

IN RE: PETITION FOR SPECIAL HEARING
N/S Joppa Road, 1200' W of the
c/l of Charles Street
(1430 W. Joppa Road)
9th Election District
4th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-192-SPH

David Jones, et ux
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 1430 West Joppa Road in the Ruxton section of Baltimore County. The Petition was filed by the owners of the property, David Jones and Bonnie Jones, his wife. Special hearing relief is requested to approve an amendment to the Final Development Plan for this property, and to continue as an accessory use, a caretaker cottage, in connection with the principal residence on Lot 1, including approval of the existing setbacks. The Petitioners also seek approval of "such other matters as may be raised by the Development Review Committee (DRC), including waiver requests." The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this case was David Jones, Petitioner. Also appearing was Frederick Thompson, the consultant who assisted the Petitioner with the preparation of the amended Final Development Plan. The Petitioner was represented by Deborah C. Dopkin, Esquire.

Numerous residents of the surrounding community appeared as Protestants. These included John T. and Mary Ann Thompson, his wife, as well as Joel A. Dewey, all of whom were represented by Edward C. Covahey, Jr.,

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Esquire. Francis X. Borgerding, Jr., Esquire, also appeared as a representative of Dr. Louis Breschi, a neighboring property owner. Other residents of the subject locale appeared in opposition to the request, several of whom testified.

The public hearing held for this case consumed parts of three hearing days. On the first hearing day, Mr. Covahey, on behalf of his clients, moved to dismiss the subject Petition because of an alleged failure of the Baltimore County Planning Board to consider this matter, as required by Section 1B01.3A.7(b) of the Baltimore County Zoning Regulations (BCZR). By my Memorandum Opinion and Order of January 9, 1995, I denied the Motion to Dismiss for reasons fully set forth therein. I also, within that Memorandum held that proper public advertising and notice were provided as required by the provisions of the Baltimore County Code and BCZR. Moreover, I stated that the subject request for special hearing relief was proper. My conclusions and holding of that opinion and Order are incorporated herein. Thus, the matter then proceeded through the taking of testimony on the merits of the case.

Testifying on behalf of the Petition was the aforementioned David Jones, property owner. Mr. Jones testified that he has owned the property and has resided thereon for nearly eleven years. Presently, his holdings are improved with a main house, a two story tenant cottage, a large stone garage and a barn. The house is apparently quite old and was built in the 1880s. Mr. Jones extensively rehabilitated and refurbished the house in 1984. As to the tenant cottage, the interior of same has also been refurbished during Mr. Jones' ownership. It is presently occupied by Mr. Jones' in-laws. The large stone garage is also quite old and is utilized by the Petitioner for storage. The fourth building, the barn, is present-

ORDER RECEIVED FOR FILING

Date

By

RECORDED

ly in a state of disrepair. As part of the subject Petition, Mr. Jones proposes rehabilitating the barn and converting same into a dwelling.

As noted above, Mr. Jones acquired the subject property approximately 11 years ago. His holdings, as originally purchased, constituted approximately 12 acres of land. The site which he acquired bordered Bellona Avenue to the north and Joppa Road to the south. His original holdings can best be described as a roughly rectangularly shaped parcel with a handle. The property is and was zoned D.R.2. Thus, under the density regulations, 24 dwelling units would be allowed.

Following his acquisition of the entire site, Mr. Jones subdivided his property. A C.R.G. plan was submitted and approved which allowed for the creation of five lots on the north side of the property fronting Bellona Avenue. In fact, these lots have been subdivided off of the Jones tract and developed. As shown on the site plan, five individual single family dwellings have been built. The properties have all been sold off and Mr. Jones does not retain ownership of any of the five lots. Moreover, there is no access available to the subject site from Bellona Avenue. Mr. Jones did, however, retain a 20 ft. utility easement between lots Nos. 3 and 4, so as to allow for the construction of utilities across the easement to his retained property.

Mr. Jones has also sold that portion of the property described as the "handle". This 2.02 acre site was sold by the Petitioner to Joseph L. Mekulski. This lot, although acquired by Mr. Jones at the same time he brought the subject property, is a different lot of record. Thus, the sale of this separately deeded parcel was not a true subdivision of the principal tract. Ultimately, the "handle" tract was developed and presently there are two single family houses situated thereon. Vehicular access to these lots is by way of a drive from Joppa Road.

ORDER RECEIVED FOR FILING

Date

By

Mr. Jones has retained the balance of the lot which is presently known in its entirety as lot No. 6 (five lots fronting Bellona Avenue are shown as lots 1 through 5 and the two lots created on the Mekulski property are shown as lots 7 and 8). Through the subject special exception, Mr. Jones desires to subdivide the property so as to create a new lot, to be known as lot No. 6.

On cross examination, Mr. Jones reiterated that he plans no new construction. As noted above, he does intend on converting the existing barn to a dwelling. He noted that utilities to the property run from Joppa Road, however, the barn, once converted to a dwelling, would tie into the sewer system located in the bed of Bellona Avenue. As noted hereinbefore, access to that sewer line would be through the existing 20 ft. utility easement which Mr. Jones retained between lots 3 and 4.

Also testifying on behalf of the Petitioner was Frederick J. Thompson, a civil engineer with the firm of LPJ, Inc. Mr. Thompson described the subject property and reiterated much of Mr. Jones' testimony. He noted that the topography of the property is such that its highest point is in the center. The site then falls off towards Bellona Avenue on the north side and Joppa Road on the south. He described the subject vicinity, which is entirely residential. As noted above, the property is located in the Ruxton area, a community of large single family dwellings on substantially sized lots. Mr. Thompson reiterated Mr. Jones' testimony that no new building is proposed, only the conversion of the existing barn to a dwelling. Mr. Thompson also noted that there is more than sufficient density available for this conversion. He described the creation of what will be known as lot No. 6. This new lot will be 1.13 acres. The retained property is shown as lot No. 6A. Lot No. 6 will encompass the barn and the area immediately adjacent to same and will also provide a fee

ORDER RECEIVED FOR FILING

Date

By

simple area for a driveway to extend to the subject barn from Joppa Road. Mr. Thompson also noted that no additional impervious surface would be created. He opined that an approval of the Petitioner's plans would not result in any detriment to the surrounding locale, pursuant to the provisions of Section 502.1 of the BCZR. In his view, the conversion of the barn to a dwelling would be of "immeasurable impact" to the surrounding locale, and not inconsistent with the prior plan.

Also testifying was Jeffrey Long, a planner from the Office of Planning and Zoning. Mr. Long was subpoenaed by both parties and testified in an effort to explain his department's review and consideration of this Petition.

As noted hereinabove, the original subdivision of the Jones' property was accomplished by way of a submission of a plan which was reviewed and approved by the County Review Group (C.R.G.). The C.R.G. was the predecessor authority to the present development process. Under current County law, un-exempted development is reviewed and approved by a Hearing Officer after a series of County and community meetings. The current process was enacted by the County Council in 1992.

The predecessor process involved the aforementioned C.R.G. The C.R.G. was a two member panel which was comprised of a representative from the Office of Planning and Zoning (OPZ) and a representative from the Department of Public Works (DPW). Upon the submission of a plan and County review and comments as to same, a public hearing was scheduled wherein the plan was considered. Mr. Jones' plan for the subdivision of the property and creation of the five lots on Bellona Avenue, was approved by the C.R.G. on November 21, 1984.

When Mr. Jones presented the instant Petition and plan, the matter was referred by course to OPZ for review and comment. By their comment of

ORDER RECEIVED FOR FILING
Date 3/30/91
By Mr. Spord

January 5, 1995, OPZ opined that the subject request constituted a material change to an approved C.R.G. plan. Therefore, OPZ's comment of that date recommended that Mr. Jones request that the C.R.G. be reconvened to consider the amendment. Mr. Long personally prepared the January 5, 1995 comment. However, as he explained during his testimony, he was unaware that this issue had been considered approximately one month earlier. On December 12, 1994, the Development Review Committee (DRC) met and considered Mr. Jones' request. The D.R.C is a committee composed of representatives of the Department Heads of a number of reviewing County agencies. These representatives meet to consider development issues. In this case, the D.R.C considered the Jones application to make a determination as to whether same constituted a material change to the approved C.R.G plan. After their review, the D.R.C determined that Mr. Jones' plan constituted a mere refinement to the plan and thus was exempted from further C.R.G. action or the current development review process. The action of the D.R.C. was clearly at odds to Mr. Long's conclusion and was not known by him on January 5, 1995. However, he testified that since his agency had participated at the D.R.C. committee meeting, he felt obligated to yield to that Committee's conclusion. Thus, his comment offered on January 5, 1995 was stricken and replaced by a later comment dated January 9, 1995. That subsequent comment observed that the D.R.C. had exempted the process from additional C.R.G. review.

I see nothing underhanded or improper about this course of events. Unfortunately for Mr. Long, he was unaware of the D.R.C.'s action when he authored the Zoning Advisory Committee (ZAC) comment on January 5, 1995. When he learned of the prior action, he determined that his agency had participated in the decision of the D.R.C. on December 12, 1994. Since that committee as a whole had chosen to consider the Jones' application as

ORDER RECEIVED FOR FILING

Date

By

UNRECORDED

a refinement as opposed to a material amendment, Mr. Long properly yielded to that decision.

Moreover, there has been no appeal from the decision of the D.R.C. dated December 12, 1994. Absent some intervention from the Board of Appeals or the Circuit Court, the D.R.C.'s decision is final and is not before this Zoning Commissioner. As noted above, the matter comes before me only for consideration of an amendment to the previously approved Final Development Plan (FDP). As stated in my previously authored Memorandum Order, the FDP considered in this Petition is not the plan approved by the C.R.G. but the plan on file with the Zoning Administration and Development Management (ZADM). Although the terms and plans are similar, the distinction is significant. This Zoning Commissioner is considering this case not as a Hearing Officer under the new development regulations, but as Zoning Commissioner pursuant to Section 1B01.3.A.7 of the BCZR.

Testimony was also taken from a series of other witnesses regarding the subject project. These included many of the neighbors and interested persons who reside nearby. Nancy W. Horst from the Ruxton-Riderwood-Lake Roland Improvement Association appeared. She expressed concerns about the proposed subdivision and noted the severe steep slopes on the property. She fears additional flooding from storm water runoff. In her view, piecemeal development of the Jones' property sets a dangerous precedent.

Also testifying was Thomas Hoff, a registered landscape architect. Mr. Hoff was previously employed by Mr. Jones and prepared the original C.R.G. plan in 1984. He described the preparation of that plan and his knowledge of the property. He offered specific testimony about the tenant house and his knowledge when he was working for Mr. Jones. To the best of his recollection, the tenant house was not occupied in 1984, contrary to the testimony offered by Mr. Jones. He also described the C.R.G. plan he

ORDER RECEIVED FOR FILING

Date

3/30/95

By

M. Novak

authored including many of the notations on that plan, which were subsequently changed by Mr. Thompson of LPJ, Inc. Mr. Hoff also described the topography of the site including the steep slopes.

Other witnesses who testified in opposition was Raymond Gornick who resides at 8208 Bellona Avenue, Joseph L. Mekulski, the former owner of the "handle" tract, and Joel Dewey and Mary Ann Thompson, who are the present residents of the two lots on the "handle" lot. As for Mr. Gornick, he resides on Bellona Avenue across the street from the five lot subdivision. He is a registered professional engineer and has resided on his property for approximately 30 years. His testimony primarily related to the storm water runoff from the subject site. He noted that the portion of the property near Bellona Avenue is steeply sloped and that storm water often runs down the hill and onto his property. He expressed concerns with any future development and is disgusted with the manner in which Baltimore County has failed to address his problem.

Mr. Mekulski testified that he was the developer of the "handle" lot and confirmed that parcel was, in fact, a separate deed. Mr. Dewey and Ms. Thompson testified as present owners of the two lots which were created from the Mekulski property. Mr. Dewey expressed opposition to the conversion of the barn to a dwelling and fears that same will disrupt the integrity of the neighborhood and diminish property values. He expressed concerns over the possible creeping subdivision of the Jones' property and indicated that Mr. Jones' has advised him that other lots will be created from lot No. 6A. He corroborated Mr. Jones' testimony that the tenant house has been occupied since his period of residency. Mrs. Thompson expressed similar concerns and is particularly fearful that over development of the Jones' property will adversely affect the surrounding locale.

Testimony was presented by Phyllis Meyers. She lives nearby on Joppa Road and is concerned about additional development and over utilization of the sewerage system.

Finally, testimony was received from Thomas L. Vidmar, Chief, Bureau of Engineering for the Department of Environmental Protection and Resource Management (DEPRM). Mr. Vidmar discussed storm water management issues which were raised. He noted that his agency approved the five lot subdivision in 1985. Later, in May of 1986, his agency granted a storm water management variance for development of the Mekulski property. As to the present plans, Mr. Vidmar explained the two conditions which DEPRM will require to approve the redevelopment. First, his agency will require Mr. Jones to dispose of any storm water runoff to a suitable outfall and, secondly, any storm water management system which is designed must not increase the amount of flow or the amount of impervious surface. Mr. Vidmar noted that additional development on the property which Mr. Jones' has retained will require additional storm water management mitigation on the Mekulski property. That is, his agency is reviewing additional development in the context of the entire property which Mr. Jones' purchased originally in 1984. Obviously, Mr. Vidmar's concerns are to prevent adverse storm water management effects by additional creeping development of the tract.

In response to these concerns, Mr. Jones, again, took the witness stand and testified as to his plans. He noted that much of the impervious surface around the barn would be removed and downspouts would be installed on the barn and lead to a dry well. After conversion of the barn is completed, the site will contain 2,129 sq. ft. less impervious surface than at present. This includes the construction of the new driveway and the elimination of the impervious area around the garage.

The Petitioner's request comes before this Zoning Commissioner seeking approval of two issues; namely, (1) amendment of the FDP and conversion of the barn to a dwelling and, (2) confirmation that the caretaker cottage is a permissible use.

As to the conversion of the barn, I am persuaded that the relief requested herein should be granted. I will, however, hold Mr. Jones to the promises made by him during his testimony. Therefore, the conversion shall be subject to the approval of DEPRM and I will require Mr. Jones to reduce the area of impervious surface on his property by 1,229 sq. ft. Moreover, he will not be allowed by this Order to increase the area of building on site, only to convert the barn as requested.

Approval of the conversion of the barn to a dwelling is not inconsistent with the prior plan and will not be detrimental to the surrounding locale. There will be no new additional building, only the rehabilitation of an existing structure. Although the appearance of the barn will be changed, this alteration appears to be minimal and will not adversely affect the surrounding locale. I am persuaded that the proposed conversion satisfies those requirements set forth within Section 502.1 of the BCZR.

The second issue relates to the cottage. Mr. Hoff's testimony to the contrary, all of the witnesses testified that the cottage has been occupied for so long as they have been familiar with the property. Mr. Hoff, in fact, confirmed that he was never inside the cottage. Thus, it appears that the existing use of the cottage can continue.

It is to be noted that the cottage is not considered a separate dwelling unit. It shall be and must continue to be used as an accessory structure to the main house. Thus, the approval of the present use of the tenant house should not be construed to constitute an approval of that

structure as an independent dwelling. The cottage structure can continue to be utilized as presently used. The structure satisfies the setback requirements as contained on page 1-42 of the Zoning Commissioner's Policy Manual, which construes Section 102.1 of the BCZR.

Therefore, for the reasons set forth above, the Petition for Special Hearing shall be approved. Notwithstanding my approval of same, however, certain conditions and restrictions upon the grant of the relief requested shall be imposed. I share the Protestants' concerns over a potential creeping subdivision. These concerns are also shared by OPZ.

OPZ, within its final ZAC comment dated January 9, 1995, suggested the imposition of three restrictions on the grant of any relief. I shall adopt these restrictions in their entirety. It need be emphasized that any future development is subject to the Petitioner complying with the development review process. There shall be no further exemptions to the development review process. In my opinion, the unique topography of the site and the potential storm water management concerns justify a full and complete review of any additional development. Moreover, the potential impact of any further development on neighboring properties is significant. Mr. Gornick's testimony, in this respect, was persuasive that additional development on the site could worsen an already difficult storm water management system. Thus, any future development or subdivision of the tract will require the Petitioner to comply and submit to the development review process.

Secondly, as required by OPZ, the existing cottage (tenant house) is limited to those uses accessory to the principal dwelling as permitted in a D.R. zone. Simply stated, the tenant house must remain of similar character.

ORDER RECEIVED FOR FILING
Date 3/30/95
By [Signature]

RECEIVED

Lastly, I concur with OPZ's restriction that the creation of an access right of way for the new single family dwelling lot (i.e., conversion of the existing barn), shall not constitute a subdivision for the purpose of further subdividing or developing of the remaining portions of the land.

With these three restrictions in place, the Petitioner's plans for conversion of the barn may proceed, and the Petition for Special Hearing shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30th day of March, 1995 that, pursuant to the Petition for Special Hearing, approval an amendment to the Final Development Plan for Jones' property, and to continue an accessory use, identified as a caretaker cottage, in connection with the principal residence on Lot 1, including approval of the existing setbacks, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

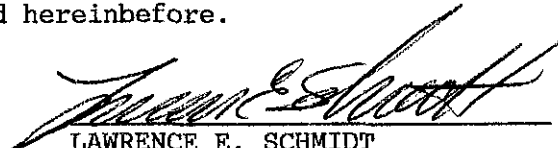
1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Any future development must be submitted for approval through the development process in accordance with Section 26-211 of the Development Regulations and be in compliance with all regulations current at that time.
3. The use of the existing cottage (tenant house) should be limited to those uses accessory to the principal dwelling as permitted in the D.R. zones.

ORDER FOR FILING
Date 3/30/95
By M. H. H. H.

