nhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

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

(410) 887-2188

94 NOV -9 PM 12:47

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 9, 1994

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

Re: Petition for Reclassification
NE & SW/S Gladway Road, appx. 1150' N of Bengies Rd. and 2390 feet south of Bird River Road
GERALD SHERMAN/ROGER SPERO, Petitioners; Cycle III, 1994
Case No. R-94-341, Item No. 13

Dear Chairman Hackett:

This case is presently scheduled on December 6, 1994 for hearing on the merits of zoning reclassification. For the following reasons, based on information which has come to the attention of this office, the Board should not proceed on the merits on December 6, but rather use this date as, in effect, a scheduling or pre-trial conference.

These are the reasons:

(1) It now appears that a number of residents in the neighborhood may not have any notice of the hearing. In this context, there was no general public notice provided for the October 18 hearing, at which a site plan was submitted to amend the Petition. There also may not have been any posting of the property, which in any event is located to the interior of main roads.

(2) We have not yet received comments from the Office of Planning and Zoning and other agencies regarding the amended Petition. Nor has the Planning Board yet acted on the Petition and forwarded a recommendation. Under these circumstances it appears that it will be impossible for interested parties to prepare for the hearing in the short time span between Planning Board action and December 6. In other words, even assuming adequate public notice, this office's view is that the case is not in a posture to go forward on the merits December 6.

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

02 MAR 11 AM 5:19

February 25, 2002

Allen Betten, Esquire
TABOR, BETTEN AND BERMAN
One North Charles Street
Suite 1115
Baltimore, MD 21201

RE: *In the Matter of: Gerald D. Sherman & Roger A. Spero*
Case No. R-94-341 / Order of Dismissal of Petition

Dear Mr. Betten:

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Gerald D. Sherman and Roger A. Spero
Larence R. Rachuba
Daft-McCune-Walker
Leslie Kaminski /Windless Run Imp Assn Inc
Robert J. Haines, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

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on Recycled Paper

Accordingly, given these circumstances, the Board should convene on December 6 for the purpose of a scheduling or pre-trial conference only. Moreover, this may be required to comport with the statutory procedure on reclassifications and to insure due process of law for all interested parties.

Very truly yours,

Peter Max Zimmerman

PMZ/caf

cc: Alan Betten, Esquire
Attorney for Petitioner

Arnold F. (Pat) Keller,
Director, Office of Planning and Zoning
and Secretary, Baltimore County Planning Board

LAW OFFICES OF
TABOR, BETTEN AND BERMAN
PROFESSIONAL ASSOCIATION
SUITE 1115-THE BLAUSTEIN BUILDING
ONE NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3719

NEIL TABOR
ALAN BETTEN
CYNTHIA A. BERMAN

TELEPHONE 547-1500
FACSIMILE 547-0436
AREA CODE 410

November 15, 1994

94 NOV 17 PM 2:46

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

Re: Petition for Reclassification NE & SW/S
Gladway Road, appx. 1150' N of Bengies Rd.
and 2390 feet south of Bird River Road
GERALD SHERMAN/ROGER SPERO, Petitioners;
Cycle III, 1994 Case No. R-94-341,
Item No. 13 (the "Sherman Property")

Dear Chairman Hackett:

The above-captioned case concerning the Petition for Zoning Reclassification of the Sherman Property is presently scheduled for December 6, 1994. The Petitioners are in the process of considering further amendments to the Petition as a result of concerns expressed by the affected community. Thus, the Petitioners request that the hearing scheduled for December 6, 1994 be postponed until further notice that the Petitioners are ready to proceed with this matter.

If you or any member of your staff have any questions concerning this matter, please feel free to give me a call.

Very truly yours,

Alan Betten
Counsel to Petitioners

AB:jlb

cc: Mr. Lawrence R. Rachuba
Mr. George E. Gavrelis
Peter Zimmerman, Esquire
Mr. Arnold F. (Pat) Keller, Director,
Office of Planning and Zoning
and Secretary, Baltimor County
Planning Board

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 18, 1994

NOTICE OF POSTPONEMENT

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

CASE NO. R-94-341

GERALD D. SHERMAN AND ROGER A. SPERO - Petitioners NE & SW/s Gladway Road, approximately 1150' N of Bengies Road; also 2390' SE of Bird River Road
15th E; 5th C

3/01/94 -Petition for Reclassification filed by Petitioner.

which was scheduled for hearing on December 6, 1994 has been **POSTPONED** at the request of Counsel for Petitioner; to be reset only upon request.

---

cc: Allen Betten, Esquire — Counsel for Petitioners
Gerald D. Sherman and Roger A. Spero — Petitioners
Lawrence R. Rachuba — Legal Representative /Petitioner

Daft-McCune-Walker, Inc. — Engineer

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

Kathleen C. Weidenhammer
Administrative Assistant

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-26-94

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

Re: Baltimore County
~~Item~~ No.: R-94-341

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID W. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 20, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-341 - Sherman Tract
Gladway Road
Zoning Advisory Committee Meeting of April 25, 1994

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Forest Conservation Regulations.

Extensive, nontidal wetlands associated with the headwaters of Windlass Run exist on site.

This Department's lack of objection to the proposed zoning reclassification does not imply approval of any future development plan/concept. The severity of the environmental constraints on the property may preclude significant development regardless of land use zoning.

JLP:GS:sp

SHERMAN/DEPRM/TXTSBP

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

November 9, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item ~~#94-341~~ - Sherman Tract - REVISED
Gladway Road, South of Bird River
Zoning Advisory Committee Meeting of October 31, 1994

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

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Forest Conservation Regulations.

JLP:GS:sp

SHERMAN/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 7, 1994
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for Nov. 7, 1994
Item No. 13 Case No.R-94-341

The Developers Engineering Section has reviewed the subject zoning item. See comments addressed to Pat Keller, dated October 14, 1994 from this office regarding the Sherman Property-Documented Site Plan.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTENTION: MS JOYCE WATSON

Re: Baltimore County
Item No.: #13
CASE NO: R-94-341

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Director
Office of Planning & Zoning
Attention: Jeffrey Long

DATE: October 19, 1994

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

SUBJECT: Submittal of Amended Documented Site Plan --
Case No. R-94-341 /Sherman Property

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on October 18, 1994, we are transmitting to you a copy of the Amended Documented 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 Documented Site Plan to the Office of Zoning Administration & Development Management.

William T. Hackett

Attachment (1 copy of Amended/Documented Site Plan)

cc: W. Carl Richards, Jr. w/10 copies of Amended/Documented Site Plan
People's Counsel for Baltimore County

R-94-341

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board

DATE: November 3, 1994

FROM: Pat Keller, Director
Office of Planning & Zoning

SUBJECT: Sherman Propery

Pursuant to Section 2-356(m) of the Baltimore County Code, Gerald D. Sherman and Roger A Spero, through their attorney, Allen Betten, Esquire, filed a Documented Site Plan with the Baltimore County Board of Appeals at a public hearing on October 18, 1994. The Documented Site Plan reflects the Petitions' desire to develop the subject site with 161 single-family, detached dwellings.
In compliance with Section 2-356(m)(2) of the Baltimore County Code, the amendment was forwarded to other County agencies and it was requested that each agency provide comments for distribution to the Baltimore County Planning Board (see attached).

Based upon a review of the Documented Site Plan and inter-agency comments regarding the reclassification of the subject property, it is clear that the issues raised by the County would be more appropriately considered during the 1996 Comprehensive Zoning Map Process. Therefore, this office recommends that the existing zoning be retained at this time.

Pat Keller

Pat Keller

JL
SHERMAN/PZONE/TXTJWL

OPEN

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at Gladway Road -- 2,390 feet south of Bird River Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an DR-1, DR-3.5, ML-IM and MH-IM zone to an DR-3.5 zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

single-family, detached homes

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

See attached statement

RECEIVED
COUNTY BOARD OF APPEALS
94 MAR -1 PM 3:59

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Tabor, Betten and Berman
(Type or Print Name)

Signature

One North Charles Street, Suite 1115
Address Phone No.

Baltimore, Maryland 21201
City State Zipcode

Legal Owner(s): Gerald D. Sherman
Roger A. Spero
Suite 380, 780 Lynnhaven Parkway
Virginia Beach, VA 23452
(Type or Print Name)

Signature

Lawrence R. Rachuba, Legal Representative
(Type or Print Name)

Lawrence R. Rachuba
Signature

2360 West Joppa Road
Suite 310 (410) 823-1900
Address Phone No.

Lutherville, Maryland 21093
City State Zipcode

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

Lawrence R. Rachuba
Name

2630 W. Joppa Rd., Ste. 310 (410) 823-1900
Address Lutherville, MD 21093 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

See Revised Petition (Rev. 3/29/94)

BALTIMORE COUNTY
DEPARTMENT OF ECONOMIC DEVELOPMENT

MEMO

RECEIVED
NOV 2 1994
OFFICE OF
PLANNING & ZONING

TO: Jeff Long
Office of Planning

FROM: Peter Swanson PS

RE: Sherman Property

DATE: November 1, 1994

Jeff,

Generally speaking, the Department of Economic Development does not support requests to downzone industrially zoned land to a residential zone classification. As a rule, the department seeks to maintain and reserve as much industrial land as possible for large industrial users; either existing companies going through an expansion or net new companies entering the area.

In the case of the Sherman Property, the request has been made to rezone 35.47 acres of ML-IM land and .56 acres of MH-IM land to DR 3.5. This property is also adjacent to the A.V. Williams property, which is the largest industrially zoned property in Baltimore County, at approximately 1,000 acres of MH and ML zoned land.

Given the size and industrial development potential of the adjacent Williams property, the Department of Economic Development is concerned about rezoning 36 acres of the Sherman Property to DR 3.5 for residential homes. Our office, therefore, does not support the request for down-zoning.

c: Neil Jacobs
Adam Wasserman

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Jeffrey Long, OPZ

DATE: October 14, 1994

FROM: Glenn Shaffer, EIR

SUBJECT: Documented Site Plan for Sherman Property

The above referenced plan has been reviewed by the Environmental Impact Review (EIR) Section of DEPRM for compliance with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and the Forest Conservation Regulations. Based upon this review, the following concerns were raised:

1. The wetlands on and within 50 feet of the site must be delineated by a qualified environmental consultant and the delineation approved by EIR staff. The approved wetland limit shall be surveyed and shown on this and all plans.

2. All streams on and within 200 feet of the site must be field surveyed and accurately shown on this and all development plans.

3. The Forest Buffer limits must be accurately shown on all development plans in accordance with Section 14-341.

4. A Forest Stand Delineation (FSD) and Preliminary Forest Conservation Plan (FCP) must be prepared in accordance with Sections 14-405 and 14-407 by a landscape architect or other qualified professional as defined in COMAR 08.19.06.01 and approved by this Department.

5. The amount and pattern of forest clearing depicted on the Documented Site Plan appear to pose a conflict with Section 14-409(B).

6. EIR cannot comment more specifically on the proposed plan without the information above, and recommends not approving the Documented Site Plan for the Sherman Property until the above items are addressed and the plan revised accordingly.

If there are any questions regarding these comments, please contact me at extension 3980.

RECEIVED

OCT 14 1994

OFFICE OF
PLANNING & ZONING

GS:sp

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

DEPARTMENT OF PUBLIC WORKS

L E T T E R O F T R A N S M I T T A L

TO: Pat Keller, Director
Office of Planning & Zoning

DATE: October 18, 1994

ATTENTION: Jeffery Long

FROM: Thomas H. Hamer, P.E.
Acting Director
Department of Public Works

SUBJECT: Sherman Property, Documented Site Plan
Public Works - Preliminary Site Comments

Attached are preliminary comments for the documented site plan, per your request of October 5, 1994.

Should additional information be required, please contact Mr. Robert Bowling of the Developers Engineering Section at 887-3751.

THH:LS:ckt

Attachments

cc: R. Bowling, D.E.S. (w/attachments)

SHERMAN/DASGENC.94

RECEIVED

OCT 24 1994

OFFICE OF
PLANNING & ZONING

BALTIMORE COUNTY, MARYLAND

TO: Pat Keller, Director
Office of Planning & Zoning

DATE: October 17, 1994

Attn.: Jeffrey Long X-3450 M.S. 3402

SUBJECT: DOCUMENTED SITE PLAN
SHERMAN PROPERTY

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

The Developer's Engineering Section has reviewed the Site Plan, and our preliminary comments are as follows:

1. This site will need to go through the development plan process approval before construction can begin.

2. The existing access to the proposed development is not adequate and is unacceptable.

3. All interior roads in the actual subdivision will be 30 foot paving cross-sections with concrete curbs and gutters on 50 foot right-of-ways with Baltimore County standard cul-de-sacs.

4. Sidewalks and street lights will be required.

5. A flood study and stormwater management will be required.

6. The 8" water line for this site may not be adequate, and there are low pressure possibilities.

7. It is against County policy to pump sanitary sewer from one sewer shed to another one, which this plan indicates. Sewer is not available to this site, offsite right-of-way will be required.

8. Landscaping will be required per the manual.

9. Additional and specific comments will be generated in the future under the development plan process.

If additional information is required, do not hesitate to contact me.

RWB:JWS:jrb

cc: R. W. Bowling
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Jeffrey Long
Office of Planning & Zoning

Date October 17, 1994

FROM Ronald R. Schaeffer
Department of Recreation and Parks

SUBJECT Review of Documented Site Plan
Sherman Property

Our staff has reviewed the attached Documented Site Plan for the Sherman Property. Clarence Rowell, Eastern Region Superintendent, and Norman Knoerlein, Program Coordinator in Middle River, made a physical inspection of the property on Friday, October 7.

It was the feeling of our staff that this property would make an ideal park site for the Middle River Community; however, as the property is apparently unavailable, it would appear that rezoning the property to DR 3.5 would at least provide some Local Open Space for possible recreational use. However, we would recommend supporting a PUD on this property rather than the rezoning to DR 3.5. In this way, we would require ten acres of active open space which will help to meet the needs of the Middle River Community. Please see attached sheet regarding the deficit of acreage in Middle River.

There was some concern expressed regarding the access roads to this property as all roadways are exceptionally narrow. Whatever development is done will probably require that access roads be widened and improved so as to accommodate traffic.

If our department can be of further assistance, please advise.

R. R. S.

RRS:mab
Att.
c: Wayne R. Harman
F. Clarence Rowell
Norman Knoerlein
Pat Keller

Printed with Soybean Ink on Recycled Paper

MIDDLE RIVER REC. & PARKS COUNCIL
PARKLAND & FACILITIES NEEDS ASSESSMENT
OCTOBER, 1994

The following summarizes the Middle River Recreation and Park Council's current parkland acreage supply and need. . .

1. Current Supply:

Small-scale Parklands (Neighborhood & Community Parks; SRCs):	129 acres
Mid-scale Parklands (Regional Parkland Share):	49 acres
Large-scale Parklands (Countywide Parkland Share):	236 acres
TOTAL:	414 acres

2. Current Needs:

Countywide Parkland Goal:	25 acres per 1,000 residents
1990 Middle River Council Population*:	approximately 22,400
Total Parkland Need:	560 acres

3. Overall Supply Deficit: 146 acres

4. Basic Facility Needs:

Facility Type	Current Supply	Current Need	Current Deficit
Ball Diamonds	14	18	4
Athletic Fields	8	9	1
Tennis Courts	5	9	4
Multi-Use Cts.	8	5	0

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The property owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

3-1-94

R-94-341

NOTES TO FILE:

1. APPLICANT IS USING SITE PLAN AS SUBSTITUTE FOR ZONING MAP.

Joe

SHERMAN, SPERO & SAFARINO, LTD.
A PROFESSIONAL CORPORATION
CERTIFIED PUBLIC ACCOUNTANTS
780 LYNNHAVEN PARKWAY
SUITE 380
VIRGINIA BEACH, VA 23452
TEL: 804-468-2279
FAX: 804-468-2196

SIDNEY G. SPERO, C.P.A. (1906—1987)
GERALD D. SHERMAN, C.P.A.
ROGER A. SPERO, C.P.A.
GEORGE SAFARINO, C.P.A.
PAUL A. BALLENTINE, C.P.A.
WILLIAM K. OLIVER, C.P.A.

MEMBERS
THE VIRGINIA SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
THE NEW YORK STATE SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

February 28, 1994

Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Gentlemen:

This letter authorizes Lawrence R. Rachuba to take all actions and sign all forms necessary in the zoning reclassification petition of my property located at Sterling Avenue, 2400 ft.± easterly of Wampler Road, Baltimore County, Maryland.

Sincerely,

Gerald D. Sherman, joint owner

Roger A. Spero, joint owner

R-94-341

REV. 3-29-94

R-94-341

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at Gladway Road -- 2,390 feet south of Bird River Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an DR-1, ML-IM and MH-IM zone to an DR-3.5 zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

single-family, detached homes

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

See attached statement

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Tabor, Betten and Berman
(Type or Print Name)

Signature

One North Charles Street, Suite 1115
Address Phone No.

Baltimore, Maryland 21201
City State Zipcode

Legal Owner(s): Gerald D. Sherman
Roger A. Spero
Suite 380, 780 Lynnhaven Parkway
Virginia Beach, VA 23452
(Type or Print Name)

Signature

Lawrence R. Rachuba, Legal Representative
(Type or Print Name)

Signature

2360 West Joppa Road
Suite 310 (410) 823-1900
Address Phone No.

Lutherville, Maryland 21093
City State Zipcode

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

Lawrence R. Rachuba
Name

2630 W. Joppa Rd., Ste. 310 (410) 823-1900
Address Lutherville, MD 21093 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

TRANSMITTAL

R-94-341

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: Baltimore County Board of Appeals
c/o ZADM, County Office Building, Towson, MD

Date: 1 March 1994

Job No.: 93077

Attention:

Reference: Sherman Tract

We are sending you
☐ Shop drawings ☐ Samples ☐ Plans
☐ Specifications ☐ attached ☐ under separate cover: ☑ via Carry
☐

Copies	Date	Number	Description
3 ~~4~~ each	3/1/93		Reclass. petition & power of attorney
4	3/1/93		Written zoning description
4	-		Justification for requested reclass.
12	3/1/93		Plat to Accompany Petition

These are transmitted as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☐ For review and comment ☑ Processing

Remarks

Also submitted:

- 4 separate xerox copies of part of 1000 scale Zoning Map
- 4 extra prints, 200 scale zoning maps NE·5I & 5J, attached & showing tract.
- Filing fee of $ 1,250.00

cc:

Signed George E. Gavrelis

TRANSMITTAL

REVISED 3/29/94

R.94-341

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: Sophie Jennings
ZADM
County Office Bldg

Date: 3/29/94
Job No.: 93077
Attention:
Reference: Cycle #13 item

We are sending you ☐ attached ☐ under separate cover: ☑ via Linda
☐ Shop drawings ☐ Samples ☐ Plans
☐ Specifications ☐

Copies	Date	Number	Description
1	-		Original signed reclassification petition by legal owner's representative and attorney

These are transmitted as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☐ For review and comment ☐

Remarks

As discussed today on the telephone, we are sending a copy of petition with attorneys signature added. Linda Jones will white-out the DR 3.5 as listed for existing zoning.

cc: Allen Betten
One North Charles Street
Suite 1115
Baltimore, MD 21201

Signed George E. Gavrelis

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: KATHY WEIDENHAMMER
BD of APPEALS

Date: 10.5.94

Job No.: 93077.A

Attention:

Reference: SHERMAN PROP.
CASE R-94-341

We are sending you
☐ Shop drawings
☐ Specifications

☒ attached ☐ under separate cover: ☒ via DMW
☐ Samples ☒ Plans
☐

Copies	Date	Number	Description
12		1-3/3	REVISED RECLASS. PLANS

These are transmitted as checked below:
☐ For approval
☐ For your use
☐ As requested
☐ For review and comment
☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections
☐
☐ Resubmit
☐ Submit
☐ Return
____ copies for approval
____ copies for distribution
____ corrected prints

Remarks BD. of APPEALS MEETING 10/18.
HEARING 12/6/94.

PLEASE SUBSTITUTE THESE for PLANS FORMERLY FILED.

Thank you!

cc: ALAN BEREN, ESQ.

Signed

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: SOPHIE ZADM

Date: 10.12.94

Job No.: 9[illegible]M.A

Attention:

Reference: [illegible]

We are sending you ☒ attached ☐ under separate cover: ☑ via [illegible]

☐ Shop drawings ☐ Samples ☒ Plans

☐ Specifications ☐

Copies	Date	Number	Description
1	10/12	9034	OK. $160

These are transmitted as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints

☐ For review and comment ☐

Remarks REVISION FEE, PLANS [illegible]

10.15.94 [illegible]

cc: L. RACHUBA

Signed [illegible]

5127-94

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: CARL RICHARDS
ZADM

Date: 10.18.94

Job No.: 93077A

Attention:

Reference: SHERMAN PROP.

We are sending you ☒ attached ☐ under separate cover: ☒ via DLVRY
☐ Shop drawings ☐ Samples ☒ Plans
☐ Specifications ☐

Copies	Date	Number	Description
5	10/94		ENVIRO. IMPACT STMTS

RECEIVED
OCT 18 1994
ZADM

These are transmitted as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☒ For review and comment ☐

Remarks ZONING RECLASS. CASE #R-94-341
AMENDED PLANS SUBMITTED TO BD. of APPEALS TODAY
PLANNING BD. HRG. MR NOV. 17
RECLASS. HRG. DEC. 6

PLEASE DISTRIBUTE TO APPROPRIATE AGENCIES

cc: L. RACHUBA
A. BETTEN

Signed

T/C 10/12/94 w/ Jean Tansey - DMD -
will drop off remission fee to
Sophie in ZASM sometime between
today and 10/18/94.

K.

KATHI

I have the only petition with an original attorney signature

Sophia

REVISED 3/29/94

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: Sophie Jennings
ZADM
County Office Bldg

Date: 3/29/94
Job No.: 93077
Attention:
Reference: Cycle #13 item

We are sending you ☐ attached ☐ under separate cover: ☑ via Linda
☐ Shop drawings ☐ Samples ☐ Plans
☐ Specifications ☐ _____

Copies	Date	Number	Description
1	-		Original signed reclassification petition by legal owners representative and attorney

These are transmitted as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☐ For review and comment ☐ _____

Remarks

As discussed today on the telephone, we are sending a copy of petition with attorneys signature added. Linda Jones will white-out the DR 3.5 as listed for existing zoning.

cc: Allen Betten
One North Charles Street
Suite 1115
Baltimore, MD 21201

Signed George E. Gavrelis

WINDLESS RUN IMPROVEMENT ASSOCIATION, INC.
1004 GLADWAY ROAD
BALTIMORE, MD 21220
687-5877

March 7, 1995

95 MAR -8 PM 12:

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

RE: Petition for Reclassification NE & SW/S
Gladway Road, appx. 1150' N of Bengies Rd.
and 2390 feet south of Bird River Road
GERALD SHERMAN/ROGER SPERO, Petitioners;
Cycle III, 1994 Case No. R-94-341,
Item No. 13 (the "Sherman Property")

Dear Chairman Hackett,

As of this date, Windless Run Improvement Association, Inc. is under the impression that no future date has been set in for the above captioned case.

I would appreciate your office contacting me if the situation should change or notify us of anything happening with this property.

You can contact me by mail at my home address, 1111 Gladway Road, Baltimore, MD 21220 or by phone 574-5255.

Sincerely,

WINDLESS RUN IMPROVEMENT ASSOCIATION, INC.

Leslie Kaminski

Leslie Kaminski
Vice President

cc: Adrianne Bayle, President

OK 3/8/95 K.

LAW OFFICES OF
TABOR, BETTEN AND BERMAN

NEIL TABOR
ALAN BETTEN
CYNTHIA A. BERMAN

PROFESSIONAL ASSOCIATION
SUITE 1115-THE BLAUSTEIN BUILDING
ONE NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3719

TELEPHONE 547-1500
FACSIMILE 547-0436
AREA CODE 410

September 30, 1994

VIA HAND DELIVERY

Board of Appeals of Baltimore County
Room 49
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204
Attention: Ms. Kathy Weidenhammer

Re: Case No. R-94-341

Dear Ms. Weidenhammer:

Please be advised that this Firm represents the Petitioners in the above-captioned matter. This letter is intended to request that you schedule a formal hearing at a public session of the Board of Appeals so that the Petitioners' Documented Plan can be submitted in lieu of the Open Plan previously filed with the Petition for Reclassification. As you know, a hearing has been scheduled in this matter before the Board of Appeals for December 6, 1994.

