

1039.03\Petition.Am CKH:djc

IN RE: LEISURE HILL SUBDIVISION * BEFORE THE 3rd Councilmanic District * BOARD OF APPEALS

* OF BALTIMORE COUNTY Sydney M. Shure Petitioner

PETITION FOR APPEAL

Sydney M. Shure, Petitioner, by her undersigned attorneys, Cynthia K. Hitt and Siskind, Grady, Rosen & Hoover, P.A., hereby files this Petition for Appeal with the County Board of Appeals of Baltimore County, Maryland.

Petitioner appeals the Findings of Fact and Conclusions of Law (the "Decision") by Lawrence E. Schmidt, Zoning Commissioner for Baltimore County, dated October 6, 1994.

The grounds for appeal are as follows:

1. Certain facts as enumerated in the Decision are

a. The Zoning Commissioner enumerated as protestants in this matter Mr. and Mrs. Larry Jenkins, adjoining property owners. The Zoning Commissioner also mentioned a Mr. and Mrs. Torollo (Tarola) and other neighboring property owners. The Petitioner challenges the standing of all the persons mentioned as Protestants or as neighboring property owners or as adjoining property owners in the Zoning Commissioner's Decision.

b. On page 2 of the Decision, the Zoning Commissioner states that the "Motion (the preliminary Motion raised by the Petitioner) and reasons therefore are more fully set forth in the

Counsel's letter to this Zoning Commissioner dated September 1, 1994." The Zoning Commissioner failed to mention that twice on the record. Counsel for the Petitioner withdrew all but one aspect of that preliminary motion. (The September 1, 1994 Letter has several parts.)

2. Beginning on page 4 of the Decision, the Zoning Commissioner states, "The Petitioner also requests that this Zoning Commissioner approve a FDP for Lots 4, 5 and 6. For reasons that follow, I am unable to grant the relief requested in that portion of the Petitioner's Motion." What the Zoning Commissioner failed to acknowledge is that twice on the record, Counsel for the Petitioner withdrew that portion of the Petitioner's Motion. Therefore that portion of the Motion was not before the Zoning Commissioner and all of the findings of fact and conclusions of law set forth in the Decision on pages 4 through 6 are incorrect. Furthermore, the Zoning Commissioner's Decision denying in part the preliminary Motion filed by the Petitioner is incorrect.

The Petitioner does not challenge that portion of the Zoning Commissioner's Decision that grants the preliminary Motion finding that the initial final development plan and amendments 1 through 5 thereto did not include Lots 4. 5 and 6 and that therefore the Petition for Special Hearing is not required and was therefore, appropriately dismissed.

The relief requested in this Petition of Appeal is a finding by the Board of Appeals that the "second part" of Petitioner's Motion was not before the Zoning Commissioner, and therefore the

> d. Such other and further relief as the nature of this cause may require.

> > Respectfully submitted,

cuite 600

Property Address: SW/S Park Heights Avenue

the property known as Leisure Hill, specifically the effect on the right to subdivide the remaining property. b. A correct interpretation in construction of Baltimore

3. The Director of ZADM incorrectly applies the October

4. The Director of ZADM incorrectly concludes that the

development process for this property requires the full

development process review, contrary to the plain and ordinary

language of the Baltimore County Code and the Baltimore County

determination by the Board of Appeals as to the following:

The relief requested in this Petition of Appeal is a

a. The effect of the historical development context of

6. 1994 Decision of the Zoning Commissioner to the facts of

this case.

Zoning Regulations

- County law, including, but not necessarily limited to, Title 26 of the Baltimore County Code and Section 1801 of the Baltimore County Zoning Regulations, as it relates to the subdivi ion and development of this property.
- c. A correct interpretation of other applicable sections of the Baltimore County Code and the Baltimore County Zoning Regulations with respect to the subdivision and development of this property.

Meneson & Scarlett, P.A. 201 North Charles Street, Suite Baltimore, Maryland 21201-4110 (410) 539-5505 Attorname

neys for Petitioner, Sydney M. Shure at Leisure Hill Drive
3rd Election District
3rd Councilmanic District Zoning Commissioner's findings of fact and conclusions of law as set forth in his Decision at pages 4 through 6 and in the conclusion on page 7 are invalid and of no force and effect. Petitioner also requests such other and further relief as the nature of this cause may require.

> CYNTHIA & HITT Siskind, Grady, Rosen & Hoover, P.A. 2 East Fayette Street Baltimore, Maryland 21202 (410) 539-6606

> Attorneys for Petitioner Sydney M.

PROPERTY ADDRESS:

SW/S Park Heights Avenu at Leisure Hill Drive 3rd Election District 3rd Councilmanic District

1039.03\Consol

IN RE: LEISURE HILL SUBDIVISION * BEFORE THE nic District . BOARD OF APPEALS Sydney M. Shure Petitioner . OF BALTIMORE COUNTY

. MOTION TO CONSOLIDATE

Sydney M. Shure, Petitioner, by her undersigned attorneys. Robert B. Scarlett and Heneson & Scarlett, P.A., hereby files this Motion to Consolidate as follows:

On or about November 9, 1994, Arnold Jablon, the Director of the Office of Zoning Administration and Development Management ("ZADM") issued a letter to Joseph L. Larson, of Spellman, Larson & Associates, Inc. (the "Engineer"), the engineer for Sydney M. Shure, (the "Owner") of the Leisure Hill Subdivision (the "Property"). In Mr. Jablon's letter (the "November 9, 1994 Jablon Letter") he references a decision by the Zoning Commissioner. That decision is dated October 6, 1994 (the "October 6, 1994 Decision"). Both the Petitioner, Sidney M. Shure, and certain clients of J. Carroll Holtzer, Esquire, namely Richard Rynd, Mr. & Mrs. Larry Jenkins, and Mr. Robert Tarola, have filed an appeal from the Zoning Commissioner's October 6, 1994 Decision. Both the October 6, 1994 Zoning Commissioner's Decision and the November 9, 1994 Jablon Letter concern the same subject, namely, the subdivision of what is commonly known as Lots 4, 5 and 6 of the Leisure Hill Property.

1039.03\Petition.1

IN RE: LEISURE HILL SUBDIVISION * BEFORE THE 3rd Election District
3rd Councilmanic District * BOARD OF APPEALS Sydney M. Shure Petitioner . OF BALTIMORE COUNTY

PETITION FOR APPEAL

Sydney M. Shure, Petitioner, by her undersigned attorneys. Robert B. Scarlett and Heneson & Scarlett, P.A., hereby files this Petition for Appeal with the County Board of Appeals of Baltimore County, Karyland,

Petitioner appeals a letter dated November 9, 1994 by Arnold Jablon, Director of the Office of Zoning Administration and Development Management ("ZADN") to Joseph L. Larson, of Spellman, Larson & Associates, Inc., an engineering firm retained by Sydney M. Shure, the owner of certain property in the Leisure Hill Subdivision, Third Election District. Baltimore County, Maryland (the "November 9, 1994 Letter"). The grounds for appeal include, but are not necessarily

limited to, the following: 1. The Director of ZADM incorrectly interprets the

- provisions of the Baltimore County Code with respect to the application of the current development regulations.
- 2. The Director of ZADM incorrectly applies the Baltimore County Code, Title 26 and the Baltimore County Zoning Regulations to the facts in the current case.

Both the appeal of the October 6, 1994 Zoning Commissioner's Decision and the instant appeal have same or similar legal arguments and the same or similar facts. Therefore, these two cases are ripe for consolidation. In the interests of judicial case management, as well as in the interests of continuity, it is requested that the instant case be consolidated with the Appeal of Zoning Commissioner Case No.

WHEREFORE, the Petitioner respectfully requests that the County Board of Appeals consolidate the instant case with the Petitions of Appeal filed by Petitioner and Richard Rynd, Mr. & Mrs. Larry Jenkins, and Mr. Robert Tarola from the October 6, 1994 Zoning Commissioner's Decision.

95-10-sph

Respectfully submitted,

Total Saules ROBERT B. SCARLETT Héneson & Scarlett, P.A. 201 North Charles Street, Suite 600 Baltimore, Maryland 21201-4110

orneys for Petitioner, Sydney M. Shure

Property Address: SW/S Park Heights Avenue at Leisure Hill Drive 3rd Election District 3rd Councilmanic District

• Case No. 95-10-SPH Sydney M. Shure Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAM

This matter comes before the Zoning Commissioner as a Petition for Special Hearing filed by the owner of the property, Sydney M. Shure. to approve a sixth amendment to the previously approved final development plan of Leisure Hill to allow the addition of three (3) vested lots. The subject property and relief sought are more particularly described on the piat filed with the Petition entitled "Final Development Plan of Leisur

Appearing at the public hearing held on this matter were Sydney M. Shure, property owner, Joseph L. Larson, Registered Land Surveyor, Richard E. Matz, Professional Engineer, Marilyn Meiner and Andrzej Koplowski, a representative of Signet Bank. The Petitioner was represented by Cynthia Hitt, Esquire. Appearing as Protestants in the matter were Mr. & Mrs. Larry Jenkins, adjoining property owners. Mr. & Mrs. Jenkins were represented by J. Carroll Holzer, Esquire, who also represented Mr. & Mrs. Torollo and other neighboring property owners who did not appear.