4. The creation of an access right-of-way for the new S.F.D. lot (existing barn) shall not constitute a subdivision for purposes of further subdividing/developing the remaining portions of land.

5. The Petitioner shall comply with any and all recommendations of DEPRM as they relate to the grant of the special hearing relief requested herein, or future development.

6. The conversion of the barn to a dwelling, as shown on Petitioner's Exhibit No. 1, shall be permitted, subject to the Petitioner reducing the area of impervious surface by 2,129 sq. ft. and installing downspouts to direct storm water to a dry well, all as described hereinbefore.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

cc: Deborah C. Dopkin, Esquire
Edward C. Covahey, Jr., Esquire
Francis X. Borgerding, Jr., Esquire

ORDER RECEIVED FOR FILING
Date 3/30/97
By M. G. Nash

(410) 887-4386

Deborah C. Dopkin, Esquire
Rosolio, Silverman and Kotz, P.A.
Suite 220, 502 Washington Avenue
Towson, Maryland 21204

Dear Mrs. Dopkin:

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3353.

Very truly yours,


cc: Edward C. Covahey, Jr., Esquire
cc: Francis X. Borgerding, Jr., Esquire
cc: Mrs. Laurie Long, Ruxton-Riderwood-Lake Roland AIA
cc: Mr. Raymond Gornick
cc: Mr. Thomas J. Hoff

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
N/S Joppa Road, 1200' W of the	
c/l of Charles Street	* ZONING COMMISSIONER
(1430 W. Joppa Road)	
9th Election District	* OF BALTIMORE COUNTY
4th Councilmanic District	
	* Case No. 95-192-SPH
David Jones, et ux	
Petitioners	*

* * * * *

MEMORANDUM OPINION

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 1430 West Joppa Road in Towson. The Petition was filed by the owners of the property David and Bonnie Jones, through their attorney, Deborah C. Dopkin, Esquire. The Petitioners seek approval of an amendment to the Final Development Plan for this property, the continuation of an accessory use (caretaker cottage) in connection with the principal residence on proposed Lot 1, including existing setbacks, and such other matters as may be raised by the Development Review Committee (DRC), including waiver requests. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

As required by the Baltimore County Code and the Baltimore County Zoning Regulations (B.C.Z.R.), this matter was scheduled for a public hearing before this Zoning Commissioner on January 3, 1995. Appearing at that hearing on behalf of the Petition were David and Bonnie Jones, owners of the property, and their attorney, Deborah C. Dopkin, Esquire. Numerous residents of the surrounding community appeared as Protestants in the matter, some of whom were represented by Edward C. Covahey, Jr., Esquire, and others by Francis X. Borgerding, Jr., Esquire.

ORDER RECEIVED FOR FILING

Date

By

1/9/95
[Signature]

Prior to the taking of testimony on this matter, a preliminary Motion to Dismiss was offered by Mr. Covahey. In essence, Counsel argued that the Petition was improper for several reasons, primarily related to the requirements as contained in Section 1B01.3A.7 of the B.C.Z.R. First, Mr. Covahey noted that Section 1B01.3A.7(b) of the B.C.Z.R. governs the procedure which must be followed for an amendment to a final development plan after the sale of property near the subject site. It was agreed by all parties that there has been a sale of properties near the subject site and that Section 1B01.3A.7(b) was applicable. Language within that Section states, "The amendment {to the FDP} must first be approved by the Planning Board as being in accord with provisions adopted under the authority of Section 504 {of the B.C.Z.R.}." Mr. Covahey asserted that the FDP had not been so approved by the Planning Board.

Testimony on this issue was then received from J. Mitchell Kellman of the Zoning Administration and Development Management (ZADM) office and Irv McDaniel of the Office of Planning and Zoning (OPZ). These witnesses presented certain exhibits which relate to this issue. Specifically, a copy of a resolution adopted by the Planning Board on November 19, 1993 was presented. This resolution essentially assigned the responsibility for review and approval of FDPs from the Planning Board to the Director of OPZ. Moreover, this resolution was forwarded to the County Council and apparently took effect forty-five (45) days later in that the Council raised no objection to same and took no further action.

As I indicated at the hearing, I am troubled by the mechanics in which this action was taken. Clearly, the Comprehensive Manual of Development Policies (C.M.D.P.), as amended by this resolution, is now in conflict with Section 1B01.3A.7(b) of the B.C.Z.R. Obviously, it would have been

ORDER RECEIVED FOR FILING

Date

By

appropriate for the County Council to amend the B.C.Z.R. to specifically allow for the assumption of the Planning Board's responsibility as it relates to FDPs by the Director of OPZ. However, to say the least, the method and manner employed to effectuate this change is tortured.

Nonetheless, it is clear that the Council adopted and approved the Planning Board's resolution. Thus, irrespective of the improprieties in the method, it is clear that the legislative intent by the drafters of the B.C.Z.R. (i.e., the County Council) was to assign the function described in Section 1B01.3A.7(b) from the Planning Board to the Director of OPZ. Thus, the Protestants' Motion to Dismiss for failure to refer same to the Planning Board must be denied.

In any event, the new C.M.D.P. requires certain findings by the Director of OPZ as part of his responsibilities in approving amendments to FDPs. Specifically, the Director shall determine whether the amendments are in accordance with all other provisions of the C.M.D.P. and whether the amendments are within the specific standards and requirements of Article 1B of the B.C.Z.R. Moreover, the Director's review and determination in this regard should be conveyed to the Zoning Commissioner.

That has not been done here. Indeed, I have received no indication from the Office of Planning and Zoning that such a review has been undertaken and any results thereof. Thus, although acknowledging that the Director of OPZ now has this responsibility, it has not been satisfied in this case. As indicated from the bench at this hearing, I have therefore directed the Petitioners to obtain the necessary review from the Director of OPZ within thirty (30) days of the date of this Memorandum Opinion, and the results of such review and recommendation shall be forwarded to this Zoning Commissioner. If same is not received within 30 days of the date

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

hereof, the Petition for Special Hearing in this matter will be dismissed. If the recommendation is received timely, then same shall be incorporated into the case file and the hearing reconvened.

Although the above was the major thrust of the Protestants' arguments, other concerns were voiced within the Motion to Dismiss. Specifically, certain concerns over advertising and proper public notice were raised. In fact, it is clear that the plan to accompany the Petition for Special Hearing, was indeed amended on December 29, 1994, well after the Petition was filed. Particularly in view of the above ruling, the Protestants have more than sufficient time to review the current Petition and prepare for a reconvened hearing on this matter. Moreover, precise reading of the public notice given shows that same accurately describes the relief sought either under the old or new plan. Thus, I find that the notice is proper.

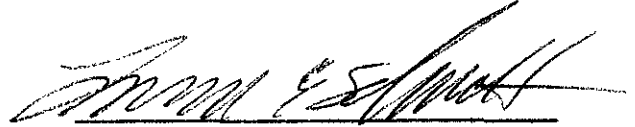
Lastly, the Petition is properly brought as a request for special hearing relief. The Protestants argued that the matter should be filed as a Petition for Special Exception. Although the standards set forth in Section 502 of the B.C.Z.R. are to be applied to the relief requested, the Petition itself need not be filed as a special exception. A special hearing, which encompasses a broad array of relief as described within Section 500.7 of the B.C.Z.R. is appropriate.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of January, 1995 that the Motion to Dismiss filed in the above-captioned matter, be and the same is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall submit for review and recommendation by the Director of the Office of Planning and Zoning

the proposed amendments to the final development plan for this property within thirty (30) days of the date of this Opinion; and,

IT IS FURTHER ORDERED that the Director's review and determination in this regard shall be forwarded to this Zoning Commissioner within thirty (30) days of the date of this Opinion.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Deborah C. Dopkin, Esquire
502 Washington Avenue, Suite 220, Towson, Md. 21204

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue, Towson, Md. 21204

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600, Towson, Md. 21204

People's Counsel; Case File

ORDER RECEIVED FOR FILING

Date 11/9/05

By [Signature]

11/10/05

#186



Petition for Special Hearing

95-192-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 1430 W. Joppa Road

which is presently zoned DR2

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. An amendment to the Final Development Plan;
2. The continuation of an accessory use (caretaker cottage) in connection with the principal residence on proposed Lot 1, including existing setbacks.
3. Such other matters as may be raised by the Development Review Committee (D.R.C.),
including waiver requests

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Deborah C. Dopkin
(Type or Print Name)

Signature

502 Washington Avenue, Suite 220
Address Phone No.

Towson

MD

21204

City

State

Zipcode

Legal Owner(s):

David Jones

(Type or Print Name)

Signature

Bonnie M. Jones

(Type or Print Name)

Signature

1430 W. Joppa Road

Address

337-7420

Phone No.

Towson

City

MD

State

21204

Zipcode

Name, Address and phone number of representative to be contacted.

Deborah C. Dopkin

Name

502 Washington Avenue, Suite 220

Address

Phone No.

339-7100

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 hr. +

the following date

Next Two Months

ALL

OTHER

REVIEWED BY: MDK

DATE 11/25/94



MICROFILMED



- 3 copies

95-192-SPH

ZONING DESCRIPTION FOR 1430 West Joppa Road

Election District 9th

(address)

Councilmanic District 4th

Beginning at a point on the north side of Joppa Road
(north, south, east or west)

_____ which is appx. 25 feet
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of appx. 1200 feet east of the
(number of feet) (north, south, east or west)

Centerline of the nearest improved intersecting street. Charles Street
(name of street)

which is appx. 120 feet wide. *Being Lot # 6
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of
Section I, Jones Property as recorded in Baltimore County Plat
 (name of subdivision)

Book # E.H.K.Jr 53, Folio # 54, containing
12.01 acres.
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

MICROFILMED

186

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-192-SPH

District: 9th Date of Posting: 12/2/94

Posted for: Special Hearing

Petitioner: David & Bonnie Jones

Location of property: 1430 W. Joppa Rd, N/A

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 12/9/94
Signature

Number of Signs: 1

RECEIVED



NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed amendment to the zoning ordinance in Room 104 of the County Office

Building, 111 W. Charles Avenue, in Towson, Maryland 21204, in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #85-192-SPH
(Item 186)

1430 W. Joppa Road

N/S Joppa Road, 1200'

W of W Charles Street

9th Election District

4th Councilmanic

Legal Owner(s):

David Jones and Bonnie

M. Jones

Hearing: Tuesday,

January 3, 1995 at 10:00

a.m. in Rm. 118, Old

Courthouse.

Special Hearing to approve an amendment to the Final Development Plan; the continuation of an accessory use (caretaker cottage) in connection with the principal residence on proposed lot #1, including existing setbacks and such other matters as may be raised by the Development Committee (DRC); including waiver requests.

LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing Please Call 887-3381.

12/11/94 December 8.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 9, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 8, 1994.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON



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

receipt
95-192-SPH

Account: R-001-6150

Number

Date

Date 11/23/99

Taken In By: mpr

Item # : 186

Jones, T. and ~~1930~~ 1930 120.4' Top

2440 - Green Heron - \$250.00

— II 75. 04

28.1

MEMORANDUM

REFERENCES

Notes

Enrollment 55.4%

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be 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 newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 186

Petitioner: David Jones

Location: 1430 West Joppa Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Deborah C. Dopkin

ADDRESS: 502 Washington Ave, Suite 200

Towson, MD 21204

PHONE NUMBER: 339-7100

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
December 8, 1994 Issue - Jeffersonian

Please forward billing to:

Deborah C. Dopkin, Esq.
502 Washington Avenue, Suite 200
Towson, Maryland 21204
410-339-7100

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-192-SPH (Item 186)
1430 W. Joppa Road
N/S Joppa Road, 1200' W of c/l Charles Street
9th Election District - 4th Councilmanic
Legal Owner(s): David Jones and Bonnie M. Jones
HEARING: TUESDAY, JANUARY 3, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the Final Development Plan; the continuation of an accessory use (caretaker cottage) in connection with the principal residence on proposed lot #1, including existing setbacks; and such other matters as may be raised by the Development Committee (DRC), including waiver requests.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

DECEMBER 2, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
OR
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-192-SPH (Item 186)

1430 W. Joppa Road

N/S Joppa Road, 1200' W of c/l Charles Street

9th Election District - 4th Councilmanic

Legal Owner(s): David Jones and Bonnie M. Jones

HEARING: TUESDAY, JANUARY 3, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the Final Development Plan; the continuation of an accessory use (caretaker cottage) in connection with the principal residence on proposed lot #1, including existing setbacks; and such other matters as may be raised by the Development Committee (DRC), including waiver requests.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: David and Bonnie Jones
Deborah C. Dopkin, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

1995 JAN 3 10 00 AM



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 19, 1995

NOTICE OF REASSIGNMENT

CONTINUED FROM 1/13/95
CASE NUMBER: 95-192-SPH (Item 186)
1430 W. Joppa Road
N/S Joppa Road, 1200' W of c/l Charles Street
9th Election District - 4th Councilmanic
Legal Owner(s): David Jones and Bonnie M. Jones

Special Hearing to approve an amendment to the Final Development Plan;
the continuation of an accessory use (caretaker cottage) in connection
with the principal residence on proposed lot #1, including existing
setbacks; and such other matters as may be raised by the Development
Committee (DRC), including waiver requests.

HEARING: THURSDAY, FEBRUARY 16, 1995 at 2:00 p.m. in Room 118, Old
Courthouse, 400 Washington Avenue, Towson, Maryland 21204.



ARNOLD JABLON
DIRECTOR

cc: Deborah C. Dopkin, Esq.
Edward C. Covahey, Esq.
Francis X. Borgerding, Jr., Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 22, 1994

Ms Deborah C. Dopkin
502 Washington Avenue, Suite 220
Towson, Maryland 21204

RE: Item No: 186
Case No.: 95-192SPH
Petitioner: Mr. and Mrs. D. Jones

Dear Ms. Dopkin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on November 25, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i. e. zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



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

TO: Mr. Arnold Jablon, Director December 19, 1994
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #186 - Jones Property
1430 W. Joppa Road
Zoning Advisory Committee Meeting of December 5, 1994

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

Ground Water Management

The existing dug well on site must be backfilled by a licensed well driller who must submit a well abandonment report prior to the approval of subdivision.

Storm Water Management

This plan needs to be revised to reflect the plan that was submitted to the Development Review Committee on November 28, 1994.

Environmental Impact Review

Future subdivision of the site must comply with the requirements of the Forest Conservation Act.

✓
JLP:TE:LY:sp

JONES/DEPRM/TXTSBP

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/05/94

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 5, 1994

Item No.: SEE BELOW

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.

B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 186, 187 AND 188.

RECEIVED
DEC 7 1994
ZADM

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

cc: File

MICROFILMED



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: Dec. 12, 1994
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for December 12, 1994
Item No. 186

The Developers Engineering Section has reviewed the subject zoning item. The creation of Lots 6A, B and C requires review under the County Development Regulations. In addition, if the amendment is granted, this site must meet the requirement for a residential subdivision with a panhandle lot.

Joppa Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way. A 20-foot wide revertible slope easement should be shown along the Joppa Road frontage.

The record plat for the Jones Property, Section 1 does not show the 20-foot utility easement between Lots 3 and 4, please clarify.

Also, this site is subject to the Landscape Manual.

RWB:sw



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

11-30-94

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

Re: Baltimore County
Item No.: +186 (MJK)

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,

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

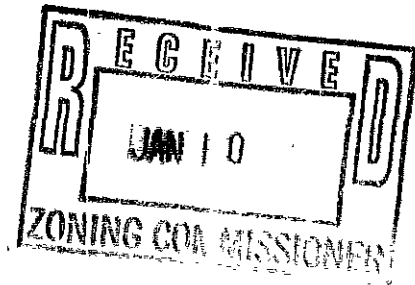
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 9, 1995

SUBJECT: 1430 West Joppa Rd.



INFORMATION:

Item Number: 186

Petitioner: David Jones

Property Size: 12.3 acres

Zoning: DR-2

Requested Action: Special Hearing and Final Development Plan Amendment

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

On December 12, 1994, the Development Review Committee reviewed a proposed refinement to the CRG Plan for the Jones Property and exempted the subdivision of two lots under Section 26-121 of the Baltimore County Zoning Regulations.

Staff has reviewed the subject Special Hearing request to amend the Final Development Plan for the Jones Property and finds the following:

- 1.) All existing setbacks are in compliance with the Zoning Commissioner's Policy Manual regarding deficient setbacks (Zoning Commissioner's Policy Manual Sec. 102.1);
- 2.) The amendments to the plan are in accordance with the specific standards and requirements of Section 1B01.1A of the Baltimore County Zoning Regulations; and
- 3.) The amendments to the plan are in accordance with the Comprehensive Manual of Development Policies. The amended FDP is proposing the conversion of an existing barn for use as a single-family detached dwelling. The site will remain in its current state and configuration.

Accordingly, the Director of the Office of Planning and Zoning recommends that the applicant's request be granted; however, the following conditions are recom-

MICROFILMED

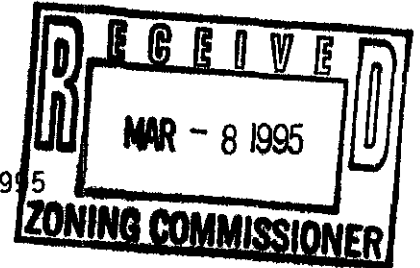
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt
Zoning Commissioner

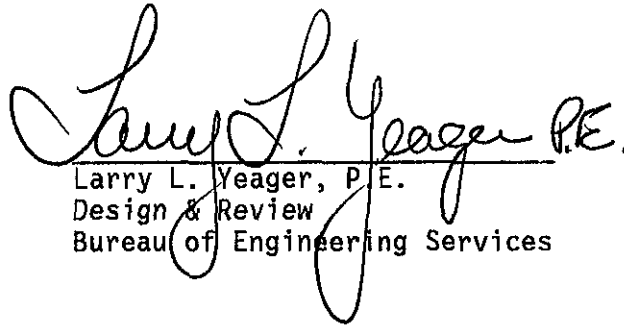
March 7, 1995

FROM: Larry L. Yeager, P.E.

