

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
 SPECIAL EXCEPTION AND VARIANCE -
 NE/Corner Stansbury Road and * DEPUTY ZONING COMMISSIONER
 Hydrangea Lane, and NW/S Rettman Lane
 (1936 Rettman Lane) * OF BALTIMORE COUNTY
 12th Election District
 7th Councilmanic District * Case No. 96-497-SPHXA

 Francis T. Leyden *
 Petitioner
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for that property known as 1936 Rettman Lane, located in the vicinity of Stansbury Park in Dundalk. The Petitions were filed by the owner of the property, Francis T. Leyden, through his attorney, John V. Murphy, Esquire. The Petitioner seeks approval of vehicular access through the R.C.-20 zoned portion of the subject property to the commercial recreational facility proposed, pursuant to the special exception request, and to permit the proposed commercial recreational facility uses to be located within the 100-foot area specified by Section 253.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioner requests a special exception to permit a commercial recreational facility on the subject property, pursuant to Section 253.2.D of the B.C.Z.R. (Council Bill No. 21-96), and variance relief from Section 409.8.A.2 of the B.C.Z.R. to permit a crusher run driveway and parking areas in lieu of the required durable and dustless surface, and from Section 409.8.A.6 of the B.C.Z.R. to waive the required striping of the parking area. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Appearing at the hearing on behalf of the Petition were Francis T. Leyden, owner of the property, Paul Lee, Professional Engineer who prepared the site plan, and John V. Murphy, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 7.64 acres, more or less, zoned M.L.-I.M., with a small sliver of R.C.20 zoned land along the northwest property line abutting Hydrangea Drive. The property, identified as Parcel A on the site plan, is part of a larger tract of land owned by the Petitioner which has a gross area of 23.408 acres and is improved with a solid waste processing facility. The entire tract is located within the Chesapeake Bay Critical Areas and fronts on Lynch Cove. Mr. Leyden proposes to develop the subject 7.64 acres with a commercial recreational facility, including a miniature golf and putting range, golf driving range, and baseball batting range, pursuant to Section 253 of the B.C.Z.R. Testimony indicated that Mr. Leyden has owned the property for many years and has struggled with locating a use thereon, given the long and narrow configuration of the property. One of the problems encountered by the Petitioner in pursuing this development proposal is the small 20-foot strip of R.C.20 zoned land located along the northwest property line of the subject site. In addition, Stansbury Park (a County-owned park) is located just across the street from the subject site on Hydrangea Drive. That property is also zoned R.C.20. Apparently, when the County Council drew the zoning line along the southeastern end of Stansbury Park, they encroached somewhat onto Mr. Leyden's property and into Hydrangea Drive, which is the access road to Mr. Leyden's property. Thus, a special hearing is necessary to allow vehicular access to the proposed commercial recreational facility to travel on R.C.-20 zoned land.

Furthermore, testimony revealed that the Petitioner has requested a special hearing to allow the proposed commercial recreational facility to be located within 100 feet of the R.C.20 zoned land. This portion of the Petitioner's request was made out of an abundance of caution, however, given that commercial recreational facilities are permitted within the R.C.20 zones.

As to the variance relief requested, the Petitioner wishes to continue to utilize Hydrangea Drive as its access road and to maintain same as a crusher run road. The Petitioner does not wish to pave the road, given the fact that his property is in close proximity to Lynch Cove and is included in the Chesapeake Bay Critical Areas. Therefore, the Petitioner wishes to leave the road as it presently exists and to provide a crusher run surface in the parking area to minimize impervious surface on the subject property. Naturally, since the Petitioner has requested crusher run parking and access, he has also requested a variance from the striping requirements for parking lots.

Finally, the special exception request is for a commercial recreational facility in the M.L.-I.M. zone property. In this regard, the request is made pursuant to the newly enacted County Council Bill No. 21-96. That Bill enables owners of M.L.-I.M.-zoned land, which is under-utilized, to be converted, as in this instance, to a commercial recreational facility involving golf, baseball batting ranges, and driving range. This use will be a particularly good buffer between Stansbury Park to the north and the heavy industrial uses to the south. Furthermore, the driving range area will maintain a nice grassy area between the proposed uses and Lynch Cove, thereby adding more protection to the Chesapeake Bay for the drainage and filtration of storm water runoff.