Testimony and evidence offered revealed that the subject property consists of a gross area of 31.490 acres, more or less, zoned R.C. 5, and your approved for development as a single family residential subdivision in 1981. The original development plan for this subdivision, known as Leisure Hill, has undergone a number of revisions since it was initially approved

Lots 4, 5 and 6 which might have vested the CMG plan. Specifically, Counsel proffered testimony that grading permits were issued for the construction of Leisure Hill Drive, that the State Highway Administration (SHA), in connection with the construction of that road, issued a permit to allow access of same to Park Heights Avenue, and that other activity occurred or site which would vest the CRG approval. Although the hearing before me did not specifically address this issue. I must express my serious reservations about the validity of the Petitioner's arguments in this respect. In an eminion, the grading permits issued for the construction of Leisure Will Drive and the SMA access permits, were all accomplished in furtherance of the original FDP for Lots 2, 3, 7, 8, 9, 10 and 11. These activities were not undertaken to yest development rights on Lots 4. 5 and 6. but to actually develop the balance of the property. It is clear, for example, that Leisur Hill Drive appears on the FDP and the amendments thereto. Leisure Hill Drive would have no doubt been built, irrespective of any contemplated construction on Lots 4, 5 and 6. Thus, I have serious reservations whether there has been any activity on this site which would ves CRG approval

It is also to be noted that the development regulations currently in place in Baltimore County were enacted by the County Council and signer by the County Executive in 1992. Those regulations provide for a concept plan conference, community input meeting, development plan conference and hearing officer's hearing as a portion of Phase I of the development. As part of those regulations, a new departmental agency was created in Baltimore County, known as the Zoning Administration and Development Managament (ZADM) office. Prior to the creation of ZADM, the Zoning Commissioner's Office had not only judicial responsibilities similar to those exercised in March 1981. The Petitioner now comes before me seeking a sixth amend ment to the last approved final development plan to permit the addition of three (3) lote which she believes were vested under the original plan.

However, prior to proceeding on the Petition, the Petitioner, through Counsel raised a preliminary Motion that the Petition was unnecesmany and that the relief requested thereunder was available to her by right. The Motion and reasons therefore are more fully set forth in Counsel's letter to this Zoning Commissioner dated September 1, 1994. The following represents a symposis of the testimony offered and argument presented on said Motion, as well as my findings and ruling thereon

In the early 1980s, development in Baltimore County was regulated by the Joint Subdivision Planning Committee (JSPC). That Committee was the predecessor to a development review committee, known as the County Bouley Group (CBG) which itself was replaced by the current development yearless process found in Title 26 of the Baltimore County Code. Development was originally provoced for this site and same was considered and processed by the JSPC. Pursuant to the site plan submitted into evidence as Petitioner's Exhibit 8, the JSPC approved a development plan for 11 individual lots in 1981. This residential community was known as Leisure Hill. The approval granted by the JSPC was authorized under the development regulations which existed at that time

Subsequent to the JSPC approval, the Developer submitted to Baltiore County a final development plan (FDP) for this subdivision. FDPs are defined and regulated by Section 1801 3 of the Baltimore County Zoning eviations (R.C.2.B.). Essentially a FDP is remained to be submitted by Developer in order to provide for the disclosure of development plans to posttue regidents and to protect those who have made decisions based

in the hearing of this matter, but also administrative functions. The

administrative functions have been removed from the responsibilities of

the Zoning Commissioner and have been delegated to the Director of ZADM

Specifically Section 26-3 of the Baltimore County Code (BCC) division

that the Zoning Commissioner shall administer the Office of the Zoning

Commissioner and that the Director of Zoning Administration and Develop-

ment Management (ZADN) shall administer the ZADN office, the zoning code

and all other administrative matters otherwise assigned in Article 26 of

the Baltimore County Code or within the B.C.Z.R. Thus, it is clear that

the submission of a FDP for Lots 4. 5 and 6 as is being requested by the

Petitioner in her Motion, is not properly before me. Only if a public

hearing is required, pursuant to the provisions of Section 1801.3 of the

B.C.Z.R. will the Zoning Commissioner convene and conduct the requisite

public hearing. Thus, the Petitioner is left to negotiate with the Direct

tor of ZADM to determine whether a FDP can now be submitted and accepted

ZADM formulated certain guidelines regarding the FDP review process

These quidelines are contained within Memoranda prepared by Arnold Jablon

current Director of ZADM, which bear the dates of September 4, 1992 and

February 4, 1994. The Memoranda address those situations when a given

development is built out incrementally. The Memoranda suggest that those

events which vest a portion of the tract will not vest the entire develop

ment. As noted above, the initial FDP covered only a single section of

the Leisure Hill Development Plan and the previous FDPs which were submit-

ted were only incremental partial plats.

As this Zoning Commissioner noted on the record, the Director of

20

on such plans from inappropriate changes therein; and to provide for review of residential development plans to determine whether they comply with the B.C.Z.R. and the standards and policies adopted thereto pursuant to the authority of Section 504 of the B.C.Z.R. A FDP is submitted to the zoning office after development plan approval is obtained

The initial FDP submitted by the Developer in this case, pursuan to JSPC approval, is identified herein as Petitioner's Exhibit 1. It is clear that this plan was only a partial final development plan for th development approved by the JSPC. As noted above, the JSPC approved nia contained 11 residential lots. However, the initial FDP included only those lots identified on the plan as Lots 2, 3, 7, 8, 9, 10 and 11. The initial final development plan accepted by the County at that time did no encompass Lots 1. 4. 5 or 6

This initial final development plan has been amended on five different occasions since March, 1981. On each occasion, the character of the amendment did not include the addition of Lots 1, 4, 5 and 6. It is clear that these lots, although approved by the JSPC, have never been part of any FDP submitted to Baltimore County. This conclusion is further borne out by the fact that, as Counsel for the Petitioner pointed out Lots 4, 5 and 6 ultimately came before the CRG and obtained development plan approval under that process, as evidenced by Petitioner's Exhibit 9. It should also be noted that Lot 1 was eventually approved for development subsequent to the JSPC approval. Further, the restrictive covenants contained on Petitioner's Exhibit 10 provide that the boundaries of this subdivision do not include Lots 4, 5 and 6. Based upon all of these facts, which are uncontradicted, I must conclude that Lots 4, 5 and 6 were not part of the original FDP, nor any of the five amendments thereto. In vice

of same, the instant Petition for Special Hearing which comes before me at this time is not appropriate, simply because the addition of lots not contained within the original FDP cannot be permitted by amendment.

Based upon this inescapable conclusion, I am persuaded to grant the Petitioner's Motion and hold that the Petition for Special Hearing to approve an amendment to the FDP for Leisure Hill is not required for Lots 4. 5 and 6 in that those lots were never contained in the original FDP. However, in addition to this holding, the Petitioner also requests that this Zoning Commissioner approve a FDP for Lots 4, 5 and 6. For reasons that follow, I am unable to grant the relief requested in that portion of the Petitioner's Motion.

As emphasized above, Lots 4, 5 and 6 were not part of the original approved final development plan or any of the five amendments thereto. Approval for development of these three lots would only be valid if then were vested. As noted above, Lots 4, 5 and 6 were originally approved by the JSPC in 1981. Moreover, as shown on Petitioner's Exhibit 9, Lots 4, 5 and 6 were contained within an approved CRG plan. Apparently, according to the facts proffered by Counsel, this CRG plan was approved in 1982. There were subsequent amendments to the CRG plan, the last of which was filed on January 11, 1991. Under the provisions of the CRG development process, approved plans were valid for a period of three years. Thus, in the opinion of this Zoning Commissioner, absent some vesting of the CRG approval, the Developer's right to develop Lots 4, 5 and 6 is no longer valid in that the JSPC approval has long since lapsed and the CRC approval expired on January 11, 1994.

In addressing this issue at the hearing, Counsel for the Petitioner proffered certain facts and argued that there have been activities on

Thus, for the reasons set forth above, I shall grant in part and deny in part the preliminary Motion filed by the Petitioner, and I will dismiss the Petition for Special Hearing as inappropriate, in that Lots 4 5 and 6 were not part and parcel of the originally approved FDP of Leigure Hill or the subsequent amendments thereto. However, I decline to issue any order vesting the Petitioner's development rights for Lots 4, 5 and 6,

IT IS CROERED by the Zoning Commissioner for Baltimor day of October, 1994 that the Petition for Specia Hearing seeking approval of a sixth amendment to the previously approve final development plan of Leisure Hill to allow the addition of three (3) vested lots, be and is hereby DISMISSED.

or requiring the ZADM office to accept a FDP for those lots.

Any appeal of this decision must be undertaken within the relawent portions of law

LES: bis

Suite 112 Courthouse 400 Washington Avenu Towson, MD 21204

October 6 100/

(410) 887-438/

Cynthia K. Hitt, Esquire Siskind, Grady, Rosen & Hoover Jefferson Building wo East Fayette Stre altimore, Maryland

Enclosed please find a copy of the decision rendered in the tioned matter. The Petition for Special Hearing has been dis-accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-, any party may file an appeal to the County Board of Appeals within ty (30) days of the date of this Order. For further information any an appeal, please contact the Zoning Administration and Development an appeal, please cont ment office at 887-3391.