SUBJECT 95-192-SPH CONTINUED HEARING FOR MARCH 10, 1995



I will be unable to appear before you personally on March 10, 1994 at 1:00 PM to testify as to storm water management in case #95-192-SPH. I will be out of the State from March 9th through March 12, 1995. Should you require answers to questions during that period, Mr. Tom Vidmar, P.E. is familiar with the case and could assist in providing specific information.


Larry L. Yeager, P.E.
Design & Review
Bureau of Engineering Services

LLY:pms

HEAR.CTD/DEPRM/TXTPMS

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 22, 1995

Deborah C. Dopkin, Esquire
Rosolio and Silverman, P.A.
502 Washington Avenue
Towson, Maryland 21204

Edward Covahey, Esquire
Covahey and Boozer
614 Bosley Avenue
Towson, Maryland 21204

Francis X. Borgerding, Jr. Esquire
DiNenna, Mann and Breshi
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 95-192-SPH
David Jones, et ux, Petitioners
Property 1430 W. Joppa Road

Dear Mrs. Dopkin and Messrs. Covahey and Borgerding:

Confirming the conversation we had in my office last Friday, February 17, 1995, it was agreed by all that the above captioned case is continued for hearing on Friday, March 10, 1995 at 1:00 P.M. in Room 118 Old Court House.

Please mark your calendars accordingly.

Thank you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

March 2, 1995

(410) 887-4386

Edward C. Covahey, Jr., Esquire
Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 95-192-SPH
1430 W. Joppa Road

Dear Mr. Covahey:

This is in reply to your letter of February 22, 1995.

I have spoken with Mr. Larry Yeager who confirmed that he is, indeed, unavailable on March 9 and 10th, 1995. However, he advised that Mr. Thomas L. Vidmar or another suitable replacement from his department would be available to testify on this case. Thus, it is my inclination to proceed on the assigned date and I suggest that you confirm with Mr. Vidmar of his availability to offer testimony and working knowledge of this property.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Deborah C. Dopkin, Esquire
Mr. Larry Yeager, DEPRM

MICROFILMED



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
1430 W. Joppa Road, N/S Joppa Road,		
1200' W of c/l Charles Street, 9th	*	ZONING COMMISSIONER
Election Dist., 4th Councilmanic		
	*	OF BALTIMORE COUNTY
David Jones and Bonnie M. Jones		
Petitioners	*	CASE NO. 95-192-SPH
* * * * *		

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 1994, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esquire, 502 Washington Avenue, Suite 220, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
DEC 15 1994

Baltimore County Government
Planning Board



401 Bosley Avenue
Towson, MD 21204

92 80-93
11/23/93
8
(410) 887-3211
Fax (410) 887-5862

November 19, 1993

Hon. C.A. Dutch Ruppertsberger, III
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Amendment to CMDP -
Final Development Plans

Dear Councilman Ruppertsberger:

As described in the enclosed Resolution, the procedure for obtaining approval of amendments to previously-approved Final Development Plans includes an out-dated step involving review by the Planning Board. This step is redundant because the procedure also requires a formal hearing by the Zoning Commissioner, and it often needlessly delays final action on what are usually minor, technical amendments to the plans.

Accordingly, the Resolution adopted by the Planning Board in yesterday's meeting delegates to the Director of Planning and Zoning the Board's authority for renewing such plans and notifying the Zoning Commissioner regarding consistency with the Comprehensive Manual of Development Policies. In accordance with Section 504.2 of the Zoning Regulations (as amended by Bill No. 2-92), the Resolution, which constitutes a change to the CMDP, is hereby submitted to the Council for approval. The change will automatically take effect after forty-five days, unless, during that period, the Council objects and takes further action on the subject.

The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely yours,

Dave Fields

P. David Fields
Secretary to the Planning Board

PDF/TD/mjm
FINALDEV.PLN/PZONE/TXTMJM

Enclosure

cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas J. Peddicord, Jr., Legislative Counsel/Secretary
Gene L. Neff, Director, Public Works
Arnold Jablon, Director, ZADM

RECEIVED

NOV 23 1993

ZADM



Printed on Recycled Paper

Baltimore County Government
Planning Board



401 Bosley Avenue
Towson, MD 21204

RESOLUTION

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

DELEGATING AUTHORITY FOR
REVIEW OF AMENDMENTS TO APPROVED
FINAL OR PARTIAL DEVELOPMENT PLANS

WHEREAS, Section 1B01.3A.7.b. in the Baltimore County Zoning Regulations (B.C.Z.R.) specifies procedures for review and approval of amendments to previously-approved Final (or Partial) Development Plans, which procedures include "approv[al] by the Planning Board as being in accord with provisions adopted under the authority of Section 504"; and

WHEREAS, Section 1B01.3A.7.b. was enacted at a time when the review and approval of all development plans was performed solely by the Planning Board; and

WHEREAS, the Planning Board was subsequently removed almost entirely from the development plan process by the enactment of the County Review Group system in 1982, which, in turn, was replaced by the Hearing Officer system in 1992; and

WHEREAS, the proposed amendments to FDPs or PDPs are also, in every case, subject to approval by the Zoning Commissioner after a public, quasi-judicial hearing including receipt of testimony under oath and other evidence; and

WHEREAS, the provisions adopted by the Planning Board under Section 504, i.e., the Comprehensive Manual of Development Policies (CMDP), are designed and intended to function in an advisory manner, not as binding regulations; and

WHEREAS, having each proposed amendment reviewed by the Planning Board is a redundant step based on a long-outdated concept of the Board's role in development approvals, and thus needlessly prolongs the decision-making process; now, therefore, be it

RESOLVED, under the authority granted by B.C.Z.R. Section 504, that the Baltimore County Planning Board hereby amends the CMDP and delegates to the Director of Planning and Zoning the Board's authority pursuant to B.C.Z.R. Section 1B01.3A.7.b.(1), as follows:

1. In addition to determining whether the proposed amendments are "in accord with the specific standards and requirements of [B.C.Z.R.] Article [1B]," as required by sub-section 7.b(2) the Director's review shall also determine whether the amendments are in accord with the other provisions of the CMDP, (as required by sub-section 7.b(1)), and the Director shall, on behalf of the Planning Board, notify the Zoning Commissioner accordingly.
2. This delegation of authority shall take effect on and from January 5, 1994 unless modified by the County Council pursuant to the review process in Section 504.

DULY ADOPTED by vote of the Planning Board
this 18th day of November 1993

A handwritten signature in cursive script that reads "Dave Fields".

P. David Fields
Secretary to the Planning Board



Printed on Recycled Paper

FINAL DEVELOPMENT PLANS

On November 18, 1993, the Planning Board passed a resolution which delegates the responsibility for reviewing Final Development Plans to the Director of Planning and Zoning. All comments shall then be forwarded to the Zoning Commissioner for final review and approval, modification or denial.

BCZR Section 1B01.3A.7.b. specifies procedures for review and approval of amendments to previously approved Final (or Partial) Development Plans, including approval by the Planning Board, as being in accordance with provisions adopted under the authority of Section 504.

Section 1B01.3A.7.b was enacted at a time when the review and approval of all development plans were performed solely by the Planning Board. Since that time, the Planning Board has almost entirely been removed from the development plan process by the enactment of the County Review Group system in 1982, which in turn, was replaced by the Hearing Officer system in 1992.

Proposed amendments to FDPs or PDPs are also subject to approval by the Zoning Commissioner after a public, quasi-judicial hearing including receipt of testimony under oath and other evidence. Having both the Zoning Commissioner and Planning Board review FDPs or PDPs is redundant.

Since the Planning Board is no longer approving development plans, the Board hereby amends the Comprehensive Manual of Development Policies (CMDP) and delegates to the Director of Planning and Zoning the Board's authority pursuant to BCZR Section 1B01.3A.7.b(1) as follows:

In addition to determining whether the proposed amendments are "in accordance with the specific standards and requirements of (BCZR) Article (1B)," as required by sub-section 7.b(2), the Director's review shall also determine whether the amendments are in accordance with the other provisions of the CMDP, as required by sub-section 7.b(1), and the Director shall, on behalf of the Planning Board, notify the Zoning Commissioner accordingly.

BALTIMORE COUNTY, MARYLAND

SUBJECT: DEVELOPMENT PLAN COMMENTS

FROM: PDM - ZONING REVIEW

DPC DATE: 10/25/95
11:00 a.m., Room 123
HOH DATE: 11/15/95
2:00 p.m., Room 118

PROJECT NAME: David Jones Property

PLAN DATE: 9/27/95

LOCATION: N/S Joppa Road,
W of Wine Spring Lane

REV.:

DISTRICT: 9c4

PROPOSAL: 5 (Not 4) Single Family
Dwellings
Zoning Case #95-192-SPH

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CONCEPT
PLAN APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and with the exception of comment #2, has been found to be in general compliance with the Baltimore County Zoning Regulations (BCZR). The following additional advisory comments are generalized for the development plan and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. To avoid any possible delays in the development review and zoning approval process, when these details and final technical information are identified or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. Only if necessary, will the following comments be up-dated and/or supplemented during review of the zoning final development plan.

1. Clearly show compliance with all restrictions from zoning case #95-192-SPH.
2. Staff, in discussion with the zoning commissioner, has determined that the 1 acre barn lot is part of this development plan review. See restriction #2 in case #95-192-SPH. Remove the note indicating that the lot containing the barn is not part of this approval process and adjust calculations and notes accordingly. Correct the dwelling unit count to 5. Lots 6, 9, 10, 11, and 12 each have proposed dwellings. The barn is to be converted to a dwelling as shown on the petition plan, on page 3 and 4 of the zoning order, and restriction #6.
4. On an attached plan sheet, provide an overall density plan showing the entire tract and all density utilization as existing in 1971 to the present.
5. Amend all FDPs which have shown this site area as part of their overall tracts.
6. Final zoning approval is contingent first upon all plan comments being addressed on the development plan; secondly upon the final resolution of all comments, the outcome of any requested zoning hearings; and finally the inclusion of the Final Development Plan (FDP) checklist information being included on the FDP.


JOHN L. LEWIS
Planner II

RECORDED
11/15/95

FOR H.O.H. → * TO H.O. ADDED COMMENT AT D.P.C. :
ON THIS SHEET ADD TO NOTE # 2 REMOVE THE BUILDING SETBACK
BALTIMORE COUNTY, MARYLAND CHART FOR LOT # 6 AND
CLEARLY INDICATE LOT 6 WILL
MEET THE CURRENT STBK. CHART ON
PLAN.

SUBJECT: DEVELOPMENT PLAN COMMENTS

FROM: PDM - ZONING REVIEW

DPC DATE: 10/25/95
11:00 a.m., Room 123
HOH DATE: 11/15/95
2:00 p.m., Room 118

PROJECT NAME: David Jones Property

PLAN DATE: 9/27/95

LOCATION: N/S Joppa Road,
W of Wine Spring Lane

REV.:

DISTRICT: 9c4

PROPOSAL: 5 (Not 4) Single Family
Dwellings
Zoning Case #95-192-SPH

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CONCEPT
PLAN APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and with the exception of comment #2, has been found to be in general compliance with the Baltimore County Zoning Regulations (BCZR). The following additional advisory comments are generalized for the development plan and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. To avoid any possible delays in the development review and zoning approval process, when these details and final technical information are identified or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. Only if necessary, will the following comments be up-dated and/or supplemented during review of the zoning final development plan.

1. Clearly show compliance with all restrictions from zoning case #95-192-SPH.
2. Staff, in discussion with the zoning commissioner, has determined that the 1 acre barn lot is part of this development plan review. See restriction #2 in case #95-192-SPH. Remove the note indicating that the lot containing the barn is not part of this approval process and adjust calculations and notes accordingly. Correct the dwelling unit count to 5. Lots 6, 9, 10, 11, and 12 each have proposed dwellings. The barn is to be converted to a dwelling as shown on the petition plan, on page 3 and 4 of the zoning order, and restriction #6.
4. On an attached plan sheet, provide an overall density plan showing the entire tract and all density utilization as existing in 1971 to the present.
5. Amend all FDPs which have shown this site area as part of their overall tracts.
6. Final zoning approval is contingent first upon all plan comments being addressed on the development plan; secondly upon the final resolution of all comments, the outcome of any requested zoning hearings; and finally the inclusion of the Final Development Plan (FDP) checklist information being included on the FDP.


JOHN L. LEWIS
Planner II

BALTIMORE COUNTY, MARYLAND

SUBJECT: CONCEPT PLAN COMMENTS
FROM: PDM - ZONING REVIEW

CPC DATE: 8/7/95
9:00 a.m., Room 301

PROJECT NAME: David Jones Property

PLAN DATE: 7/6/95

LOCATION: N/S Joppa Road,
W of Wine Spring Lane

REV.:

DISTRICT: 9c4
PROPOSAL: 5 (Not 4) Single Family Dwellings
Zoning Case #95-192-SPH

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CONCEPT
PLAN APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and not enough basic information has been supplied to determine general compliance with the Baltimore County Zoning Regulations (BCZR). The following comments are generalized for the concept plan and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. The following comments will be up-dated and, if necessary, supplemented when the following information has been supplied to this office and included on the plan:

1. Correct the CRG/ZADM project number to IX-438.
2. Document the zoning history in the plan notes in detail. State verbatim the case numbers, what was granted or denied (key all pertinent buildings and locations), and list and clearly show compliance with all restrictions.
3. Provide a dated Baltimore County approval history on the plan.

(Over)

CONCEPT PLAN COMMENTS

PROJECT NAME: David Jones Property

CPC DATE: 8/7/95

PAGE 2

Some comments for the future development plan:

4. Correct the dwelling unit count to 5. Lots 6, 9, 10, 11, and 12 each have proposed dwellings. The barn is to be converted to a dwelling as shown on the petition plan, on page 3 and 4 of the zoning order, and restriction #6.
5. On an attached plan sheet, provide an overall density plan showing the entire tract and all density utilization as existing in 1971 to the present.
6. Provide detailed information on the BCZR regulations and policies both pre March 1992 and post March 1992 indicating by charts and Section references what and where compliance for each is required.
7. Amend the previously approved zoning FDP per Section 1B01.3.A.7 (BCZR).
8. Final zoning approval is contingent first upon all plan comments being addressed on the development plan,; secondly upon the final resolution of all comments, the outcome of any requested zoning hearings; and finally the inclusion of the Final Development Plan (FDP) checklist information being included on the FDP.


JOHN L. LEWIS
Planner II

JLL:scj

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 13, 1994

TO: Arnold Jablon, Director
Zoning Administration &
Development ManagementFROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: 1430 West Joppa Rd.

Post-It Fax Note 7871		Date 12-30	# of pages 1
To	Dorrah Dopkin	From	Patty Beers
Co./Dept.		Co.	Balta Co Planning
Phone #	339-7100	Phone #	887-3480
Fax #	339-7107	Fax #	

INFORMATION:

Item Number: 186

Petitioner: David Jones

Property Size: 12.3 acres

Zoning: DR-2

Requested Action: Special Hearing

Hearing Date: 1 / 3 / 95

SUMMARY OF RECOMMENDATIONS:

On December 12, 1994, the Development Review Committee approved lot 6 to be subdivided into two lots. One lot will include the existing barn to be converted into a residence. This lot will be approximately one acre in size and will require a 20 foot in-fee access strip. The remaining acreage will probably be subdivided later. At that time, the plan will be required to progress through the development review process.

Prepared by: Francis Morsey

Division Chief: *[Signature]*

PK/FM:rdn

6216-94

12/30/98

✓ to OS - for file

95-AZ
Kearney 1/15/95

186

Note to the hearing officer:

The petitioner is asking for an amendment to the FDP of "Jones Property" for an additional three lots. The proposed new lot lines are shown; however, this is not reflected in the density notes. Also, the petitioner is asking for a CRG refinement. If the DRC decides that this project must be approved via the new development process, then this hearing should be set with the HOH.

Mich Kellman

11/25/97

* On property description,

The site is located west of Charles Street
in lieu of the hotel east

IN RE: PETITION FOR
Special Hearing,
1430 W. Joppa Road
N/S Joppa Road, 1200' W
of c/1 Charles Street
9th Election District,
4th Councilmanic
Legal Owner:
David & Bonnie M. Jones

Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No. 95-192-SPH
*
*

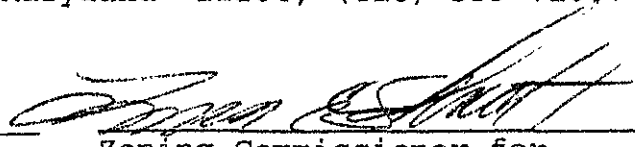
SUBPOENA

TO: Arnold F. Keller, III, Director
Office of Planning and Zoning
401 Bosley Avenue
Towson, Maryland 21204
Mail Stop: 3402

YOU ARE HEREBY COMMANDED TO PERSONALLY APPEAR before the
Zoning Commissioner of Baltimore County at 1:00 p.m., Friday, March
10, 1995 in Room 118, Old Courthouse, Towson, Maryland.

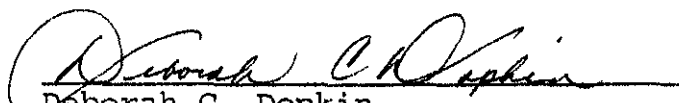
This Subpoena is requested by Petitioner; any questions
should be referred to Deborah C. Dopkin, Esquire, Rosolio,
Silverman and Kotz, P.A., Suite 220, Nottingham Centre, 502
Washington Avenue, Towson, Maryland 21204, (410) 339-7100.