I look forward to hearing from you shortly concerning the date and time of the hearing concerning the submission of the Documented Plan.

Very truly yours,

Alan Betten

AB:jlb

cc: Mr. Lawrence R. Rachuba (via facsimile)
Mr. George Gavrelis (via facsimile)
Ms. Jean Tansey (via facsimile)
Mr. Jeff Long

COUNTY BOARD OF APPEALS
94 OCT -3 AM 10:39

10/18/94 @ 9:30 am } for subm. of Doc Plan only

R-94-341

Sherman Property

Justification for Zoning Reclassification

The Sherman property is an undeveloped, largely-wooded, 51.71-acre tract located along an extension of Gladway Road between Bird River and Bengies Roads. Sterling Avenue provides a connection westerly to Wampler Road. The tract is split-zoned DR-1 (15.26 acres±), DR-3.5 (0.05 acres±), ML-IM (35.99 acres±), and MH-IM (0.41 acres±). Water and sewerage service is available to the property. The Water and Sewerage Plan (Maps W and S 17-B) shows the tract to be within the urban/rural demarcation line and designated W and S-5, Master Plan Area. An amendment will be required to designate the property as W and S-3, Capital Facilities Area, to enable extension of utility service.

Stream buffers required to be established for Windlass Run and tributary streams together with wetlands effectively divorce the industrially-zoned portions of the tract from the employment center growth management area north of the Martin Marietta facilities which is comprised mainly of the Williams properties. There is no viable, stand-alone employment potential for the Sherman tract by virtue of this physical separation. Access is only through areas committed to residential uses. Use of the tract for extractive purposes would be permitted in the ML portions as of right. Mining operations would not be in harmony with the existing and emerging residential character of the Sherman tract environs. Accordingly, since physical facts inextricably wed it to residential and not industrial potentials, this petition requests that the zoning map be corrected to classify all of the Sherman tract as DR-3.5 residential zone by eliminating its split zoning for residential and manufacturing uses. DR-3.5 reflects built-out character.

This petition will be amended subsequently to include a documented site plan which graphically depicts the nature and layout of the single-family, detached homes proposed for the Sherman tract. The plan may result also in refinements to the limits of the exact zoning reclassification to be sought.

GERALD D. SHERMAN & ROGER A. SPERO
NE & SW/s Gladway Road, approx. 1150' N of Bengies Road; also 2390' SE of Bird River Road

#R-94-341
Item #13, Cycle III, 1994

15th Election District
5th Councilmanic District

From D.R. 1 & M.L.-I.M. & M.H.-I.M. to D.R. 3.5

51.66 acres

March 1, 1994 Petition for Reclassification filed by Alan Betten, Esquire, and TABOR, BETTEN & BERMAN, on behalf of Gerald D. Sherman & Roger A. Spero, Property Owners; Lawrence R. Rachuba, Legal Representative.

✱ Allen Betten, Esquire — Counsel for Petitioners
TABOR, BETTEN AND BERMAN
One North Charles Street, Suite 1115
Baltimore, MD 21201

Gerald D. Sherman and
Roger A. Spero — Petitioners
Suite 380, 780 Lynnhaven Parkway
Virginia Beach, VA 23452

Lawrence R. Rachuba — Legal Representative /Petitioner
2360 West Joppa Road, Suite 310
Lutherville, MD 21093

Daft-McCune-Walker, Inc. — Engineer
200 E. Pennsylvania Avenue (Ms. Jean Jansen)
Towson, MD 21286

James Earl Kraft /Board of Education
Mail Stop #1102-J

People's Counsel for Baltimore County

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

√ 6

Ms. Leslie Kaminski
1111 Gladway Road
Baltimore, MD 21220

(Ms. Kaminski is VP of the
Windless Run Improvement Assn Inc
1004 Gladway Road
Baltimore, MD 21220

10/04/94 -Following parties notified of open hearing to receive amended (Documented) site plan only set for Tuesday, October 18, 1994 at 9:30 a.m.:

Allen Betten, Esquire
Gerald D. Sherman and
Roger A. Spero
Lawrence R. Rachuba
Daft-McCune-Walker, Inc.
James Earl Kraft /Bd of Ed
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

NOTE: Above hearing scheduled for purpose of submission of Documented Site Plan at the request of Allen Betten, Esquire, by letter dated September 30, 1994.

10/18/94 -Documented Site Plan submitted to Board on record and in open hearing. To be forwarded to Planning and ZADM.

10/19/94 - Amended Documented Plans forwarded to ZADM and Planning Director.

11/09/94 -Letter from People's Counsel; requesting continuance on 12/06/94 only.

11/17/94 -Letter from Alan Betten, Esquire, Counsel for Petitioners; requesting postponement of 12/06/94 hearing, until further notice; considering further amendments to Petition.

11/17/94 -Notice of Postponement sent to parties; to be reset when requested by Petitioner. NOTE: Amended Plan submitted to Board 10/18/94 was pulled from Planning Board agenda by Petitioner; no comments will be forthcoming from Planning Board at this time.

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: May 3, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton trs
Board of Appeals

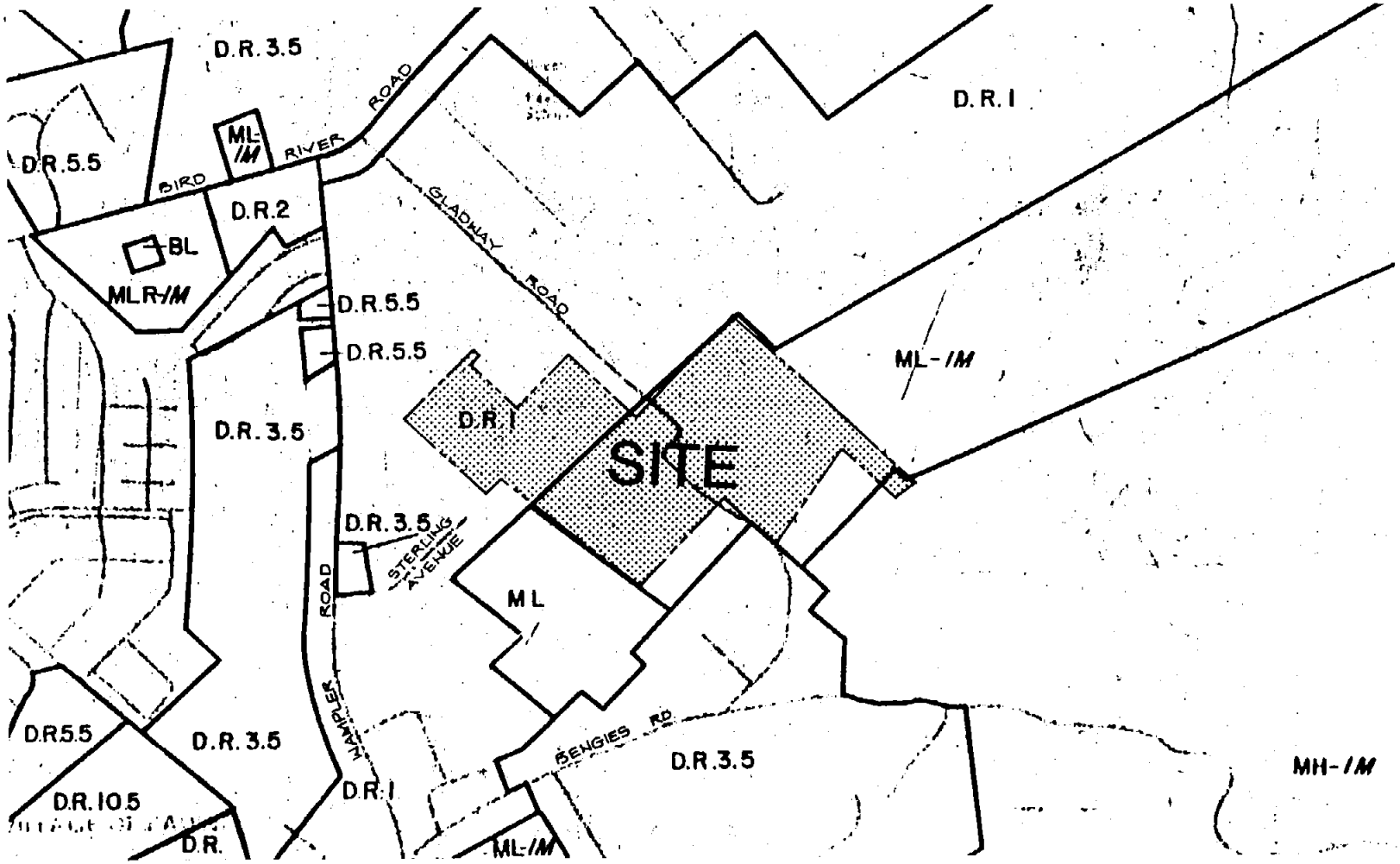
SUBJECT: **CLOSED APPEAL CASE FILE**

The following case has been finalized and the Board of Appeals is closing the copy of the appeal case file and returning the file and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	***PDM FILE NUMBER***	**NAME**	**LOCATION**
R-94-341	*R-94-341*	GERALD D. SHERMAN AND ROGER A. SPERO	BENGIES AND BIRD RIVER ROADS

Attachment: SUBJECT FILE(S) ATTACHED

R-94-341



PORTION OF BALTIMORE COUNTY
1000 SCALE ZONING MAP E-4

WILLIAM J. MACHER, ET AL
5046/295

FORWARD DEVELOPMENT COM
7449/520

JOHN C. & OLLIE M. WOLH
2102/142

PHILIP C. & ADRIANNE M. BA
8257/670

ounty Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Allen Betten, Esquire
TABOR, BETTEN AND BERMAN
One North Charles Street, Suite 1115
Baltimore, MD 21201

ounty Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Gerald D. Sherman and
Roger A. Spero
Suite 380, 780 Lynnhaven Parkway
Virginia Beach, VA 23452

ounty Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Mr. Lawrence R. Rachuba
2360 West Joppa Road, Suite 310
Lutherville, MD 21093

unty Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Daft-McCune-Walker, Inc.
200 E. Pennsyvlania Avenue
Towson, MD 21204

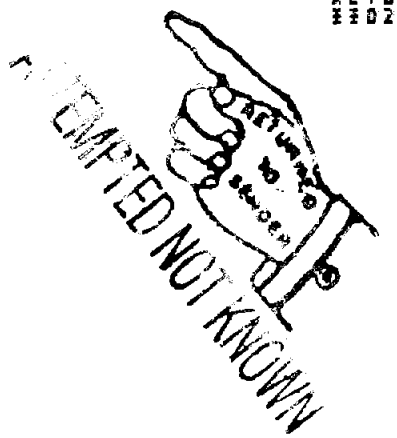
County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

RETURN SERVICE REQUESTED
**02-26-02 BALTO MD212

PRESORTED
FIRST CLASS

TOWSON MD



ALLEN BETTEN ESQUIRE
TABOR BETTEN & BERMAN
ONE NORTH CHARLES STREET
SUITE 1115
BALTIMORE MD 21201

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

RETURN SERVICE REQUESTED
E302-26-02 BALTO MD212

PRESORTED
FIRST CLASS

TOWSON
MD

02 MAR -5 PM 12:47

LAWRENCE R RACHUBA
2360 WEST JOPPA ROAD
SUITE 310
LUTHERVILLE MD 21093

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

R-94-341

Description

To Accompany Petition for Zoning Reclassification

51.71 Acre Parcel

Gerald D. Sherman and Roger Spero Property

Fifteenth Election District, Baltimore County, Maryland

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Bird River Road with the centerline of Gladway Road (1) Southeasterly along the centerline of said Gladway Road 2390 feet, more or less, and thence (2) Southwesterly 120 feet, more or less, to the point of beginning, thence leaving said beginning point and running the eighteen following courses and distance, viz: (1) North 50 degrees 15 minutes 00 seconds East 853.00 feet, thence (2) South 39 degrees 45 minutes 00 seconds East 1499.92 feet, thence (3) South 57 degrees 08 minutes 00 seconds West 153.25 feet, thence (4) North 38 degrees 57 minutes 00 seconds West 456.50 feet, thence (5) South 40 degrees 29 minutes 46 seconds West 717.60 feet, thence (6) North 39 degrees 45 minutes 00 seconds West 426.67 feet, thence (7) South 48 degrees 52 minutes 19 seconds West 740.70 feet, thence (8) North 44 degrees 43 minutes 00 seconds West 1074.00 feet, thence (9) South 51 degrees 33 minutes 00 seconds West 124.00 feet, thence (10) North 39 degrees 27 minutes 00 seconds West 658.10 feet, thence (11) North 50 degrees 20 minutes 00 seconds East 583.50 feet, thence (12) South 38 degrees 09 minutes 00 seconds East 36.00 feet, thence (13) South 49 degrees 53 minutes 00 seconds West 79.10 feet, thence (14) South 39 degrees 45 minutes 00 seconds East 400.00 feet, thence (15) North 49 degrees 53 minutes 00 seconds East 435.60 feet,

R-94-341
REN 10/18/94

Sherman Property

Environmental Impact Statement

October 1994

Project No. 93077.A

Prepared for:
Ducketts Lane Joint Venture
2360 West Joppa Road, Suite 310
Lutherville, MD 21093

Prepared by:
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

1.0 INTRODUCTION

The following Environmental Impact Statement was prepared to describe general site conditions and to analyze environmental effects of the proposed development of the Sherman Property. It has been prepared prior to final design, detailed analysis and modeling of site hydrology and other potential environmental impacts.

The site currently exists as an undeveloped wood lot. Proposed development consists of an approximately 160 lot, single-family dwelling, residential subdivision.

2.0 SITE CONDITIONS

2.1 Location

The Sherman Property is a 52-acre parcel located north of Glenn L. Martin State Airport in the Middle River area of the county. The site is further identified as Parcel 238 of Grid 24 on Tax Map No. 82. The southern 2/3 of the site is zoned light industrial (ML-IM) with the remainder zoned low density residential (DR-1). The site is accessed from the west by Sterling Road, and from the north by Gladway Road. The surrounding land uses are a mixture of varying density residential areas interspersed with light manufacturing/ industrial uses.

2.2 Geology

The site is located upon the unconsolidated sands, silts, clays, and gravels of the Coastal Plain physiographic province. More specifically, the site is underlain by the sand facies of the Patapsco Formation which is described as "well sorted, medium to fine grained quartz sand with locally abundant quartz gravel and clay clasts" (Geologic Map of Baltimore County and City, Maryland Geological Survey 1976).

2.3 Soils

Soils at the site are mapped as part of the Sassafras-Woodstown-Fallsington Association which is described as "well drained, moderately well drained, and poorly drained soils that have a subsoil of sandy clay loam; underlain by thick stratified sediment; on uplands." The Sassafras soils are found predominantly on the higher knolls; Woodstown soils are found on the slopes above the flood plains; and the Fallsington soils are found in association with the lower elevations.

2.4 Topography and Hydrology

Site elevations range from approximately 84 feet above mean sea level on a centrally located knoll, to approximately 36 feet above mean sea level along the flood plain of Windlass Run (Use -I) which is located near the southern reaches

of the site. An unnamed tributary of Windlass Run, located in the southern-most property corner, drains the western portions of the site. An area of non-tidal wetlands is associated with this drainage. Another unnamed tributary of Windlass Run, located along the northeastern property boundary, drains the eastern portions of the site. This area also has an area of wetlands in association.

2.5 Vegetation

The entire site is forested with a typical Coastal Plain community dominated by 30 to 50 year old chestnut oak and scarlet oak. Virginia pine is scattered throughout the overstory and red maple is a common component of wetland areas. The understory is dominated by laurel, blueberry and azalea with very dense patches of greenbriar. There were no specimen trees observed anywhere on site.

3.0 ENVIRONMENTAL EFFECTS

3.1 Proposed Action

The proposed action is to develop an approximately 160 lot residential subdivision on this site. Public utility connections will be made at existing utility infrastructure. Two temporary sewage pumping stations will be constructed to pump site sewage into an existing line in Sterling Avenue until such time as construction of a gravity system is complete. Sediment and stormwater management facilities will be employed during and following construction activities.

3.2 Probable Environmental Impact

The environmental matrix of the area surrounding the site is residential and light industrial land use with transportation, sanitary sewer, and water supply infrastructure. The environmental impacts from the additional traffic and other emanations from the site including sound and other vibrations, dust, odors, gases, light, and heat should be relatively insignificant when compared to existing conditions, but further study would be required to fully quantify such impacts. Furthermore, such impacts resulting from a residential subdivision should not be significantly different from those permitted under existing zoning.

Seven to 18 acres of the 52 acre wooded site would be retained primarily around streams and wetlands. The lost acreage represents an isolated forest fragment which provides some forested habitat in an otherwise developed area. Forested areas which are slated for retention including those associated with the wetlands and flood plains of Windlass Run represent the most valuable habitat available at the site. These areas will be retained thereby continuing to provide food and cover for most of the area's fauna. However, there may be some decline in forest interior bird species richness and abundance following development.

Removal of large areas of forest often reduces the water quality of surrounding streams. However, the waters of Windlass Run, a Use-I stream, will be protected during and following construction by employing best management practices for sediment and erosion control and stormwater management.

3.3 Adverse Environmental Effects

The major adverse environmental effect which cannot be avoided is the loss of approximately 34 to 45 acres of forest as previously described. This would occur under any development scenario, and potentially to a greater degree under currently zoned ML development standards.

3.4 Alternatives

The alternatives to the proposed action which might avoid some or all of the adverse impacts include:

1. No build
2. Reduced density
3. Retention and/or Enhancement of Open Space

Alternative 1, "no build", would leave the site intact until some other land use were to be proposed. As the site is currently zoned ML-IM, and since the area already has existing public utility infrastructure it represents an ideal development site. Hence, at best, "no build" represents a temporary delay in the loss of this wooded acreage. The proposed use, in all probability, will have less impact than other potential manufacturing/industrial uses which are permitted under current zoning.

Alternative 2, "reduction in density", would possibly permit the retention of additional open space; however, the overall project becomes less economically feasible as the number of proposed lots decreases.

Alternative 3, "retention and/or enhancement" of open space is the most viable alternative. The remaining forested areas, including the wetlands associated with the two tributary streams will be left intact and will continue to provide wildlife habitat. There will be two stormwater management ponds which when planted with the appropriate vegetation can provide additional habitat which will somewhat offset the loss of the forested areas. Off-site afforestation may also be used to offset any loss of habitat.

3.5 Cumulative Long Term Effects

The cumulative long term effect of the proposed development would be the loss of approximately 35 acres of forest. The Baltimore County's Forest Conservation Act conservation threshold for projects zoned DR 3.5 is 20 percent. Projects zoned ML-IM have a conservation threshold of 15 percent. Therefore there is a greater incentive for forest conservation with this parcel rezoned to DR 3.5. As well,

residential developments plant street trees and individual lot owners plant, thereby often increasing the number of trees over the years. While not a "forest" by definition, the contribution is significant.

3.6 Irreversible Commitment of Resources

There are no irreversible commitments of resources involved in the proposed development. The streams and wetlands at the two ends of the site will not be impacted and will remain viable resources. Forested areas remaining will be placed into perpetual use as community open space.

Item #13 R-94-341

Report by the
Baltimore County Planning Board
to the
Baltimore County Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

July 31,1994

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

94 JUL 28 PM 2:18
RECEIVED
COUNTY BOARD OF APPEALS

July 22, 1994

Mr. William T. Hackett, Chairman
County Board of Appeals
Courthouse
Towson, Maryland 21204

Dear Mr. Hackett:

Enclosed herewith is the report containing the County Planning Board's recommendations regarding the zoning reclassification petitions in Cycle III, 1994.

After full discussion in the Committee meeting on July 7, 1994, the Report was adopted by the Planning Board in its monthly meeting on July 21, 1994, and is hereby published and submitted in accordance with County Code Section 2-356(f).

Sincerely,

Pat Keller

Pat Keller
Secretary to the Planning Board

PK/TD/mjm
LTRS/PZONE/TXTMJM

Enclosure

cc: Merreen E. Kelly, Administrative Officer
Peter Max Zimmerman, People's Counsel

Copies to individual files

Printed with Soybean Ink
on Recycled Paper

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

Report by the Baltimore County Planning Board to the Baltimore County Board of Appeals

July 31, 1994

Baltimore County
Office of Planning and Zoning
Towson, Maryland

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INTRODUCTION

Under the provisions of Section 2-356(e), Baltimore County Code, 1988, (see Appendix A), the Director of Planning and Zoning is required to submit to the Planning Board, during Period 1 of each zoning cycle, a report on the petitions accepted by the County Board of Appeals for filing during the previous zoning cycle. The report is to contain the following information:

1. Maps showing properties under petition and the reclassifications sought therefore; such maps may also identify groups of such properties located close to each other and show other indications of the inter-relation of petitions with respect to planning considerations.

2. Recommendations on the petitions.

3. Supporting data for the recommendations, including any pertinent data and recommendations submitted by other County agencies.

4. Recommendations for scheduling of all hearings (to be held during the next Period IV, prepared in consultation with the County Board of Appeals).

The thirteen petitions in the current cycle have been reviewed by the planning staff, and the following pages report the Office of Planning and Zoning staff's analyses and recommendations. The process of formulating these recommendations included: staff inspections of each site; a review of the policies and statements in the current Baltimore County Master Plan; and a review of files from the preparation and adoption of the 1992 Comprehensive Zoning Map. Comments also were requested from other county agencies including the Board of Education, the Department of Environmental Protection and Resource Management, the Fire Department, the Police Department, the Department of Public Works, the Department of Recreation and Parks, and the Bureau of Traffic Engineering.

In reaching its decision on each petition, the Board of Appeals is required to use the standards in Section 2-356(j) of the County Code. During the first cycle following a Comprehensive Zoning Map Process, Section 2-356(k) further limits the Board's authority to granting reclassifications only where the Board finds that the change is warranted upon consideration of the specified factors and also if "the last classification of the property [i.e., by the County Council's vote on October 15, 1992] was established in error." The concept of "error" is not further defined in the Code, and the staff does not presume to make an interpretation.

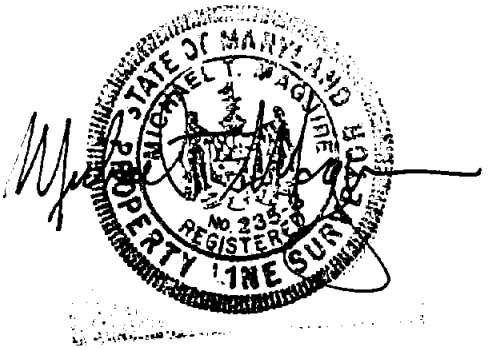
CYCLEA/PZONE/CYCLE

thence (16) South 39 degrees 45 minutes 00 seconds East 500.00 feet, thence (17) North 49 degrees 53 minutes 00 seconds East 15.00 feet, and thence (18) South 39 degrees 45 minutes 00 seconds East 58.60 feet to the point of beginning; containing 51.71 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

March 1, 1994

Project No. 93077 (L93077)



PETITIONS FOR RECLASSIFICATION
CYCLE III, 1994

Assigned Hearing Dates
County Board of Appeals

Week of September 12, 1994
Item #1, Case No. R-94-329
Masters-Severe, Inc. /Legal Owner
Village Sound Company, Inc. /Contract Purchaser
Tuesday, September 13, 1994 @ 10:00 a.m.

Week of September 19, 1994
Item #2, Case No. R-94-330
C&E Realty Company
Wednesday, September 21, 1994 @ 10:00 a.m.

Week of September 26, 1994
Item #3, Case No. R-94-331
Morningside Six Limited Partnership
Wednesday, September 28, 1994 @ 10:00 a.m.

Week of October 3, 1994
Item #4, Case No. R-94-332
Baltimore Gas & Electric Company, Inc. AND Baltimore County, Maryland AND CSX Transportation, Inc. /Legal Owners
Nace, Inc. /Contract Purchaser
Tuesday, October 4, 1994 @ 10:00 a.m.

Item #5, Case No. R-94-333
Hico Park M Limited Partnership
Thursday, October 6, 1994 @ 10:00 a.m.

Week of October 10, 1994
Item #6, Case No. R-94-334
Baltimore Gas & Electric Company, Inc.
Wednesday, October 12, 1994 @ 10:00 a.m.