> Very truly yours. Jones Estant AMDENCE E SCHNITCE Zoning Commissioner for Baltimore County

I posta

cc: J. Carroll Holzer, Esquire Suite 502, Towson, Md. 21204

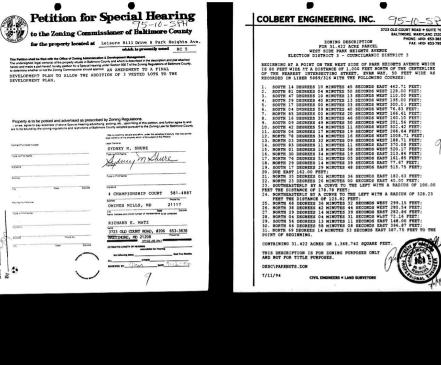
People's Counsel

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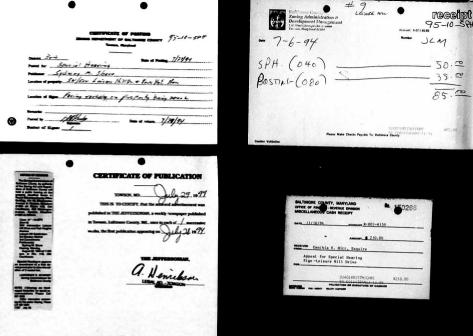
A read and September



111 West Chesapeake Avenue Towson, MD 21204



(410) 887-3353





Account 1-001-6150 PROBLEMENT + SCHOLLETT GPPEBL

<u>Ballions County Zoning Regulations</u> require that notice be given to the pensal public point place in property convex relative to property which is the subject only the property countries of the property which is the subject only the property of the property of which require a public hearing, this notice is accomplished by porting a sign on the property and placement of a notice in at least one newspaper of pensal circulation in the Country. This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. PAYMENT WILL BE MADE AS FOLLOWS- Posting fees will be accessed and paid to this office at the time of filing. 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the sweepaper. NON-PAYMENT of ACCESSIBLE FIELD STATE INSIDE OF COMMENT. ARNOLD JARLON, DIRECTOR For newspaper advertising: POLITIONEY: SYDNEY M. SHURE LOCATION: LEISURE HILL DRIVE & PARK HEIGHTS AVENUE PLEASE FORWARD ADVERTISING BILL TO-NAME: SYDNEY M. SHURE ADDRESS: 4 CHAMPIONSHIP COURT OWINGS MILLS MD 21117 PHONE NUMBER: 581-4887 , 581-1117 (Revised 04/09/93)

CONTING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

NATION OF SERVICE The Society Consistence of Matthews County, by extently of the Zentop Act and Replaceium of Matthews County, will seld a public hearing on the property identifies keen in Jones 2014 of the April 2014 Accessed here has been the County of Zentop Act leads 1014, 604 Continues, 607 Auditops Sounce, Treest, Maryland 2025 on Solitonia. COE STREET S-U-STR (Due 1) Se'internation Loisen HIII Solve est het heigten henne Loisen HIII Seld-felden Der Gestelle Historie - Jet Generallende Heitsterfelde (Sylvey S. Sons SERGIO, NEUER, SERTE SE, UNIV. et III a.a. Ib. 137 Gill Gestellen. barful barfur to server as another to a Tital deployer the totaling the addition of 3 world + Changed to Free Aug 22 NATIS: (1) MARCHE AN ANDERSON ACCOUNTS: NO DESCRIPTION FAIR ALL SECTION.
(2) FOR DESCRIPTION CONTRACTO FOR FILE MARCHE MARCHE, MARCHE CALL SECTION.

111 West Chesapeake Avenue Towson, MD 21204 The Ecning Commissioner of Baltimore County, by sutherity of the Zoning Act and Regulations of Baltimore County, will bold a public bearing on the property identified bersin in Scom 106 of the County office Building, 111 Nr. Chaspeabs Revoce in Townso, Reguland 2204 CASE NUMBER: 95-10-DPM (Tion 9)
SW/intersection indiame will Drive and Park Seights Swemms
Letinure Will Roddvision
Jet Election District - Jet Comcilment:
Petitioner(s): Spites M. Shore
ARADRES NORMAR, SCHOOT 22, 1994 at 11 s.m. No. 118 Old Courthouse. Special Pearing to approve an assendment to a final development plan to allow the addition of 3 vested lots.

NOTES: (1) INNERG SIGN & FOOT MOST DE RETURNERD TO RM. 104, 111 V. CHESAPPARE AVERNE OF THE MELATING DATE.

(2) HERARING MAR HARDICAPPED ACCESSIBLE; FOR SPECIAL ACCORPORATIONS PLEASE CALL REF-1355.

(3) FOR DEPOSEMENTION CONSIGNED OF RE PILE ANGLE HERARING CONTEXT. THIS SPECIAL #887-1351.

NOTICE OF HEARING

(410) 887-3353

(410) 887-3353

NOTICE OF POSTPONEMENT AND REASSIGNMENT

CASE NUMBER: PETITIONER(S):

AUGUST 9 1994

111 West Chesapeake Aveni Towson, MD (2120)

95-10-SPN (Item 9) Sydney M. Shure SM/intersection Leisure Hill Drive and Park Heights Avenue - Leisure Hill Subdivision

Special Hearing to approve an amendment to a final development plan to allow the addition of 3 vested lots.

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO BE HEARD ON AUGUST 22, 1994 HAS BEEN POSTPONED AT THE REQUEST OF J. CARROLL HOLZER, ATTORNEY FOR

THE CASE HAS BEEN REASSIGNED TO BE HEARD AS FOLLOWS: THURSDAY, SEPTEMBER 1, 1994 at 2:00 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Tomson, Maryland.

Call John

Project with Southway training on Minopoline Pages

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

August 2, 1994

Arnold Jablon, Directo

Lawrence Pilson 20 (no velopment Coordinator, DEPRM

SUBJECT: Zoning Item #9 - Leisure Hill Leisure Hill Drive & Park Heights Avenue Zoning Advisory Committee Meeting of July 25, 1994

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

Wells meeting the minimum Baltimore County Standards must be drilled.

JLP:SF:sp LEISUREH/DEPRM/TX1SB Baltimore County Governm Office of Zoning Administra

August 12, 1994

(410) 887-3353

(410) 887,4500

DATE: 07/27/94

Ms. Sydney M. Shure 4 Championship Court Championship Court Dwings Mills, MD 21117

RE: Item No. 9, Case No. 95-10-SPH Petitioner: Sydney M. Shure Petition for Special Hearing

Dear Mr. Shure:

111 West Chesapeake Avenue Towson, MD 21204

The Zoning Plans devisory Committee (Euc) has reviewed the Plans to Some referenced petition the attached Committee from such reviewing agency are not intended to indicate the appropriateness of the noise action requested, the petitioner, are saide aware of plans or problems with regard to the proposed improvements that may have a benefing on this case.

Enclosed are all comments submitted thus for from the members of 22c that offer or regardless of somethat offer or regardless of 22c, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This potition was accepted for filing on July 19, 1994, and a learing scheduled accordingly.

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

1) The Director of Zoning Administration and bowlogement has instituted a grammatic property of the Company of the Company with all aspects of the zoning regulations and potitions filing requirements can file their potitions with this office without the recently of spellindary review by Zoning presents.

Baltimore County Government Fire Department

Zoning Agenda:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 7, 9, 10, 12 AND 13.

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1108F

700 East Joppa Road Suite 901 Towson MD 21286-5500

Zoning Administration and

LOCATION: SEE BELOW Item No.: SEE BELOW

cc: File

Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Arnold Jablon

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 27, 1994

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 9, 11, 16, 17, 18 and 22.

The Nos. 9, 11, 16, 17, 18 and 22.

If there should be any further questions or if this office can provide additional information, please contact Offrey Losq in the Office of Planning at 887-3480.

Division Chief: Caux L. Kerns

7ACQ / D7ONE / 7AC

111 West Chesapeake Avenue Towson, MD 21204

Cynthia K. Hitt, Esquire Siskind, Grady, Rosen and Hoover Jefferson Bullding 2 East Payette Street Baltimore, MD 21202

J. Carroll Holzer, Esquire

Dear Ms. Hitt and Mr. Holzer:

Holzer and Lee 305 Washington Avenue

(410) 887-3353

January 5, 1995

RE: Appeal to Arnold Jablom letter of November 9, 1994 Leisure Hill Subdivision SM/S Park Heights Avenue at Leisure Hill Drive 3rd Election District 3rd Councilannic District Sydney N. Shure-Petitioner

Please be advised that an appeal of the above-referenced case was filled in this office on December 8, 1994 by Robert B. Scarlett on behalf of Sybary W. Shure. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Maryland Departret of Transportation State Highway Administration

Secretary

7-20-91

Re: Baltimore County Item No.: ¢ 9

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

Dear Ms. Minton:

Administration project.

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

Thank you for the opportunity to review this item.