Date Issued: 2/23/95


Zoning Commissioner for
Baltimore County

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 27th day of February, 1995, a copy of the foregoing Subpoena, was hand delivered and a copy mailed, postage prepaid to Arnold F. Keller, III, Director, Office of Planning and Zoning, 401 Bosley Avenue, Towson, Maryland 21204 with a copy mailed, postage prepaid, to Edward C. Covahey, Jr., Esquire, Covahey & Boozer, P.A., 614 Bosley Avenue, Towson, Maryland 21204, and a copy to Francis X. Borgerding, Jr., Esquire, DiNenna and Breschi, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, attorneys for Protestants.


Deborah C. Dopkin

kmcdcd\jones.sub

File
IN RE: PETITION FOR

Special Hearing, 1430 W. Joppa Road,
N/S Joppa Road, 1200' W of c/l Charles St.,
9th Election District, 4th Councilmanic
Legal Owner: David & Bonnie M. Jones

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-192-SPH

* * * * *

SUBPOENA

TO: LARRY L. YEAGER
Storm Water Management
County Courts Building, 4th Floor
Towson, MD 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 118, Old Courthouse, Towson, Maryland; and to bring any and all documents pertaining to the developmental plan, final development plan, and zoning request for the property situate at 1430 West Joppa Road, and that property known and designated as the Jones property, including but not limited to notes, memoranda, and ~~extending~~ letters, plats, requests, engineering studies, internal memoranda, and any other document that in any other manner appertains to the foregoing.

on the 3rd day of January 1995, regarding the above captioned case, for the purpose of testifying at the request of Joel A. Dewey, et ux, Protestants, by Edward C. Covahey, Jr., Covahey & Boozer, P.A., 614 Bosley Avenue, Towson, Maryland 21204, his attorneys.


EDWARD C. COVAHEY, JR.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

15/
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 12/29/94

File
IN RE: PETITION FOR

Special Hearing, 1430 W. Joppa Road,
N/S Joppa Road, 1200' W of c/l Charles St.,
9th Election District, 4th Councilmanic
Legal Owner: David & Bonnie M. Jones

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-192-SPH
* * * * *

SUBPOENA

TO: KURT A. KUGELBERG
Planning & Zoning
Development Review Committee
Towson, MD 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 118, Old Courthouse, Towson, Maryland; and to bring any and all documents pertaining to the developmental plan, final development plan, and zoning request for the property situate at 1430 West Joppa Road, and that property known and designated as the Jones property, including but not limited to notes, memoranda, and any other document that in any other manner appertains to the foregoing.

on the 3rd day of January 1995, regarding the above captioned case, for the purpose of testifying at the request of Joel A. Dewey, et ux, Protestants, by Edward C. Covahey, Jr., Covahey & Boozer, P.A., 614 Bosley Avenue, Towson, Maryland 21204, his attorneys.


EDWARD C. COVAHEY, JR.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

151
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 12/29/94

IN RE: PETITION FOR

* BEFORE THE

Special Hearing, 1430 W. Joppa Road,
N/S Joppa Road, 1200' W of c/l Charles St.,
9th Election District, 4th Councilmanic
Legal Owner: David & Bonnie M. Jones

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 95-192-SPH

* * * * *

SUBPOENA

TO: LARRY L. YEAGER
Storm Water Management
County Courts Building, 4th Floor
Towson, MD 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room Room 118, Old Courthouse, Towson, Maryland; and to bring any and all documents pertaining to the developmental plan, final development plan, and zoning request for the property situate at 1430 West Joppa Road, and that property known and designated as the Jones property, including but not limited to memoranda, ~~XXXXXX~~ letters, plats, requests, engineering studies, internal memoranda, and any other document that in any other manner appertains to the foregoing.

on the 10th day of March 1995, regarding the above captioned at 1:00 p.m.
case, for the purpose of testifying at the request of Joel A. Dewey, et ux, Protestants, by Edward C. Covahey, Jr., Covahey & Boozer, P.A., 614 Bosley Ave., Towson, Maryland 21204, their attorney.

EDWARD C. COVAHEY, JR.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Keith Kotroco
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 2/20/95

IN RE: PETITION FOR

* BEFORE THE

Special Hearing, 1430 W. Joppa Road,
N/S Joppa Road, 1200' W of c/l Charles St.,
9th Election District, 4th Councilmanic
Legal Owner: David & Bonnie M. Jones

* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-192-SPH

* * * * *

SUBPOENA

TO: KURT A. KUGELBERG
Planning and Zoning
Development Review Committee
401 Bosley Ave., Room 109
Towson, MD 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room Room 118, Old Courthouse, Towson, Maryland; and to bring any and all documents pertaining to the developmental plan, final development plan, and zoning request for the property situate at 1430 West Joppa Road, and that property known and designated as the Jones property, including but not limited to memoranda, ~~XXXXXX~~ letters, plats, requests, engineering studies, internal memoranda, and any other document that in any other manner appertains to the foregoing.

on the 10th day of March 1995, regarding the above captioned at 1:00 p.m.
case, for the purpose of testifying at the request of Joel A. Dewey, et ux, Protestants, by Edward C. Covahey, Jr., Covahey & Boozer, P.A., 614 Bosley Ave., Towson, Maryland 21204, their attorney.

EDWARD C. COVAHEY, JR.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Edward C. Covahey, Jr.
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 2/22/95

MICROFILMED

IN RE: PETITION FOR

* BEFORE THE

Special Hearing, 1430 W. Joppa Road,
N/S Joppa Road, 1200' W of c/l Charles St.,
9th Election District, 4th Councilmanic
Legal Owner: David & Bonnie M. Jones

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 95-192-SPH

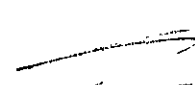
* * * * *

SUBPOENA

TO: JEFFREY LONG
Baltimore County Planning Dept.
401 Bosley Ave., Room 109
Towson, MD 21204

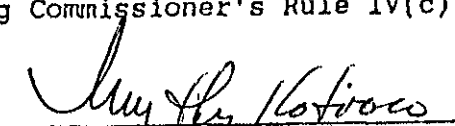
You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room Room 118, Old Courthouse, Towson, Maryland; and to bring any and all documents pertaining to the developmental plan, final development plan, and zoning request for the property situate at 1430 West Joppa Road, and that property known and designated as the Jones property, including but not limited to memoranda, ~~XXXXXX~~ letters, plats, requests, engineering studies, internal memoranda, and any other document that in any other manner appertains to the foregoing.

on the 10th day of March 19995, regarding the above captioned at 1:00 p.m.
case, for the purpose of testifying at the request of Joel A. Dewey, et ux, Protestants, by Edward C. Covahey, Jr., Covahey & Boozer, P.A., 614 Bosley Ave., Towson, Maryland 21204, their attorney.


EDWARD C. COVAHEY, JR.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).


Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 2/22/95

IN RE: PETITION FOR

* BEFORE THE

Special Hearing, 1430 W. Joppa Road,
N/S Joppa Road, 1200' W of c/l Charles St.,
9th Election District, 4th Councilmanic
Legal Owner: David & Bonnie M. Jones

* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-192-SPH

* * * * *

SUBPOENA

TO: DONALD RASCOE, CHAIRMAN, DRC
Baltimore County Office Building
111 Chesapeake Ave.
Towson, MD 21204

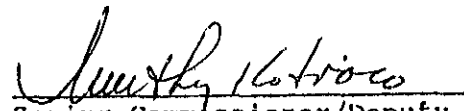
You are hereby summoned and commanded to be and appear personally
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore
County in Room Room 118, Old Courthouse, Towson, Maryland; and to bring any and
all documents pertaining to the developmental plan, final development plan, and
zoning request for the property situate at 1430 West Joppa Road, and that property
known and designated as the Jones property, including but not limited to memoranda,
~~XXXXXXXXXX~~ letters, plats, requests, engineering studies, internal memoranda,
and any other document that in any other manner appertains to the foregoing.

on the 10th day of March 1995, regarding the above captioned
at 1:00 p.m.
case, for the purpose of testifying at the request of Joel A. Dewey, et ux,
Protestants, by Edward C. Covahey, Jr., Covahey & Boozer, P.A., 614 Bosley Ave.,
Towson, Maryland 21204, their attorney.

EDWARD C. COVAHEY, JR.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).


Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 2/22/95

IN RE: PETITION FOR

* BEFORE THE

Special Hearing, 1430 W. Joppa Road,
N/S Joppa Road, 1200' W of c/l Charles St.,
9th Election District, 4th Councilmanic
Legal Owner: David & Bonnie M. Jones

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 95-192-SPH

* * * * *

SUBPOENA

TO:

PAT KELLER
Baltimore County Planning Dept.
401 Bosley Ave., Room 109
Towson, MD 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room Room 118, Old Courthouse, Towson, Maryland; and to bring any and all documents pertaining to the developmental plan, final development plan, and zoning request for the property situate at 1430 West Joppa Road, and that property known and designated as the Jones property, including but not limited to memoranda, ~~XXXXXX~~ letters, plats, requests, engineering studies, internal memoranda, and any other document that in any other manner appertains to the foregoing.

on the 10th day of March 1995, regarding the above captioned at 1:00 p.m.
case, for the purpose of testifying at the request of Joel A. Dewey, et ux, Protestants, by Edward C. Covahey, Jr., Covahey & Boozer, P.A., 614 Bosley Ave., Towson, Maryland 21204, their attorney.

EDWARD C. COVAHEY, JR.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Anthony Kotroco
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 3/22/95

2014

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

RESOLVED: That at the annual meeting of the
RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION
held on May 25, 1994, it was decided by the Association
that responsibility for review and action on all zoning matters for the period _____
_____ be placed in the (Board of Directors) (Zoning Committee)
consisting
of the following members:

Patrica L. Zouck
Nancy W. Horst
Laurie S. Long

John Dahne
George Grose

AS WITNESS OUR HAND AND SEAL THIS 18th day of

OCTOBER, 1994.

ATTEST:
Area

Ruxton-Riderwood-Lake Roland
Improvement Association, Inc.

Paul O. Shear
SECRETARY

Patricia L. Zouck
PRESIDENT

NOTARIAL SEAL

R. CHRISTOPHER REDDICK
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 28, 1997

10/18/94

ZC #1A

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

RESOLVED: That the position of the Ruxton-Riderwood-Lake Roland Area
Improvement Association as adopted by the (Board of Directors)
(Zoning Committee) on the zoning matter know as:

Case No. 95-192-SPH (item 186) 1430 W. Joppa Road

is that:

The association is concerned and asks that this subdivision not go forward without going through the full planning cycle that is required. The association has written to the director of zoning, asking to be informed about anything that is filed on the Jones property. This concern is a result from the previous subdivision to the Jones property on the Bellona Avenue side of the ridge. It appears that no provisions were made for water runoff containment nor any other protections afforded the surrounding homeowners or general community when these lots were developed.

AS WITNESS OUR HANDS THIS 2nd DAY OF

JANUARY, 1995.

ATTEST:.

RUXTON-RIDERWOOD Association
LAKE ROLAND AREA IMPROVEMENT

Judith M. Wright
Secretary

Patricia L. Zuck
President

MICROFILMED

2C
1B

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member
of the

(Board of Directors) (Zoning Committee) of the Ruxton-Riderwood-Lake Roland Area
Improvement, Association.

Nancy Worden Harris

ATTEST:
Area

Ruxton-Riderwood-Lake Roland

Improvement, Association

Justin M. Wright
Secretary

Patricia L. Zouck
President

DATE: 10/18/94

10/18/94

R. CHRISTOPHER PEDICED
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 28, 1997

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

P.O. Box 204
Riderwood, MD 21139
Tel. (410) 337-0792

2 C #2

November 9, 1994

Arnold Jablon, Esquire
Director, Zoning Administration & Development Mgmt.
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Jones Property, 1430 Joppa Road, Towson, MD

Dear Mr. Jablon:

As per your conversation with Nancy Horst, I am writing on behalf of the Ruxton-Riderwood-Lake Roland Area Improvement Association to let you know of our concerns about the Jones Property. At a meeting with representatives of our organization on October 4, 1994, Mr. Jones stated that he intends to subdivide his 9 1/2 acre property "administratively" into three lots. He would subsequently subdivide one of the lots, 6.18 acres, into "three or four building lots" of approximately one acre each.

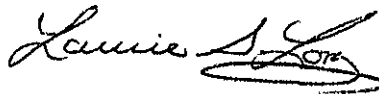
We are concerned because Mr. Jones previously subdivided his property into five building lots on the Bellona Avenue side of the ridge, and it appears that no provisions were made for water runoff containment nor any other protections afforded the surrounding homeowners or general community when these lots were developed. Indeed, several residents in properties downhill from these built lots have experienced water in their basements. These older homes had never experienced water problems until the houses were built on the ridge.

We would therefore greatly appreciate your keeping abreast of any subdivision plans Mr. Jones files and advising The Ruxton-Riderwood-Lake Roland Area Improvement Association of any changes which this will engender in the environmentally sensitive steep slope which comprises the Jones property. While we have no wish to deny Mr. Jones his right to build on his property, we do wish to be vigilant in our protection of the community.

Further, would you please investigate Mr. Jones' previous subdivision and inform us of the procedure he used to develop his lots on the Bellona Avenue side of his property.

Thank you for your help in this matter.

Sincerely yours,



Laurie S. Long
Executive Director

RECEIVED
NOV 14 1994

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DIPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE
SUITE 101
606 BALTIMORE AVE.
TOWSON, MD. 21204

February 22, 1995

* ALSO ADMITTED TO D. C. BAR

Lawrence E. Schmidt, Zoning
Commissioner for Baltimore County
111 W. Chesapeake Ave.
Towson, Maryland 21204

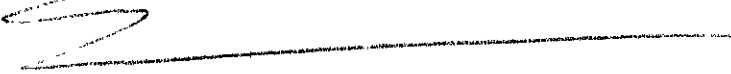
Re: Case No. 95-192-SPH
1430 W. Joppa Road

Dear Commissioner Schmidt:

With respect to the above-captioned case which is scheduled for a hearing on March 10, 1995 at 1:00 p.m., I was advised by Larry Yeager, who was subpoenaed, that he will be out of the State of Maryland on Thursday, March 9 and Friday, March 10, 1995 on a preplanned vacation. Mr. Yeager attended both of the previous sessions and was prepared to testify. Accordingly, it would appear appropriate if we make arrangements to take Mr. Yeager's testimony on a date other than March 10, 1995. I have subpoenaed Mr. Yeager, however, it would appear that practicality has to triumph over the legality of a subpoena.

The Commissioner's advices are solicited.

Very truly yours,


Edward C. Covahey, Jr.

ECC,Jr./ldr
21ldr.11

cc: Deborah C. Dopkin, Esq.
Joel A. Dewey, Esq.
John A. Thompson, M.D.
Mr. Thomas J. Hoff

RECEIVED
FEB 23 1995

ZADM

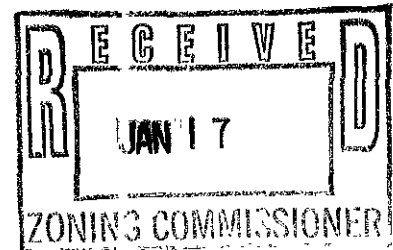
RECEIVED
FEB 24 1995
ZONING COMMISSIONER

LAW OFFICES
ROSOLIO, SILVERMAN & KOTZ, P.A.
SUITE 220, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

TELEPHONE 410-339-7100
FAX NO. 410-339-7107

DEBORAH C. DOPKIN

January 17, 1995



VIA FACSIMILE AND HAND DELIVERED

Lawrence E. Schmidt, Esquire
Zoning Commissioner of Baltimore County
Courthouse
401 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 95-192-SPH

Dear Mr. Schmidt:

At the January 3rd hearing on the above captioned matter, you indicated from the bench that you were denying Protestant's Motion to Dismiss and continuing the hearing pending the receipt of recommendations by the Director of the Office of Planning and Zoning. You also advised all parties that the hearing would be continued within a thirty day period so as not to cause the Petitioner undue delay. As you are aware, the Director of Planning and Zoning delivered his recommendation to you on January 10, 1995 recommending approval of the subject Petition and finding it in compliance with the requirements of the Comprehensive Manual of Development Policies.

Therefore, we are requesting that no further delay be entertained in rescheduling this matter. To continue the hearing into the month of February will cause the Petitioner undue hardship, including unnecessary and otherwise avoidable expense.

Further, all the protestants and their counsel were on notice of the intended fast turn around time to reschedule, particularly because of the source of the delay. I appreciate your making every effort to have this rescheduled before the end of January, and can assure you that both my client and I will cooperate in every way to be available.

MICROFILMED

LAW OFFICES
ROSOLIO, SILVERMAN & KOTZ, P.A.

Lawrence E. Schmidt, Esquire
January 17, 1995
Page 2

Thank you for your consideration.

Very truly yours,

ROSOLIO, SILVERMAN & KOTZ, P.A.


Deborah C. Dopkin

DCD/ef

cc: Francis X. Borgerding, Jr., Esquire
Edward C. Covahey, Esquire
Mr. David Jones

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

NANCY WORDEN HOEST

JOEL A. DEWEY

John T. Thompson

LAURIE S. LONG

Delores R. Alderman

Onne H. Martin

Ernest W. Cooper, Jr.