BALTIMORE COUNTY, MARYLAND

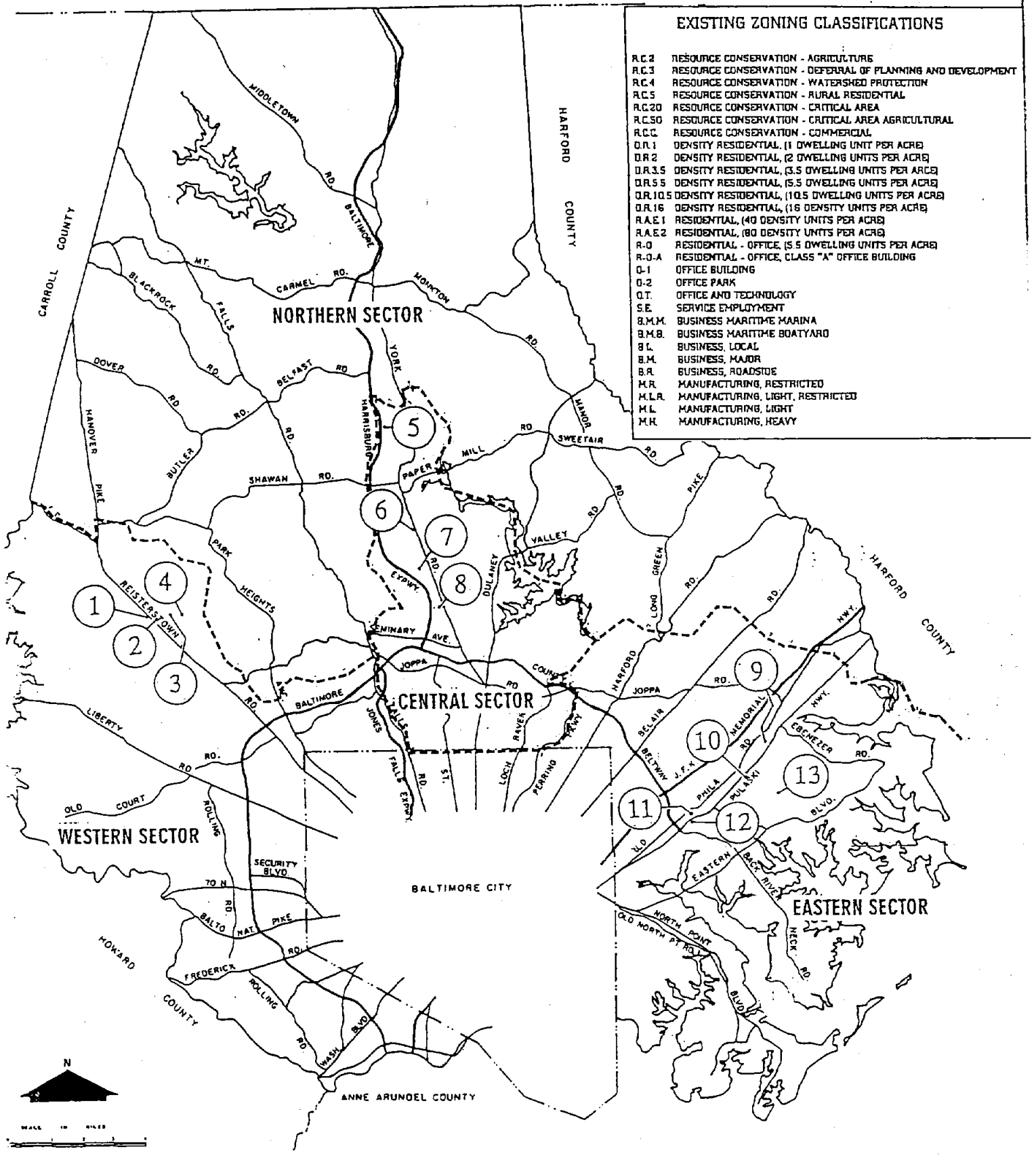
Recommendations of the Office of Planning and Zoning

July 31, 1994

Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 1 Masters-Severe, Inc.	Southwest side of Reisterstown Road, 400' southeast of Sunset Road (#11418 Reisterstown Road)	.4	R.O.	B.L.	R.O.
Item No. 2 C & E Realty Company	Northeast side of Reisterstown Road	14.54	D.R. 16	B.M.	D.R. 16
Item No. 3 Morningside Six Limited Partnership	Northwest side of Pleasant Ridge Drive, 360' northeast of Reisterstown Road	6.4	D.R. 16	B.L.	D.R. 16
Item No. 4 Baltimore Gas & Electric Company, Inc. and Baltimore County, MD & CSX Transportation, Inc.	West side of Owings Mills Boulevard, north and south of Bonita Avenue	26.83	D.R. 1	M.L.-I.M.	D.R. 1
Item No. 5 Hico Park M Limited Partnership	West side York Road, 97' south of the centerline of Ridgebrook Road	113.0	M.L. M.L.R.	D.R. 5.5	M.L. M.L.R.
Item No. 6 Baltimore Gas & Electric Company, Inc.	Southwest corner of York and Warren Roads	1.76	M.L.-A.S. M.L.-I.M. B.R.-A.S.	B.R.-A.S. B.R.-I.M.	M.L.-A.S. M.L.-I.M. B.R.-A.S.

LOCATIONS OF PROPERTIES UNDER PETITION

YORK COUNTY, PA.



EXISTING ZONING CLASSIFICATIONS

R.C.2	RESOURCE CONSERVATION - AGRICULTURE
R.C.3	RESOURCE CONSERVATION - DEFERRAL OF PLANNING AND DEVELOPMENT
R.C.4	RESOURCE CONSERVATION - WATERSHED PROTECTION
R.C.5	RESOURCE CONSERVATION - RURAL RESIDENTIAL
R.C.20	RESOURCE CONSERVATION - CRITICAL AREA
R.C.50	RESOURCE CONSERVATION - CRITICAL AREA AGRICULTURAL
R.C.C.	RESOURCE CONSERVATION - COMMERCIAL
D.R.1	DENSITY RESIDENTIAL, (1 DWELLING UNIT PER ACRE)
D.R.2	DENSITY RESIDENTIAL, (2 DWELLING UNITS PER ACRE)
D.R.3.5	DENSITY RESIDENTIAL, (3.5 DWELLING UNITS PER ACRE)
D.R.5.5	DENSITY RESIDENTIAL, (5.5 DWELLING UNITS PER ACRE)
D.R.10.5	DENSITY RESIDENTIAL, (10.5 DWELLING UNITS PER ACRE)
D.R.16	DENSITY RESIDENTIAL, (16 DENSITY UNITS PER ACRE)
R.A.E.1	RESIDENTIAL, (40 DENSITY UNITS PER ACRE)
R.A.E.2	RESIDENTIAL, (80 DENSITY UNITS PER ACRE)
R-O	RESIDENTIAL - OFFICE, (5.5 DWELLING UNITS PER ACRE)
R-O-A	RESIDENTIAL - OFFICE, CLASS "A" OFFICE BUILDING
O-1	OFFICE BUILDING
O-2	OFFICE PARK
O.T.	OFFICE AND TECHNOLOGY
S.E.	SERVICE EMPLOYMENT
B.M.M.	BUSINESS MARITIME MARINA
B.M.B.	BUSINESS MARITIME BOATYARD
B.L.	BUSINESS, LOCAL
B.M.	BUSINESS, MAJOR
B.R.	BUSINESS, ROADSIDE
M.R.	MANUFACTURING, RESTRICTED
M.L.R.	MANUFACTURING, LIGHT, RESTRICTED
M.L.	MANUFACTURING, LIGHT
M.H.	MANUFACTURING, HEAVY

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

SOURCE MATERIAL

Recommendations for the thirteen (13) petitions filed are based on the following:

1. Information compiled during the processing of the Comprehensive Zoning Maps adopted by the County Council on October 15, 1992.
2. Capital Budget and 5-Year Capital Program.
3. Zoning Plans Advisory Committee comments.
4. Discussions with other governmental agencies.
5. Field inspections of subject sites.
6. Baltimore County Master Plan

CYCLEA/PZONE/CYCLE

Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 7 Genstar Stone Products Company	South side of Galloway Avenue, 670' west of York Road, north side of Padonia Road, and east and west of proposed Beaver Dam Road	38.3	M.L.-I.M.	B.M.-I.M.	M.L.-I.M.
Item No. 8 Stebbins-Anderson Company, Inc.	Southwest corner of Timonium and Aylesbury Roads (21 West Timonium Road)	14.6	M.L.-I.M.	B.R.-I.M.	M.L.-I.M.
Item No. 9 Genstar Stone Products Company	Northwest corner of Pulaski Highway and White Marsh Boulevard, and southeast side of Philadelphia Road	205.8	M.L.-I.M. M.H.-I.M.	B.R.-I.M.	M.L.-I.M. M.H.-I.M.
Item No. 10 Janet Terry	Southeast side of Pulaski Highway, 1915' southwest of the centerline of Mohrs Lane	11.85	M.L.-I.M. M.L.-A.S.	B.R.-I.M.	M.L.-I.M. M.L.-A.S.
Item No. 11 The Giles Building and Development Company	North side of Race Road, 95' west of the centerline of Yellow Brick Road	.94	M.L.-I.M.	B.L.	M.L.-I.M.
Item No. 12 Savino Bollino & Rose Bollino	Southeast side of Pulaski Highway, 300' southwest of the centerline of Rossville Boulevard	4.3	B.R. M.L.-A.S. M.L.-I.M.	B.R.-I.M. B.R.-A.S.	B.R. M.L.-A.S. M.L.-I.M.
Item No. 13 Gerald D. Sherman & Roger A. Spero	Northeast and southwest side of Gladway Road, 1150' north of Bengies Road and 2390' southeast of Bird River Road	51.6	D.R.-1 M.L.-I.M. M.H.-I.M.	D.R. 3.5	D.R. 1 M.L.-I.M. M.H.-I.M.

JL/mjm PETITION.MAY/PZONE/TXTMJM

Week of October 17, 1994
Item #7, Case No. R-94-335
Genstar Stone Products Company
Wednesday, October 19, 1994 @ 10:00 a.m.

Week of October 24, 1994
Item #8, Case No. R-94-336
Stebbins-Andersen Company, Inc.
Tuesday, October 25, 1994 @ 10:00 a.m.

Item #9, Case No. R-94-337
Genstar Stone Product Company
Thursday, October 27, 1994 @ 10:00 a.m.

Week of October 31, 1994
Item #10, Case No. R-94-338
Janet Terry
Wednesday, November 2, 1994 @ 10:00 a.m.

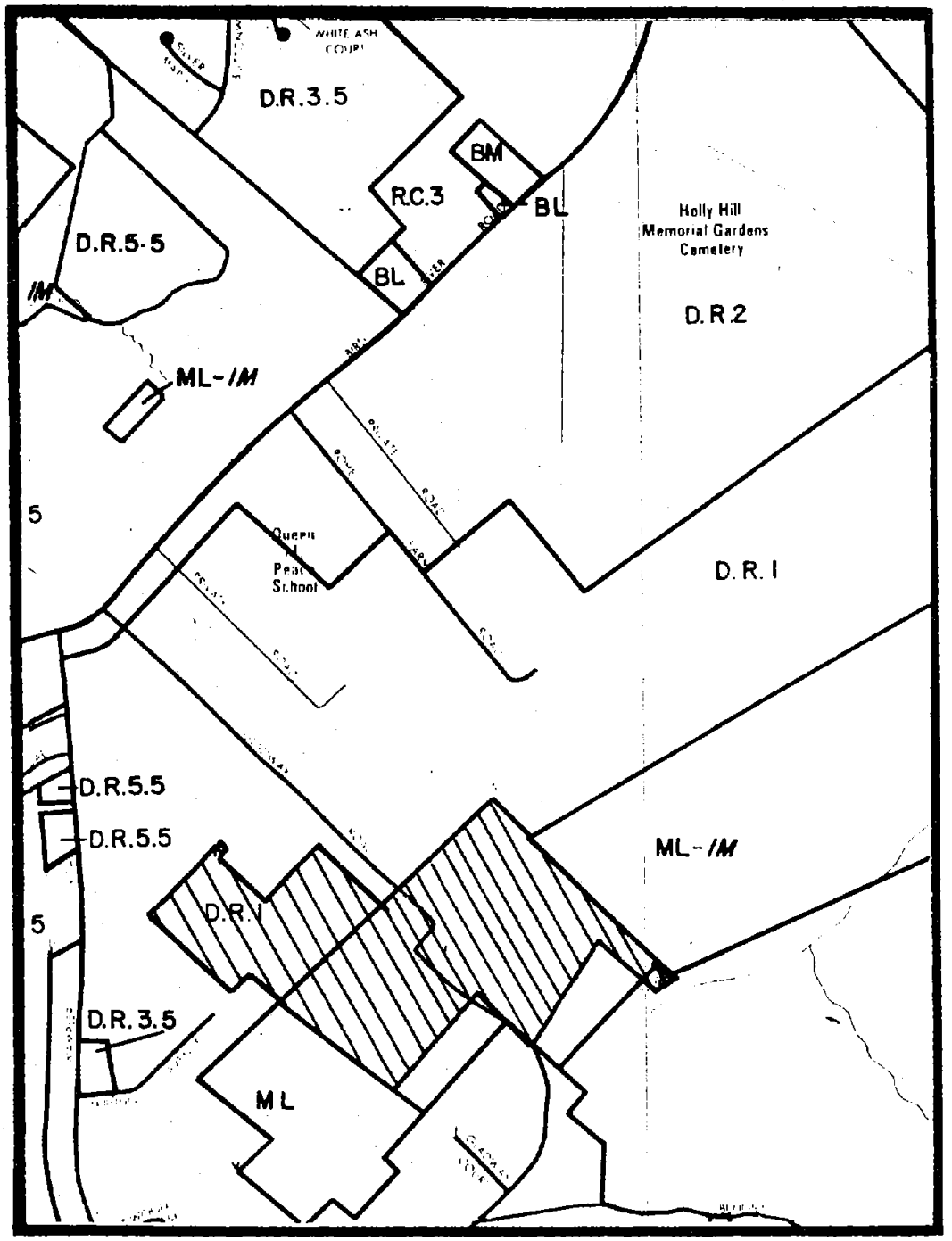
Week of November 14, 1994
Item #11, Case No. R-94-339
The Giles Building & Development Company
Tuesday, November 15, 1994 @ 10:00 a.m.

Week of November 28, 1994
Item #12, Case No. R-94-340
Savino Bollino and Rose Bollino
Wednesday, November 30, 1994 @ 10:00 a.m.

Week of December 5, 1994
Item #13, Case No. R-94-341
Gerald D. Sherman & Roger A. Spero
Tuesday, December 6, 1994 @ 10:00 a.m.

The concept of "error" is not further defined in the Code, and the staff does not presume to make an interpretation. The staff's review of each petition, however, did take into consideration the manner in which the Comprehensive Zoning Map Process is structured, and was conducted during 1991-92, to minimize the likelihood that relevant properties would inadvertently be omitted from consideration along with the Issues otherwise raised.

Obviously, each property that was raised as an Issue received separate consideration, especially properties that were sequestered from separate voting by the Planning Board and/or the County Council. In addition, after the close of the Open Filing Period, the planning staff reviewed each Issue in relation to neighboring properties to determine whether any other properties should also be raised as Issues for consideration at this time. Wherever, in the staff's judgment, action on an already-filed Issue would require or advise a change in the zoning of a neighboring property or properties, those also were raised as Issues. If, in the opinion of the staff, the current zoning in the vicinity would continue on the Issue, no additional Issues were raised. The County Council and Planning Board had the same opportunity to raise an Issue during their respective filing periods.



ITEM NUMBER 13

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-341 CYCLE III, ITEM 13

PETITIONER:

Gerald D. Sherman & Roger A. Spero

REQUESTED ACTION:

Reclassification to D.R. 3.5 (Density Residential)

EXISTING ZONING:

D.R. 1 (Density Residential), M.L.-I.M. (Manufacturing Light-Industrial Major), M.H.-I.M. (Manufacturing Heavy)

LOCATION:

Northeast and southwest side of Gladway Road, approximately 1150 feet north of Bengies Road and 2390 feet southeast of Bird River Road

AREA OF SITE:

51.66 acres ±

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 1 - single family residential

South: D.R. 3.5, M.H.-I.M. - Single family residential

East: M.L.-I.M. - single family residential, vacant

West: D.R. 1 - single family residential

SITE DESCRIPTION:

This heavily wooded site is currently unimproved.

PROPERTIES IN THE VICINITY:

The site is surrounded by low density residential development to the north, vacant land, low density residential development to the east, low density residential to the south, as well as to the west.

WATER AND SEWERAGE:

The area is designated as W-5, S-5 on the Master Water and Sewerage Plan.

TRAFFIC AND ROADS:

The site is accessed by Gladway Road, which is a narrow local road. This access is of concern due to the development potential of the requested zoning. A maximum density of 181 units could potentially impact Bengies Road, Sterling Avenue, and the northern and southern portions of Gladway Road.

ZONING HISTORY:

The parcel's zoning classification has not changed since 1976.

MASTER PLAN/COMMUNITY PLANS:

The Baltimore County Master Plan, (p. 110) makes mention of the Bird River area in relation to future development and its effects, stating that the County should be "attentive to protecting established residential areas through the routing of [new] traffic and the inclusion of effective buffers in the design of site(s)."

The Proposed Land Use Plan map, as part of the Growth Management Program, targets the site for single family residential use, with industrial land use as an alternate, and places the site in the community conservation designation of Growth Management areas. A portion of the property (M.L.-I.M., M.H.-I.M. zoned land) falls within the boundary of a PUD-C opportunity area, as mapped on the proposed PUD-C maps.

PROPOSED VS. EXISTING ZONING:

Regulations governing D.R. zones may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The proposed D.R. 3.5 zoning would permit a density of 3.5 dwelling units per acre of land.

Regulations for the M.H. zone may be found in Section 256.1 of the B.C.Z.R. The M.H. zone permits a number of heavy manufacturing uses by right. It also permits several uses by Special Exception.

Building height is unlimited, except on lots abutting a residence or business. In these cases, the maximum permitted height is 40 feet or three stories if any part of the building lies within 100 feet of the boundary line of a residence or business zone.

Regulations guiding the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses,

CERTIFICATE OF POSTING

R-94-341

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 13th Date of Posting 11/14/91

Posted for: Reclassification

Petitioner: Gerald D. Sherman et al

Location of property: NE & SW side Gladys Rd. ~~—~~

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by [signature] Date of return: 11/19/91

Signature

Number of Signs: 1

provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, staff recommends the applicant's request be denied for the following reason:

-Support for any zoning change would be dependent upon the quality of site specific details. In the absence of a documented site plan, by which the quality of development could be controlled, staff can only recommend that the applicant's request be denied.

JL:lw

INTER-AGENCY COMMENTS

Baltimore County Public Schools

Dr. Stuart Berger, Superintendent

Towson, Maryland

Office of Pupil Assignments
Educational Support Services Building
6901 N. Charles Street
Towson, Maryland 21204

June 1, 1994

Mr. Jeffrey Long
Community Planner
Office of Planning & Zoning
Mail Stop 1108

RE: Zoning Reclassification Cycle III
April, 1994 - October, 1994

Dear Jeff:

Thank you for taking time out of your busy schedule to meet with me to discuss the Cyclical Zoning Reclassification Process. The vast majority of these petitions are non-residential and, therefore, will have no impact on Baltimore County Public Schools.

Those petitions involving increases in residential zoning and the subsequent affect on our school system are summarized below:

Item 5 - Case No. R-94-333

Existing Zoning - M.L. & M.L.R. (8th Election District)

Proposed Zoning - D.R.-5.5

Zoning would allow 621.5 mixed housing units. Since I do not have the housing type breakdown, I developed a student yield based on 310 single family units and 311 townhouse units.

This property is located in the Sparks Elementary, Hereford Middle and Hereford High School Districts.

310 S.F. x .319 = 99
311 T.H. x .192 = 60
159 Elementary Students

310 S.F. x .155 = 48
311 T.H. x .055 = 17
65 Middle Students

310 S.F. x .146 = 45
311 T.H. x .090 = 28
73 High Students

A total yield of 297 students

Item 13 - Case No. R-94-341

Existing Zoning - D.R.-1 & M.L.-I.M. & M.H.-I.M.
(15th Election district)

Proposed Zoning - D.R.-3.5

Zoning would allow 180.8 single family homes.

181 S.F. x .236 = 43 Elementary Students
181 S.F. x .071 = 13 Middle Students
181 S.F. x .107 = 19 High Students
75 Total Yield

If you have any questions, please do not hesitate to contact me at 887-4215.

Sincerely,

Barbara Pickelsimer

Barbara Pickelsimer,
Field Representative
Office of Pupil Assignments

bp

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The property owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION:

Item No.: Zoning Agenda:

Gentlemen:

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

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: R-94-329 THRU R-94-343.

RECEIVED
APR 28 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 20, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-341 - Sherman Tract
Gladway Road
Zoning Advisory Committee Meeting of April 25, 1994

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Forest Conservation Regulations.

Extensive, nontidal wetlands associated with the headwaters of Windlass Run exist on site.

This Department's lack of objection to the proposed zoning reclassification does not imply approval of any future development plan/concept. The severity of the environmental constraints on the property may preclude significant development regardless of land use zoning.

JLP:GS:sp

SHERMAN/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-26-94

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

Re: Baltimore County
CASE ~~Item~~ No.: R-94-341

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. B[illegible] · Baltimore, MD 21203-0717
Street Address: 707 North C[illegible]reet • Baltimore, Maryland 21202

IN THE MATTER OF THE APPLICATION OF GERALD D. SHERMAN & ROGER A. SPERO FOR A ZONING RECLASSIFICATION FROM D.R. 1 & M.L.-I.M. & M.H.-I.M. TO D.R. 3.5 ON PROPERTY LOCATED ON THE NE & SW/S GLADWAY ROAD, APPROXIMATELY 1150' N OF BENGIES ROAD; ALSO 2390' SE OF BIRD RIVER ROAD 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. R-94-341 Cycle III, 1994

* * * * * * * * *

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on a Petition for Reclassification filed by Allen Betten, Esquire, on behalf of Gerald D. Sherman & Roger A. Spero, Property Owners; Lawrence R. Rachuba, Legal Representative on property located on the northeast and southwest sides Gladway Road, approximately 1150' north of Bengies Road; also 2390' southeast of Bird River Road in the Fifteenth Election District of Baltimore County.

WHEREAS, Petitions for Reclassification pending on the Board's Continued Docket on the date of adoption of the Comprehensive Zoning Maps are considered to be moot; and

WHEREAS, no further action has been taken in this matter since a postponement was granted to Petitioners on November 17, 1994;

IT IS, THEREFORE, this 25th day of February, 2002, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. R-94-341 be and the same is declared moot, and the Petition **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

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

receipt

Account R-01-6150

Number

R-94-241 (WCR)
Cycle III - Item #13

DROP-OFF --- NO REVIEW

Date 10/18/94

#110 - REVISIONS ---------- $100.00

Legal Owner: Gerald D. Sherman & Roger A. Spero
NE & SW/S Gladway Road, approximately 1150' N of Bengies Road; also 2390' SE of Bird River Road
Zoning: D.R.-1 & M.L.-I.M. & M.H.-I.M.
Acreage: 51.66 Total
District: 15c5
Attorney: Alan Betten

Check From:
Daft-McCune-Walker

Please Make Checks Payable To: Baltimore County

Cashier Validation

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

02 MAR 11 AM 5:19

February 25, 2002

Allen Betten, Esquire
TABOR, BETTEN AND BERMAN
One North Charles Street
Suite 1115
Baltimore, MD 21201

RE: *In the Matter of: Gerald D. Sherman & Roger A. Spero*
Case No. R-94-341 / Order of Dismissal of Petition

Dear Mr. Betten:

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Gerald D. Sherman and Roger A. Spero
Larence R. Rachuba
Daft-McCune-Walker
Leslie Kaminski /Windless Run Imp Assn Inc
Robert J. Haines, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

Printed with Soybean Ink
on Recycled Paper

OPEN

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at Gladway Road -- 2,390 feet south of Bird River Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an DR-1, DR-3.5, ML-IM and MH-IM zone to an DR-3.5 zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

single-family, detached homes

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

See attached statement

RECEIVED
COUNTY BOARD OF APPEALS
94 MAR -1 PM 3:59

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Tabor, Betten and Berman
(Type or Print Name)

Signature

One North Charles Street, Suite 1115
Address Phone No.