Bob Small John Contestabile, Chief Engineering Access Permits

Very truly yours,

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

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

APPEAL

Miscellaneous Appeal (Arnold Jablon Decision)
Leisure Hill Subdivision
SM/S Park Heights Avenue at Leisure Hill Drive
Jrd Election District - Jrd Councilmanic District
Sydney M. Shure-PETITIONER

Updated checklist* - January 9, 1994

Letter to Joseph L. Larson dated November 9, 1994 from Arnold Jablon *Letter to Arnold Jablon from Joseph L. Larson dated October 18, 1994

Letter and Motion to Consolidate Appeal with 95-10-SPH Notice of Appeal received on December 8, 1994 from Robert B. Scarlett on behalf of Sydney M. Shure

c: Robert B. Soziett, Ecquire, Henson & Soziett, Buite 600, 201
Borth Charles Street, Baltimore, MD 2201-410
Borth Charles Street, Baltimore, MD 2201-410
Borth Charles Street, Baltimore, MD 2201-410
Borth Charles Street, Baltimore, Borth Charles Form, State (Charles E. Hitt, Esquire, Sinkind, Groby, Rosen and Houver, Charles E. Hitt, Esquire, Sinkind, Groby, Rosen and Houver, DD 2100
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Request Notification: Patrick Keller, Director, Planning & Zoniog W. Carl Richards, Jr., Zoning Supervisor Docket Clerk Arnold Jablon, Director of ZADM Conald T. Rascow, Development Manager

AJ: jaw

Contract on Suppose to

APPEAL

SM/S Park Heights Avenue at Leisure Hill Drive
(Final Development Plan of Leisure Hill-oth Amendment)
3rd Election District - 3rd Councilmanic District
Sydney M. Shure-PETITIONER
Case No. 95-10-5PH

Petition for Special Hearing Description of Property

Certificate of Posting

Certificate of Publication

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

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Final Development Plan

2 1 - Intel servicement Flam
2 - Int Amender Flam Development Flam
3 - 2nd Amendment Flam Development Flam
3 - 2nd Amendment Flam Development Flam
5 - 1th Amendment Flam Development Flam
6 - 1th Amendment Flam Development Flam
6 - 1th Amendment Flam Development Flam
7 - 1th Amendment Flam
7 - 1t

Niscellaneous Correspondence:

- tetter from Cynthia K. Hitt to Zoning
Commission: (Soptember 1, 1994)with

- Commission: (Soptember 1, 1994)with
2 - 200 scale zoning map
3 - 6th Amendment Firal Development Flan
4 - Photograph map

Zoning Commissioner's Order dated October 6, 1994

Notices of Appeal received on November 4, 1994 from Cynthia K. Hitt and

c: Sydney M. Shure, 4 Championship Court, Owings Mills, MO 21117 Cynthia K. Nitt, Esquire, Siskind, Grady, Rosen and Hoover, Jefferenn Building, 2 E. Payette Street, Balto., MO 21202 J. Carroll Bolary, Esquire, Holzer & Lee, 305 Mashington Avenue. eple's Counsel of Baltimore County, M.S. 2010

Request Notification: Fatrick Moller, Director, Planning & Zoning Juversnee R. Schmidt, Zoning Commissioner Fatrick Molley M. Kotroco, Departy Zoning Commissioner M. Carl Richards, Jr., Zoning Supervisor Docket Clerk Arnold Jablon, Director of ZADN

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 January 27, 1995

NO POSTPONEMENTS WILL BE GRANTED MITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RUE 2(b). NO POSTPONEMENTS MULD BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE MULDESS IN YOUL COMPLIANCE WITH RUE 2(c), COUNTY COUNCIL BILL

CASE NO. 95-10-SPH

SYDNEY M. SHURE -Petitioner SW/s Park Heights Avenue at leisure Hill Drive (FDP /Leisure Hill) 3rd Election District 3rd Councilmanic District

SPH -6th Amendment to FDP /Leisure Hill /addition of 3 vested lots (Lots 4, 5 and 6) 10/06/94 -2C's Order in which Petition for Special Hearing was DISMISSED.

CASE NO. CBA-94-192

RE: Appeal from letter of ZADM Director /interpretation of approval process /Lots 4, 5 and 5 (27's Order 95'-10-SPH) 11/09/94 -Letter to Joseph Larson from Director /ZADM -Lots 4, 5 and 6 must be approved via development process.

ASSIGNED FOR: THURSDAY, APRIL 6, 1995 at 10:00 a.m.

Sydney M. Shure Property Owner /Appellant Robert B. Scarlett, Esquire Counsel for Property Owner /Appellant Cynthia K. Hitt, Esquire Joseph L. Larson

J. Carroll Holzer, Esquire
Hr. 4 Krs. B. Larry Jenkins
Hr. Richard Rynd
Hr. Robert Tarola

People's Counsel for Baltimore County Pat Keller Lawrence E. Schmidt Timothy M. Kotroco W. Carl Richards, Jr. /ZADM Donald T. Rascoe /ZADM Docket Clerk /ZADM Arnold Jablon, Director /ZADM

MCAS Kathleen C. Weidenhamme: Administrative Assistant

JAN 20 1995

President Southean Int.

Baltimore County Government Office of Zoning Administration

November 10, 1994

(410) 887-3353

Cynthia K. Hitt, Esquire Siskind, Grady, Rosen and Hoover Jefferson Building 2 E. Fayette Street ore, MD 21202

J. Carroll Holzer, Esquire Holzer and Lee 305 Washington Avenue, Suite 502 Baltimore, ND 21204

> RE: Petition for Special Hearing SW/S Park Heights Avenue at Leisure Hill Driv. (Final Development Flam of Leisure Hill - 6th Amendment) 3rd Election District 3rd Councilmanic District

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this office on November 4, 1994 by both parties. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Eileen O. Hennegan at 887-3353.

Sincerely,

Aprold Datlon 1604 ARNOLD JABLON

A.Treob

c: People's Counsel

Protect with Soybean Inc.

Peter May Tommeron

RE: PETITION FOR SPECIAL HEARING .

SM/intersection Leisure Hill Drive and Park Heights Avenue, Leisure Hill Subdivision, 3rd Election

final Order.

for Petitioners.

BEFORE THE

Postechan Zemmina.

and S. Draili.

CAROLE S. DENILIO Deputy People's Counsel Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204 (410) 887-2188

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

ENTRY OF APPEARANCE

captioned matter. Notice should be sent of any hearing dates or other

CERTIFICATE OF SERVICE

of the foregoing Entry of Appearance was mailed to Richard E. Matz,

3723 Old Court Road, Suite 206, Baltimore, MD 21208, representative

1 HEREBY CERTIFY that on this 3 day of August, 1994, a copy

proceedings in this matter and of the passage of any preliminary or

Please enter the appearance of the People's Counsel in the above-

ZONING COMMISSIONER

OF BALTIMORE COUNTY CASE NO. 95-10-SPH

Joseph L. Larson, President November 9, 1994 Page 2

Section 28-169. Baltimore. County Code (BCC) states that the current regulations will not apply to the following: (1) development which had received tentable approved prior to 61/162 of a preliminary plan by the Planning Board (which is not the not the case here); or (3) a development for which a current second PMA exists (which is not the case here); or (3) a development for which a current seconded PMA exists (which is not the case here).

White a parcel may be exempt from Division II of the development regulations if it is to be subdivided into these bids or less association SE-17, that is not applicable here as the JSPC pian subdivided the property at that time into more than the property of the effectively registed. If the property of the property o

The ZADM office has concluded that since Lot 4, 5, and 6 were part of one properly that was approved by a JSPC pies, these lots cannot be approved now as a consignal FDP by a deding the three bit. Then you could have accomplished your goal. But you approved plan by a revision and you could have accomplished your goal. But you graped that the wearn measures and that the zoning commissioner did not have the complete and the property of the development of Leisure HBI. These three additional lots were, in his proposal problem, community input meetings, development plant contensus, and a hearing office hearing.

While I recognize the difficulty to you that this decision causes, this office believes that the only mechanism for you to accomplish the creation of Lots 4, 5, and 6 is to undergo the current development process, as the law requires. ZADM is available to you to provide the help needed to initiate the plan approval process.

If you disagree with this conclusion as set out above, you have 30 days to appeal to the Board of Appeals.

A.I:MJK:sci

. BEFORE THE ZONING IN THE MATTER OF Petition of Sydney Shure . COMMISSIONER OF Leisure Hill Subdivision . BALTIMORE COUNTY • CASE NO. 95-10-SPH SUBPOENA Please process in accordance with Zoning Commission Rule IV (c). TO: Mitch Kellman, ZADM County Office Bldg. Towson, MD 21204 YOU ARE HEREBY COMMANDED TO: (X) Personally appear: () Produce documents and or objects only; () Personally appear and produce documents or objects; Room 118, Old Courthouse (Place where attendance is required) on Tuerday the 13th day of September 19 94, at 11:00 a.m. MHMM. YOU ARE COMMANDED TO produce the following documents or J. Carroll Holzer, 305 Washington Ave., \$502, Towson, for Protestants (Name of Party or Attorney, Address and Phone Number requesting subpoena) Menthy Hotron Date_ Sept. 7, 1994 Zoning Commissioner

SHERIFF'S RETURN

CUPDIPP

Baltimore County Government Appeal consolidated with Office of Zoning Administration Zoning Case No. 95-10-SPH

(410) 887-3353

RE: Leisure Hill Sydney Shure Property 3rd Election District

Dear Mr. Larson:

111 West Chesapeake Avenue Towson, MD 21204

Reference is made to your letter of October 18, 1994 in which you requested a review and interpretation regarding the approval process for Lots 4, 5, and 6 within a partial development plan and record pate or via the minor subdivision process. You disagree with the Zoning Administration and Development Management (ZADM) officials record tecksion to require these lots to be approved through the development.