Jana L. Casper

Harold S. Purinton

✓ Maryann Thompson

THOMAS J. HOFF

7819 ELLEN HAM AVE

1428 B WEST JOPPA ROAD

1428C West Joppa Rd

TOXTON - RIDERWOOD - LAKE ROLAND AREA

P.O. BOX 204 RIDERWOOD, MD 21139

8219-21 Bellona Ave. Towson, Md 21204

P.O. Box 64 Riderwood Md 21139

2 Acorn Hill Lane Riderwood 21139

3 Acorn Hill Lane, Balto. 21204

3 Acorn Hill Lane, Balto. 21204

1501 W. Joppa Rd 21204

1428 C West Joppa Rd.

1717 YORK RD. LUTHERVILLE, MD. 21093

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

John T Thompson
MaryAnn Thompson

Wm. Meyers and

Martha N. Dewey

LAUREN GISCHEL

DAVID GISCHEL

WILLIAM D. MULLER

CAROLE GOLDBERG

LAURIE LONG / BELKRAIA

Harold G. Putinton

Jane I. Putinton

JACQUELYN M. BRESCHI

THOMAS J. HOFF

ED COVATNEY

Francis X. Beyerling, Jr.

Neil B. Goldberg

James Bernhart

1428C West Joppa Rd 21204

1428-C West Joppa Rd 21204

1400 W. Joppa Rd. - 21204

1428 B W. Joppa Rd 21204

8217 BELLONA AVE 21204

8217 BELLONA AVE 21204

8215 BELLONA AVE 21204

4 ACORN HILL LN 21204

P.O. Box 254 RIDERWOOD MD 21139

1501 W. Joppa Rd, 21204

1501 W. Joppa Rd. 21204

1428 A W. Joppa Rd. 21204

1717 YORK RD. SUITE 1B 21093

614 MOSLEY AVE TOWSON

409 Washington ave suite 600 Towson md 21204

4 ACORN HILL Lane

2 ACORN HILL Lane

Ray Gornick
8208 Bellona Ave
Towson 21204

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

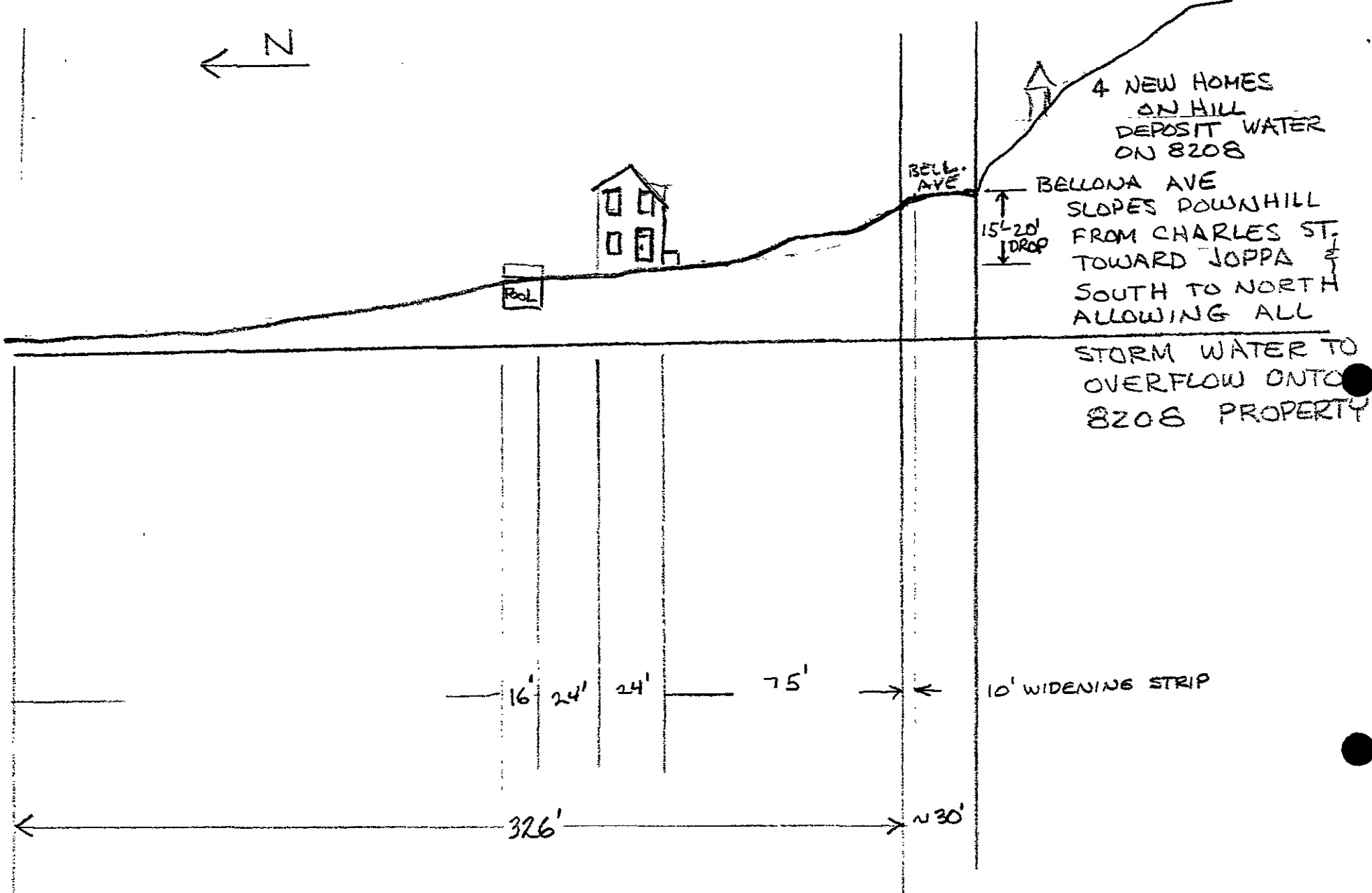
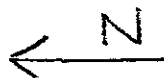
ADDRESS

DEBORAH DOPKIN
DAVID & BONNIE JONES
FRED THOMPSON

502 WASHINGTON AVE 21204
1430 JOPPA RD 21204
429 E. LAKE AVE 21212

NOV 19 1993

COUNTY SEWER SYSTEM



SECTION OF HILLSIDE AT 8208 BELLONA

4-12-92

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

COPY

RECEIVED

January 16, 1990

JAN 18 1991

BY COUNTY COUNCIL

TO: Robert E. Covahey, Chief
Bureau of Public Services

FROM: R. Alonzo Childress, P.E., Chief
Storm Drain Design & Approval Section

SUBJECT: New Development
8200 Block Bellona Avenue

Our office has received complaints from residents in the 8200 block of Bellona Avenue regarding flooding of their yards and homes. The flooding is due, in part, to the increased run-off from three new homes constructed on the south side of Bellona Avenue.

We are requesting that your office forward future building permits in this area to our office for review until a solution to the flooding problem can be found.

RAC:DC:plf

cc: Jennifer Macek



COUNTY COUNCIL OF BALTIMORE COUNTY

COURT HOUSE, TOWSON, MARYLAND 21204

C.A. DUTCH RUPPERSBERGER, III
COUNCILMAN, THIRD DISTRICT

COUNCIL OFFICE: 887-3196
887-3387

January 28, 1991

Mr. & Mrs. Ray Gornick
8208 Bellona Avenue
Towson, Md. 21204

Dear Mr. and Mrs. Gornick:

For your information, I am enclosing a copy of correspondence dated January 16, 1991 addressed to Robert Covahey, Chief of the Bureau of Public Services from Alonzo Childress, Chief of the Storm Drain Design & Approval Section.

As you will see, Mr. Childress is requesting that all future building permits in the 8200 block of Bellona Avenue be forwarded to his office for review until a solution to the flooding problem can be found.

I realize that a permanent solution to your problems is going to take several years, however, I believe this is an important step in the County's efforts to prevent further aggravation of your existing drainage problems.

I have been advised by Mr. Childress that funds have been placed in the Capital Budget for a storm drain system along Bellona Avenue. Please be assured that I will do whatever I can to ensure that this capital project stays on track. Since Bellona Avenue is the dividing line between the third and fourth councilmanic districts, I am sending a copy of this letter to Councilman Riley for his information.

Very truly yours,

C.A. Dutch Ruppersberger, III
C.A. Dutch Ruppersberger, III
Councilman, Third District

CADR:jm
Enclosure

cc: Councilman Riley

296-6884

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 5, 1995

SUBJECT: 1430 West Joppa Rd.

INFORMATION:

Item Number: 186

Petitioner: David Jones

Property Size: 12.3 acres

Zoning: DR-2

Requested Action: Special Hearing

Hearing Date: 1/11/95

SUMMARY OF RECOMMENDATIONS:

The subject request constitutes a material change to an approved CRG Plan. Therefore, prior to any final consideration, the applicant should request that the CRG reconvene to consider the amendment.

Prepared by: Jeffrey M. LongDivision Chief: Arnold J. Jablon

PK/JL

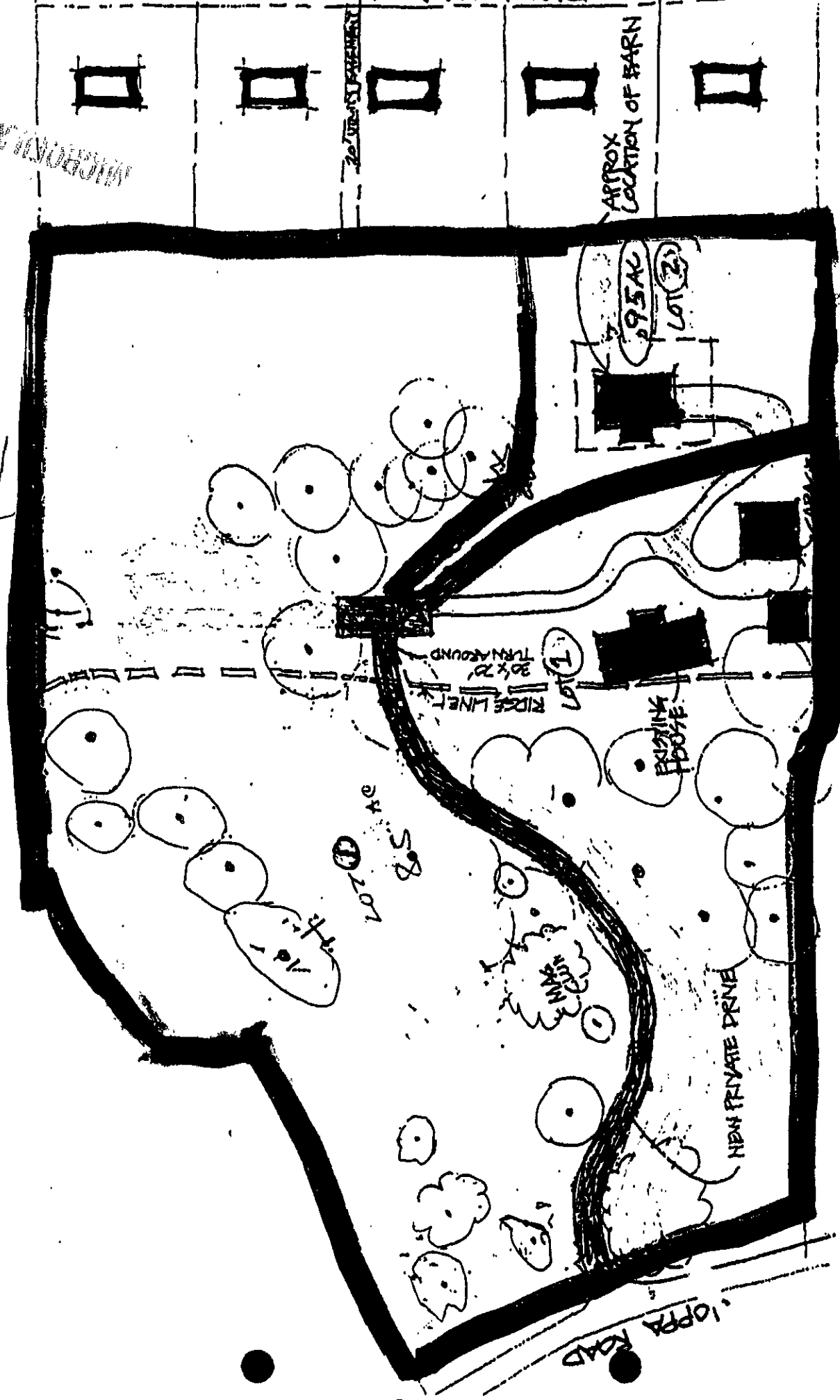
Post-It* Fax Note	7671	Date	1/5/95
To	Frank Borgardine	From	Jeffrey Long
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	296-6884	Fax #	

MICROFILMED

576-1604
Protestants
#1

Michael
#2

MISSOURI MED



CONCEPT PLAN
JONES PROPERTY
1"=100'

CROZIER ASSOC
3000 CHESTNUT AVE
BALTIMORE, MD.

BALTIMORE OFFICE

ROBERT E. POWELL
 ROBERT E. CADIGAN
 ROBERT J. CARSON*
 THEODORE S. CORNBLETT*
 DOUGLAS Q. WORRALL
 BARBARA ANN SPICER
 DAVID BIELAWSKI
 BARRY BACH
 HOWARD G. GOLDBERG*
 GARY F. FLORENCE
 MICHAEL JAMES KELLY
 RONALD G. DAWSON
 S. WOODS BENNETT
 DOUGLAS B. SCHOETTINGER
 JOHN R. PENHALLEGON*
 JOHN J. BOYD JR.
 JAMES E. BAKER JR.
 JEFFREY J. PLUM
 PATRICK M. PIKE
 LESLIE J. POLT
 HARRY E. SILVERWOOD JR.
 MICHAEL J. BAXTER
 RALPH L. ARNSDORF*
 PATRICIA MCHUGH LAMBERT
 GORDON R. CALVERT
 RANDALL M. LUTZ

BENNETT GILBERT GAINES
 DEBORAH K. BESCHE*
 CATHERINE A. POTTHAST*
 CHERYL O'DONNELL GUTH
 BRIAN S. JABLON*
 CRAIG F. BALLEW
 ALLEN F. LOUCKS*
 MARYANNE DUBBS*
 PATRICK A. ROBERSON
 DARYL J. SIDLE
 A. MICHAEL SIDLE
 LAWRENCE S. CONN
 DAVID J. McMANUS, JR.*

WASHINGTON OFFICE

LAURENCE SCHORT
 SUSAN L. SCHORT
 BRETT L. ANTONIDESI

OF COUNSEL

M. KING HILL JR.
 GLENN C. PARKER

CLATER W. SMITH
 (1901-1980)
 WM. B. SOMERVILLE
 (1916-1983)
 RICHARD W. CASE
 (1918-1984)

SMITH, SOMERVILLE & CASE

ATTORNEYS AT LAW
 100 LIGHT STREET
 BALTIMORE, MARYLAND 21202-1084
 TELEPHONE (410) 727-1184
 FAX (410) 385-8060

WASHINGTON OFFICE
 1100 CONNECTICUT AVENUE, N.W.
 SUITE 410
 WASHINGTON, D.C. 20036
 TELEPHONE (202) 833-1184
 FAX (202) 833-8125

SHARON K. ENGELHARD*
 JEFFREY Y. LAYNOR
 JOHN M. SEEBERGER*
 GARY R. JONES*
 ZVI GUTTMAN*
 GARY T. LATHROP
 STEVEN E. SCHENKER
 RODERICK R. BARNES
 CHRISTOPHER P. KENNEDY
 MICHAEL E. CROSS
 MICHAEL I. JOSEPH*
 LINDA C. EDDY*
 DAVID B. APPLEFELD*
 MICHAEL P. SAWICKI*

STANLEY TURK*
 KERI F. KRETSCHMANN
 JAMES E. MYERS
 SHERYL A. COTTRELL*
 JONATHAN E. GOLDBERG
 WILLIAM N. COLONNA III
 STEVEN J. MELTZER*
 THOMAS J. S. WAXTER, III
 JAMES A. FREDERICK
 DEBORAH L. DAWES
 MONORA W. SUTOR
 CYNTHIA D. PENNY-ARDINGER
 STEPHEN S. BURGOON
 JESSICA S. SCHAFER

*ALSO MEMBER OF DISTRICT OF COLUMBIA BAR
 *ALSO MEMBER OF TEXAS BAR
 *ALSO MEMBER OF MARYLAND & VIRGINIA BARS

Post No 11

January 10, 1994

RECEIVED
 JAN 11 1994

ENG. SEEM

Robert A. Worth, PE, Director
 Baltimore County Department of
 Environmental Protection and
 Resource Management
 401 Bosley Avenue, Suite 416
 Towson, Maryland 21204

Re: Jones Property CRG No. 9203E Refinement

Dear Mr. Worth:

We are in the process of seeking County approval of a refinement to the above-referenced CRG. The comments received by your department, prepared by Larry Yaeger, require significant stormwater management on the property prior to the approval of the refinement. The purpose of this letter is to request a variance relieving the owner from the stormwater management requirements for the reasons set forth below.

The original CRG subdivided the Jones Property into six parcels, known as Lots 1-6. The lot known as the Mekulski Property was a separate lot when the Jones' originally took title. Lots 1-5 and the Mekulski Property have been sold. The Jones' retain ownership of Lot 6, which consists of a large house and approximately nine acres of land. The goal of the refinement is to draw a new lot line on Lot 6 creating two lots, marked as Lots 6A and 6B. Lot 6B will contain the existing house. The long term plan is to further subdivide Lot 6A. However, at this point, the property owner is seeking only approval of the refinement creating the new lot line on Lot 6.

The property owner is aware that when the original CRG was approved, the Department of Public Works permitted development of Lots 1-5 and the Mekulski Property with the condition that further development of Lot 6 would require

MICROFILMED

Robert A. Worth, PE, Director
January 10, 1994
Page 2

additional stormwater management on those lots in addition to Lot 6. It is this requirement which would cause a hardship on the property owners and from which the owners seek a variance. Lots 1-5 and the Mekulski Property have been sold and developed and are no longer within the control of the property owners. Any stormwater management required on those lots would require easements, licenses, or other agreements to allow access to those properties.