Baltimore, Maryland 21201
City State Zipcode

Legal Owner(s): Gerald D. Sherman
Roger A. Spero
Suite 380, 780 Lynnhaven Parkway
Virginia Beach, VA 23452
(Type or Print Name)

Signature

Lawrence R. Rachuba, Legal Representative
(Type or Print Name)

Lawrence R. Rachuba
Signature

2360 West Joppa Road
Suite 310 (410) 823-1900
Address Phone No.

Lutherville, Maryland 21093
City State Zipcode

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

Lawrence R. Rachuba
Name

2630 W. Joppa Rd., Ste. 310 (410) 823-1900
Address Lutherville, MD 21093 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

See Revised Petition (Rev. 3/29/94)

REV. 3-29-94

R-94-341

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at Gladway Road -- 2,390 feet south of Bird River Road

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Tabor, Betten and Berman
(Type or Print Name)

Signature

One North Charles Street, Suite 1115
Address Phone No.

Baltimore, Maryland 21201
City State Zipcode

Legal Owner(s): Gerald D. Sherman
Roger A. Spero
Suite 380, 780 Lynnhaven Parkway
Virginia Beach, VA 23452
(Type or Print Name)

Signature

Lawrence R. Rachuba, Legal Representative
(Type or Print Name)

Signature

2360 West Joppa Road
Suite 310 (410) 823-1900
Address Phone No.

Lutherville, Maryland 21093
City State Zipcode

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

Lawrence R. Rachuba
Name

2630 W. Joppa Rd., Ste. 310 (410) 823-1900
Address Lutherville, MD 21093 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

R-94-341

Sherman Property

Justification for Zoning Reclassification

The Sherman property is an undeveloped, largely-wooded, 51.71-acre tract located along an extension of Gladway Road between Bird River and Bengies Roads. Sterling Avenue provides a connection westerly to Wampler Road. The tract is split-zoned DR-1 (15.26 acres±), DR-3.5 (0.05 acres±), ML-IM (35.99 acres±), and MH-IM (0.41 acres±). Water and sewerage service is available to the property. The Water and Sewerage Plan (Maps W and S 17-B) shows the tract to be within the urban/rural demarcation line and designated W and S-5, Master Plan Area. An amendment will be required to designate the property as W and S-3, Capital Facilities Area, to enable extension of utility service.

Stream buffers required to be established for Windlass Run and tributary streams together with wetlands effectively divorce the industrially-zoned portions of the tract from the employment center growth management area north of the Martin Marietta facilities which is comprised mainly of the Williams properties. There is no viable, stand-alone employment potential for the Sherman tract by virtue of this physical separation. Access is only through areas committed to residential uses. Use of the tract for extractive purposes would be permitted in the ML portions as of right. Mining operations would not be in harmony with the existing and emerging residential character of the Sherman tract environs. Accordingly, since physical facts inextricably wed it to residential and not industrial potentials, this petition requests that the zoning map be corrected to classify all of the Sherman tract as DR-3.5 residential zone by eliminating its split zoning for residential and manufacturing uses. DR-3.5 reflects built-out character.

This petition will be amended subsequently to include a documented site plan which graphically depicts the nature and layout of the single-family, detached homes proposed for the Sherman tract. The plan may result also in refinements to the limits of the exact zoning reclassification to be sought.

R-94-341

Description

To Accompany Petition for Zoning Reclassification

51.71 Acre Parcel

Gerald D. Sherman and Roger Spero Property

Fifteenth Election District, Baltimore County, Maryland

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

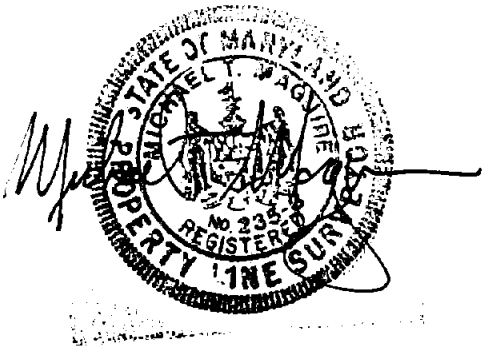
Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Bird River Road with the centerline of Gladway Road (1) Southeasterly along the centerline of said Gladway Road 2390 feet, more or less, and thence (2) Southwesterly 120 feet, more or less, to the point of beginning, thence leaving said beginning point and running the eighteen following courses and distance, viz: (1) North 50 degrees 15 minutes 00 seconds East 853.00 feet, thence (2) South 39 degrees 45 minutes 00 seconds East 1499.92 feet, thence (3) South 57 degrees 08 minutes 00 seconds West 153.25 feet, thence (4) North 38 degrees 57 minutes 00 seconds West 456.50 feet, thence (5) South 40 degrees 29 minutes 46 seconds West 717.60 feet, thence (6) North 39 degrees 45 minutes 00 seconds West 426.67 feet, thence (7) South 48 degrees 52 minutes 19 seconds West 740.70 feet, thence (8) North 44 degrees 43 minutes 00 seconds West 1074.00 feet, thence (9) South 51 degrees 33 minutes 00 seconds West 124.00 feet, thence (10) North 39 degrees 27 minutes 00 seconds West 658.10 feet, thence (11) North 50 degrees 20 minutes 00 seconds East 583.50 feet, thence (12) South 38 degrees 09 minutes 00 seconds East 36.00 feet, thence (13) South 49 degrees 53 minutes 00 seconds West 79.10 feet, thence (14) South 39 degrees 45 minutes 00 seconds East 400.00 feet, thence (15) North 49 degrees 53 minutes 00 seconds East 435.60 feet,

thence (16) South 39 degrees 45 minutes 00 seconds East 500.00 feet, thence (17) North 49 degrees 53 minutes 00 seconds East 15.00 feet, and thence (18) South 39 degrees 45 minutes 00 seconds East 58.60 feet to the point of beginning; containing 51.71 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

March 1, 1994

Project No. 93077 (L93077)



CERTIFICATE OF POSTING

R-94-341

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 13th Date of Posting 11/14/91

Posted for: Reclassification

Petitioner: Gerald D. Sherman et al

Location of property: NE & SW side Gladys Rd. ~~—~~

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by [signature] Date of return: 11/19/91

Signature

Number of Signs: 1

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

receipt

Account R-01-6150

Number

R-94-241 (WCR)
Cycle III - Item #13

DROP-OFF --- NO REVIEW

Date 10/18/94

#110 - REVISIONS ---------- $100.00

Legal Owner: Gerald D. Sherman & Roger A. Spero
NE & SW/S Gladway Road, approximately 1150' N of Bengies Road; also 2390' SE of Bird River Road
Zoning: D.R.-1 & M.L.-I.M. & M.H.-I.M.
Acreage: 51.66 Total
District: 15c5
Attorney: Alan Betten

Check From:
Daft-McCune-Walker

Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 139983

DATE 3-1-94 ACCOUNT

CYCLE III #13
R-94-341

AMOUNT $

RECEIVED FROM: FAIRMONT

FOR:

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 18941

DATE 9/13/94 ACCOUNT R-001-6150

AMOUNT $ 35.00

RECEIVED FROM: Duckett Lane Joint Venture

FOR: Postings R-94-341

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

IN THE MATTER OF THE APPLICATION OF GERALD D. SHERMAN & ROGER A. SPERO FOR A ZONING RECLASSIFICATION FROM D.R. 1 & M.L.-I.M. & M.H.-I.M. TO D.R. 3.5 ON PROPERTY LOCATED ON THE NE & SW/S GLADWAY ROAD, APPROXIMATELY 1150' N OF BENGIES ROAD; ALSO 2390' SE OF BIRD RIVER ROAD 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. R-94-341 Cycle III, 1994

* * * * * * * * *

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on a Petition for Reclassification filed by Allen Betten, Esquire, on behalf of Gerald D. Sherman & Roger A. Spero, Property Owners; Lawrence R. Rachuba, Legal Representative on property located on the northeast and southwest sides Gladway Road, approximately 1150' north of Bengies Road; also 2390' southeast of Bird River Road in the Fifteenth Election District of Baltimore County.

WHEREAS, Petitions for Reclassification pending on the Board's Continued Docket on the date of adoption of the Comprehensive Zoning Maps are considered to be moot; and

WHEREAS, no further action has been taken in this matter since a postponement was granted to Petitioners on November 17, 1994;

IT IS, THEREFORE, this 25th day of February, 2002, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. R-94-341 be and the same is declared moot, and the Petition **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

02 MAR 11 AM 5:19

February 25, 2002

Allen Betten, Esquire
TABOR, BETTEN AND BERMAN
One North Charles Street
Suite 1115
Baltimore, MD 21201

RE: *In the Matter of: Gerald D. Sherman & Roger A. Spero*
Case No. R-94-341 / Order of Dismissal of Petition

Dear Mr. Betten:

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Gerald D. Sherman and Roger A. Spero
Larence R. Rachuba
Daft-McCune-Walker
Leslie Kaminski /Windless Run Imp Assn Inc
Robert J. Haines, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

Printed with Soybean Ink
on Recycled Paper

OPEN

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at Gladway Road -- 2,390 feet south of Bird River Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an DR-1, DR-3.5, ML-IM and MH-IM zone to an DR-3.5 zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

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RECEIVED
COUNTY BOARD OF APPEALS
94 MAR -1 PM 3:59

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Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Tabor, Betten and Berman
(Type or Print Name)

Signature

One North Charles Street, Suite 1115
Address Phone No.

Baltimore, Maryland 21201
City State Zipcode

Legal Owner(s): Gerald D. Sherman
Roger A. Spero
Suite 380, 780 Lynnhaven Parkway
Virginia Beach, VA 23452
(Type or Print Name)

Signature

Lawrence R. Rachuba, Legal Representative
(Type or Print Name)

Lawrence R. Rachuba
Signature

2360 West Joppa Road
Suite 310 (410) 823-1900
Address Phone No.

Lutherville, Maryland 21093
City State Zipcode

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

Lawrence R. Rachuba
Name

2630 W. Joppa Rd., Ste. 310 (410) 823-1900
Address Lutherville, MD 21093 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

OK JWM 3-1-94

See Revised Petition (Rev. 3/29/94)

REV. 3-29-94

R-94-341

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at Gladway Road -- 2,390 feet south of Bird River Road

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(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s): Gerald D. Sherman
Roger A. Spero
Suite 380, 780 Lynnhaven Parkway
Virginia Beach, VA 23452
(Type or Print Name)

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Lawrence R. Rachuba, Legal Representative
(Type or Print Name)

Lawrence R. Rachuba
Signature

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Name

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Address Lutherville, MD 21093 Phone No.

Attorney for Petitioner:

Tabor, Betten and Berman
(Type or Print Name)

Signature

One North Charles Street, Suite 1115
Address Phone No.

Baltimore, Maryland 21201
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

R-94-341

Sherman Property

Justification for Zoning Reclassification

The Sherman property is an undeveloped, largely-wooded, 51.71-acre tract located along an extension of Gladway Road between Bird River and Bengies Roads. Sterling Avenue provides a connection westerly to Wampler Road. The tract is split-zoned DR-1 (15.26 acres±), DR-3.5 (0.05 acres±), ML-IM (35.99 acres±), and MH-IM (0.41 acres±). Water and sewerage service is available to the property. The Water and Sewerage Plan (Maps W and S 17-B) shows the tract to be within the urban/rural demarcation line and designated W and S-5, Master Plan Area. An amendment will be required to designate the property as W and S-3, Capital Facilities Area, to enable extension of utility service.

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R-94-341

Description

To Accompany Petition for Zoning Reclassification

51.71 Acre Parcel

Gerald D. Sherman and Roger Spero Property

Fifteenth Election District, Baltimore County, Maryland

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

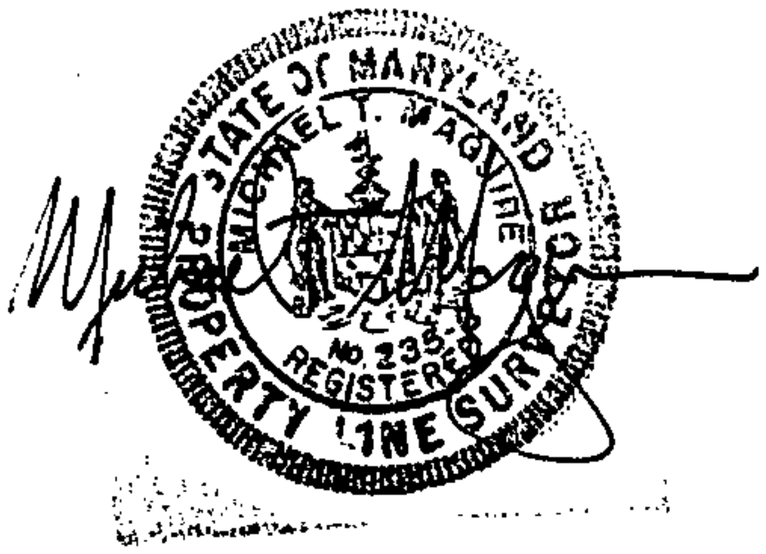
Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Bird River Road with the centerline of Gladway Road (1) Southeasterly along the centerline of said Gladway Road 2390 feet, more or less, and thence (2) Southwesterly 120 feet, more or less, to the point of beginning, thence leaving said beginning point and running the eighteen following courses and distance, viz: (1) North 50 degrees 15 minutes 00 seconds East 853.00 feet, thence (2) South 39 degrees 45 minutes 00 seconds East 1499.92 feet, thence (3) South 57 degrees 08 minutes 00 seconds West 153.25 feet, thence (4) North 38 degrees 57 minutes 00 seconds West 456.50 feet, thence (5) South 40 degrees 29 minutes 46 seconds West 717.60 feet, thence (6) North 39 degrees 45 minutes 00 seconds West 426.67 feet, thence (7) South 48 degrees 52 minutes 19 seconds West 740.70 feet, thence (8) North 44 degrees 43 minutes 00 seconds West 1074.00 feet, thence (9) South 51 degrees 33 minutes 00 seconds West 124.00 feet, thence (10) North 39 degrees 27 minutes 00 seconds West 658.10 feet, thence (11) North 50 degrees 20 minutes 00 seconds East 583.50 feet, thence (12) South 38 degrees 09 minutes 00 seconds East 36.00 feet, thence (13) South 49 degrees 53 minutes 00 seconds West 79.10 feet, thence (14) South 39 degrees 45 minutes 00 seconds East 400.00 feet, thence (15) North 49 degrees 53 minutes 00 seconds East 435.60 feet,

thence (16) South 39 degrees 45 minutes 00 seconds East 500.00 feet, thence (17) North 49 degrees 53 minutes 00 seconds East 15.00 feet, and thence (18) South 39 degrees 45 minutes 00 seconds East 58.60 feet to the point of beginning; containing 51.71 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

March 1, 1994

Project No. 93077 (L93077)



Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 26, 1994

Gerald D. Sherman and Roger A. Spero
c/o Allen Betten
Tabor, Betten and Berman
One N. Charles Street, #1115
Baltimore, Maryland 21201

Re: Case Number: R-94-341
NE & SW/S Gladway Road, 1150'+/- N of Bengies Road, also
2390' SE of Bird River Road
15th Election District - 5th Councilmanic

Dear Mr. Betten:

Attached you will find a copy of the memorandum originally forwarded to you on May 24, 1994. As noted thereon, payment 1 (posting charge), is now overdue. Payment 2 (your client's share of the $4,313.40 cost of the full page ads) is now due.

Please immediately forward the following to this office:

1) A check made payable to Baltimore County, Maryland in the amount of $35.00.

2) A check made payable to Patuxent Publishing in the amount of $331.80.

Non-payment of fees will hold your case in abeyance. If you have any questions regarding this letter, you may contact Ms. Gwen Stephens at 887-3391.

Very truly yours,

ARNOLD JABLON
DIRECTOR

AJ:ggs

Per Gwen Stephens - ZADM

ALL ADVERTISING PAID FOR

CYCLE III RECLASS PETITIONS

Printed with Soybean Ink
on Recycled Paper

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

receipt

Date 10/13/94

Account: R-001-6150

Number

R-94-241 (NCR)
Cycle III - Item #13

DROP-OFF —— NO REVIEW

#110 - REVISIONS ———————————— $100.00

Legal Owner: Gerald F. Sherman & Roger A. Spero
NE & SW/S Gladway Road, approximately 1150' N of
Bengies Road; also 2390' SE of Bird River Road
Zoning: D.R.-1 & M.L.-I.M. & M.H.-T.M.
Acreage: 51.66 Total
District: 15c5
Attorney: Alan Betten

Check From:
Daft-McCune-Walker

Please Make Checks Payable To: Baltimore County

Cashier Validation

MEMORANDUM

TO: RECLASSIFICATION PETITIONERS, ATTORNEY, AND/OR REPRESENTATIVES

FROM: ZONING ADMINISTARTION AND DEVELOPMENT MANAGEMENT
111 W. Chesapeake Avenue, Towson, Maryland 21204

RE:: PAYMENT OF POSTING AND ADVERTISING FEES - RECLASSIFICATIONS

As you are aware, all government entities should endeavor to cut dollor out-put, misuse of labor and the proliferation of paperwork.

In the past, mandated newspaper advertising of Zoning actions was billed to Baltimore County. The processing of these ads and their subsequent bills touched several county agencies. Although, we will continue to place ads for the petitioner, in the majority of cases, Baltimore County will no longer act as a middle-man with regard to the newspaper billing.

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

Cycle Reclassification Petitions are required to be heavily advertised and are now the only instance when we must again act as middle-man. The initial full-page ads, containing the particulars of all the petitions in this Cycle, will run in the July 7, 1994 and July 14, 1994 issues of the Jeffersonian.

Patuxent Publishing will bill the County an estimated $4,600.00 for these full-page ads. This cost is charged back to the petitioners, equally divided among them. When you receive this bill from us, we ask that you immediately mail your check back to us. However, the check's payee should read Patuxent Publishing Company. In this manner, you help lower the County's cost by reducing or eliminating the purchasing, budget, and/or finance departments' involvement. Costs are also lowered as no funds will come out of the County budget to pay the advertising costs.

Briefly, your payments will be as follows:

1) Posting charges of $35.00, now due. Please make check payable to "Baltimore County" and mail to Zoning Administration & Development Management.

2) Your share of the full page ads. Our office will forward billing to you in late July. Upon receipt, please make your check payable to "Patuxent Publishing" and mail it to Zoning Administration and Development Management.

3) Advertising cost for your individual ad, which will run approxiamtely 3 to 4 weeks before your hearing. Billing for this will come directly from Patuxent Publishing and your check should be made payable to and mailed directly to Patuxent.

If you have any questions concerning this matter, please contact Gwendolyn Stephens at 887-3391.

CERTIFICATE OF POSTING

R-94-341

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 5th Date of Posting 11/14/91

Posted for: Reclassification

Petitioner: Gerald D. Shermman et al

Location of property: NE & SW/side Gladwy Rd — ~~East~~

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by M. J. Kelly Date of return: 11/18/91

Signature

Number of Signs: 1

B-94-341
REN 10/18/94

Sherman Property

Environmental Impact Statement

October 1994

Project No. 93077.A

Prepared for:
Ducketts Lane Joint Venture
2360 West Joppa Road, Suite 310
Lutherville, MD 21093

Prepared by:
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

1.0 INTRODUCTION

The following Environmental Impact Statement was prepared to describe general site conditions and to analyze environmental effects of the proposed development of the Sherman Property. It has been prepared prior to final design, detailed analysis and modeling of site hydrology and other potential environmental impacts.

The site currently exists as an undeveloped wood lot. Proposed development consists of an approximately 160 lot, single-family dwelling, residential subdivision.

2.0 SITE CONDITIONS

2.1 Location

The Sherman Property is a 52-acre parcel located north of Glenn L. Martin State Airport in the Middle River area of the county. The site is further identified as Parcel 238 of Grid 24 on Tax Map No. 82. The southern 2/3 of the site is zoned light industrial (ML-IM) with the remainder zoned low density residential (DR-1). The site is accessed from the west by Sterling Road, and from the north by Gladway Road. The surrounding land uses are a mixture of varying density residential areas interspersed with light manufacturing/ industrial uses.

2.2 Geology

The site is located upon the unconsolidated sands, silts, clays, and gravels of the Coastal Plain physiographic province. More specifically, the site is underlain by the sand facies of the Patapsco Formation which is described as "well sorted, medium to fine grained quartz sand with locally abundant quartz gravel and clay clasts" (Geologic Map of Baltimore County and City, Maryland Geological Survey 1976).

2.3 Soils

Soils at the site are mapped as part of the Sassafras-Woodstown-Fallsington Association which is described as "well drained, moderately well drained, and poorly drained soils that have a subsoil of sandy clay loam; underlain by thick stratified sediment; on uplands." The Sassafras soils are found predominantly on the higher knolls; Woodstown soils are found on the slopes above the flood plains; and the Fallsington soils are found in association with the lower elevations.

2.4 Topography and Hydrology

Site elevations range from approximately 84 feet above mean sea level on a centrally located knoll, to approximately 36 feet above mean sea level along the flood plain of Windlass Run (Use -I) which is located near the southern reaches

of the site. An unnamed tributary of Windlass Run, located in the southern-most property corner, drains the western portions of the site. An area of non-tidal wetlands is associated with this drainage. Another unnamed tributary of Windlass Run, located along the northeastern property boundary, drains the eastern portions of the site. This area also has an area of wetlands in association.

2.5 Vegetation

The entire site is forested with a typical Coastal Plain community dominated by 30 to 50 year old chestnut oak and scarlet oak. Virginia pine is scattered throughout the overstory and red maple is a common component of wetland areas. The understory is dominated by laurel, blueberry and azalea with very dense patches of greenbriar. There were no specimen trees observed anywhere on site.

3.0 ENVIRONMENTAL EFFECTS

3.1 Proposed Action

The proposed action is to develop an approximately 160 lot residential subdivision on this site. Public utility connections will be made at existing utility infrastructure. Two temporary sewage pumping stations will be constructed to pump site sewage into an existing line in Sterling Avenue until such time as construction of a gravity system is complete. Sediment and stormwater management facilities will be employed during and following construction activities.

3.2 Probable Environmental Impact

The environmental matrix of the area surrounding the site is residential and light industrial land use with transportation, sanitary sewer, and water supply infrastructure. The environmental impacts from the additional traffic and other emanations from the site including sound and other vibrations, dust, odors, gases, light, and heat should be relatively insignificant when compared to existing conditions, but further study would be required to fully quantify such impacts. Furthermore, such impacts resulting from a residential subdivision should not be significantly different from those permitted under existing zoning.

Seven to 18 acres of the 52 acre wooded site would be retained primarily around streams and wetlands. The lost acreage represents an isolated forest fragment which provides some forested habitat in an otherwise developed area. Forested areas which are slated for retention including those associated with the wetlands and flood plains of Windlass Run represent the most valuable habitat available at the site. These areas will be retained thereby continuing to provide food and cover for most of the area's fauna. However, there may be some decline in forest interior bird species richness and abundance following development.

Removal of large areas of forest often reduces the water quality of surrounding streams. However, the waters of Windlass Run, a Use-I stream, will be protected during and following construction by employing best management practices for sediment and erosion control and stormwater management.

3.3 Adverse Environmental Effects

The major adverse environmental effect which cannot be avoided is the loss of approximately 34 to 45 acres of forest as previously described. This would occur under any development scenario, and potentially to a greater degree under currently zoned ML development standards.

3.4 Alternatives

The alternatives to the proposed action which might avoid some or all of the adverse impacts include:

1. No build
2. Reduced density
3. Retention and/or Enhancement of Open Space

Alternative 1, "no build", would leave the site intact until some other land use were to be proposed. As the site is currently zoned ML-IM, and since the area already has existing public utility infrastructure it represents an ideal development site. Hence, at best, "no build" represents a temporary delay in the loss of this wooded acreage. The proposed use, in all probability, will have less impact than other potential manufacturing/industrial uses which are permitted under current zoning.

Alternative 2, "reduction in density", would possibly permit the retention of additional open space; however, the overall project becomes less economically feasible as the number of proposed lots decreases.