Shure, her representatives, and Baltimore County in which these issues were reviewed, in addition to the public hearing destroy the county in which these issues were reviewed, in addition to the public hearing destroy the county of the coun

The zoning commissioner ruled that the lots were not part of the FDP, but also concluded that they may not be vested. Your argument is that the three lots may be approved as shown on the JSPC plan by simply submitting an individual partial development or minor subdivision of Lots 4, 5, and 6 without proceeding within the

The original approved subdivision plan separated out two parcels one of which was in fact developed. Permis were sizued end overviewment occurred on lot makes the property of the property of

Mitchell J. Keliman, Planner II. - ZADM W. Carf Richards, Jr., Zoning Supervisor - ZADM Syching Shuns - Gicamplonathe Court, Owings Mills 21117 Syching Shuns - Gicamplonathe Court, Owings Mills 21117 Richard Matz - Cobert Engineering, 3720 Did Court Road, Pileceville 21209 Richard Matz - Cobert Engineering, 3720 Did Court Road, Pileceville 21209 J. Carroll Holzer, Esquire - 305 West Chesspeake Avenue, Powson 21204 Kristen Foreyth, Assalated Toredor - Valley Planning Council Inc., 212 Weshir Avenue, P. O. Box 6402, Towner 21265-5402

Protect with Employee Int.

August 14, 1995

Michael P. Tanczyn, Esquire Suite 106 606 Baltimore Avenue Towson, MD 21204

Sydney Shure Property Lots 4, 5, & 6 Zoning Case #95-10-SPH 3rd Election District

Dear Mr. Tanczyr

Reference is made to your letter of August 8, listing new evidence discovered regarding the above referenced lots. As you have stated, this evidence, i.e. "the unsigned JSPC/Planning Board approved plan dated 2/5/82 - including lots 4, 5, 8 of was obviously not available:

- to this office when we concluded (by letter dated 11/9/94 to Joe Larson, Spellman and Larson), that the lots were not vested, and
- when the zoning commissioner ruled that they may not be vested on 10/6/94 included in the dismissal order for FDP amendment.

This office has reviewed the tentative approved plan as delivered to this office by Mr. Norman Gerber and the applicable development regulations and, based on the new evidence, it is the conclusion of this office that the lots are vested.

(177-79) — Bills — (56-92) 10/15/79 —— 6/11/82 ——no lapse provisions Sections and dates

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Very truly yours

Baltimore County Department of Permits and Development Management

Director's Office County Office Building 111 West Chesapeake Ave Towson, Maryland 21204 (410) 887-3353 Fax (410) 887-5708

RE: Leisure Hill Subdivision Sydney Shure Property Lots 4, 5, & 6 Zoning Case #95-10-SPH 3rd Flection District

I am in receipt of your note to me, dated 13 August 1995, and subsequent ted 8 August 1995, in which you request reconsideration of the status of the

As you know, the Zoning Review Section of this department had determined that the Final Development Plan (FDP) originally approved had been a required approved by the zoning commission that the production was clearly emocial to the production of the production of

"Approval for development of these three lots (lots 4, 5 and 5) would only be valid if they were vested. As noted, were originally approved by the JSPC in 1981...Thus..absent some vesting of the CRG approval, thus...right to develop lots 4, 5 and 6 is no longer valid in that the JSPC applications clong since lapsed and the CRG approval applied on January 11, 1994.

Michael P. Tanczyn, Esquire August 14, 1995 Page 2

However, the questions asked of staff at that time are significantly different than the question you pose to me now. You now ask only to agree that vesting has occurred under the development regulations so as to allow the filing of a final amended development plan for record filing. I will answer your question in two parts.

precognent pain for record intig. I will answer your question in two parts. The JSPC approved the oxiginal devolopment plan in 1891. Norman Gester did meet with me some weeks ago and provided me with a plan approved by the Planning Board that had not been available in our fless. At the time the plan was approved not available in a provident plan of the plan of the plan was approved plan. Therefore, the plan is a approved which was provident to the adoption of Bill No. 594.2, which included subsection 22-95, time period. The development regulation in effect at the time flips plan was approved normal plan of the plan of the

Subsequent to the JSPC plan, your client secured a CRG approved blan. While Loannot be sure why. Jegess that your client believed that the JSPC plan was no longer valid, an incorrect assumption. To the extent that the two plans differ, the above opinion that the SPC plan is "vested", as differentiated from the term "valid", is based on the grading permit and road construction having occurred pursuant to the JSPC plan. The CRG plan, it appears, was always superfluous, and, therefore, irrelevant.

2. However, a new FDP is still required for the area of lots 4, 5, and 6.

I trust that the information set forth in this letter is sufficiently detailed and we to the request. If you need further information or have any questions to not hesitate to contact me at 887-3353 (FAX - 887-5708).

A.I'sc

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

: July 28, 1995 /2:00 p.m.

: Kristine K. Howanski, Acting Chairman (KKH)
Lawrence M. Stahl
Harry E. Buchheister, Jr. (HEB)

Charlotte E. Radcliffe

Those present included Michael P. Tanczyn, Esquire, on behalf of Sydney Shure, Petitioner; J. Carroll Holzer, Esquire, on behalf of B. Larry Jonkins, et al. Appellants/Procestants, and Michael J. Koran, Assistant County Attorney, on behalf of Baltiance County.

PURPOSE --to deliberate Case No. CBA-94-192 and 95-10-SPH Motion to Dismiss, Motion for Continuance and Special Hearing.

KKH: The complexity of this case -- so bear with us as we wander: I hope we don't wander too much.

I map complexity of this case — so bear with us as we wander; it hope is don't wender too much.

I tould like to the question was asked do we go for public with the property of the property

Proced and Seyboon in

Deliberation /Sydney M. Shure, Case Nos. 95-10-SPH & CBA-94-192

Ms. Shure should have every consideration in putting forward her best case; case based on a technicality; for various reasons I do not think should be dismissed.

her best case; case based on a technicality; for the reason reasons I do not think should be climate with you, but I am listening! I follow you listening with you, but I am listening! I follow you is setting 2-132 gives Director of ADDN new authority; I agree his decisions are appealable; I am a grapping with this latter — described and a grapping with this latter — described and the state of the state of

not.

1.85 First , given my background and watching cases over the years, its little, given my background and watching cases over the years, its little, and the season of the cases; in less than an hour and Go substantial characteristic proposed in less than an hour and Go substantial concerning the course repossibilities would be useful to be concerned to the course of the cou

Deliberation /Sydney M. Shure, Case Nos. 95-10-SPH & CBA-94-192

leaning on it being seriestry; it is not an appealable event; leaning on it being seriestry; it is not an appealable event; leaning on it being seriestry; it is not an appealable event; leaning on it being seriestry; it is not an appealable event; seriestry and it is not an appealable event; and rigeness and standing; she may or may not have standing; and can be appealable and seriestry and seriestry. I sell seuse before it can be also as a decision being a seriestry and seriestry and seriestry and seriestry. I seel seriestry and seriestry. I seel seuse to it of given opportunity to? I feel seel is one that can any seriestry and series an

Deliberation /Sydney M. Shure, Case Nos. 95-10-SPH & CBA-94-192

go back and see we did it this way in Shure case and be consistent; treat letter as non-appealable event and indicate it is to be used.

KKH: Still have to deal with issue of which case heard like de novo; I think we appear to be 2-1 on first issue of whether or not this is a non-appealable event; that is what I am hearing right now.

HEB: I am thinking about Jablon's letter by advise -- why did he write in --

LMS: Because he was asked; he raised and explained issue.

I haven't read the letter; I would be curious to read it; it is a polite letter and he is saying in summation this is what you have to do; he said it gently, precisely and legally and Petitioner feels "hey, I am going to raise an appeal on this".

KKH: In last paragraph I would have to say I don't think we can bootstrap; not by estoppel; not something I can hang my hat on; is he correct or not?.

HEB: The last paragraph is evidence of what I just said. "if you disagree with this conclusion as set out above, you have 30 days to appeal to the Board of Appeals."

LMS: I think Mr. Jablon is wrong in what he says; unfortunately he is entitled to do his job and I am mine; simply because someone says it is so does that mean it is so?

HEB: I am talking about the director.

LMS: Once concerned about paragraph before that "RADM is available on you to provide the help needed to initiate the plan sepproval process"; he was recounting history and expanded on ruling, saied by counsel to respond to laness it has the plan in the plan of the plan

NED: No question Section 26-132 was not in existence at time of UPS; now it is here; have director authority to make final conclusion; Nr. Tanczyn referenced that part of his argument I see this as being a decision.

LMS: This isn't the exercise of that authority.

RKH: I see the same language is artful but decision is talking about his petitioner's decision; not his decision.

Deliberation /Sydney M. Shure, Case Nos. 95-10-SPH & CBA-94-192

HEB: I would think that in deliberation years ago, I would withdraw; I horeby withdraw my comments; I was listening to testimony and Mr. Tanczyn has a way--; I don't think he was on track with Section 26-132.

KUM: I agree exactly on what statute does; airight, Harry? You can agree to disagree; standing I am interested in; economic argument troubles me; it smalls like 'passing the buck'; but I did get impression from Michael Tanczyn that she did have an opportunity in CCt, she has some kind of rights here.

LMS: I agree it is more than counsel for other side indicated.

I What do we do about the issue of \$3/de novo appeal issue; are we just up here on Ms. Shure's appeal? We would be done because she would not have right to appeal; if she specifically ident appeal that portion; case is different because of language; schematics not in the Shriver case.

LMS: They seem to be setting standard whether you agreed with the reasons

NOR: Presently, not an appeal on this only if you read language of Ms. Shure's appeal. Now the Court pages is a talking about the shure's appeal. The shure's appeal is a shure of the case should be heard answ as if no decision had been previously rendered. Thus, the Board of Appeals may consider the decision of the shure of the

LMS: here we have asked that SE not be granted; successfully obtained result they wanted.