Furthermore, no stormwater management problems have occurred on Lots 1-5 or the Mekulski Property and the stormwater issues of concern to the citizens of Baltimore County have been addressed on those lots. Neither the refinement nor the future subdivision of Lot 6A would change that situation. The proposed subdivision will be only on the south side of the property, facing Joppa Road, and will be separated from the Mekulski Property by Lot 6B, containing the house, and will be separated from Lots 1-5 on the Bellona Avenue side by the ridge line of the property.

Finally, the property owner is aware that stormwater management may be required before Lot 6A is subdivided and is willing to cooperate with the County to fully comply with all requirements if and when Lot 6A is developed. However, the property owners need relief from the hardship of the stormwater management requirements at this point in order to complete the refinement.

Therefore, the property owners now seek a variance and relief from all present and future liability for stormwater management on Lots 1-5 and the Mekulski Property, with the full understanding that future development on Lots 6A or 6B may require stormwater management on Lots 6A and 6B.

Sincerely,


Bennett Gilbert Gaines

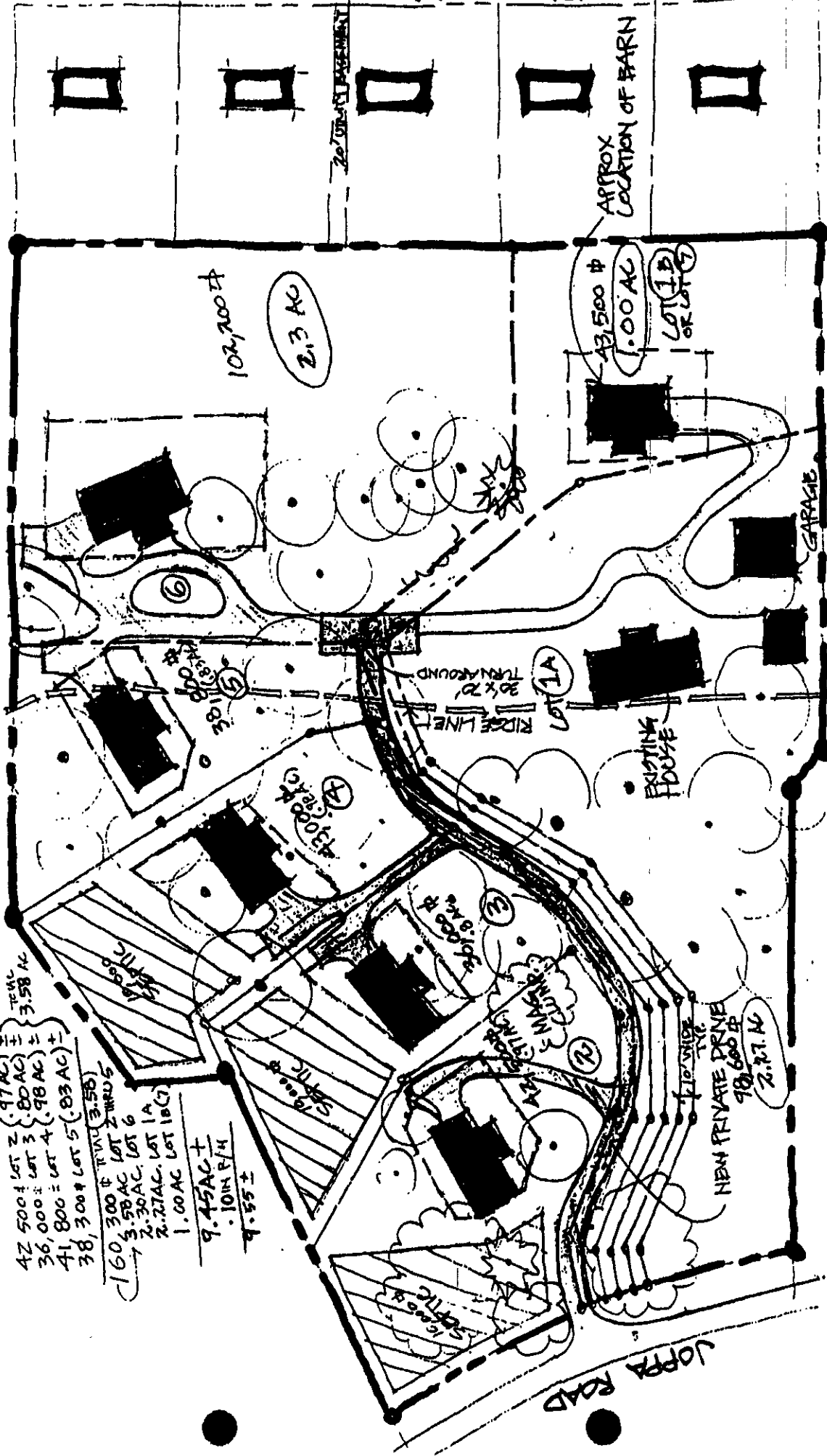
BGG/dz
worth.268

cc: Mr. David Jones

$\frac{1}{2}$ { 500 AC LOT 2 (.97 AC) $\frac{1}{2}$
 $\frac{1}{2}$ { 36,000 AC LOT 3 (.80 AC) $\frac{1}{2}$
 $\frac{1}{2}$ { 41,800 AC LOT 4 (.98 AC) $\frac{1}{2}$
 $\frac{1}{2}$ { 38,300 AC LOT 5 (.83 AC) $\frac{1}{2}$

160 300 & RUAL 3.58
 3.58 AC LOT 6
 2.30 AC LOT 1A
 2.27 AC LOT 1B (C)
 1.00 AC LOT 1B (C)

9.45 AC +
 .10 M P/H
 9.55 ±



CONCEPT PLAN
JONES PROPERTY
1"=100' SEPT 28, 93

SECRET

CROZIER ASSOC
3000 CHESTNUT AVE
BALTIMORE, MD.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

December 16, 1994

(410) 887-3353

Mr. David Jones
1430 West Joppa Road
Towson, Maryland 21204

RE: Refinement
Jones Property
1430 W. Joppa Road
DRC Number 11284I Dist. 9C4

Dear Mr. Jones:

On December 12, 1994, the Development Review Committee (DRC) reviewed the plan on the above referenced project and determined it to be eligible as a refinement to the CRG Plan, for the two lots under Section 26-121 of the Baltimore County Development Regulations. This exempts your development from having to obtain approval from either the planning board or the hearing officer; however, compliance with all agency comments is still required.

If you have any questions, please feel free to call me at (410) 887-3353.

Sincerely,

A handwritten signature in cursive script that reads "Donald T. Rascoe".

DONALD T. RASCOE
Development Manager

DTR:KAK:aw

MICROFILMED

EXHIBIT No 2



G-11033

This Deed, MADE THIS 30th day of June

in the year one thousand nine hundred and eighty-six by and between

✓ David M. Jones and ✓ Bonnie Jones, his wife, by ✓ David M. Jones, her Attorney-in-Fact

of Baltimore County, State of Maryland

of the first part, and

✓ J. Lawrence Mekulski and Mary Jane Mekulski, his wife

of the second part.

WITNESSETH, That in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, (the actual consideration paid or to be paid is \$109,000.00)

the said ^{Jones,} David M. Jones and Bonnie/ his wife, by David M. Jones, her Attorney-in-Fact

C REC/F 25.00

C T TX 545.00

C DUES 545.00

DEED 0 #

EHK JR T 1115.00

#30134 0001 R02 T10135

do grant and convey to the said J. Lawrence Mekulski and Mary Jane Mekulski, his wife, as tenants by the entireties, the survivor of them and the personal representatives and assigns of the survivor

~~personal representatives/successors and assigns~~

, in fee simple, all

that lot of ground/situate in the Ninth Election District of Baltimore County

and described as follows, that is to say:

Said lot being a parcel of land containing 2.02 acres of land, more or less, together with the right to use a road twenty feet wide to Joppa Road, all as described on EXHIBIT "A" attached hereto as part hereof.

Being the same lot secondly described in a Deed dated June 11, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6728 folio 631, which was granted and conveyed by Grace Fitzpatrick to the within grantors.

TOGETHER with a perpetual easement for the installation and maintenance of water lines in a strip of land twenty feet wide described in EXHIBIT "B" attached hereto as part hereof.

AND TOGETHER with a perpetual easement for the installation and maintenance of sewer lines in a strip of described in EXHIBIT "C" attached hereto as part hereof.

The aforesaid two easement areas being part of the first lot described in said Deed from Grace Fitzpatrick to the within grantors, dated June 11, 1984 and recorded as aforesaid in Liber E.H.K., Jr. No. 7628 folio 631.

See also Power of Attorney dated June 24, 1986 and recorded or intended to be recorded immediately prior hereto as aforesaid from Bonnie Jones to David M. Jones, by virtue of which instrument this Deed is executed.

Said Attorney-in-Fact certifies that he does not have actual knowledge of the revocation or termination of the power of attorney by death, disability, incompetence or otherwise of the principal.

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

B

8079****174400** 8028A

CLERK

DATE

SIGNATURE [Signature] DATE 6-30-86

as of 7-7-86

RECORDED

7-7-86

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said J. Lawrence Mekulski and Mary Jane Mekulski, his wife, as tenants by the entireties, the survivor of them and the personal representatives and assigns of the survivor, forever in fee simple, together with the aforesaid easements.

~~personal representatives/successors~~

~~and assigns~~

~~in fee simple~~

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor

Test:

Norma R. Knox
Norma R. Knox

David M. Jones (SEAL)
David M. Jones

David M. Jones, Attorney-in-Fact for Bonnie Jones (SEAL)
David M. Jones, Attorney-in-Fact for Bonnie Jones

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 30th day of June, in the year one thousand nine hundred and eighty-six, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared David M. Jones, individually and as Attorney-in-Fact for Bonnie Jones known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Norma R. Knox
Norma R. Knox Notary Public

My Commission expires:

July 1, 1990

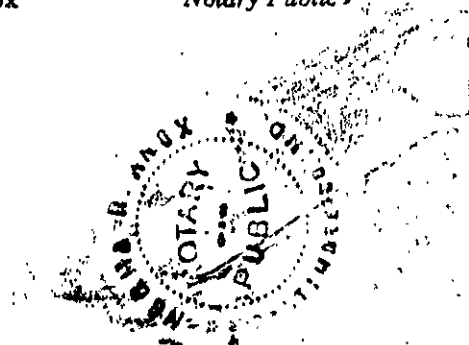


EXHIBIT "A"

Beginning for the same at a stone heretofore set at the beginning of the second line of a parcel of land secondly described in a Deed dated February 26, 1898, and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 230 folio 485, which was conveyed by Elizabeth L. Abell and husband to Margarett Lackay; and running thence with and binding on said second line and also binding on the 17th line of a parcel of land which by a Deed dated March 6, 1944 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1334 folio 225 was conveyed by W. Hall Harris, Jr., Trustee, et al, to John E. Fitzpatrick and wife North 5 degrees 42 minutes East 146.50 feet; thence binding for a part on the third line of said secondly described parcel of land in the Deed from Abell to Lackay and for a part of the third line on the firstly described parcel of land in said Deed South 88 degrees 46 minutes East 530.60 feet to a pipe; thence leaving said outlines and running for a line of division South 5 degrees 42 minutes West 186 feet to a pipe set in the first line of the above referred to firstly described parcel of land in said Deed; and thence binding for a part on said first line and for a part on the last and first lines of said secondly described parcel of land in said Deed from Abell to Lackay North 84 degrees 31 minutes West 529 feet to the place of beginning. Containing 2.02 acres of land more or less.

TOGETHER WITH the use and privilege of a road twenty feet wide leading from the southwest corner of the above described parcel of land in a southerly direction to the Joppa Road as set forth in a Deed from Louis Job Rider to Elizabeth T. Lawrenson dated January 10, 1890, and recorded among the Land Records of Baltimore County in Liber J.W.S. No. 179 folio 91.

EXHIBIT B

apr associates, inc.
surveyors-engineers

ALEXANDER P. RATYCH, PROF. L.S.

RICHARD J. TRUELOVE, P.E.

DESCRIPTION OF 20' WIDE STRIP OF LAND
JOPPA ROAD
NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point in the centerline of Joppa Road and at the beginning of the 15th or North 5 degrees 20 minutes East 350.22 foot line of the firstly described parcel of land in Exhibit A, attached to the Deed from C. Grace Fitzpatrick to David M. Jones and wife, dated June 11th, 1984 and recorded among the Land Records of Baltimore County in Liber 6728, page 631, thence leaving Joppa Road and running with said line and binding along the West side of a 20 foot road, as now surveyed, North 00 degrees 00 minutes 15 seconds West 350.22 feet to a stone; thence binding along a part of the last line of the firstly described parcel and along a part of the first line of the secondly described parcel in said Deed, North 00 degrees 00 minutes 15 seconds West 29.31 feet; thence leaving the outlines and running for new lines of division through said firstly described parcel, South 45 degrees 00 minutes 00 seconds West 28.27 feet and South 00 degrees 00 minutes 15 seconds East 364.59 feet to intersect the centerline of Joppa Road; thence binding thereon North 75 degrees 49 minutes 45 seconds East 20.63 feet to the point of beginning; containing 7441 square feet or 0.1708 acres or less.

1/22/1986

7427 harford road baltimore, md. 21234 tel: 301 444 4312

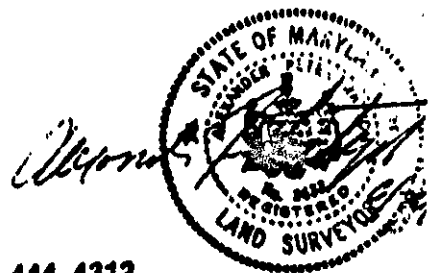


apf associates, inc.
surveyors-engineers

DESCRIPTION OF 10' RIGHT-OF-WAY
FOR SANITARY SEWER THROUGH THE LAND
OF DAVID M. JONES
9TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the last or North 05 degrees 20 minutes East 439.58 foot line of land firstly described in Exhibit "A", attached to the Deed from C. Grace Fitzpatrick to David M. Jones and wife; said point being also situate at the Southeasterly corner of Lot 1, Section One, Jones property, recorded in Plat Book 53, folio 54; thence running from said point of beginning and binding reversely along a part of said last line South 05 degrees 20 minutes West 259 feet more or less to the beginning of said line; thence binding reversely along a part of the 16th or North 05 degrees 42 minutes East 146.50 foot line of said firstly described parcel South 05 degrees 42 minutes West 10.00 feet; thence leaving the outlines and running South 84 degrees 18 minutes West 10.00 feet; thence North 05 degrees 42 minutes East 10.00 feet more or less and thence North 05 degrees 20 minutes East 259 feet more or less to intersect the Southerly outline of the beforementioned Lot 1, Jones property; thence binding thereon Northeasterly 10.05 feet to the point of beginning.

6/29/1986



7427 harford road ballmore, md. 21234 tel: 301 444 4312

Map 1 to American Nat'l S. Assn
Address 211 N. Liberty St.
21201

Prot
SB

LIBER 7364 FOLIO 642

DEED

THIS DEED, Made this 27th day of December, 1986, by and between DAVID M. JONES and BONNIE JONES, by David M. Jones, her Attorney-in-Fact, parties of the first part, Grantors and J. LAWRENCE MEKULSKI and MARY JANE MEKULSKI, his wife, parties of the second part, Grantees.

WITNESSETH: That the actual consideration paid or to be paid, including the amount of any assumed mortgage is No Dollars (\$ 0.00). In consideration of this sum and other good and valuable considerations, the receipt whereof is hereby acknowledged, and pursuant to the Amendment and Extension Agreement dated June 30, 1986, between the parties, the said Grantors do hereby grant and convey unto the said Grantees, as tenants by the entireties, their successors and assigns, the survivor of them, his or her successors, personal representatives and assigns, in fee simple, all that property, situate and lying in Baltimore County, State of Maryland, and described in Exhibit A attached hereto and made a part hereof by this reference.

Being a part of the first lot which by Deed dated June 11, 1984, recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 7628, folio 631, was granted and conveyed from Grace Fitzpatrick to the within Grantors.

TOGETHER with the buildings and improvements thereon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described property and premises unto and to the use of the said Grantees, as tenants by the entireties, their successors and assigns, the survivor of them, his or her personal representatives, successors and assigns, in fee simple.

AND THE SAID GRANTORS covenant to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite. The Grantors do further certify that the Power of Attorney, previously recorded or intended to be recorded among the Land Records of Baltimore County dated June 24, 1986, remains in full force and effect according to its original terms, unrevoked or modified by Bonnie Jones.

AGRICULTURAL TRANSFER TAX

NOT APPLICABLE

SIGNATURE

DATE 12-24-86

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

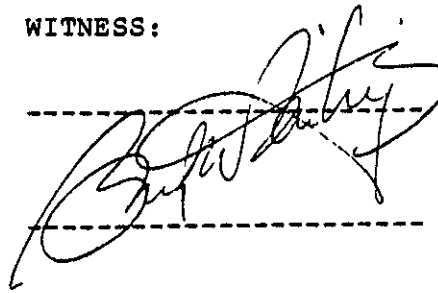
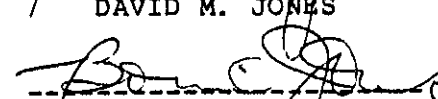
JR 12-24-86 1.
CLERK DATE

17.00
0 #
17.00
17.00
#57101.0001 R02 T10:26
TRANSFER TAX NOT REQUIRED 12/24/86
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per [Signature]
Date 12-24-86

WHENEVER used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the hands and seals of the said Grantors:

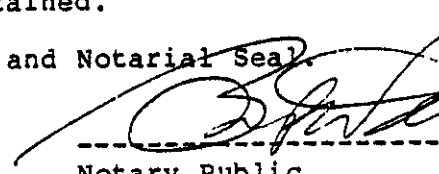
WITNESS:

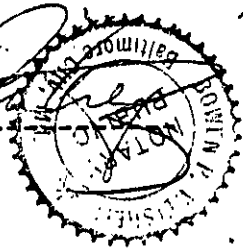
 (SEAL)
DAVID M. JONES
 (SEAL)
BONNIE JONES, by David M.
Jones, her Attorney-In-Fact

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:

I HEREBY CERTIFY, that on this 23rd day of December, 1986, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared David M. Jones for himself and as Attorney-in-Fact for Bonnie Jones, and he is known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.