Alternative 3, "retention and/or enhancement" of open space is the most viable alternative. The remaining forested areas, including the wetlands associated with the two tributary streams will be left intact and will continue to provide wildlife habitat. There will be two stormwater management ponds which when planted with the appropriate vegetation can provide additional habitat which will somewhat offset the loss of the forested areas. Off-site afforestation may also be used to offset any loss of habitat.

3.5 Cumulative Long Term Effects

The cumulative long term effect of the proposed development would be the loss of approximately 35 acres of forest. The Baltimore County's Forest Conservation Act conservation threshold for projects zoned DR 3.5 is 20 percent. Projects zoned ML-IM have a conservation threshold of 15 percent. Therefore there is a greater incentive for forest conservation with this parcel rezoned to DR 3.5. As well,

residential developments plant street trees and individual lot owners plant, thereby often increasing the number of trees over the years. While not a "forest" by definition, the contribution is significant.

3.6 Irreversible Commitment of Resources

There are no irreversible commitments of resources involved in the proposed development. The streams and wetlands at the two ends of the site will not be impacted and will remain viable resources. Forested areas remaining will be placed into perpetual use as community open space.

Item # 13 R-94-341

Report by the
Baltimore County Planning Board
to the
Baltimore County Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

July 31,1994

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS
94 JUL 28 PM 2:18

July 22, 1994

Mr. William T. Hackett, Chairman
County Board of Appeals
Courthouse
Towson, Maryland 21204

Dear Mr. Hackett:

Enclosed herewith is the report containing the County Planning Board's recommendations regarding the zoning reclassification petitions in Cycle III, 1994.

After full discussion in the Committee meeting on July 7, 1994, the Report was adopted by the Planning Board in its monthly meeting on July 21, 1994, and is hereby published and submitted in accordance with County Code Section 2-356(f).

Sincerely,

Pat Keller

Pat Keller
Secretary to the Planning Board

PK/TD/mjm
LTRS/PZONE/TXTMJM

Enclosure

cc: Merreen E. Kelly, Administrative Officer
Peter Max Zimmerman, People's Counsel

Printed with Soybean Ink
on Recycled Paper

Copies to individual files
&601-94.

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

Report by the Baltimore County
Planning Board
to the

Baltimore County Board of Appeals

July 31, 1994

Baltimore County
Office of Planning and Zoning
Towson, Maryland

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INTRODUCTION

Under the provisions of Section 2-356(e), Baltimore County Code, 1988, (see Appendix A), the Director of Planning and Zoning is required to submit to the Planning Board, during Period 1 of each zoning cycle, a report on the petitions accepted by the County Board of Appeals for filing during the previous zoning cycle. The report is to contain the following information:

1. Maps showing properties under petition and the reclassifications sought therefore; such maps may also identify groups of such properties located close to each other and show other indications of the inter-relation of petitions with respect to planning considerations.

2. Recommendations on the petitions.

3. Supporting data for the recommendations, including any pertinent data and recommendations submitted by other County agencies.

4. Recommendations for scheduling of all hearings (to be held during the next Period IV, prepared in consultation with the County Board of Appeals).

The thirteen petitions in the current cycle have been reviewed by the planning staff, and the following pages report the Office of Planning and Zoning staff's analyses and recommendations. The process of formulating these recommendations included: staff inspections of each site; a review of the policies and statements in the current Baltimore County Master Plan; and a review of files from the preparation and adoption of the 1992 Comprehensive Zoning Map. Comments also were requested from other county agencies including the Board of Education, the Department of Environmental Protection and Resource Management, the Fire Department, the Police Department, the Department of Public Works, the Department of Recreation and Parks, and the Bureau of Traffic Engineering.

In reaching its decision on each petition, the Board of Appeals is required to use the standards in Section 2-356(j) of the County Code. During the first cycle following a Comprehensive Zoning Map Process, Section 2-356(k) further limits the Board's authority to granting reclassifications only where the Board finds that the change is warranted upon consideration of the specified factors and also if "the last classification of the property [i.e., by the County Council's vote on October 15, 1992] was established in error." The concept of "error" is not further defined in the Code, and the staff does not presume to make an interpretation.

CYCLEA/PZONE/CYCLE

PETITIONS FOR RECLASSIFICATION
CYCLE III, 1994

Assigned Hearing Dates
County Board of Appeals
Page 1 of 2

Week of September 12, 1994
Item #1, Case No. R-94-329
Masters-Severe, Inc. /Legal Owner
Village Sound Company, Inc. /Contract Purchaser
Tuesday, September 13, 1994 @ 10:00 a.m.

Week of September 19, 1994
Item #2, Case No. R-94-330
C&E Realty Company
Wednesday, September 21, 1994 @ 10:00 a.m.

Week of September 26, 1994
Item #3, Case No. R-94-331
Morningside Six Limited Partnership
Wednesday, September 28, 1994 @ 10:00 a.m.

Week of October 3, 1994
Item #4, Case No. R-94-332
Baltimore Gas & Electric Company, Inc. AND
Baltimore County, Maryland AND CSX Transportation,
Inc. /Legal Owners
Nace, Inc. /Contract Purchaser
Tuesday, October 4, 1994 @ 10:00 a.m.

Item #5, Case No. R-94-333
Hico Park M Limited Partnership
Thursday, October 6, 1994 @ 10:00 a.m.

Week of October 10, 1994
Item #6, Case No. R-94-334
Baltimore Gas & Electric Company, Inc.
Wednesday, October 12, 1994 @ 10:00 a.m.

BALTIMORE COUNTY, MARYLAND

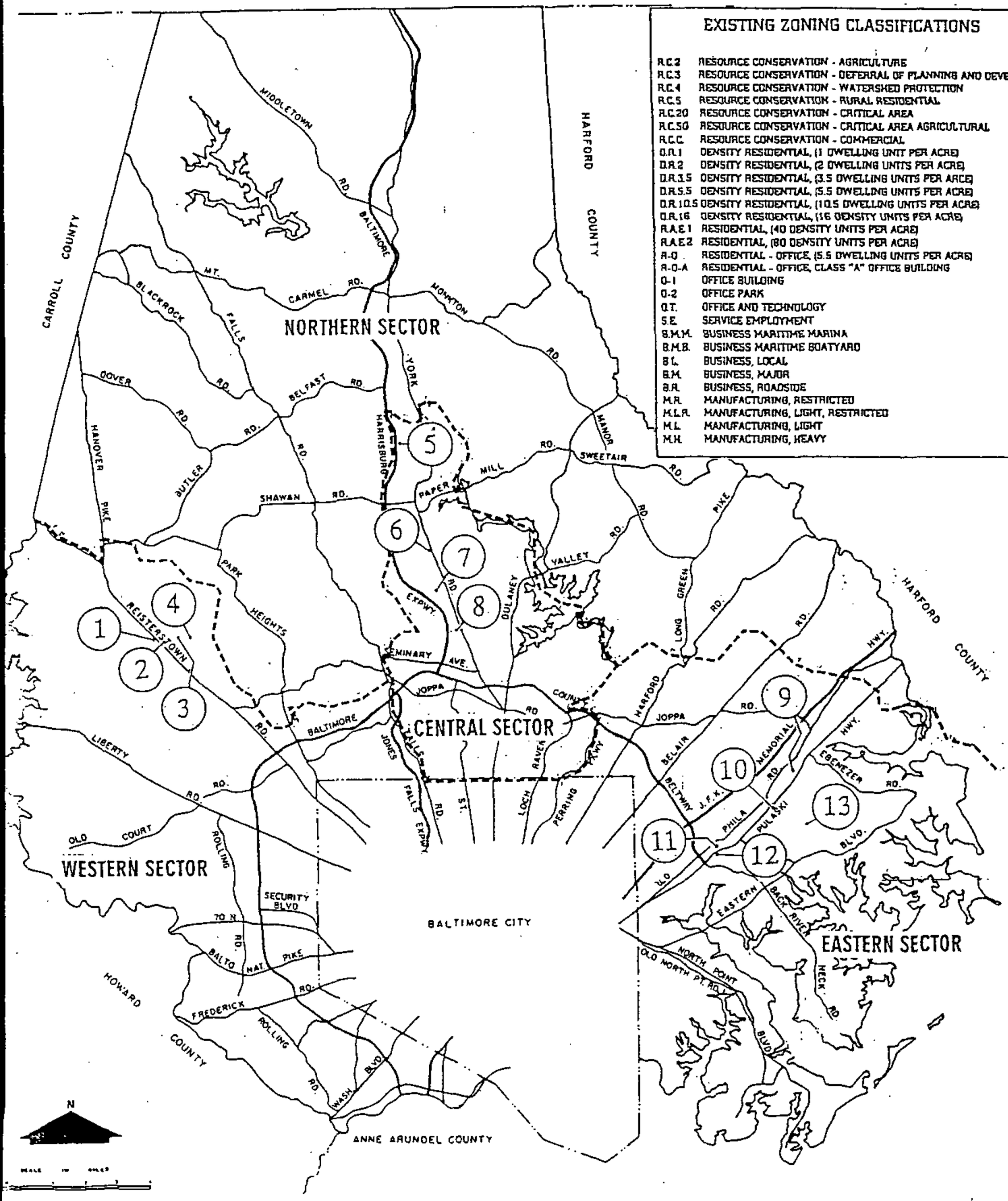
Recommendations of the Office of Planning and Zoning

July 31, 1994

Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 1 Masters-Severe, Inc.	Southwest side of Reisterstown Road, 400' southeast of Sunset Road (#11418 Reisterstown Road)	.4	R.O.	B.L.	R.O.
Item No. 2 C & E Realty Company	Northeast side of Reisterstown Road	14.54	D.R. 16	B.M.	D.R. 16
Item No. 3 Morningside Six Limited Partnership	Northwest side of Pleasant Ridge Drive, 360' northeast of Reisterstown Road	6.4	D.R. 16	B.L.	D.R. 16
Item No. 4 Baltimore Gas & Electric Company, Inc. and Baltimore County, MD & CSX Transportation, Inc.	West side of Owings Mills Boulevard, north and south of Bonita Avenue	26.83	D.R. 1	M.L.-I.M.	D.R. 1
Item No. 5 Hico Park M Limited Partnership	West side York Road, 97' south of the centerline of Ridgebrook Road	113.0	M.L. M.L.R.	D.R. 5.5	M.L. M.L.R.
Item No. 6 Baltimore Gas & Electric Company, Inc.	Southwest corner of York and Warren Roads	1.76	M.L.-A.S. M.L.-I.M. B.R.-A.S.	B.R.-A.S. B.R.-I.M.	M.L.-A.S. M.L.-I.M. B.R.-A.S.

LOCATIONS OF PROPERTIES UNDER PETITION

YORK COUNTY, PA.



EXISTING ZONING CLASSIFICATIONS

R.C.2	RESOURCE CONSERVATION - AGRICULTURE
R.C.3	RESOURCE CONSERVATION - DEFERRAL OF PLANNING AND DEVELOPMENT
R.C.4	RESOURCE CONSERVATION - WATERSHED PROTECTION
R.C.5	RESOURCE CONSERVATION - RURAL RESIDENTIAL
R.C.20	RESOURCE CONSERVATION - CRITICAL AREA
R.C.50	RESOURCE CONSERVATION - CRITICAL AREA AGRICULTURAL
R.C.C.	RESOURCE CONSERVATION - COMMERCIAL
D.R.1	DENSITY RESIDENTIAL, (1 DWELLING UNIT PER ACRE)
D.R.2	DENSITY RESIDENTIAL, (2 DWELLING UNITS PER ACRE)
D.R.3.5	DENSITY RESIDENTIAL, (3.5 DWELLING UNITS PER ARCE)
D.R.5.5	DENSITY RESIDENTIAL, (5.5 DWELLING UNITS PER ACRE)
D.R.10.5	DENSITY RESIDENTIAL, (10.5 DWELLING UNITS PER ACRE)
D.R.16	DENSITY RESIDENTIAL, (16 DENSITY UNITS PER ACRE)
R.A.E.1	RESIDENTIAL, (40 DENSITY UNITS PER ACRE)
R.A.E.2	RESIDENTIAL, (80 DENSITY UNITS PER ACRE)
R-O	RESIDENTIAL - OFFICE, (5.5 DWELLING UNITS PER ACRE)
R-O-A	RESIDENTIAL - OFFICE, CLASS "A" OFFICE BUILDING
O-1	OFFICE BUILDING
O-2	OFFICE PARK
O.T.	OFFICE AND TECHNOLOGY
S.E.	SERVICE EMPLOYMENT
B.M.M.	BUSINESS MARITIME MARINA
B.M.B.	BUSINESS MARITIME BOATYARD
B.L.	BUSINESS, LOCAL
B.M.	BUSINESS, MAJOR
B.R.	BUSINESS, ROADSIDE
M.R.	MANUFACTURING, RESTRICTED
M.L.R.	MANUFACTURING, LIGHT, RESTRICTED
M.L.	MANUFACTURING, LIGHT
M.H.	MANUFACTURING, HEAVY

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

SOURCE MATERIAL

Recommendations for the thirteen (13) petitions filed are based on the following:

1. Information compiled during the processing of the Comprehensive Zoning Maps adopted by the County Council on October 15, 1992.

2. Capital Budget and 5-Year Capital Program.

3. Zoning Plans Advisory Committee comments.

4. Discussions with other governmental agencies.

5. Field inspections of subject sites.

6. Baltimore County Master Plan

CYCLEA/PZONE/CYCLE

Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 7 Genstar Stone Products Company	South side of Galloway Avenue, 670' west of York Road, north side of Padonia Road, and east and west of proposed Beaver Dam Road	38.3	M.L.-I.M.	B.M.-I.M.	M.L.-I.M.
Item No. 8 Stebbins-Anderson Company, Inc.	Southwest corner of Timonium and Aylesbury Roads (21 West Timonium Road)	14.6	M.L.-I.M.	B.R.-I.M.	M.L.-I.M.
Item No. 9 Genstar Stone Products Company	Northwest corner of Pulaski Highway and White Marsh Boulevard, and southeast side of Philadelphia Road	205.8	M.L.-I.M. M.H.-I.M.	B.R.-I.M.	M.L.-I.M. M.H.-I.M.
Item No. 10 Janet Terry	Southeast side of Pulaski Highway, 1915' southwest of the centerline of Mohrs Lane	11.85	M.L.-I.M. M.L.-A.S.	B.R.-I.M.	M.L.-I.M. M.L.-A.S.
Item No. 11 The Giles Building and Development Company	North side of Race Road, 95' west of the centerline of Yellow Brick Road	.94	M.L.-I.M.	B.L.	M.L.-I.M.
Item No. 12 Savino Bollino & Rose Bollino	Southeast side of Pulaski Highway, 300' southwest of the centerline of Rossville Boulevard	4.3	B.R. M.L.-A.S. M.L.-I.M.	B.R.-I.M. B.R.-A.S.	B.R. M.L.-A.S. M.L.-I.M.
Item No. 13 Gerald D. Sherman & Roger A. Spero	Northeast and southwest side of Gladway Road, 1150' north of Bengies Road and 2390' southeast of Bird River Road	51.6	D.R.-1 M.L.-I.M. M.H.-I.M.	D.R. 3.5	D.R. 1 M.L.-I.M. M.H.-I.M.

JL/mjm PETITION.MAY/PZONE/TXTMJM

Week of October 17, 1994
Item #7, Case No. R-94-335
Genstar Stone Products Company
Wednesday, October 19, 1994 @ 10:00 a.m.

Week of October 24, 1994
Item #8, Case No. R-94-336
Stebbins-Andersen Company, Inc.
Tuesday, October 25, 1994 @ 10:00 a.m.

Item #9, Case No. R-94-337
Genstar Stone Product Company
Thursday, October 27, 1994 @ 10:00 a.m.

Week of October 31, 1994
Item #10, Case No. R-94-338
Janet Terry
Wednesday, November 2, 1994 @ 10:00 a.m.

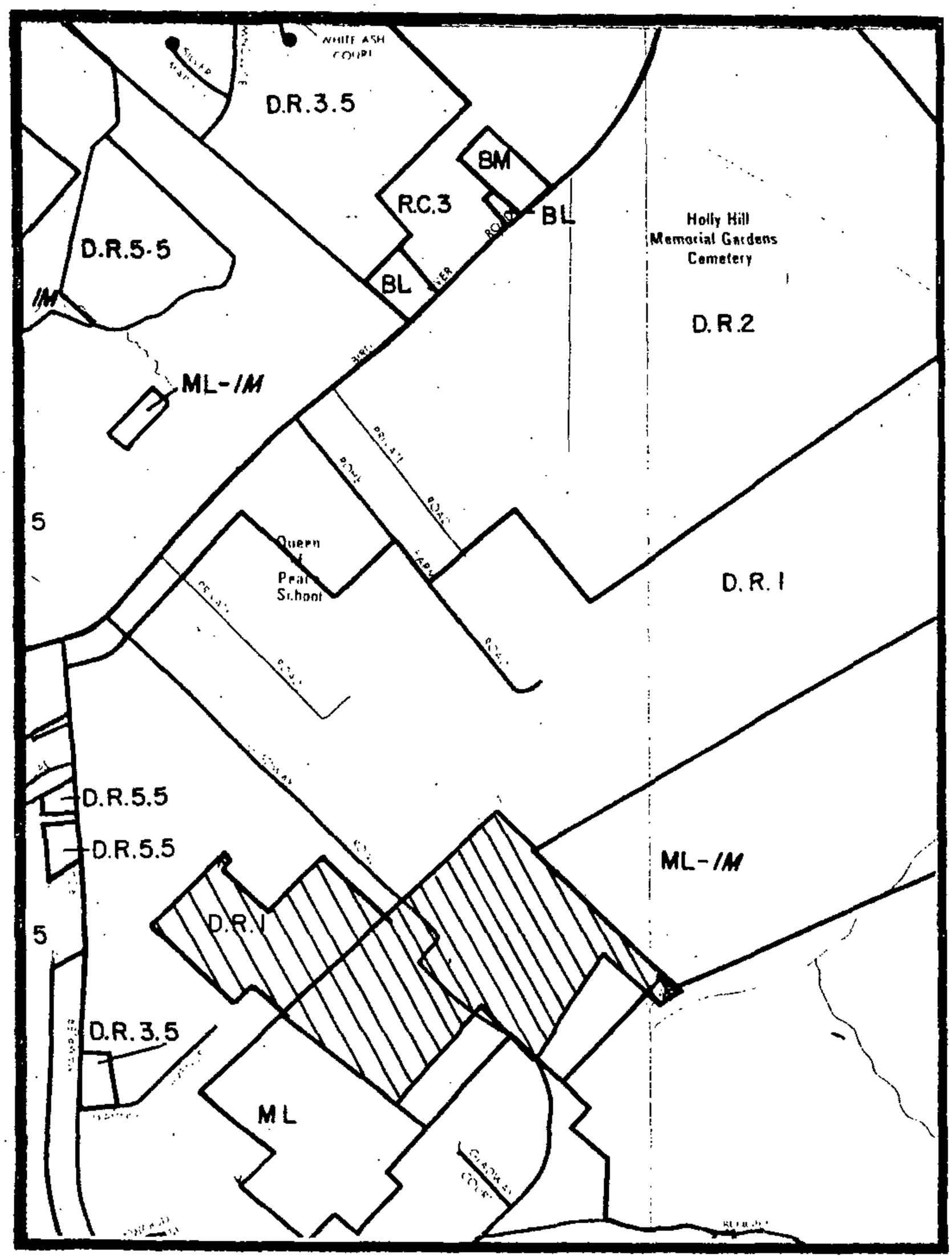
Week of November 14, 1994
Item #11, Case No. R-94-339
The Giles Building & Development Company
Tuesday, November 15, 1994 @ 10:00 a.m.

Week of November 28, 1994
Item #12, Case No. R-94-340
Savino Bollino and Rose Bollino
Wednesday, November 30, 1994 @ 10:00 a.m.

Week of December 5, 1994
Item #13, Case No. R-94-341
Gerald D. Sherman & Roger A. Spero
Tuesday, December 6, 1994 @ 10:00 a.m.

The concept of "error" is not further defined in the Code, and the staff does not presume to make an interpretation. The staff's review of each petition, however, did take into consideration the manner in which the Comprehensive Zoning Map Process is structured, and was conducted during 1991-92, to minimize the likelihood that relevant properties would inadvertently be omitted from consideration along with the Issues otherwise raised.

Obviously, each property that was raised as an Issue received separate consideration, especially properties that were sequestered from separate voting by the Planning Board and/or the County Council. In addition, after the close of the Open Filing Period, the planning staff reviewed each Issue in relation to neighboring properties to determine whether any other properties should also be raised as Issues for consideration at this time. Wherever, in the staff's judgment, action on an already-filed Issue would require or advise a change in the zoning of a neighboring property or properties, those also were raised as Issues. If, in the opinion of the staff, the current zoning in the vicinity would continue on the Issue, no additional Issues were raised. The County Council and Planning Board had the same opportunity to raise an Issue during their respective filing periods.



ITEM NUMBER 13

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-341 CYCLE III, ITEM 13

PETITIONER:

Gerald D. Sherman & Roger A. Spero

REQUESTED ACTION:

Reclassification to D.R. 3.5 (Density Residential)

EXISTING ZONING:

D.R. 1 (Density Residential), M.L.-I.M. (Manufacturing Light-Industrial Major), M.H.-I.M. (Manufacturing Heavy)

LOCATION:

Northeast and southwest side of Gladway Road, approximately 1150 feet north of Bengies Road and 2390 feet southeast of Bird River Road

AREA OF SITE:

51.66 acres ±

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 1 - single family residential

South: D.R. 3.5, M.H.-I.M. - Single family residential

East: M.L.-I.M. - single family residential, vacant

West: D.R. 1 - single family residential

SITE DESCRIPTION:

This heavily wooded site is currently unimproved.

PROPERTIES IN THE VICINITY:

The site is surrounded by low density residential development to the north, vacant land, low density residential development to the east, low density residential to the south, as well as to the west.

WATER AND SEWERAGE:

The area is designated as W-5, S-5 on the Master Water and Sewerage Plan.

TRAFFIC AND ROADS:

The site is accessed by Gladway Road, which is a narrow local road. This access is of concern due to the development potential of the requested zoning. A maximum density of 181 units could potentially impact Bengies Road, Sterling Avenue, and the northern and southern portions of Gladway Road.

ZONING HISTORY:

The parcel's zoning classification has not changed since 1976.

MASTER PLAN/COMMUNITY PLANS:

The Baltimore County Master Plan, (p. 110) makes mention of the Bird River area in relation to future development and its effects, stating that the County should be "attentive to protecting established residential areas through the routing of [new] traffic and the inclusion of effective buffers in the design of site(s)."

The Proposed Land Use Plan map, as part of the Growth Management Program, targets the site for single family residential use, with industrial land use as an alternate, and places the site in the community conservation designation of Growth Management areas. A portion of the property (M.L.-I.M., M.H.-I.M. zoned land) falls within the boundary of a PUD-C opportunity area, as mapped on the proposed PUD-C maps.

PROPOSED VS. EXISTING ZONING:

Regulations governing D.R. zones may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The proposed D.R. 3.5 zoning would permit a density of 3.5 dwelling units per acre of land.

Regulations for the M.H. zone may be found in Section 256.1 of the B.C.Z.R. The M.H. zone permits a number of heavy manufacturing uses by right. It also permits several uses by Special Exception.

Building height is unlimited, except on lots abutting a residence or business. In these cases, the maximum permitted height is 40 feet or three stories if any part of the building lies within 100 feet of the boundary line of a residence or business zone.

Regulations guiding the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses,

provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, staff recommends the applicant's request be denied for the following reason:

-Support for any zoning change would be dependent upon the quality of site specific details. In the absence of a documented site plan, by which the quality of development could be controlled, staff can only recommend that the applicant's request be denied.

JL:lw

INTER-AGENCY COMMENTS

Baltimore County Public Schools

Dr. Stuart Berger, Superintendent

Towson, Maryland

Office of Pupil Assignments
Educational Support Services Building
6901 N. Charles Street
Towson, Maryland 21204

June 1, 1994

Mr. Jeffrey Long
Community Planner
Office of Planning & Zoning
Mail Stop 1108

RE: Zoning Reclassification Cycle III
April, 1994 - October, 1994

Dear Jeff:

Thank you for taking time out of your busy schedule to meet with me to discuss the Cyclical Zoning Reclassification Process. The vast majority of these petitions are non-residential and, therefore, will have no impact on Baltimore County Public Schools.