KKH: The question I have is, what is the fact of another appeal outstanding what do we do at the present time?

It seems from procedural point of view we have to rule factually that only appeal presuming that our point prevails of the control of the con

. . . Deliberation /Sydney M. Shure, Case Nos. 95-10-SPH & CBA-94-192

I understand but I am not to sure; I have looked through opinion and lost some of your comments, sorry!

KKH: I guess it doesn't matter if appeal is outstanding; she has no right under Shriver to appeal.

LMS: We have to go to Motion for Continuation while we are still on books.

KKH: Alright, we are on the two Motions to Dismiss.

LMS: I believe Mr. Holzer adopted Mr. Moran's; Mr. Moran is agreeable too Mr. Holzer's.

agreeable too mr. Noisur's.

NXM: It looks like we have Motion to Dismiss on part of Balto.
County and on behalf of the protestants; we appear to be 2on agreement; Board mast dismiss appeal because later than
tank is not an appealable event of the protestant of the second of the

HEB: I am not sure on that.

NOME: will raise the question then, if CBA-94-192 is dismissed, then what we have is 95-10-87M, the special hearing; then what we have is 95-10-87M, the special hearing; which is the special court of the special court is shown as proceedure and to restrain us; papeal is out; Ms. Shure as proceedure and to appeal of toning Commissioner decision that agrees with her; we are bound with that issued portion, contented dicts and appeal or the process of the

LMS: Other appeal still on the books from Mr. Holzer.

KKH: Under Shriver, not free to avail herself; she might derive that there is a more general appeal stand.

HEB: Dismiss hearing.

KKH: That is the end; right now I don't know if we are 2-1 on first issue, but we still need decision on the 3rd; is that case still outstanding?

HEB: I misinterpreted and misread; I looked at commentary "... the only mechanism for you to accomplish the creation of Lots 4, 5 and 6 is to undergo the current development process, as the

Deliberation /Sydney M. Shure, Case Nos. 95-10-SPH & CBA-94-192

law requires."; limited to community input meeting, etc.; Director pulled together thoughts and tried to assist them; he is not a Judge sitting at a bench saying "this is it". I can see here in the letter it is written in a fashion and a manner other than I initially thought about; I concur with you folks and say this is not a reason.

KKH: Unanimous this is a non-appealable event; at this point Ms. Shure does not have any meaningful appeal; appeal of dicts by virtue of attorney's specific language bounds them by that as it appears in Shriver case.

HEB: I agree; I would like to go to the commentary of Mr. Holzer of possibility of what might happen in CCt; if we got more involved in CCt.

LMS: We got too involved in standing; lawyers have a habit of presenting everything.

Closing Statement by Acting Chairman Howanski: We appear to be in accord that Notion to Dismiss Petitioner's Appeal in both cases will be granted for reasons set forth; we have got to go back on

Note: appellate period runs from date of written Opinion and Order and not from today's date.

Respectfully submitted.

Charlotte E. Raddiffer Legal Secretary

Zoning Commissioner September 1, 1904 Page 2

Grading Permits were issued for the construction of the roadway known as Leisure Hill Drive and the road constructed.

Storm Drainage Permit #92 issued and completed.

State Highway Access Permit issued and improvements to the entrance on Park Heights Avenue constructed.

Water Appropriation Permits issued.

Soil Evaluation Data submitted and approval granted for private sewage facilities.

The owner sought the advice of ZADN with respect as to how to proceed with the recordation of a plat for Lots 4, 5 and 6. At the direction of the County, the owner has submitted a Sixth Amended Final Development Plan (AFDP) for the Subdivision.

The purpose of the ATDP is to reinstate on the Final Davelopsent Plat (FDP) the three Lots 4, 5 and 6 shown on the SBC 182. The three lots are wested under current County requisitions as confirmed by correspondence received from Baltimore County dated January 25, 1954.

Conclusion: Because the three lots were part of the 1982 JSPC Plan and have becose vested, the owner should be entitled to requisitions would be those in effect at the tise of the JSPC Plan approval. In accordance thereafth, the Joning Commissioner unit to the plant of the JSPC Plan approval. In accordance thereafth, the Joning Commissioner unit the Director of Planning unit find that the Plan is in accordance with the subdivision regulations. The signatures of the content of the property within now feet is not required. Apublic hearing is not

Issue No. 2: In the alternative, should the Zoning Commissioner find an Amended Development Plan is required, is the owner required to obtain the signatures of property owners within 300 feet of the subject property and, if the signatures are not forthcoming, is the owner required to proceed to a public hearing.

Facts: In accordance with requirements imposed by Baltimore County, the owner saked the property owners within 300 feet to sign the APDP. One property owner signed and the other refused (only two property owners exist within 300 feet of the subject lots of the APDP).

Zoning Commissions September 1, 1994 Page 3

Re: 95-10-SPH

Pert 8/15

Lusure Hell

More & 8/22

Unable to obtain one of the required signatures, that of Robert Tarols, and, again, following the requirements of Baltimore County, the Developer requested a Special Hearing.

Section 1801.3.A.7.c. and The Zoning Policy Manual, page 18-21 are the only provisions under Saltimore County regulations regarding the adjacent property owners. Upon review of subsection 7.0., note the requirement for "reasonable notification" in light of the following facts:

The adjacent property owner, Robert Tarola, was given reasonable notification when the proposed ATD was hand delivered reasonable notification when the proposed ATD was hand delivered attached with the property of the property owners in the subdivision, the Developer, the Developer's ediner, use the ATD.

2. The adjacent property owner, Robert Terols, purchased his property pursuant to a Contract of Sile and the Manch 31 property pursuant to a Contract of Sile and the Manch 31 per value of the Sile and Agreement's action of the Contract of Sile, the Buyer's acknowledged the "Road Agreement's acting one of the Contract of Sile.

The Road Agreement, dated February 21, 1980, required by and approved by, Baltimore County, recorded at Liber 6146, folio 270 provides:

it is specifically agreed, that such subdivision (for a maximum of twenty three (23) lots] shall be permissible at the sole discretion of the Grantor, her heirs, personal representatives and assigns. (Page 5)

The Road Agreement also provides that it runs with the land and is binding on all subsequent lot owners.

Section 1801.3. A. 1. a. states that the purpose of a Final Development Plan is:

To provide for the disclosure of development plans to prospective residents and to protect those who have made decisions based on such plans from inappropriate changes

take testimony in this case and render an opinion.

IN THE MATTER OF

MERRYMAN'S FARMS /ZADM VII-102 -Eleanor Ross /Owner

COUNCILMANIC DISTRICT

PINEY MILL ROAD AND OLD YORK ROAD 7TH ELECTION DISTRICT

Appearing before the Board and testifying on behalf of Baltimore County was Joseph Maranto, a project manager with 18 years planning and zoning experience. Mr. Maranto was the only

10/15/79 -> 6/11/82 LAPSE

BEFORE THE

BALTIMORE COUNTY

COUNTY BOARD OF APPEALS

No Lopsa promines

RE: ZADM DECISION /EXPIRATION CASE NO. CRA-94-105
OF RECORD FLATS

as Merryman's Farms have expired. The case was heard this day in

its entirety. Preliminarily, Baltimore County raised the issue that the Board has no jurisdiction to hear this case. The Board concludes that it does have authority under Daniel Hope, Jr., et al

v. Baltimore County, Maryland, et al, 288 Md. 656 (1980). The Hope

decision mandates that this Board must accept jurisdiction of any

administrative ruling. Under the Hope decision, the Board must

This case comes before this Board on appeal from a ZADM decision that the specified record plats for the development known

witness representing Baltimore County. Appearing for the Appellant /Property Owner was James Stephen Klein, a land planner, engineer and land surveyor. Also appearing and testifying for the Appellant was Norman Gerber, a self-employed planner since 1988 with

extensive experience in the Baltimore County Office of Planning & Zoning. Wo other witnesses testified. The facts as ascertained through the testimony and evidence are as follows.

Zoning Commissioner September 1, 1994 Page 4

point in many other cases in the B.C.I.R. where "reasonable motivations" to an adjacent property owner is required, a signature of the course of the course

Conclusion: Based on the foregoing, the owner proposes the following course of action:

The owner wishes to withdraw the Petition for a Special Hearing if the Zoning Commissioner will approve the AFDP.

2. The owner requests a) the Zoning Commissioner recognize the "reasonable notification" afforded to the edjacent property owner, Reasonable notification afforded to the edjacent property owner, Reasonable notification and the commission of the commission of the through the hand delivery of the Archive arcanty, the 1994; and through the most recent sailing of the Archy to contride mail dated August 24, 1994.

1901.3.A.7.c. to asend the Plan without a public hearing, if the conditions set forth in i, through it, have been set (the County set) and the plan without a public hearing, if the conditions set forth in i, through it, have been set (the County set) and the plan public heart p

Very truly yours, Cynthia K. Hitt

1309.03

SISKIND, GRADY, ROSEH & HOOVER, P.A.

Zoning Commissioner West Chesapeake Avenue Towson, Maryland 21204

Re: Leisure Hill Subdivision Case No. 95-10 SPH Our File No. 1039.03

Dear Commissioner:

This office represents Sydney Shure (the "Owner") owner of certain lots in the property known as the Leisure Hill Subdivision (the "Subdivision"). The following are preliminary issues in this

JEFFERSON BUILDIN TWO FAST PAYETTE STREET

Sentember 1, 1994

Issue No 1: Is the owner required to file a 5th Amended Development Pla: or is the owner entitled to file a Final Development Pla: separately for Lots 4, 5 and 6?