Notary Public



My Commission Expires: July 1, 1990.

apr associates, inc.
surveyors-engineers

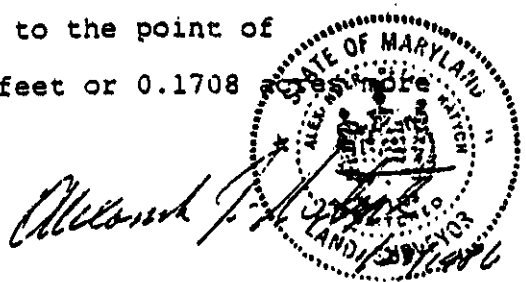
DESCRIPTION OF 20' WIDE STRIP OF LAND
JOPPA ROAD
NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

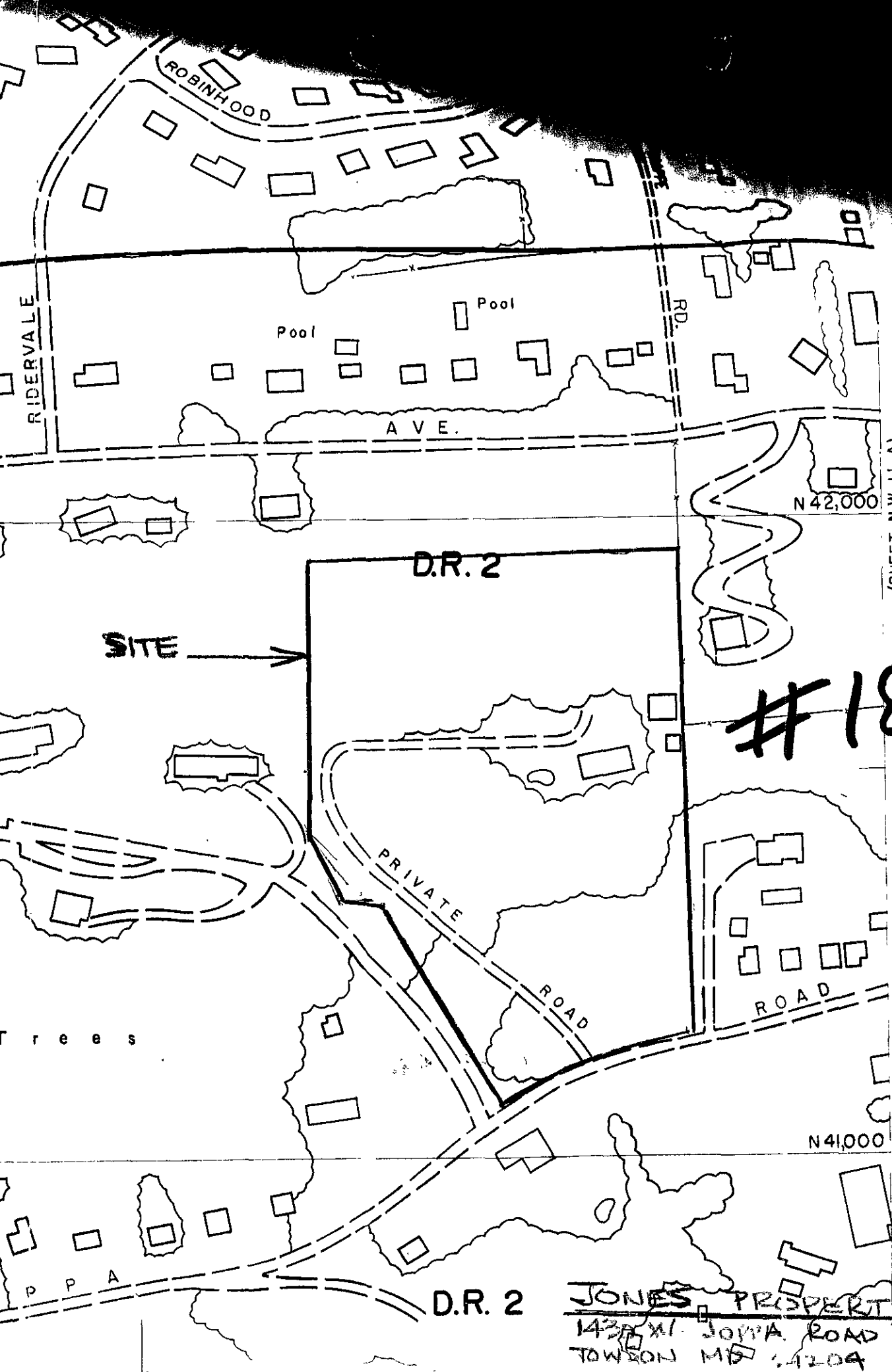
BEGINNING FOR THE SAME at a point in the centerline of Joppa Road and at the beginning of the 15th or North 5 degrees 20 minutes East 350.22 foot line of the firstly described parcel of land in Exhibit A, attached to the Deed from C. Grace Fitzpatrick to David M. Jones and wife, dated June 11th, 1984 and recorded among the Land Records of Baltimore County in Liber 6728, page 631, thence leaving Joppa Road and running with said line and binding along the West side of a 20 foot road, as now surveyed, North 00 degrees 00 minutes 15 seconds West 350.22 feet to a stone; thence binding along a part of the last line of the firstly described parcel and along a part of the first line of the secondly described parcel in said Deed, North 00 degrees 00 minutes 15 seconds West 29.31 feet; thence leaving the outlines and running for new lines of division through said firstly described parcel, South 45 degrees 00 minutes 00 seconds West 28.27 feet and South 00 degrees 00 minutes 15 seconds East 364.59 feet to intersect the centerline of Joppa Road; thence binding thereon North 75 degrees 49 minutes 45 seconds East 20.63 feet to the point of beginning; containing 7441 square feet or 0.1708 acres or less.

1/22/1986

Bowen W. W. W. W.
210 N. Charles St.

21202





(SHEET NW 11-A)

#186

NW.
11-B.

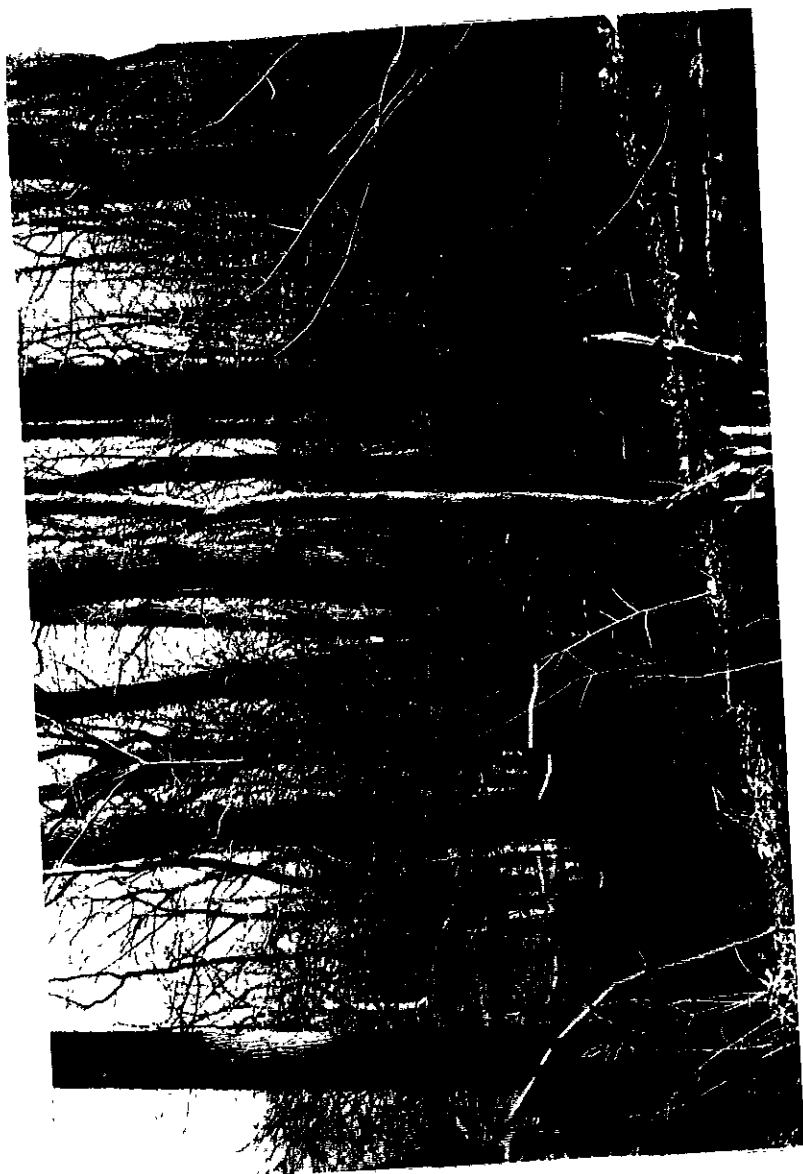
D.R. 2

JONES PROPERTY
1430 N. JORDA ROAD
TOWSON MD 21204

95-192-SQ4

11/2/94

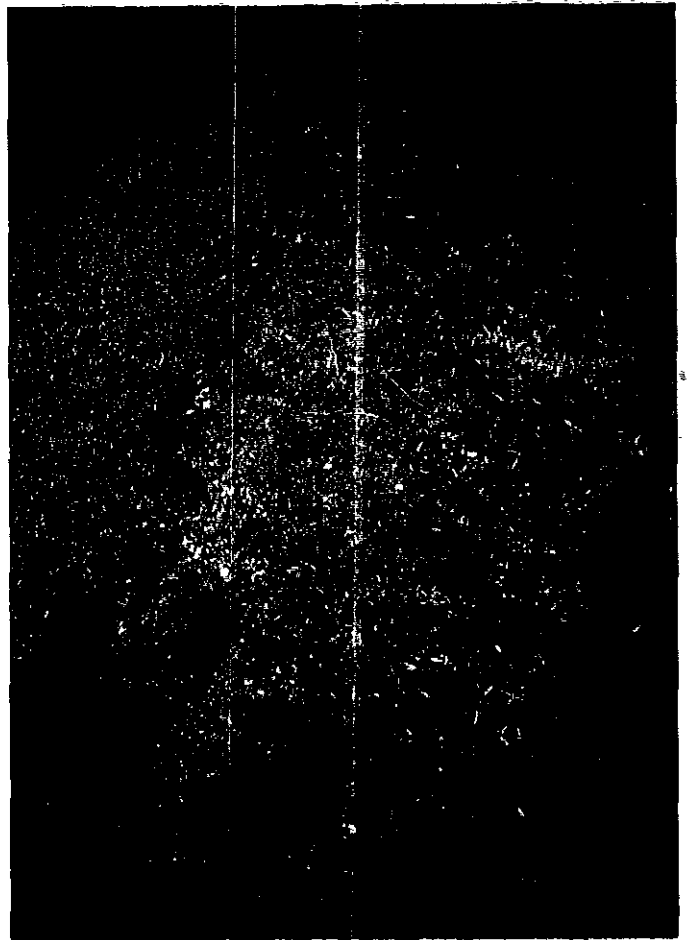
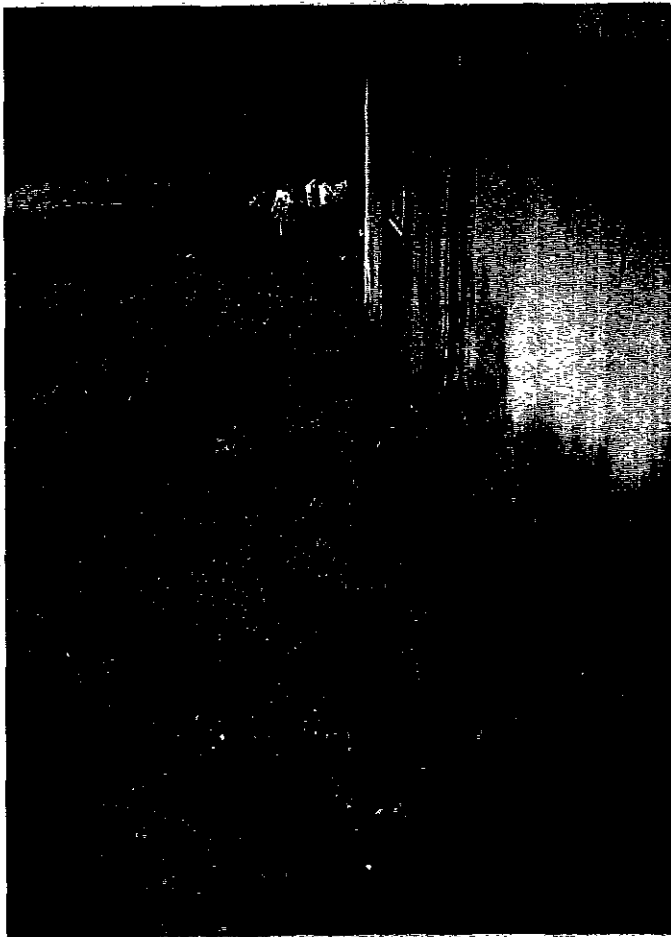
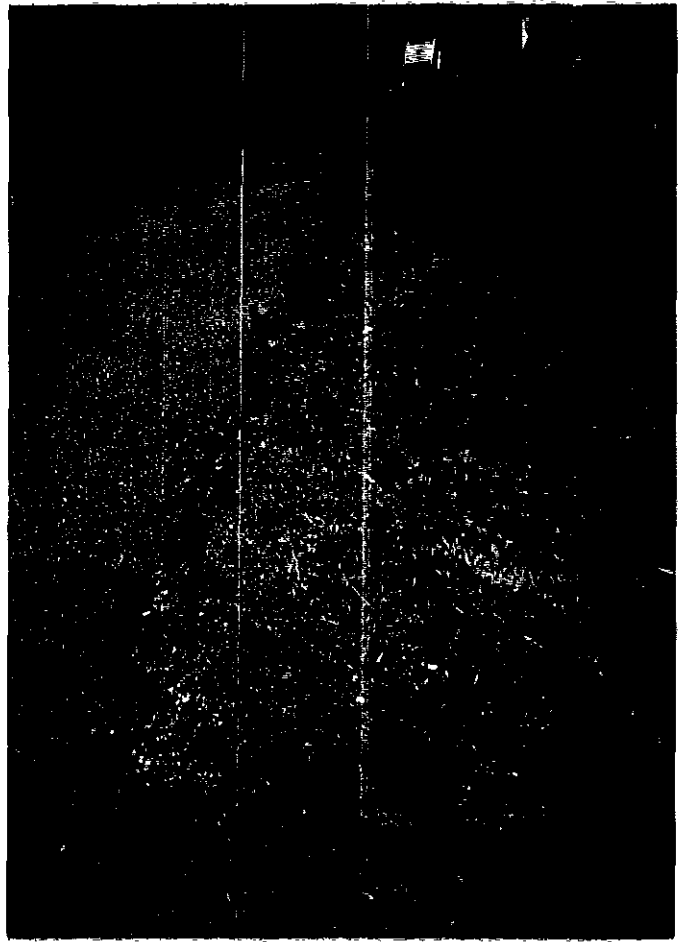
2817k