Those petitions involving increases in residential zoning and the subsequent affect on our school system are summarized below:

Item 5 - Case No. R-94-333

Existing Zoning - M.L. & M.L.R. (8th Election District)

Proposed Zoning - D.R.-5.5

Zoning would allow 621.5 mixed housing units. Since I do not have the housing type breakdown, I developed a student yield based on 310 single family units and 311 townhouse units.

This property is located in the Sparks Elementary, Hereford Middle and Hereford High School Districts.

310 S.F. x .319 = 99
311 T.H. x .192 = 60
159 Elementary Students

310 S.F. x .155 = 48
311 T.H. x .055 = 17
65 Middle Students

310 S.F. x .146 = 45
311 T.H. x .090 = 28
73 High Students

A total yield of 297 students

Item 13 - Case No. R-94-341

Existing Zoning - D.R.-1 & M.L.-I.M. & M.H.-I.M.
(15th Election district)

Proposed Zoning - D.R.-3.5

Zoning would allow 180.8 single family homes.

181 S.F. x .236 = 43 Elementary Students
181 S.F. x .071 = 13 Middle Students
181 S.F. x .107 = 19 High Students
75 Total Yield

If you have any questions, please do not hesitate to contact me at 887-4215.

Sincerely,

Barbara Pickelsimer

Barbara Pickelsimer,
Field Representative
Office of Pupil Assignments

bp

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The property owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION:

Item No.: Zoning Agenda:

Gentlemen:

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

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: R-94-329 THRU R-94-343.

RECEIVED
APR 28 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 20, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-341 - Sherman Tract
Gladway Road
Zoning Advisory Committee Meeting of April 25, 1994

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Forest Conservation Regulations.

Extensive, nontidal wetlands associated with the headwaters of Windlass Run exist on site.

This Department's lack of objection to the proposed zoning reclassification does not imply approval of any future development plan/concept. The severity of the environmental constraints on the property may preclude significant development regardless of land use zoning.

JLP:GS:sp

SHERMAN/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-26-94

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

Re: Baltimore County
CASE ~~Item~~ No.: R-94-341

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID L. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. B 79 · Baltimore, MD 21203-0717
Street Address: 707 North Ca reet • Baltimore, Maryland 21202

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

November 9, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item ~~#94-341~~ - Sherman Tract - REVISED
Gladway Road, South of Bird River
Zoning Advisory Committee Meeting of October 31, 1994

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

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Forest Conservation Regulations.

JLP:GS:sp

SHERMAN/DEPRM/TXTSBP

8/4/94 Y

3925-94

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 26, 1994

Gerald D. Sherman and Roger A. Spero
c/o Allen Betten
Tabor, Betten and Berman
One N. Charles Street, #1115
Baltimore, Maryland 21201

Re: Case Number: R-94-341
NE & SW/S Gladway Road, 1150'+/- N of Bengies Road, also 2390' SE of Bird River Road
15th Election District - 5th Councilmanic

Dear Mr. Betten:

Attached you will find a copy of the memorandum originally forwarded to you on May 24, 1994. As noted thereon, payment 1 (posting charge), is now overdue. Payment 2 (your client's share of the $4,313.40 cost of the full page ads) is now due.

Please immediately forward the following to this office:

1) A check made payable to Baltimore County, Maryland in the amount of $35.00.

2) A check made payable to Patuxent Publishing in the amount of $331.80.

Non-payment of fees will hold your case in abeyance. If you have any questions regarding this letter, you may contact Ms. Gwen Stephens at 887-3391.

Very truly yours,

ARNOLD JABLON
DIRECTOR

AJ:ggs

Rec'd Pd 8/4/94
Ck 234
235

C/P Sherman Cooper

Acct. 1212-00

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AUG 4 1994
ZADM

County Board of Appeals of Baltimore County

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

MAY 24, 1994

NOTICE OF HEARING

CASE NUMBER: R-94-341
NE & Sw/S Gladway Road, approx. 1150' N of Bengies Road; also
2390' SE of Bird River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Gerald D. Sherman and Roger A. Spero

Petition to reclassify the property's zoning from D.R.-1 and M.L.-I.M. and M.H.-I.M. to D.R.-3.5.

HEARING: Tuesday, December 6, 1994 at 10:00 a.m.

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

William T. Hackett/ms

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Lawrence R. Rachuba
Alan Betten, Esq.

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COUNTY BOARD OF APPEALS
94 MAY 27 PM 2:55

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County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

October 4, 1994

NOTICE OF ASSIGNMENT /Amended Documented 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-94-341

GERALD D. SHERMAN AND ROGER A. SPERO - Petitioners NE & SW/s Gladway Road, approximately 1150' N of Bengies Road; also 2390' SE of Bird River Road
15th E; 5th C

3/01/94 -Petition for Reclassification filed by Petitioner.

Scheduled for public hearing **for purpose of submitting Amended (Documented) Plan on the record.** The hearing on the merits of the reclassification petition is scheduled for Tuesday, December 6, 1994 at 10:00 a.m. Board will receive copies of Amended Plan only on 10/18/94; no evidence or testimony on merits of reclassification request to be received on that date; and has been

ASSIGNED FOR: TUESDAY, OCTOBER 18, 1994 at 9:30 a.m.

cc: Allen Betten, Esquire		Counsel for Petitioners
Gerald D. Sherman and Roger A. Spero		Petitioners
Lawrence R. Rachuba	Legal Representative	/Petitioner
Daft-McCune-Walker, Inc.		Engineer

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

Kathleen C. Weidenhammer
Administrative Assistant

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Baltimore County, Maryland

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

(410) 887-2188

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COUNTY BOARD OF APPEALS

94 NOV -9 PM 12:47

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 9, 1994

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

Re: Petition for Reclassification
NE & SW/S Gladway Road, appx. 1150' N of Bengies Rd. and 2390 feet south of Bird River Road
GERALD SHERMAN/ROGER SPERO, Petitioners; Cycle III, 1994
Case No. R-94-341, Item No. 13

Dear Chairman Hackett:

This case is presently scheduled on December 6, 1994 for hearing on the merits of zoning reclassification. For the following reasons, based on information which has come to the attention of this office, the Board should not proceed on the merits on December 6, but rather use this date as, in effect, a scheduling or pre-trial conference.

These are the reasons:

(1) It now appears that a number of residents in the neighborhood may not have any notice of the hearing. In this context, there was no general public notice provided for the October 18 hearing, at which a site plan was submitted to amend the Petition. There also may not have been any posting of the property, which in any event is located to the interior of main roads.

(2) We have not yet received comments from the Office of Planning and Zoning and other agencies regarding the amended Petition. Nor has the Planning Board yet acted on the Petition and forwarded a recommendation. Under these circumstances it appears that it will be impossible for interested parties to prepare for the hearing in the short time span between Planning Board action and December 6. In other words, even assuming adequate public notice, this office's view is that the case is not in a posture to go forward on the merits December 6.

Accordingly, given these circumstances, the Board should convene on December 6 for the purpose of a scheduling or pre-trial conference only. Moreover, this may be required to comport with the statutory procedure on reclassifications and to insure due process of law for all interested parties.

Very truly yours,

Peter Max Zimmerman

PMZ/caf

cc: Alan Betten, Esquire
Attorney for Petitioner

Arnold F. (Pat) Keller,
Director, Office of Planning and Zoning
and Secretary, Baltimore County Planning Board

LAW OFFICES OF
TABOR, BETTEN AND BERMAN

NEIL TABOR
ALAN BETTEN
CYNTHIA A. BERMAN

PROFESSIONAL ASSOCIATION
SUITE 1115-THE BLAUSTEIN BUILDING
ONE NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3719

TELEPHONE 547-1500
FACSIMILE 547-0436
AREA CODE 410

November 15, 1994

RECEIVED
COUNTY BOARD OF APPEALS
94 NOV 17 PM 2:46

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

Re: Petition for Reclassification NE & SW/S
Gladway Road, appx. 1150' N of Bengies Rd.
and 2390 feet south of Bird River Road
GERALD SHERMAN/ROGER SPERO, Petitioners;
Cycle III, 1994 Case No. R-94-341,
Item No. 13 (the "Sherman Property")

Dear Chairman Hackett:

The above-captioned case concerning the Petition for Zoning Reclassification of the Sherman Property is presently scheduled for December 6, 1994. The Petitioners are in the process of considering further amendments to the Petition as a result of concerns expressed by the affected community. Thus, the Petitioners request that the hearing scheduled for December 6, 1994 be postponed until further notice that the Petitioners are ready to proceed with this matter.

If you or any member of your staff have any questions concerning this matter, please feel free to give me a call.

Very truly yours,

Alan Betten
Counsel to Petitioners

AB:jlb

cc: Mr. Lawrence R. Rachuba
Mr. George E. Gavrelis
Peter Zimmerman, Esquire
Mr. Arnold F. (Pat) Keller, Director,
Office of Planning and Zoning
and Secretary, Baltimore County
Planning Board

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 18, 1994

NOTICE OF POSTPONEMENT

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

CASE NO. R-94-341

GERALD D. SHERMAN AND ROGER A. SPERO - Petitioners NE & SW/s Gladway Road, approximately 1150' N of Bengies Road; also 2390' SE of Bird River Road
15th E; 5th C

3/01/94 -Petition for Reclassification filed by Petitioner.

which was scheduled for hearing on December 6, 1994 has been **POSTPONED** at the request of Counsel for Petitioner; to be reset only upon request.

---

cc: Allen Betten, Esquire — Counsel for Petitioners
Gerald D. Sherman and Roger A. Spero — Petitioners
Lawrence R. Rachuba — Legal Representative /Petitioner

Daft-McCune-Walker, Inc. — Engineer

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

Kathleen C. Weidenhammer
Administrative Assistant

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-26-94

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

Re: Baltimore County
CASE ~~Item~~ No.: R-94-341

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 20, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-341 - Sherman Tract
Gladway Road
Zoning Advisory Committee Meeting of April 25, 1994

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Forest Conservation Regulations.

Extensive, nontidal wetlands associated with the headwaters of Windlass Run exist on site.

This Department's lack of objection to the proposed zoning reclassification does not imply approval of any future development plan/concept. The severity of the environmental constraints on the property may preclude significant development regardless of land use zoning.

JLP:GS:sp

SHERMAN/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 7, 1994
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for Nov. 7, 1994
Item No. 13 Case No.R-94-341

The Developers Engineering Section has reviewed the subject zoning item. See comments addressed to Pat Keller, dated October 14, 1994 from this office regarding the Sherman Property-Documented Site Plan.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTENTION: MS JOYCE WATSON

Re: Baltimore County
Item No.: #13
CASE NO: R-94-341

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Director
Office of Planning & Zoning
Attention: Jeffrey Long

DATE: October 19, 1994

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

SUBJECT: Submittal of Amended Documented Site Plan --
Case No. R-94-341 /Sherman Property

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on October 18, 1994, we are transmitting to you a copy of the Amended Documented 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 Documented Site Plan to the Office of Zoning Administration & Development Management.

William T. Hackett

Attachment (1 copy of Amended/Documented Site Plan)

cc: W. Carl Richards, Jr. w/10 copies of Amended/Documented Site Plan
People's Counsel for Baltimore County

R-94-341

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

INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board

DATE: November 3, 1994

FROM: Pat Keller, Director
Office of Planning & Zoning

SUBJECT: Sherman Propery

Pursuant to Section 2-356(m) of the Baltimore County Code, Gerald D. Sherman and Roger A Spero, through their attorney, Allen Betten, Esquire, filed a Documented Site Plan with the Baltimore County Board of Appeals at a public hearing on October 18, 1994. The Documented Site Plan reflects the Petitions' desire to develop the subject site with 161 single-family, detached dwellings.
In compliance with Section 2-356(m)(2) of the Baltimore County Code, the amendment was forwarded to other County agencies and it was requested that each agency provide comments for distribution to the Baltimore County Planning Board (see attached).

Based upon a review of the Documented Site Plan and inter-agency comments regarding the reclassification of the subject property, it is clear that the issues raised by the County would be more appropriately considered during the 1996 Comprehensive Zoning Map Process. Therefore, this office recommends that the existing zoning be retained at this time.

Pat Keller

Pat Keller

JL
SHERMAN/PZONE/TXTJWL

BALTIMORE COUNTY
DEPARTMENT OF ECONOMIC DEVELOPMENT

MEMO

TO: Jeff Long
Office of Planning

FROM: Peter Swanson

RE: Sherman Property

DATE: November 1, 1994

RECEIVED
NOV 2 1994
OFFICE OF
PLANNING & ZONING

Jeff,

Generally speaking, the Department of Economic Development does not support requests to downzone industrially zoned land to a residential zone classification. As a rule, the department seeks to maintain and reserve as much industrial land as possible for large industrial users; either existing companies going through an expansion or net new companies entering the area.

In the case of the Sherman Property, the request has been made to rezone 35.47 acres of ML-IM land and .56 acres of MH-IM land to DR 3.5. This property is also adjacent to the A.V. Williams property, which is the largest industrially zoned property in Baltimore County, at approximately 1,000 acres of MH and ML zoned land.

Given the size and industrial development potential of the adjacent Williams property, the Department of Economic Development is concerned about rezoning 36 acres of the Sherman Property to DR 3.5 for residential homes. Our office, therefore, does not support the request for down-zoning.

c: Neil Jacobs
Adam Wasserman

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Jeffrey Long, OPZ

DATE: October 14, 1994

FROM: Glenn Shaffer, EIR

SUBJECT: Documented Site Plan for
Sherman Property

The above referenced plan has been reviewed by the Environmental Impact Review (EIR) Section of DEPRM for compliance with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and the Forest Conservation Regulations. Based upon this review, the following concerns were raised:

1. The wetlands on and within 50 feet of the site must be delineated by a qualified environmental consultant and the delineation approved by EIR staff. The approved wetland limit shall be surveyed and shown on this and all plans.

2. All streams on and within 200 feet of the site must be field surveyed and accurately shown on this and all development plans.

3. The Forest Buffer limits must be accurately shown on all development plans in accordance with Section 14-341.

4. A Forest Stand Delineation (FSD) and Preliminary Forest Conservation Plan (FCP) must be prepared in accordance with Sections 14-405 and 14-407 by a landscape architect or other qualified professional as defined in COMAR 08.19.06.01 and approved by this Department.

5. The amount and pattern of forest clearing depicted on the Documented Site Plan appear to pose a conflict with Section 14-409(B).

6. EIR cannot comment more specifically on the proposed plan without the information above, and recommends not approving the Documented Site Plan for the Sherman Property until the above items are addressed and the plan revised accordingly.

If there are any questions regarding these comments, please contact me at extension 3980.

GS:sp

RECEIVED
OCT 14 1994
OFFICE OF
PLANNING & ZONING

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

DEPARTMENT OF PUBLIC WORKS

L E T T E R O F T R A N S M I T T A L

TO: Pat Keller, Director
Office of Planning & Zoning

DATE: October 18, 1994

ATTENTION: Jeffery Long

FROM: Thomas H. Hamer, P.E.
Acting Director
Department of Public Works

SUBJECT: Sherman Property, Documented Site Plan
Public Works - Preliminary Site Comments

Attached are preliminary comments for the documented site plan, per your request of October 5, 1994.

Should additional information be required, please contact Mr. Robert Bowling of the Developers Engineering Section at 887-3751.

THH:LS:ckt

Attachments

cc: R. Bowling, D.E.S. (w/attachments)

SHERMAN/DASGENC.94

RECEIVED
OCT 24 1994
OFFICE OF
PLANNING & ZONING

BALTIMORE COUNTY, MARYLAND

TO: Pat Keller, Director
Office of Planning & Zoning

DATE: October 17, 1994

Attn.: Jeffrey Long X-3450 M/S 3402

SUBJECT: DOCUMENTED SITE PLAN
SHERMAN PROPERTY

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

The Developer's Engineering Section has reviewed the Site Plan, and our preliminary comments are as follows:

1. This site will need to go through the development plan process approval before construction can begin.

2. The existing access to the proposed development is not adequate and is unacceptable.

3. All interior roads in the actual subdivision will be 30 foot paving cross-sections with concrete curbs and gutters on 50 foot right-of-ways with Baltimore County standard cul-de-sacs.

4. Sidewalks and street lights will be required.

5. A flood study and stormwater management will be required.

6. The 8" water line for this site may not be adequate, and there are low pressure possibilities.

7. It is against County policy to pump sanitary sewer from one sewer shed to another one, which this plan indicates. Sewer is not available to this site, offsite right-of-way will be required.

8. Landscaping will be required per the manual.

9. Additional and specific comments will be generated in the future under the development plan process.

If additional information is required, do not hesitate to contact me.

RWB:JWS:jrb

cc: R. W. Bowling
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Jeffrey Long
Office of Planning & Zoning

Date October 17, 1994

FROM Ronald R. Schaeffer
Department of Recreation and Parks

SUBJECT Review of Documented Site Plan
Sherman Property

Our staff has reviewed the attached Documented Site Plan for the Sherman Property. Clarence Rowell, Eastern Region Superintendent, and Norman Knoerlein, Program Coordinator in Middle River, made a physical inspection of the property on Friday, October 7.

It was the feeling of our staff that this property would make an ideal park site for the Middle River Community; however, as the property is apparently unavailable, it would appear that rezoning the property to DR 3.5 would at least provide some Local Open Space for possible recreational use. However, we would recommend supporting a PUD on this property rather than the rezoning to DR 3.5. In this way, we would require ten acres of active open space which will help to meet the needs of the Middle River Community. Please see attached sheet regarding the deficit of acreage in Middle River.

There was some concern expressed regarding the access roads to this property as all roadways are exceptionally narrow. Whatever development is done will probably require that access roads be widened and improved so as to accommodate traffic.

If our department can be of further assistance, please advise.

R. R. S.

RRS:mab
Att.
c: Wayne R. Harman
F. Clarence Rowell
Norman Knoerlein
Pat Keller

Printed with Soybean Ink
on Recycled Paper

MIDDLE RIVER REC. & PARKS COUNCIL
PARKLAND & FACILITIES NEEDS ASSESSMENT
OCTOBER, 1994

The following summarizes the Middle River Recreation and Park Council's current parkland acreage supply and need. . .

1. Current Supply:

Small-scale Parklands (Neighborhood & Community Parks; SRCs):	**129 acres**
Mid-scale Parklands (Regional Parkland Share):	**49 acres**
Large-scale Parklands (Countywide Parkland Share):	**236 acres**
TOTAL:	**414 acres**

2. Current Needs:

Countywide Parkland Goal:	**25 acres per 1,000 residents**
1990 Middle River Council Population*:	**approximately 22,400**
Total Parkland Need:	**560 acres**

3. Overall Supply Deficit: **146 acres**

4. Basic Facility Needs:

Facility Type	Current Supply	Current Need	Current Deficit
Ball Diamonds	14	18	4
Athletic Fields	8	9	1
Tennis Courts	5	9	4
Multi-Use Cts.	8	5	0

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

235

DUCKETT LANE JOINT VENTURE

8/3 19 94 7-61/520

PAY TO THE ORDER OF Patuxent Publishing $ 331.80

Three Hundred Thirty-One & 80/100 DOLLARS

MERCANTILE-SAFE DEPOSIT & TRUST COMPANY
10801 FALLS ROAD
LUTHERVILLE, MARYLAND 21093

FOR R-94-341

⑈000235⑈ ⑆052000618⑆ 00063908 11⑈

© DELUXE - VANGUARD

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 139963

DATE 9-1-94 ACCOUNT [illegible]

CYCLE III #13
R-94-341

AMOUNT $ 125 ==

RECEIVED FROM: [illegible]

FOR: [illegible]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BMW 7307

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 149407

DATE 9/13/94 ACCOUNT R-001-6150

AMOUNT $ 35.00

RECEIVED FROM: Duckett Lane Joint Venture

FOR: Posting R-94-341

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The property owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

3-1-94

R.94.341

NOTE TO FILE:

1. APPLICANT IS USING SITE PLAN AS SUBSTITUTE FOR ZEO BASIC MAP.

Joe

SHERMAN, SPERO & SAFARINO, LTD.

A PROFESSIONAL CORPORATION

CERTIFIED PUBLIC ACCOUNTANTS

780 LYNNHAVEN PARKWAY
SUITE 380
VIRGINIA BEACH, VA 23452

TEL: 804-468-2279
FAX: 804-468-2196

SIDNEY G. SPERO, C.P.A. (1954—1987)
GERALD D. SHERMAN, C.P.A.
ROGER A. SPERO, C.P.A.
GEORGE SAFARINO, C.P.A.

PAUL A. BALLENTINE, C.P.A.
WILLIAM K. OLIVER, C.P.A.

MEMBERS
THE VIRGINIA SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
THE NEW YORK STATE SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

February 28, 1994

Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Gentlemen:

This letter authorizes Lawrence R. Rachuba to take all actions and sign all forms necessary in the zoning reclassification petition of my property located at Sterling Avenue, 2400 ft.± easterly of Wampler Road, Baltimore County, Maryland.

Sincerely,

Gerald D. Sherman, joint owner

Roger A. Spero, joint owner

R-94-341

TRANSMITTAL

R.94.341

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: Baltimore County Board of Appeals
c/o ZADM, County Office Building, Towson, MD

Date: 1 March 1994

Job No.: 93077

Attention:

Reference: Sherman Tract

We are sending you
☐ Shop drawings ☐ Specifications
☐ attached ☐ Samples ☐
☐ under separate cover: ☐ Plans
☑ via Carry

Copies	Date	Number	Description
3 & 4 each	3/1/93		Reclass. petition & power of attorney
4	3/1/93		Written zoning description
4	-		Justification for requested reclass.
12	3/1/93		Plat to Accompany Petition

These are transmitted as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☐ For review and comment ☑ Processing

Remarks

Also submitted:

- 4 separate xerox copies of part of 1000 scale Zoning Map
- 4 extra prints, 200 scale zoning maps NE·5I & 5J, attached & showing tract.
- Filing fee of $ 1,250.00

cc:

Signed George E. Gavrelis

TRANSMITTAL

REVISED 3/29/94

R.94.341

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: Sophie Jennings
ZADM
County Office Bldg

Date: 3/29/94

Job No.: 93077

Attention:

Reference: Cycle #13 item

We are sending you
☐ Shop drawings
☐ Specifications

☐ attached
☐ Samples
☐

☐ under separate cover:
☐ Plans

☑ via Linda

Copies	Date	Number	Description
1	-		Original signed reclassification petition by legal owners representative and attorney

These are transmitted as checked below:

☐ For approval
☐ For your use
☐ As requested
☐ For review and comment

☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections
☐

☐ Resubmit
☐ Submit
☐ Return

____ copies for approval
____ copies for distribution
____ corrected prints

Remarks As discussed today on the telephone, we are sending a copy of petition with attorney's signature added. Linda Jones will white out the DR 3.5 as listed for existing zoning.

cc: Allen Batten
One North Charles Street
Suite 1115
Baltimore, MD 21201

Signed George E. Gavrelis

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: KATHY WEIDENHAMMER
BD of APPEALS

Date: 10.5.94

Job No.: 93077.A

Attention:

Reference: SHERMAN PROP.
CASE R-94-341

We are sending you
☐ Shop drawings
☐ Specifications

☒ attached ☐ under separate cover:
☐ Samples ☒ Plans
☐

☒ via DWM

Copies	Date	Number	Description
12		1-3/3	REVISED RECLASS. PLANS

These are transmitted as checked below:

☐ For approval
☐ For your use
☐ As requested
☐ For review and comment

☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections
☐

☐ Resubmit ____ copies for approval
☐ Submit ____ copies for distribution
☐ Return ____ corrected prints

Remarks BD. of APPEALS MEETING 10/18.
HEARING 12/6/94.

PLEASE SUBSTITUTE THESE for PLANS FORMERLY FILED.

Thank you!

cc: ALAN BEREN, ESQ.

Signed

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: SOPHIE ZADM

Date: 10.12.94

Job No.: 93077.A

Attention:

Reference: SHERMAN ZONING RECLASS.