Eacts: The Preliminary Plan for the matter Leisures Hill subdivision was approved by that the modelsical Planning Preliminary Plan included Lots (1 and 6. Although Lot 1 is technically exhibited in the 1982 JSPC Plan, Lot 1 had been the subject of a separate plan approval in 1979 and went to second plat-

The JSPC Plan was extended in 1985 under the GMG process, Ballione County required a separate Preliminary than 1980-0064. A 1988 concurrent CMG Plans were being processed through the CMG regulations for the resainder of the subdivision. By 1991, bubtantial construction had occurred in the subdivision as

Lot 2 had been sold and a new home constructed. Lot 7 had been sold and a new home constructed. Lots 8 and 98 had been sold and a new home constructed. Lot 90 had been sold and a new home constructed. Lot 10 and 11 had been sold and a new home constructed.



Mr Arnold Jablon, Director Office of Zoning Administration & Development Management Baltimore County County Office Building Towson MD 21204

Per Leisure Hill Sydney Shure Property Job No. 83091



10/24/44

October 18, 1994

With reference to your decision regarding the final subdivision processing for Lots 4, 5, 8 6 of the above-captioned project to follow the Concept Plan process please be advised as follows.

I wish to herein review and document several key issues which speak to the fact that the owner of the subject property is being required to follow a development process that is, not consistent with the current Development is to be a subject to the contract of the contra

I will attempt to be as brief as possible in establishing my argument herein but since we will not enjoy the benefit of a meeting with you I will expound on the issues to a certain degree.

It is quite clear in the decision handed down by the It is outle clear in the decision handed down by the foring Commissioner that he has unequived. It setablished the foring Commissioner that he has unequived. It is stablished the two lopests for the project and thusly stand on their own exth "event to their further processing for subdivision approval. Commissioner Eshnitt clearly points out this fact nearly provided the properties of the properties of the provided that the provided the provided that the prov

MICROFILMED

TO WIL

Law Offices

MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue Towson, Maryland 21204 (410) 296-8823 - (410) 296-8824

Fax: (410) 296-8827

Computer Fax: (410) 296-2848

August 8, 1995

Per my conversation with Carl Richards, I am writing to list the new evidence not

Sydney Share hired Norman Gerber. Mr. Gerber, who has previously met with you, in his former pesition as Director of the Office of Planning, in 1923 functioned as Secretary to the Planning Board for its meetings and recalled that this subdivision had received tentative approval, including Lots 4, and 6, by the Planning Board according to its minutes, agends, and a plat which was recovered from Signet Bank, the mortgagee, which bears Mr. Gerber's approving signature following Planning Board according 1, 1922.

Mr. Gerber also has in hand the original tentatively approved plat for this subdivision

He has spoken not only with Mr. Richards but with an official in current development who kept a card tracking system for properties under development and discovered that the card for this development had been removed from the County's records.

Baltimore County Code, Section 26-169, states that developments which had received approval by the Planning Board under JSPC would be exempt from the current development

Furthermore, we rely on two policy statements which you authored as Director of ZADM in 1992 and 1994 in which you responsibly dealt with the fact that developments approved under JSPC, such as Ms. Shure's, or under CRG had not been fully built out, and you declared under

Sydney Shure hired Norman Gerber. Mr. Gerber, who has previously met with you, in his

available either before the Zoning Commissioner or for presentation to you prior to your

Hand Delivery

Arnold Jablon, Director

111 West Chesapeake Avenue Towson, MD 21204

Re: Lots 4. 5. 6 - Leisure Hill

Mr Arnold Jablon, Director Office of Zoning Administration & Development Management Baltimore County County Office Building Towson MD 21204

SPELLMAN, LARSON & ASSOC October 18, 1994 Page: 2

In light of the above decision I cite Section 26-171 of the Baltimore County Development Regulations where it is a states at the second of these late or less is entitled to a 'Linted Exemption' of these late or less is entitled to Division 2 of these Regulations. Referring to Conform to Division 2 of these Regulations. Referring to conform to the second of the second of the second of the section of the Regulations. Section of the Section

than through the hinor supplies and process.

Conversely, aften speaking with M. Hitch Kellman of your office on several occasions regarding your through the Concept Plan on oese Mr. And the service of the through the Concept Plan on oese Mr. And the concept Plan of the Concept Plan of

cite section and notification all of the above. I the section stipulates that the surrant bave lopment Regulations which stipulates that the surrant bave lopment have accept such development that was approved order that the section and th

In ammation I think our position is quite clear the other se allowed to proceed insend immediately with the Final Development Plan and proceed insendiately with the Final Plat but nowhere does any Ordest or with a Minor Suddivision Indicate we should be required to give on the Concept Plan method of processing.

MICROFILMED

Arnold Jablon, Director Re: Lots 4, 5, 6 - Leisure Hill

your authority that the County policy would be that those developments would be grandfathered

I know that this development has a long and winding path by history. On behalf of Ms. Share we appeal to you in your position as Director of ZACM to find on the new evidence first presented to the Courty Board of Appeals and previously absolited to you by Mr. Gerber 1 believe that this development does meet the vesting requirements under the development regulations so as to allow the filling of a final amended development gate for record filing.

Time is not a luxury we are blessed with as Ms. Shure has a hearing on August 31, 1995 nine is not a study we are oussess with as was sure in an a menting or nuguest 31, 199 on her Exceptions to the foreclosure sale conducted by Signet Bank on this property. Your decision approving these lots as vested is requested and I understand that the final amended development plat has been presented to the County some time ago by either Mr. Larson or Mr. Matz pending such approval.

Thank you very much for your attention to this request

Very truly yours,

ms. Alperm Michael P. Tanczyn

Insenh I. Larson Presiden Norman E. Gerher, AICP

Mr Arnold Jablon, Director Office of Zoning Administration & Development Management

This decision by you is clearly contrary to the Development Regulations and policies embraced by the Office of Zoning Administration.

if you sustain your Concept Plan decision it will be economically disastrous to my client due to her current sensition. Be absolute the property of the economic to the property court. The length of time required to either sensitions of the property court of the pr

I would appreciate whatevur reconsideration that you can afford Ha. Shure at this time. Also I would appreciate a written response to this correspondence at your earliest convenience.

HICROFILMED

County Office Building

Very truly yours, Jasoph Jarson

Sydney Shure Cynthia Hitt Richard Matz

SPELLMAN, LARSON & ASSOC

MICHAEL P. TANCZYN, P.A. 606 BALTIMORE AVENUE, BUITE 106 TOWSON, MARYLAND 21204 (301) 296-8823 FAV (2011 204-0027

DATE 3/3/95 MR ARNOLD JABLON, DIRECTOR BURGET LATS 4-6 , Leisore Hill

HAND DELIVERED ZADM Clo CARL RICHARDS

I suched accept of your WINH to Find borner and the Mounta from the distinction of the found of appending byly 23, 1995 in Mis Show's case. We required a marting ASAP with you to decime the above and further actions to deal with the current situation on Mis Shores a further actions to deal with the current situation on Mis Shores a

property. as a bearing is inhibited 8/31 in Circuit Courton Cuptures to a reported Pourlosers Sale, tie is of the sixues.

That your advant for your consideration of this request array plust guer Sudger Shows Johnson Landon HICP

TWile Tanczyn, ry or as three individual nd approved on a JSPC the lots were not part of nt process. 296-8823

also concluded that the beautiful process of the pr

AFFIDAVIT

I hereby certify that on Hay 16, 1994 I met with Robert Tarola and showed him the 6th Amended Final Development Plan.

I also attended a meeting on June 16, 1994 where the was discussed with the homeowners.

Lyeny m Shure Sydney Spere date

I Richard E Matz certify that I hand delivered the above mentioned Plan to Robert H Tarola on Hay 17, 1994.

128/44 JI STATE OF FAX NUMBER (410) 332-4026

5900-94

HOWARD M. HENESON ROBERT B. SCARLETT, P.C.' ANDREW M. CROLL ALSO ADMITTED IN D.C.

December 6, 1994

Arnold Zablon, Director Office of Zoning Administration and Development Administration 111 West Chesapeake Avenue Towson, Maryland 21204

41 7-57 BAG.

RE: Leisure Hill Subdivision 3rd Election District 3rd Councilmanic District Sydney M. Shure, Petitioner

Please be advised that this office represents Sydney M. Shure, Petitions; the owner of property in the Lempure Hill Subdivision. Stacloadd please find a Petition for Appeal, Leppealing your letter of \$195.00 to cover the cost of this appeal.

On behalf of the Petitioner, we request that you accept this Appeal and that the County Board of Appeals set this matter in for a hearing at their earliest convenience.

Also please find enclosed a stamped self-addressed envelope for the return of the data-stamped copy for our files.

Thank you for your assistance in this matter.