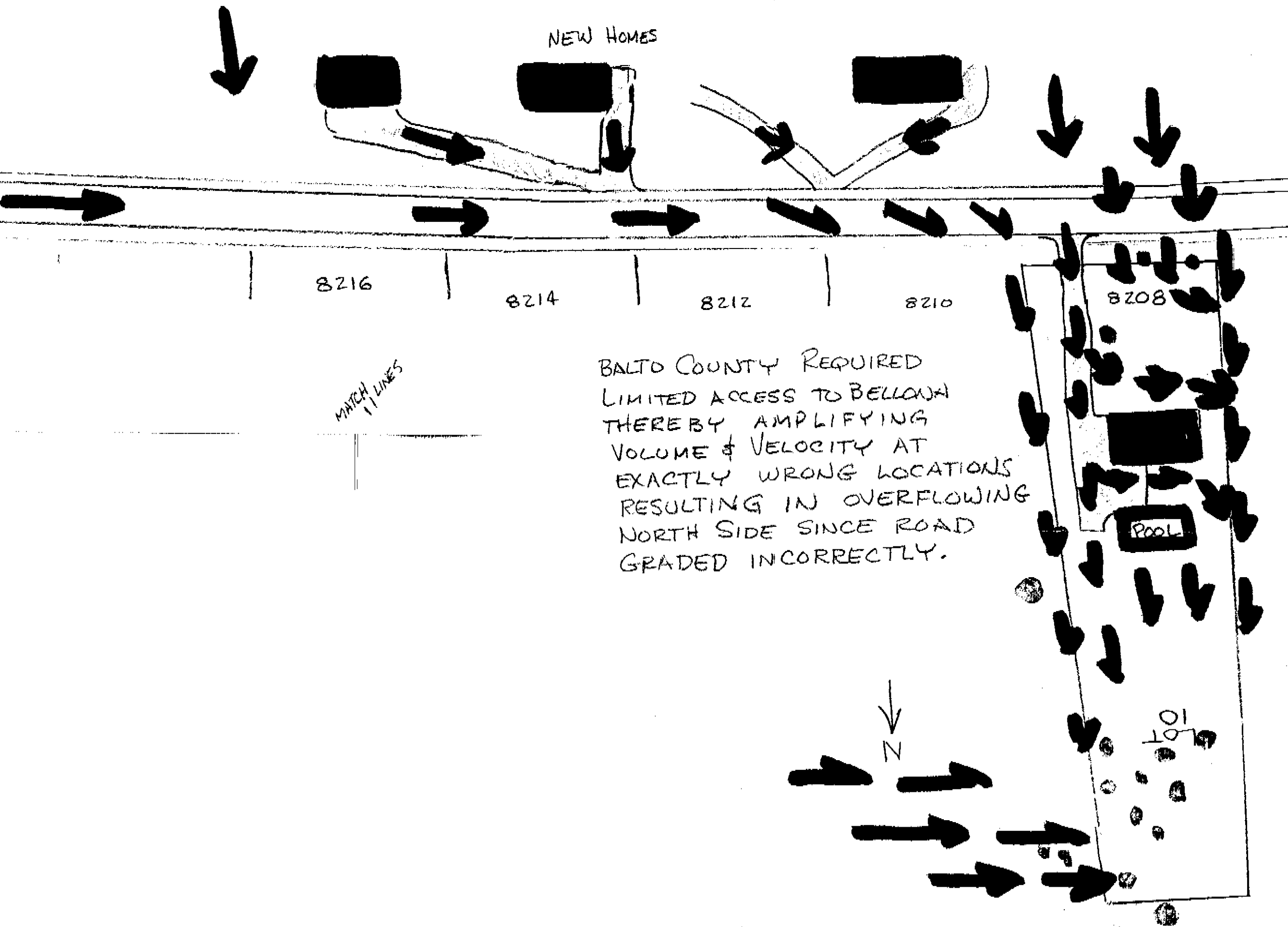




North

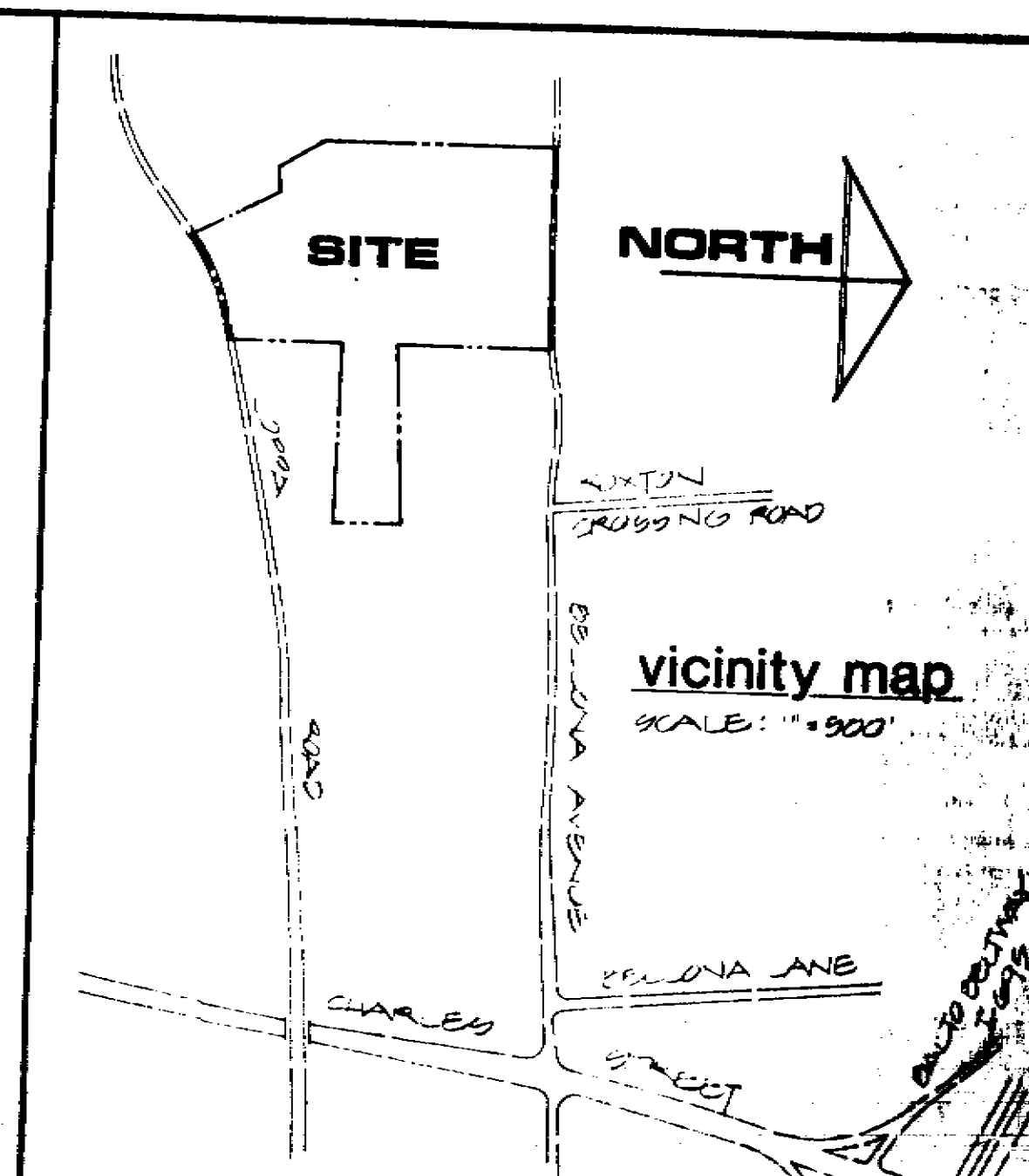
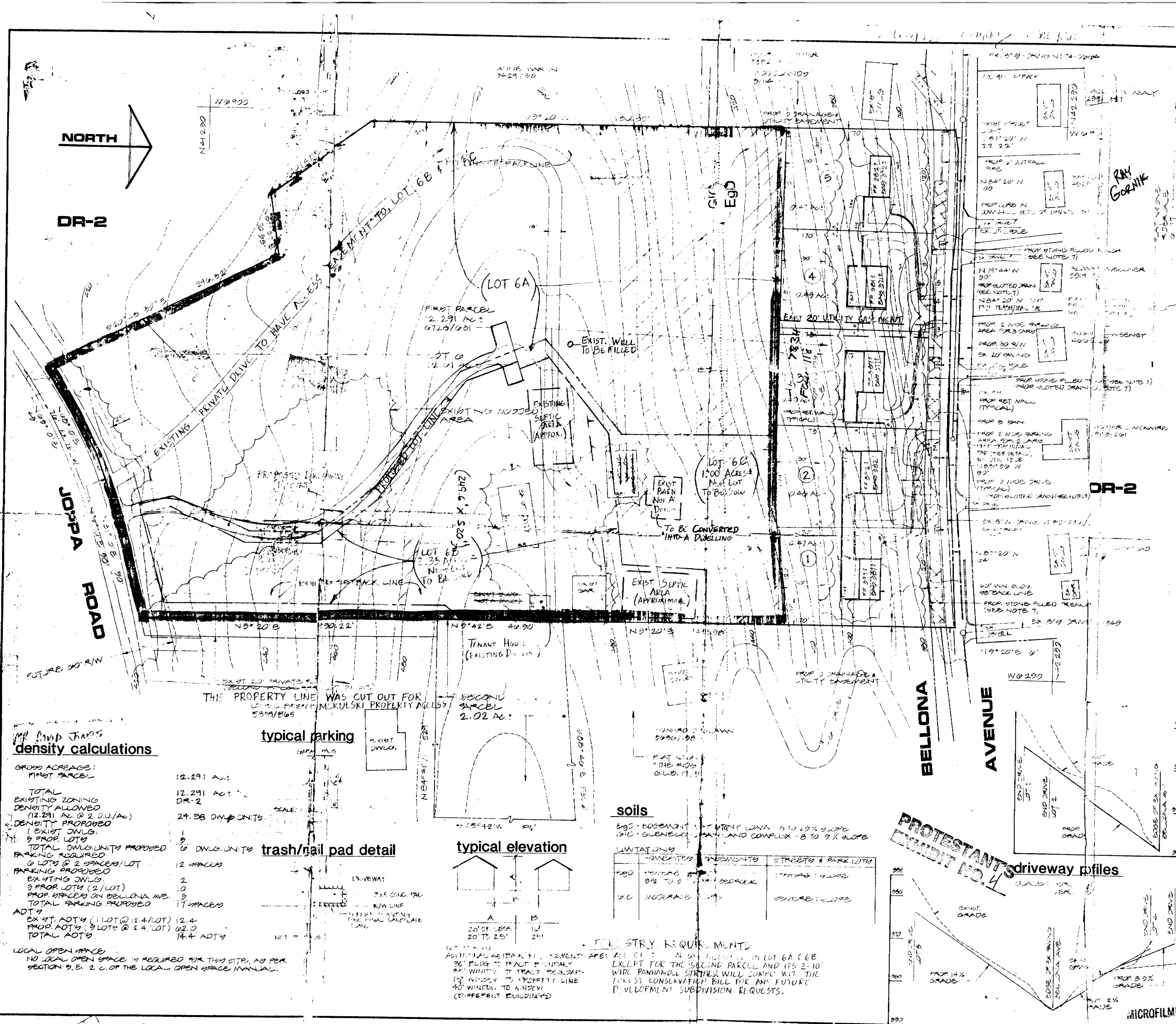
DEAD TREES

WATER RUN
WEST & SOUTH HILLSIDE AREA



BALTO COUNTY REQUIRED
LIMITED ACCESS TO BELLOVA
THEREBY AMPLIFYING
VOLUME & VELOCITY AT
EXACTLY WRONG LOCATIONS
RESULTING IN OVERFLOWING
NORTH SIDE SINCE ROAD
GRADED INCORRECTLY.

Protestants
No 9



- general notes**
1. SITE AREA OF PROPOSED LOTS ONE THRU FIVE IS 2.91 ACRES OR GREATER.
 2. THERE ARE NO EXISTING STREAMS OR SPRINGS ON THIS PROPERTY.
 3. THERE ARE NO EXISTING FLOOD PLAINS ON THIS PROPERTY.
 4. THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.
 5. THERE ARE NO WITHIN 100' CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES, AND/OR HAZARDOUS MATERIALS SITES ON THIS PROPERTY.
 6. PROPOSED LOTS ARE TO BE SOLD.
 7. FLOOD MITIGATION AND TEMPORARY STORAGE FACILITY SHALL BE LOCATED AT THE END OF THE DRIVEWAY. DRIVEWAYS SHALL HAVE SLOTTED DRAINAGE TO CARRY STORM WATER TO STONE FILLED TRENCHES.
 8. REFUSE TO BE COLLECTED BY BALTIMORE COUNTY.
 9. PRIVATE PARKING AREAS & DRIVEWAYS SHALL BE MACADAM PAVED.
 10. FENCEPOSTS SHOWN HEREON ARE FOR THE LOCATION OF ALL FENCEPOSTS ONLY. NO FENCES SHALL BE CONSTRUCTED OUTSIDE THE SETBACKS BUT MUST COMPLY WITH SECTIONS 400 AND 801 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
 11. FOR PROPOSED LANDSCAPING SEE FINAL LANDSCAPE PLAN.

owner/applicant/developer

JAMES E. HOFF
400 N. 20th St.
Joppa, MD 21094
207-742-7420
JEDS REF 0728/001
ACCOUNT 1209-06 200/220 BALTIMORE, MD 21218
1st AMENDMENT 410 366 7800

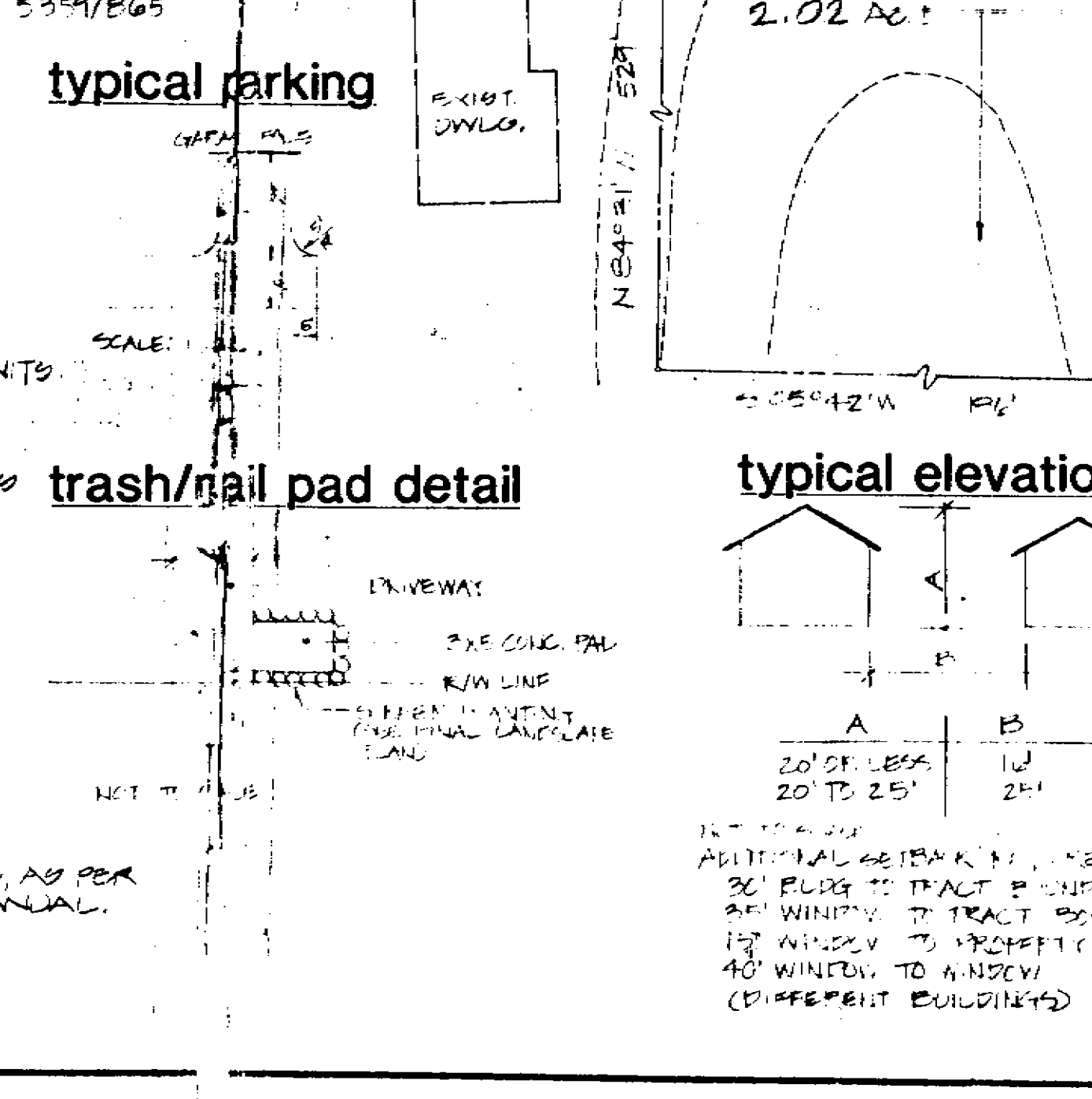
FINAL DEVELOPMENT PLAN
JONES PROPERTY
PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING
4th ELECTION DISTRICT BALTIMORE CO., MD.
4th ELECTION DISTRICT BALTIMORE CO., MD.
JONES TRACT 4003.01
CRG APPROVAL DATE: 11/2/04

HOFF, ROSENFELT & WOOLFOLK, INC.
Civil Engineers & Landscape Architects
Suite Eight
Owings Mills Professional Center
10706 Reisterstown Road
Owings Mills, MD 21117
Telephone: (301) 356-4600

SCALE: 1" = 90'
DATE: MAY 9, 1989
JOB NO. 099/001
DESIGNED: JH
DRAWN: JHE/JEA
CHECKED:
DRAWING NUMBER: FDP-1 #186
SHEET 1 OF 1

density calculations

GROSS ACRES: 12.291 AC.
FIRST PARCEL: 12.291 AC.
TOTAL EXISTING ZONING DENSITY ALLOWED (12.291 AC @ 2 U.U./AC): 24.58 DENSITY UNITS
DENSITY PROPOSED: 24.58 DENSITY UNITS
TOTAL DENSITY UNITS PROPOSED: 24.58 DENSITY UNITS
PARKING REQUIRED: 17 SPACES
PARKING PROVIDED: 17 SPACES
EXISTING DENSITY: 2 U.U./LOT
PROPOSED DENSITY: 2 U.U./LOT
TOTAL PARKING PROVIDED: 17 SPACES
ADDITIONAL PARKING: 17 SPACES
LOCAL OPEN SPACE: NO LOCAL OPEN SPACE IS REQUIRED FOR THIS SITE, AS PER SECTION 9.2.2 OF THE LOCAL OPEN SPACE MANUAL.



soils

EgC - EGGERS - CLAYEY SAND - 15 TO 25% SLOPE
GIC - GLENN - CLAYEY SAND AND COMPLEX - 8 TO 9% SLOPE

LIMITATIONS

LIMITATIONS	REMARKS	STREETS & PARK LOTS
1. EGGERS	15 TO 25% SLOPE	15 TO 25% SLOPE
2. GLENN	8 TO 9% SLOPE	8 TO 9% SLOPE
3. CLAYEY SAND	15 TO 25% SLOPE	15 TO 25% SLOPE

PROTESTANT DRIVEWAY PROFILES