We are sending you
- ☐ Shop drawings
- ☐ Specifications
- ☒ attached
- ☐ Samples
- ☐
- ☐ under separate cover:
- ☒ Plans
- ☒ via DUMMY

Copies	Date	Number	Description
1	10/12	9034	CK. $100

These are transmitted as checked below:
- ☐ For approval
- ☐ For your use
- ☐ As requested
- ☐ For review and comment
- ☐ Approved as submitted
- ☐ Approved as noted
- ☐ Returned for corrections
- ☐
- ☐ Resubmit
- ☐ Submit
- ☐ Return
- _____ copies for approval
- _____ copies for distribution
- _____ corrected prints

Remarks REVISION FEE, PLANS TO BE REFILED 10.18.94 CASE# R94-341

cc: L. RACHUBA

Signed

5127-94

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: CARL RICHARDS
ZADM

Date: 10.18.94

Job No.: 93077A

Attention:

Reference: SHERMAN PROP.

We are sending you
☐ Shop drawings
☐ Specifications

☒ attached
☐ Samples
☐

☐ under separate cover:
☒ Plans

☒ via DUMPY

Copies	Date	Number	Description
5	10/94		ENVIRO. IMPACT STMTS

RECEIVED
OCT 18 1994

These are transmitted as checked below:

☐ For approval
☒ For your use
☐ As requested
☒ For review and comment

☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections
☐

☐ Resubmit
☐ Submit
☐ Return

____ copies for approval
____ copies for distribution
____ corrected prints

ZADM

Remarks ZONING RECLASS. CASE #R-94-341
AMENDED PLANS SUBMITTED TO BD. of APPEALS TODAY
PLANNING BD. HRG. ~~MB~~ NOV. 17
RECLASS. HRG. DEC. 6

PLEASE DISTRIBUTE TO APPROPRIATE AGENCIES

cc: L. RACHUBA
A. BETTEN

Signed

REVISED 3/29/94

#13

TRANSMITTAL

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: Sophie Jennings
ZADM
County Office Bldg

Date: 3/29/94

Job No.: 93077

Attention:

Reference: Cycle #13 item

We are sending you
☐ Shop drawings
☐ Specifications

☐ attached
☐ Samples
☐

☐ under separate cover:
☐ Plans

☑ via Linda

Copies	Date	Number	Description
1	-		Original signed reclassification petition by legal owners representative and attorney

These are transmitted as checked below:

☐ For approval
☐ For your use
☐ As requested
☐ For review and comment

☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections
☐

☐ Resubmit
☐ Submit
☐ Return

____ copies for approval
____ copies for distribution
____ corrected prints

Remarks

As discussed today on the telephone, we are sending a copy of petition with attorneys signature added. Linda Jones will white-out the DR 3.5 as listed for existing zoning.

cc: Allen Batten
One North Charles Street
Suite 1115
Baltimore, MD 21201

Signed George E. Gavrelis

T/C 10/12/94 w/ Jean Tansey - DHHS -
will drop off revision fee to
Saphie in ZASM sometime between
today and 10/18/94.
K.

KATHI
I have the only
petition with an
original attorney signature
Sophia

WINDLESS RUN IMPROVEMENT ASSOCIATION, INC.
1004 GLADWAY ROAD
BALTIMORE, MD 21220
687-5877

RECEIVED
COUNTY BOARD OF APPEALS
95 MAR -8 PM 3:12

March 7, 1995

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

RE: Petition for Reclassification NE & SW/S
Gladway Road, appx. 1150' N of Bengies Rd.
and 2390 feet south of Bird River Road
GERALD SHERMAN/ROGER SPERO, Petitioners;
Cycle III, 1994 Case No. R-94-341,
Item No. 13 (the "Sherman Property")

Dear Chairman Hackett,

As of this date, Windless Run Improvement Association, Inc. is under the impression that no future date has been set in for the above captioned case.

I would appreciate your office contacting me if the situation should change or notify us of anything happening with this property.

You can contact me by mail at my home address, 1111 Gladway Road, Baltimore, MD 21220 or by phone 574-5255.

Sincerely,

WINDLESS RUN IMPROVEMENT ASSOCIATION, INC.

Leslie Kaminski
Vice President

cc: Adrianne Bayle, President

OK 3/08/95 L.

LAW OFFICES OF
TABOR, BETTEN AND BERMAN
PROFESSIONAL ASSOCIATION
SUITE 1115-THE BLAUSTEIN BUILDING
ONE NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3719

NEIL TABOR
ALAN BETTEN
CYNTHIA A. BERMAN

TELEPHONE 547-1500
FACSIMILE 547-0436
AREA CODE 410

September 30, 1994

VIA HAND DELIVERY

Board of Appeals of Baltimore County
Room 49
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204
Attention: Ms. Kathy Weidenhammer

Re: Case No. R-94-341

Dear Ms. Weidenhammer:

Please be advised that this Firm represents the Petitioners in the above-captioned matter. This letter is intended to request that you schedule a formal hearing at a public session of the Board of Appeals so that the Petitioners' Documented Plan can be submitted in lieu of the Open Plan previously filed with the Petition for Reclassification. As you know, a hearing has been scheduled in this matter before the Board of Appeals for December 6, 1994.

I look forward to hearing from you shortly concerning the date and time of the hearing concerning the submission of the Documented Plan.

Very truly yours,

Alan Betten

AB:jlb

cc: Mr. Lawrence R. Rachuba (via facsimile)
Mr. George Gavrelis (via facsimile)
Ms. Jean Tansey (via facsimile)
Mr. Jeff Long

RECEIVED
COUNTY BOARD OF APPEALS
94 OCT -3 AM 10: 39

10/18/94 @ 9:30 am } for subm. of Doc Plan only

GERALD D. SHERMAN & ROGER A. SPERO
NE & SW/s Gladway Road, approx.
1150' N of Bengies Road; also 2390'
SE of Bird River Road

#R-94-341
Item #13, Cycle III, 1994

15th Election District
5th Councilmanic District

From D.R. 1 & M.L.-I.M. & M.H.-I.M.
to D.R. 3.5

51.66 acres

March 1, 1994 Petition for Reclassification filed by Alan Betten, Esquire, and TABOR, BETTEN & BERMAN, on behalf of Gerald D. Sherman & Roger A. Spero, Property Owners; Lawrence R. Rachuba, Legal Representative.

✱ Allen Betten, Esquire — Counsel for Petitioners
TABOR, BETTEN AND BERMAN
One North Charles Street, Suite 1115
Baltimore, MD 21201

Gerald D. Sherman and
Roger A. Spero — Petitioners
Suite 380, 780 Lynnhaven Parkway
Virginia Beach, VA 23452

Lawrence R. Rachuba — Legal Representative /Petitioner
2360 West Joppa Road, Suite 310
Lutherville, MD 21093

Daft-McCune-Walker, Inc. — Engineer
200 E. Pennsylvania Avenue (Ms. Jean Jansey)
Towson, MD 21286

James Earl Kraft /Board of Education
Mail Stop #1102-J

People's Counsel for Baltimore County

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

√ e

Ms. Leslie Kaminski
1111 Gladway Road
Baltimore, MD 21220

(Ms. Kaminski is VP of the
Windless Run Improvement Assn Inc
1004 Gladway Road
Baltimore, MD 21220

10/04/94 -Following parties notified of open hearing to receive amended (Documented) site plan only set for Tuesday, October 18, 1994 at 9:30 a.m.:

Allen Betten, Esquire
Gerald D. Sherman and
Roger A. Spero
Lawrence R. Rachuba
Daft-McCune-Walker, Inc.
James Earl Kraft /Bd of Ed
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

NOTE: Above hearing scheduled for purpose of submission of Documented Site Plan at the request of Allen Betten, Esquire, by letter dated September 30, 1994.

10/18/94 -Documented Site Plan submitted to Board on record and in open hearing. To be forwarded to Planning and ZADM.

10/19/94 - Amended Documented Plans forwarded to ZADM and Planning Director.

11/09/94 -Letter from People's Counsel; requesting continuance on 12/06/94 only.

11/17/94 -Letter from Alan Betten, Esquire, Counsel for Petitioners; requesting postponement of 12/06/94 hearing; until further notice; considering further amendments to Petition.

11/17/94 -Notice of Postponement sent to parties; to be reset when requested by Petitioner. NOTE: Amended Plan submitted to Board 10/18/94 was pulled from Planning Board agenda by Petitioner; no comments will be forthcoming from Planning Board at this time.

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: May 3, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton -trs
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILE**

The following case has been finalized and the Board of Appeals is closing the copy of the appeal case file and returning the file and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	***PDM FILE NUMBER***	**NAME**	**LOCATION**
R-94-341	*R-94-341*	GERALD D. SHERMAN AND ROGER A. SPERO	BENGIES AND BIRD RIVER ROADS

Attachment: SUBJECT FILE(S) ATTACHED

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

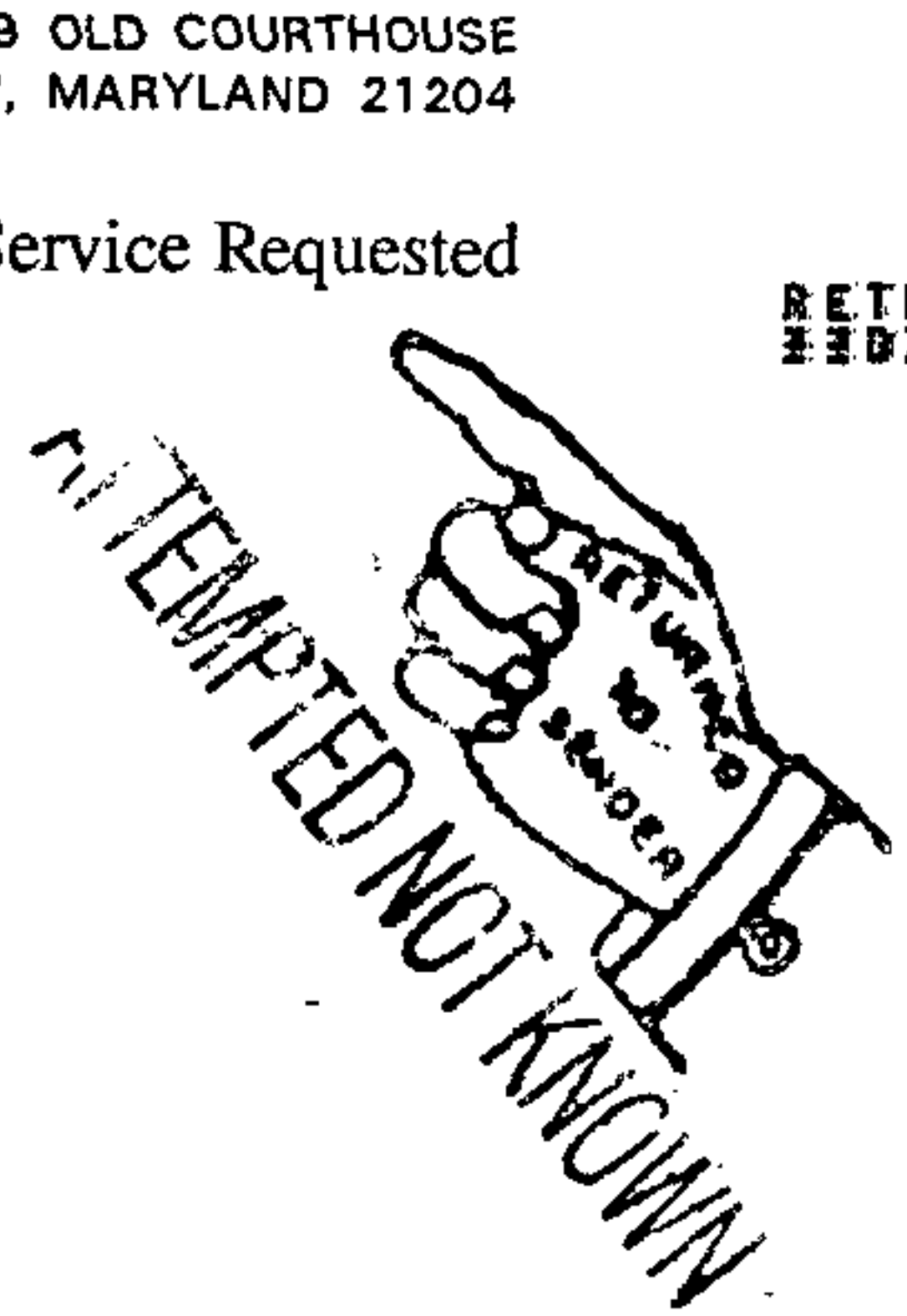
Return Service Requested

PRESORTED
FIRST CLASS

TOWSON
FEB26'02
MD

U.S. POSTAGE
00.269
H METER 705205

RETURN SERVICE REQUESTED
21202-26-02 BALTD MD212



ALLEN BETTEN ESQUIRE
TABOR BETTEN & BERMAN
ONE NORTH CHARLES STREET
SUITE 1115
BALTIMORE MD 21201

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD

RETURN SERVICE REQUESTED
EE02-26-02 BALTD MD212

PRESORTED FIRST CLASS

TOWSON MD FEB26'02

U.S POSTAGE 00.269

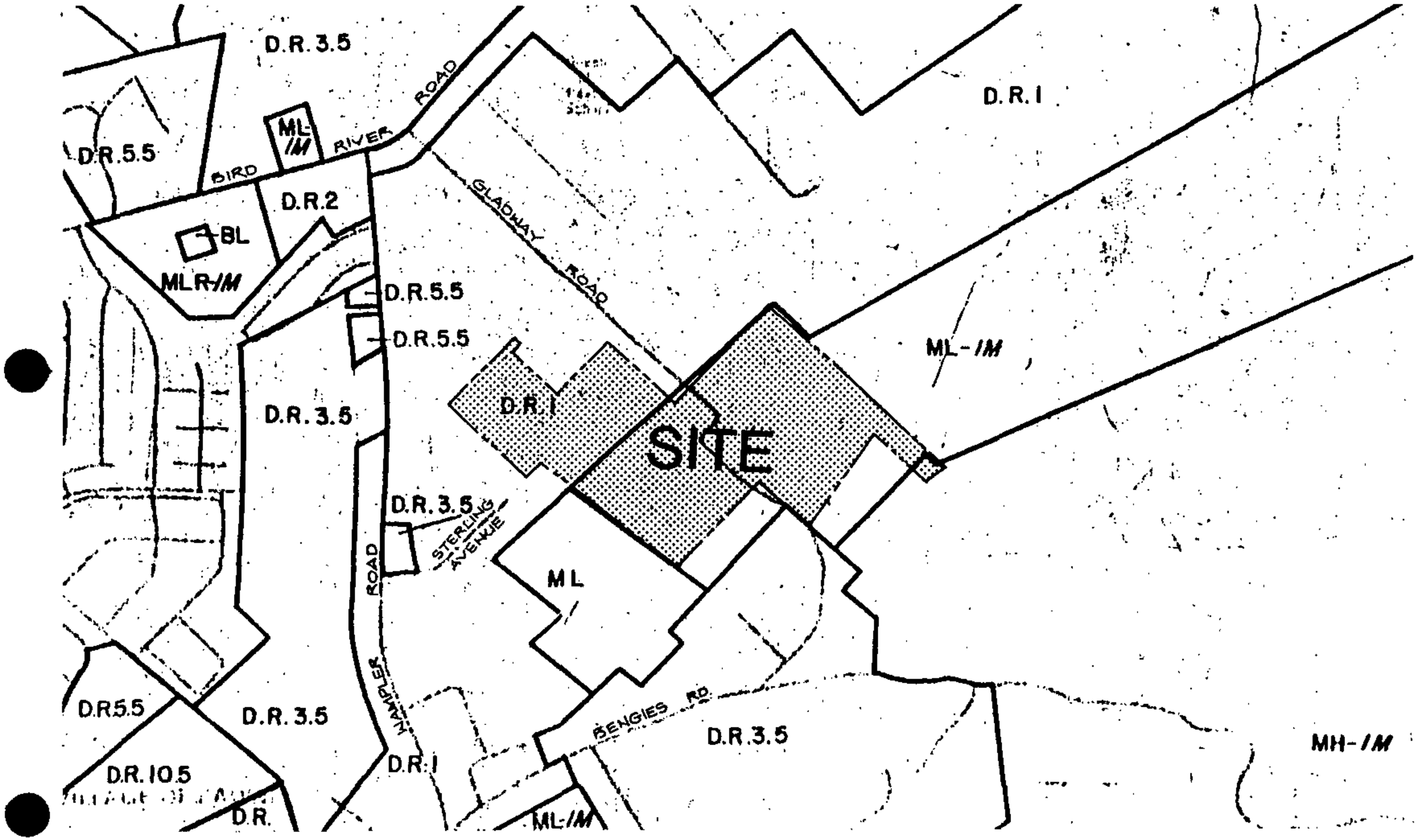
H METER 705205

COU... 02 MAR -5 PM 12:47

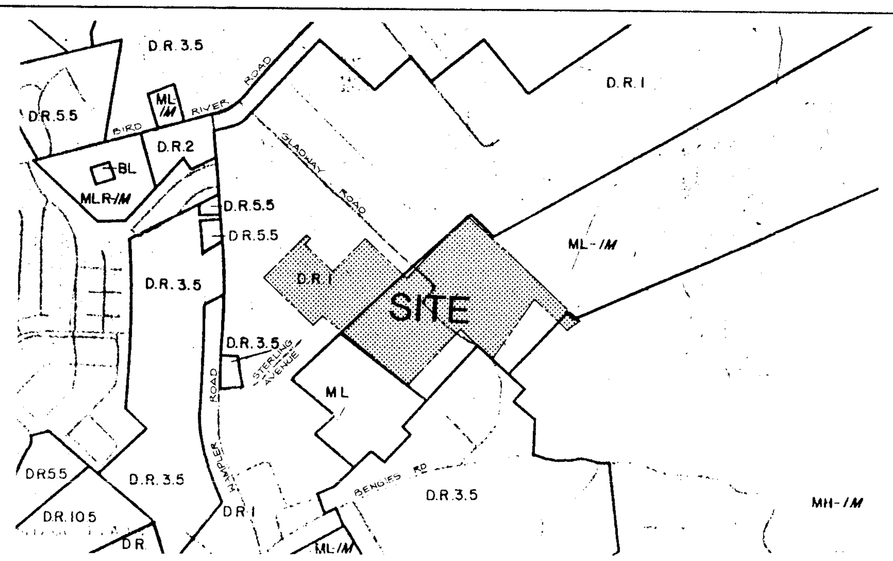
LAWRENCE R RACHUBA
2360 WEST JOPPA ROAD
SUITE 310
LUTHERVILLE MD 21093

NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD

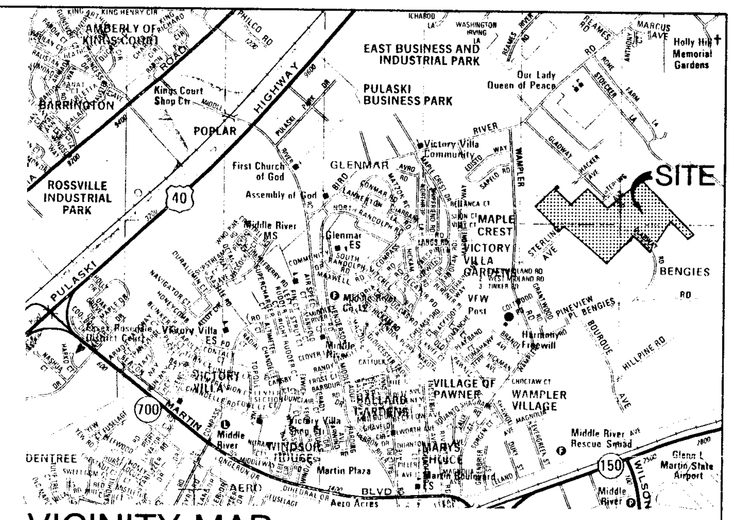
R-94-341



PORTION OF BALTIMORE COUNTY
1000 SCALE ZONING MAP E-4

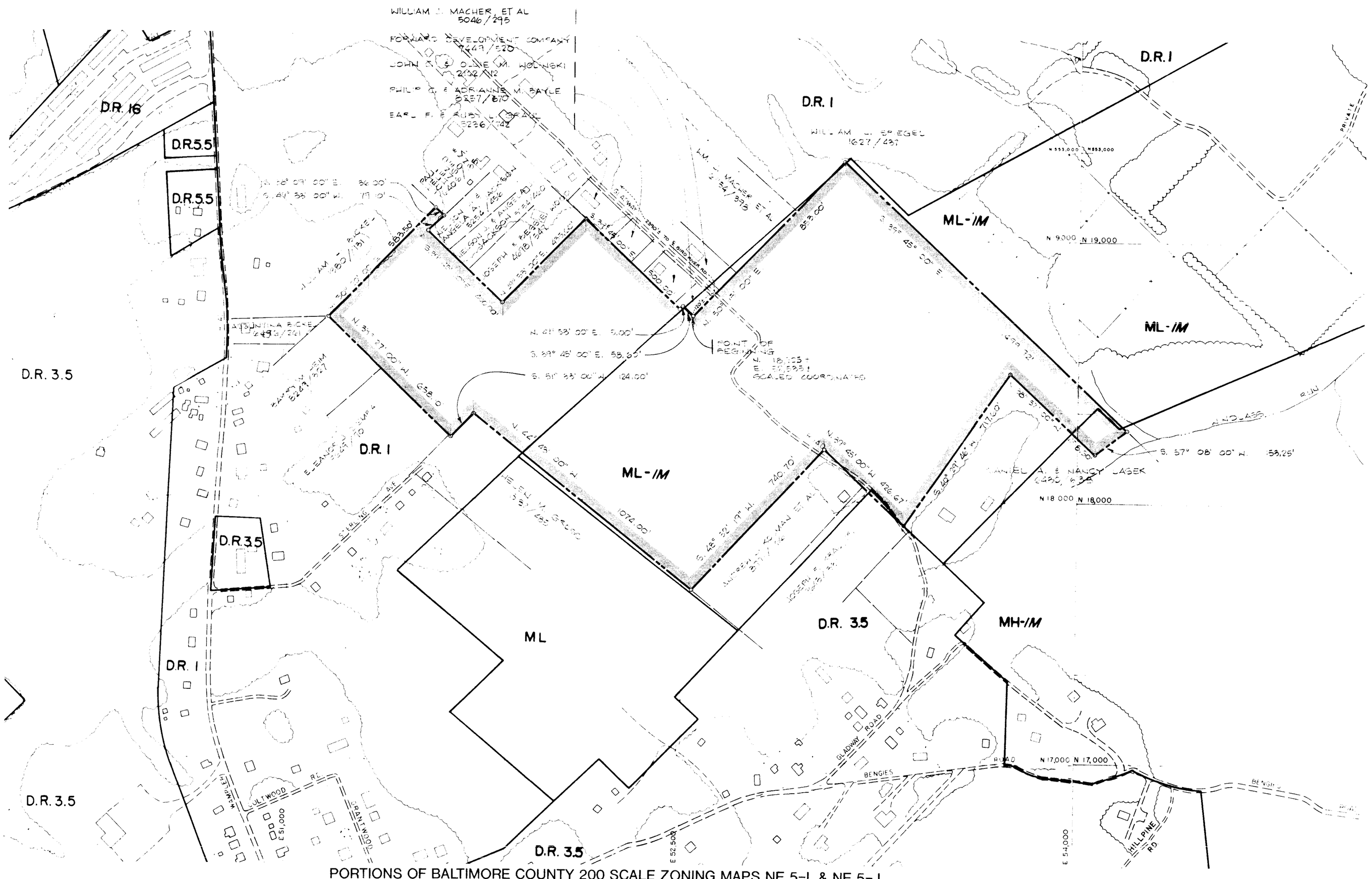


PORTION OF BALTIMORE COUNTY
1000 SCALE ZONING MAP E-4



VICINITY MAP Scale: 1" = 2000'

Copyright ADC The Map People Permitted Use No. 20993233



PORTIONS OF BALTIMORE COUNTY 200 SCALE ZONING MAPS NE 5-I & NE 5-J

NOTES:

1. Owner:
   Gerald D. Sherman
   Rodger Spero
   780 Lynnhaven Parkway, Suite 380
   Virginia Beach, VA 23452

   Legal Representative:
   Lawrence R. Rachuba
   2360 W. Joppa Road, Suite 310
   Lutherville, MD 21093
   (410) 823-1900

2. Site area: 51.71 Ac.±

3. Deed reference: OTG 5072/229
   Tax Acct. No.: 1519323240

4. Current zoning:
   DR 1 15.26 Ac.±
   DR 3.5 0.05 Ac.±
   MH-IM 0.41 Ac.±
   ML-IM 35.99 Ac.±

   Proposed zoning:
   DR 3.5 51.71 Ac.±

5. Site data:
   Tax Map 82, Block 24, Parcel 238
   Election District 15
   Councilmanic Dist. 5

6. This property is not located in the Chesapeake Bay Critical Area.

7. Coordinates and bearings are referred to the coordinate system established by Baltimore County Metropolitan District.

8. The boundary shown on this plan has been derived from deeds and plats only and does not represent an actual field survey.