Very truly yours,

HENESON SCARLETT, P.A. Robert B. Scarlett

DEC 8 1994

Filestileletureleb.com

ZADM

525 Proceed out Seyboon ton on Recycled Paper

DOAR ARNOLD:

5900-94 Mineral F Nurlett, P 1 ATTOMOTE AT LAW 201 NORTH CHARLES STREET TALTIMORE MARYLAND 21201-4110 (410) 539-5508 PARALEGAL

Arnold Jablen, Director Office of Zening Administration and Development Administration 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Leisure Hill Subdivision 3rd Election District 3rd Councilmanic District Sydney M. Shure, Petitioner

Dear Mr. Jatlon:

Enclosed herewith please find Potitioner's Motion to Consolidate the Appeal of the Zoning Commissioner's Decision with the Appeal of the ZADM Decision for filing in the above-captioned matter. Thy Potition for Appeal was sailed to your office on December 6, 1994, a copy of which is enclosed herewise.

Also please find enclosed a stamped self-addressed envelope for the return of the date-stamped copy for our files.

Thank you for your assistance in this matter.

Very truly yours, HENESON & SCARLETT, P.A. Relieve B Samuel IKE Pohort B Scarlett

cc: Ms. Sydney M. Shure Cynthia K. Hitt, Esquire Mr. Joseph L. Larson Richard E. Matz, P.E.



ZADM

Mencion & Scarlett, P. J.
Attorners At Law
Suite 600
201 NORTH CHARLES STREET
BALTMORE MARYLAND 21201-4110

FAX NUMBER (410) 332-4026

JANE E SOLLY December 19, 1994 Office of Zoning Administration and Development Administration 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Stella Lowary

RE: Leisure Hill Subdivision 3rd Election District 3rd Councilmanic District Sydney M. Shure, Petitioner

Pursuant to our telephone conversation of December 14, 1994, enclosed please find our check in the amount of \$75.00 replacing the \$175.00 check previously sent to your office with the appeal as the filing fee.

Thank you for returning the original check in the amount of \$175.00 and thank you for your assistance in this matter.

Very truly yours, HENESON & SCARLETT, P.A.

Davin d Wother Darcia C. Wathen, Secretary to Robert B. Scarlett

RBS/dw Enclosure

cc: Ms. Sydney M. Shure



Torses On a 95 Washington Au Sum 522 Torses, MD 21234

elslay

August 5, 1994 #6813

3965-94

Mr. Arnold Jablon, Director Zoning Administration and

Re: Leisure Hill Subdivision SPH 95-10

I have recently been retained to represent various individuals before the Southy Commissioner in the above referenced matter. The hearing is scheduled for August 22, 1994, but unfortunately I will be away on venction that entire week. Consequently, I respectfully request that the hearing be set at a later date, If you have any questions, please call me at 825-6961.

Very truly yours, J Carroll Holzer

JCH:tll



ZADM



J. Coucu Heazu, r. Tuesco I. In I Howard Bran

August 25, 1994 #6813

Mr. Arnold Jablon, Director Zoning Administration and Development Management 111 West Chesapeake Avenue County Office Building Towson, Maryland 21204

Case No. 95-10-SPH
Petitioner: Sydney Shure, Leisure
Hill Subdivision

Dear Mr. Jablon:

On August 9, 1994, you granted my request for a postponement of the scheduled August 22 hearing in the show referenced petition of the scheduled August 22 hearing in the show referenced petition of the scheduled for September 1. If pecuse aware that at least two of my country for the control of the say of the country of the scheduled for September 1. If because aware that at least two of my country for the country of the say of the country of the say of the say of the country of the say of the say of the country of the say of the say

Very truly yours, A. Carrou Hazard. 1. J. Carroll Holzer

JCH:tll

RECEIVE

ZADM



Mr. Arnold Jablon, Director Zoning Administration and Development Management 111 West Chesapeake Ave. Towson, Maryland 21204

Case No. 95-10-SPH Petitioner: Sydney Sydney Shure, Leisure Hill Subdivision

Dear Mr. Jablon:

SLL:tll

Dear Mr. Jablon:

This is an assendant to the letter I wrote to you earlier today for Mr. Holzer in reference to a postponesent of the Leisure Mill hearing rescheduled to September about 10 to 10 to

RECEIVEN

ZADN



TORSON CHRIS SOS WASHINGTON AN SCITE SOZ TORSON, MID 21204 (410) 825-4961 Fay, (410) 825-4961 CARRELL COUNTY CHICA 1315 LIBRATY ROSE ELDRISSURG, MED 21784 (410) 795-8556 Face (410) 795-5515

November 3, 1994 #6813

Mr. Arnold Jablon, Director Zoning Administration and Development Hanagement County Office Building Towson, Haryland 21204

re: Petition for Special Hearing Case No. 95-10 SPH Leisure Hill Drive 3rd Election District

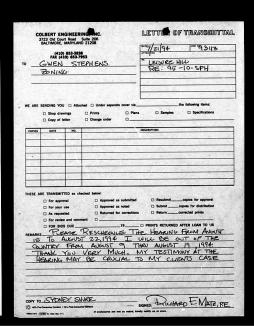
On behalf of my olients Mr. Richard Rynd, Mr. and Mrs. Larry Jenkins and Mr. Robert Tarols, I hereby note an appeal of the Findings of Fact and Conclusions of Law rendered on October 6, 1994 by the Zoning Commissioner for Baltimore County in the above Patition for Special Hearing.

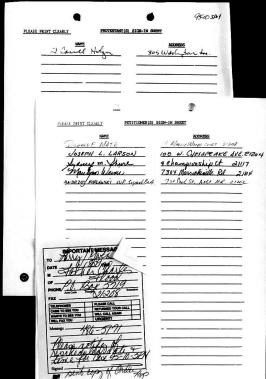
Attached you will find a check to cover the costs of the appeal before the County Board of Appeals.

Very truly yours, Grant X-J. Carroll Holzer

JCH:clg cc: Cynthia Hitt, Esquire Hr. Richard Rynd Mr. and Mrs. Larry Jenkins Hr. Robert Tarola

ZADM







AMENDED LIEFS 402 #230

DECLARATION AND ESTABLISHMENT OF CONDITIONS,

RESERVATIONS, AND RESTRICTIONS FOR LEISURE HILL

YHB This Declaration, made this 2 day of 1987, by Sydney M. Chure, of Baltimore Coupty, State Maryland, hereinafter referred to as Declarant.

PREAMBLE

This Preamble shall be, and is, part of the total Declaration hereafter set forth.

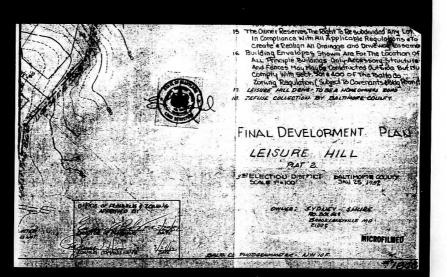
Declaration hereafter set forth.

Declarant is the owner of all that percel of grouns ituate in the Third Election District of Saltimore County, Maryland, containing approximately 11 are for the improvement and development of such premises, and does hereby establish the covenants, conditions, reservations, and restrictions upon which and subject to which all load does hereby establish the covenants, conditions, reservations, and restrictions upon which and subject to which all load conveyed by it as consistent of the second that the conditions of the second to the secon

1. Residential use. Such lots, and each and every one thereof, are for single-family residential purposes only. No building or structure intended for or adapted to business purposes, and no apartment house, doubt or dector, and the second of the second o

2. Native growth, the native growth of such premises shall not be permitted to destroyed or removed except as shall not be permitted to destroyed or removed except as shall not be permitted to the acceptance of the state of th

FINAL DEVELOPMENT PLAN LEISURE HILL ST ELECTION DISTRICT DALTIMORE, CO . MI MEASON FOR FIRST AMENDED FINAL DEVELOPMENT PLAN OWNER LOTE 1 -NO 3 APPROXIMATELY IO: SIDNEY M SHURE FO Box 5G9 EASTRELY SOLD TO THE FOR LOT TO SOLD THE FOR LOT TO SOLD THE TOP TON OF LOT TO SOLD THE ARCHE OF REVISION OFFICE OF PLANNING AND ZONING *** APPROVED BY TYPICAL LOT SHOWING CBU n/w/13 JOB ORDER ME DATE ZZZZZZ DATE ISSUE DATE ZONING COMMISSIONER DELLE AUG. 26,1988





LOCATION PLAN

General Bates

1. Area of Property - 25,593 Acres of Green

2. Area Remaining as Farm . 5.3100 Arres at Cross 1. Sumber of Lots Permitted - (25.59] - 6.310) = 0.647 - 13

4. Number of Lots Proposed - 7

5. Existing Zoning BC-5

6. Private water and sewer to be installed it accordance with Maitimore County Health Department Regulations. 7. There shall be two (2) macadam offstreet parking spaces

9. There shall be no grading of entire size - only that required for construction of homes and drives.

II. Planting for individual lots will be provided by lot owner

12. All lots shown are to be sold.

13. Maximum building beight for any structure is 35 feet.

14. Major vegetation is grass lands and sparse woods.

15. Open space is not required.

16. Minimum Building Setback Lines Required:

NO SCALE

DEUSITY CRICULATIONS
ZONE RC-S
ARES OF PROPERTY
NUMBER OF LOTS
7

DENSITY . 7/25.631

AC. OF PEMAILINER

R. P. BAPHEL & ASSOC. REGISTERED PROFESSIONAL LAND SURVEYORS
201 COURTLAND AVENUE

TOWSON, MARYLAND 21204

D N37000

a. A minimum of 75 feet from centerline of road and 55 feet from right-of-way line.

7 LOTS 0.27 LOTS/AC.

5.771 PC 2 PRINCE DELT: 3 84 LOTS