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

PLAN TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

SHERMAN TRACT

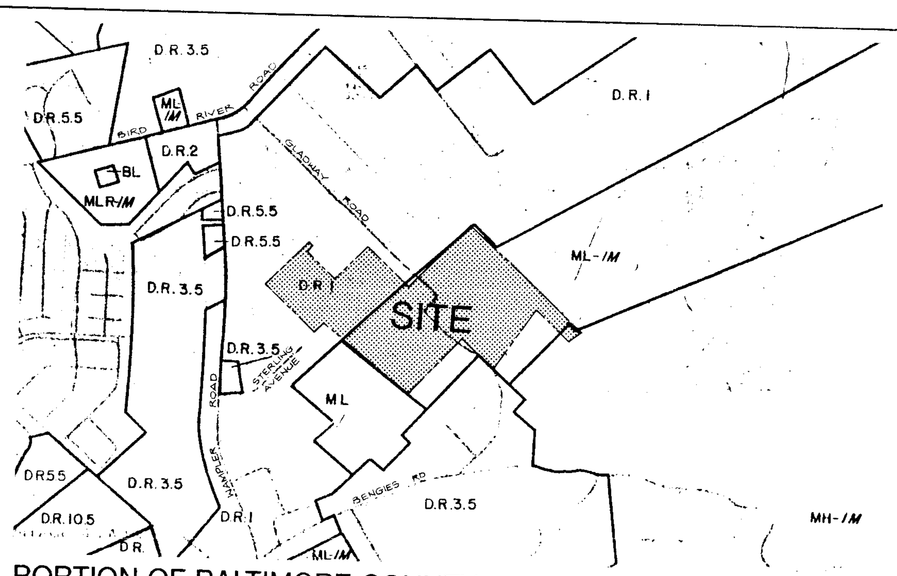
15th Election District Baltimore County Maryland

DATE	BY	REVISIONS
		R-94-341

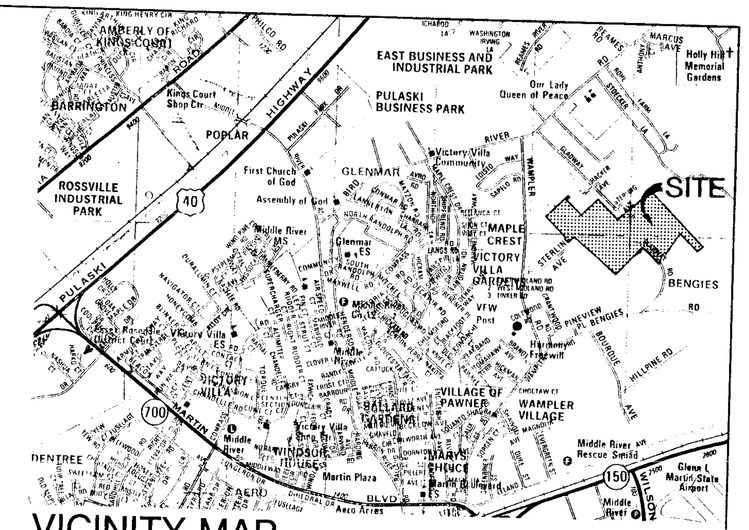
ISSUE DATES			
REVIEW:		BASE:	
BID:		DRAWN:	REM
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE: 1" = 200'		DATE CHECKED:	01-MAR-94
PROJECT NO.: 93077		DRAWING:	1 OF 1

PRINTED
MAR 01 1994
DAFT-McCUNE-WALKER, INC.

A.E. SURVEY CO., INC. 583-685



PORTION OF BALTIMORE COUNTY
1000 SCALE ZONING MAP E-4



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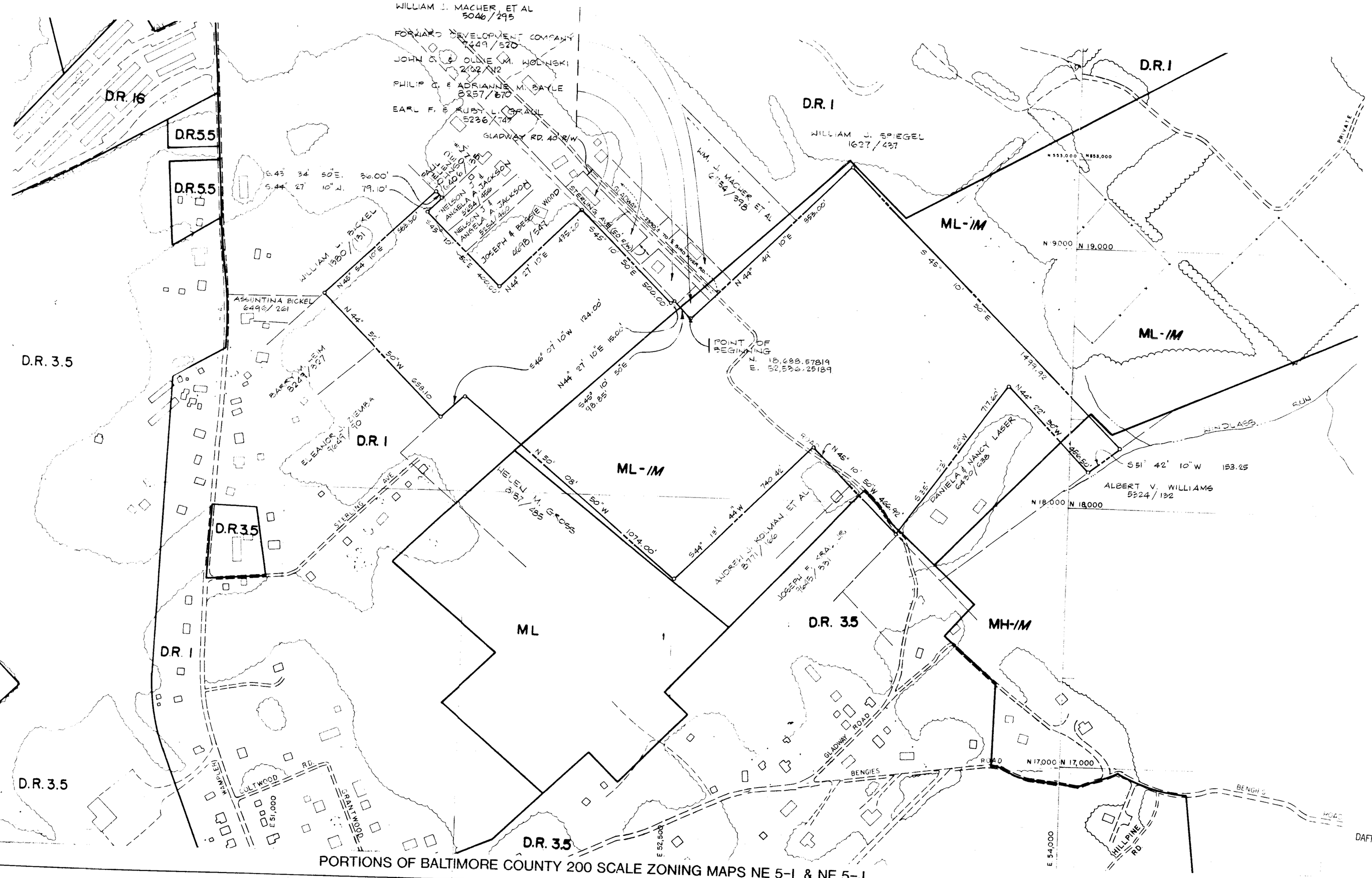
Copyright ADC The Map People Permitted Use No. 20993233



PORTIONS OF BALTIMORE COUNTY 200 SCALE ZONING MAPS NE 5-I & NE 5-J

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2. Site area: 51.64 Ac.±

3. Deed reference: OTG 5072/229
   Tax Acct. No.: 1519323240

4. Current zoning:
   DR 1 15.50 Ac.±
   DR 3.5 0.11 Ac.±
   MH-IM 0.56 Ac.±
   ML-IM 35.47 Ac.±

   Proposed zoning:
   DR 3.5 51.53 Ac.±

5. Site data:
   Tax Map 82, Block 24, Parcel 238
   Election District 15
   Councilmanic Dist. 5

6. This property is not located in the Chesapeake Bay Critical Area.

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PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

SHERMAN PROPERTY

DOCUMENTED SITE PLAN

15th Election District Baltimore County Maryland

DATE	BY	REVISIONS

ISSUE DATES
REVIEW:
BID:
PERMIT:
CONSTRUCTION:

BASE:
DRAWN: REM
DESIGNED:
CHECKED BY:
DATE CHECKED: 11-MAR-94

SCALE: 1" = 200'
PROJECT NO.: 93077.A
DRAWING: 1 OF 3

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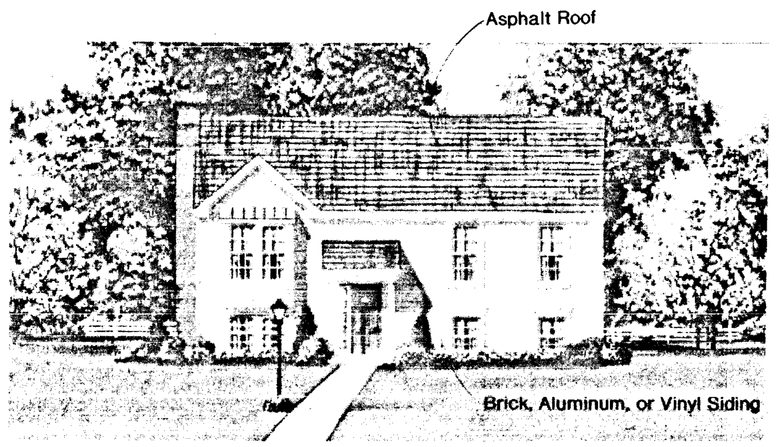
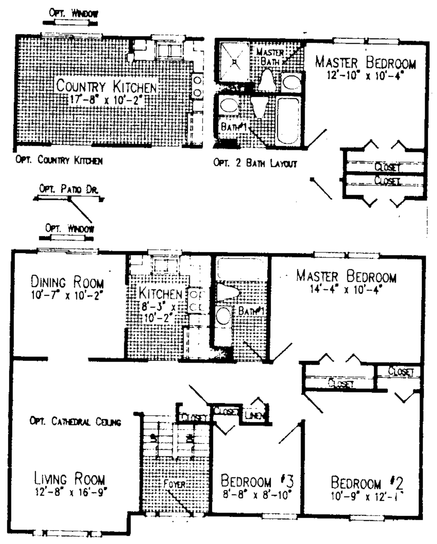
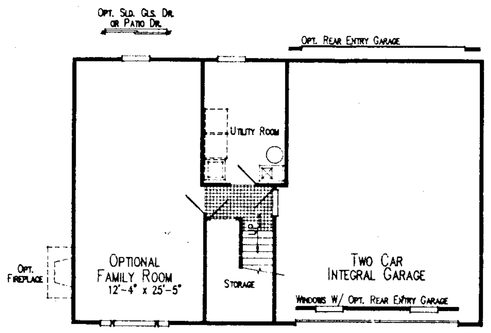
OCT 4 1994
DAFT-McCUNE-WALKER, INC.

MODEL A



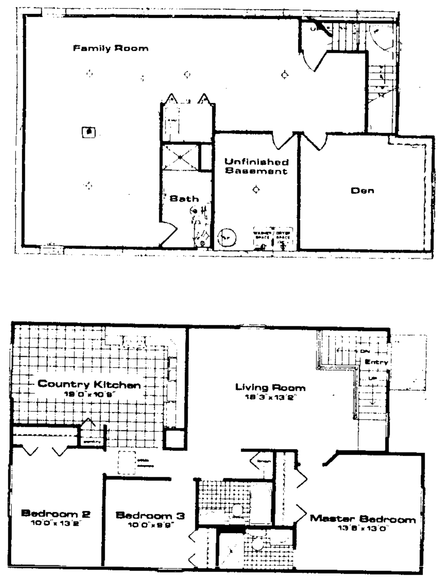


UPPER LEVEL PLAN

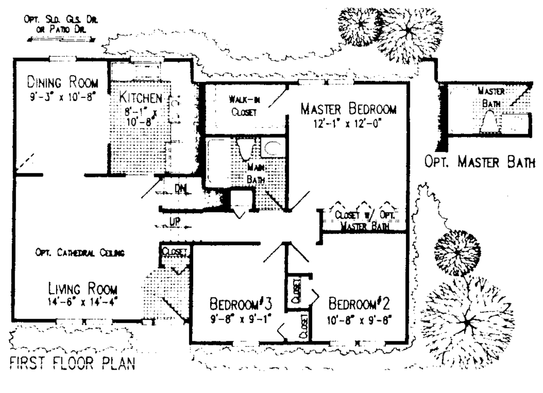


LOWER LEVEL PLAN W/ OPTIONAL INTEGRAL GARAGE

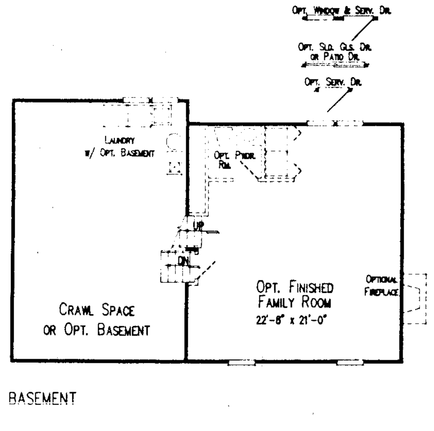
MODEL B



MODEL C

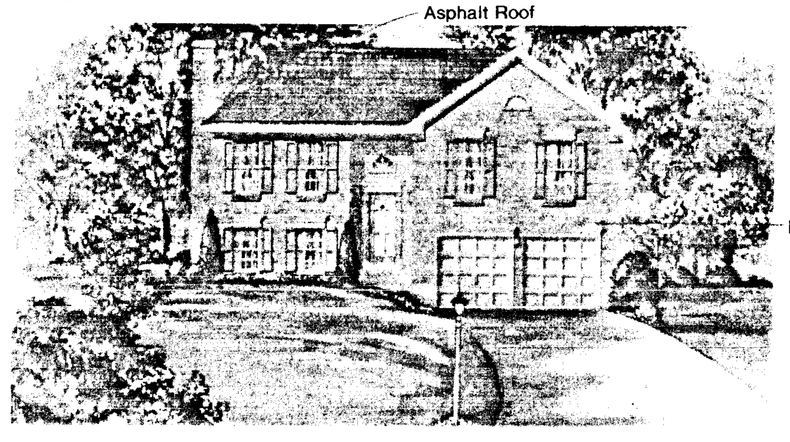


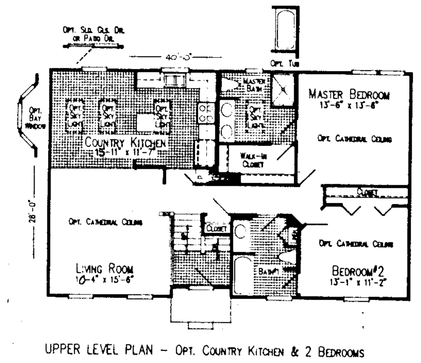
FIRST FLOOR PLAN



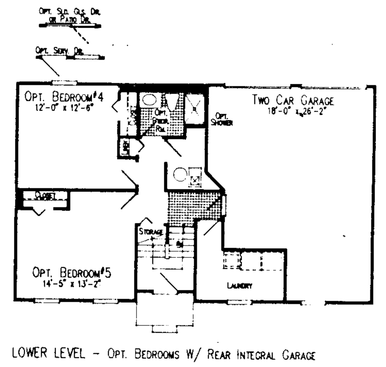
BASEMENT

MODEL D





UPPER LEVEL PLAN - OPT. COUNTRY KITCHEN & 2 BEDROOMS



LOWER LEVEL - OPT. BEDROOMS W/ REAR INTEGRAL GARAGE

Documented Site Plan Notes

1. Election District 15; County Council District 5
   Property is not within the Chesapeake Bay Critical Area

2. Existing Zoning:

DR-1	15.50	Acres±
DR-3.5	0.11	Acres±
MH-IM	0.56	Acres±
ML-IM	35.47	Acres±

   Total Site Area: 51.64 Acres± Net and Gross

3. Proposed Zoning: DR-3.5 51.53 Acres±

4. Density, Maximum Number of Lots

   a. Maximum Permitted (3.5 x 51.64) = 180.74 Lots

   b. Maximum Proposed = 161.00 Lots

5. Existing Use

   Site is undeveloped woodlands with no existing buildings.

6. Proposed Principal Uses

   Single-family, detached dwellings with customary accessory structures subject to restrictions stated on this documented site plan.

7. Height and Area Standards

   a. Maximum Dwelling Height

   35 feet except as otherwise may be permitted by Section 300 BCZR.

   b. Minimum Setbacks

   - Front building face to street right-of-way or property line - 25 feet
   - Between side building faces - 16 feet for buildings up to 20 feet high, 20 feet for buildings higher than 20 feet.
   - Rear building face to rear property line or street right-of-way - 30 feet
   - Side building face to street right-of-way or tract boundary - 15 feet.
   - Dwellings with attached garages may extend not more than 5 feet beyond the required front setback provided that features like windows, roof treatment, or other architectural features are incorporated into the design.

   c. Accessory Structures

   - Shall comply with all requirements of BCZR.
   - Shall be subjected to such further standards and a review process to be established as a component of architectural restrictions.
   - The height of any accessory structure shall not exceed 15 feet.

8. Building Plans and Elevations, Materials

   Typical building plans and elevations are submitted as a component of this documented site plan. They are illustrative of intent but they may be altered or modified if they fit the building envelopes set forth on this plan, are in accordance with architectural restrictions, are approved in accordance with the restrictions, and otherwise meet the requirements of BCZR or other applicable regulations. Each dwelling will be of frame construction using a variety of materials including but not limited to brick; block; wood; aluminum or vinyl siding; and asphalt roofing. All exterior surfaces, with the exception of decks, shall be finished.

9. Architectural Restrictions

   The applicant shall establish and record criteria and restrictions relative to building use and design together with a review and approval process.

10. Parking

    Each single-family, detached dwelling shall provide no less than two off-street parking spaces. Spaces shall be paved with a durable, dustless surface.

11. Signs

    In accordance with provisions of Section 413.1 BCZR, signs shall be limited to:

    a. Name and address of each resident not to exceed one square foot in area.

    b. Directional and informational signs not exceeding 15 or 25 square feet each in total area and involving no advertising aspect.

    c. Temporary real estate signs.

    d. Building contractor's and professional person's temporary signs on buildings under construction are limited to a total area of 150 square feet on each lot.

    e. Street names and such other traffic control signs as may be required by Baltimore County.

12. Environmental Impacts

    Development of this site as restricted and limited by this documented site plan is not expected to result in a substantial increase in sound or other vibrations, dust, odor, gasses, lights, or heat emanations beyond those normally occurring within comparable residential development. (See accompanying environmental impact statement.)

13. Topography, Streams

    Location of streams, approximate limits of wetlands and associated forest buffers are shown. They are based on county topography and aerial photography of December 1954. Accordingly, they are subject to modification as requisite and subsequent field survey is completed.

14. Hours of Operation, Maximum Number of Employees

    This documented site plan sets forth a proposal to establish single-family, detached residential uses. Other then during construction, the area included within the plan will not establish an employment center or business hours.

15. Planting Requirements

	Required	Proposed
6,319 LF of Int. Road at 1/20 =	316 PU	321.5 PU
1,180 LF Class "A" Scr at 1/15 =	79 PU	79.5 PU
2,094 LF SWM Screening		105.0 PU

    Planting shown is schematic.

    10.68 Ac. of forest will be retained on-site.
    0.36 Ac. will be reforested on-site.
    9.08 Ac. of reforestation will need to occur off-site.

16. Local Open Space

    Required = 2.0 Ac. (161 DU x 650 SF = 2.4 Ac.)

    Proposed = 0.60 Ac. Active Open Space
    12.64 Ac. Natural Open Space
    13.24 Ac. Total

Special Documented Site Plan Notes

A. Future Actions/Flexibility

1. This documented site plan must be reviewed and approved as is required by the Development Regulations once the zoning issues are resolved. Agency review of plan, building, and site details may require revision to this plan. In accordance with Section 2.35e(l) such revisions are permissible if they occur within the maximum building envelopes set forth, if the maximum number of lots is not exceeded, and if such changes are in accordance with all other applicable requirements of BCZR.

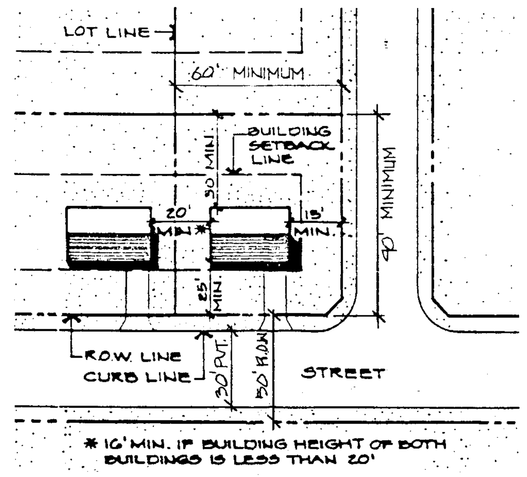
2. Similarly, architectural plans, elevations, and building materials are preliminary and conceptual. The final selection of specific residences for specific lots is intended to be flexible if they fit within the lot's building envelope and if all other applicable standards and requirements are met.

B. Utilization

Development will occur in discrete stages. Utilization of the documented site plan shall occur in accordance with the provisions in Section 2.356(n) if development is initiated within three years of the date of a final order granting the reclassification and if development is thereafter diligently pursued to completion.

C. Zoning History

The subject property was last classified DR-1, DR-3.5, ML-IM, and MH-IM by the 1992 Comprehensive Zoning Map (CZM). It was not a specific issue on that map which essentially affirmed zoning lines established previously by the 1980, 1984, and 1988 CZM. The 1976 CZM, by means of staff issue V-32, reclassified then existing DR-16, DR-3.5, DR-1, and MH-IM zoning to the now existing zoning. The 1971 CZM established or affirmed DR-16 zoning on about 43 acres of a total tract of 51.7 acres, with the remaining area in DR-1 and MH-IM zoning.



PLAN VIEW ENLARGEMENT: MINIMUM LOT DIMENSIONS AND SETBACKS

PRINTED
OCT 4 1994
DAFT-McCUNE-WALKER, INC

DMW
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200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

NOTES TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

SHERMAN PROPERTY
DOCUMENTED SITE PLAN

15th Election District Baltimore County Maryland

DATE	BY	REVISIONS

ISSUE DATES			
REVIEW:		BASE:	
BID:		DRAWN:	
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
		DATE CHECKED:	22 JUL 94
SCALE:		DRAWING:	
PROJECT NO.: 93077A		3 OF 3	

A.E.S. SUPPLY CO. INC. 856481

SHERMAN Prop 93077A ZONING

SHERMAN PROPERTY

PLAN TO ACC'Y. ZONING RECLASSIFICATION

Prepared for :

Ducketts Lane Joint Venture

Prepared by:

Daft McCune Walker, Inc.

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

200 East Pennsylvania Avenue, Towson, MD 21286 (410) 296-3333

Scale: 1"=100'
Date: July 20, 1994
Proj. No.: 93077.A
Sheet 2 of 3

R-94-341
REV 10/18/94

Legend

- Existing Forest/Natural Space
- Proposed Reforestation
- Proposed Lots w/Building Envelopes
- Proposed Major Deciduous Tree
- Proposed Evergreen Tree
- Proposed Fire Hydrant
- Proposed Pump Station

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OCT 4 1994
DAFT-McCUNE-WALKER, INC.