It is clear that the B.C.Z.R. permits the use proposed in a M.L.-I.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

ORDER RECEIVED FOR FILING
Date 5/15/81
By [Signature]

MISSING

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

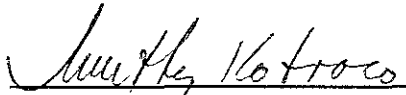
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of August, 1996 that the Petition for Special Hearing to approve vehicular access through the R.C.-20 zoned

portion of the subject property to the commercial recreational facility proposed and to permit the proposed commercial recreational facility uses to be located within 100 feet of R.C.20 zoned land, pursuant to Section 253.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a commercial recreational facility on the subject property, pursuant to Section 253.2.D of the B.C.Z.R. (Council Bill No. 21-96), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.8.A.2 to permit a crusher run driveway and parking area in lieu of the required durable and dustless surface, and from Section 409.8.A.6 to waive the required striping of the parking area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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 relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
8/16/96
[Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 6, 1996

John V. Murphy, Esquire
14 N. Rolling Road
Catonsville, Maryland 21228

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
NE/Corner Stansbury Road & Hydrangea Lane, & NW/S Rettman Lane
(1936 Rettman Lane)
12th Election District - 7th Councilmanic District
Francis T. Leyden - Petitioner
Case No. 96-497-SPHA

Dear Mr. Murphy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Francis T. Leyden
1936 Rettman Lane, Dundalk, Md. 21222

Mr. Paul Lee
304 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

File

RECORDED





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1936 Rettman Lane.

96-497-SHXA

which is presently zoned ML-IM RC20

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 vehicular access through

the RC-20 Zone to the Commercial Recreational Facility proposed and to allow the Commercial Recreational Facility uses as shown on the attached Plat within the 100 foot area specified by Section 253.4 of the Baltimore County Zoning Regulations.

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:

Legal Owner(s):

(Type or Print Name)

Francis T. Leyden

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner:

John V. Murphy, Esquire

(Type or Print Name)

1936 Rettman Lane (410)282-0066

Address

Phone No.

Dundalk

MD

21222

City

State

Zipcode

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

John V. Murphy

Name

14 N. Rolling Road

(410)744-4967

Address

Phone No.

14 N. Rolling Road

744-4967

Address

Phone No.

Catonsville, Maryland

21228

City

State

Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

6/14/86

ORDER RECEIVED FOR FILING

Date

By

RECEIVED

Zoning Administration

CRITICAL # 497



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1936 Rettman Lane

96-497-SPHXA

which is presently zoned ML-IM, RC20

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Commercial Recreational Facility pursuant

to Section 253.2.D. (Council Bill 21-96) of the Baltimore County Zoning Regulations

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

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

Contract Purchaser/Lessee:

(Type or Print Name) _____
Signature _____
Address _____
City _____ State _____ Zipcode _____

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.

Legal Owner(s).

Francis T. Leyden

(Type or Print Name)

Signature _____
(Type or Print Name) _____

Signature _____

Attorney for Petitioner:

John V. Murphy

(Type or Print Name) _____
Signature John V. Murphy
14 N. Rolling Road (410) 744-4967
Catonsville MD 21228
State Zipcode

1936 Rettman Lane - (410) 282-0066

Address Phone No.

Dundalk, MD 21222

City State Zipcode

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

John V. Murphy

Name _____
14 N. Rolling Road (410) 744-4967
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 3 hr
unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____
REVIEWED BY: mjl DATE 6/14/95

ORDER RECEIVED FOR FILING

Date By



Paul Lee, P.E.

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5941

96-497-SPHX A

DESCRIPTION

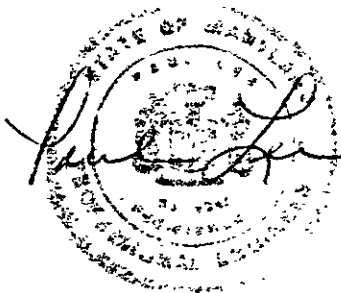
PARCEL "A" - 7.64 ACRES $\pm$

PART OF OWL CORPORATION PROPERTY

12TH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at the intersection of the north side of Stansbury Road and the RC-20 and ML-IM zoning line as shown on the Baltimore County Zoning Map SE4F, scale 1"=200', said point also being along the 1st deed line of the property and located 675 feet $\pm$ westerly from the center of Graves Court; thence running with and binding on the north side of Stansbury Road (1) N 52°12' W - 15 feet $\pm$, thence leaving said north side of Stansbury Road (2) N 39°58' E - 903 feet, thence (3) N 44°43' E - 445 feet, (4) S 64°17' E - 23 feet $\pm$ to intersect the RC-20 and ML-Im zoning line as shown on the above mentioned zoning plat, thence continuing along the same line (5) S 64°17' E - 272 feet, (6) S 25°43' W 150 feet and (7) S 52°54'38" W - 579.74 feet to intersect the 3rd deed line of the property, thence binding reversely on part of the 3rd deed and on the 2nd deed line (8) N 52°12' W - 30 feet and (9) S 39°55' W - 700.77 feet to intersect the 1st deed line and the north side of Stansbury Road, thence binding on the north side of Stansbury Road (10) N 52°12' W 185 feet $\pm$ to the point of beginning.

Subject to a highway widening along Stansbury Road and containing a net area of 7.64 acres of land more or less and referred to as Parcel A.



J.O. 92-023
5-15-96

IMPROVED

Engineers

— Surveyors —

Site Planners

497

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-497-SPHX1A
Towson, Maryland

District 12th Date of Posting 6/29/96
Posted for: Special Hearing + Exception + Variance
Petitioner: Francis T. Legden
Location of property: 1936 Rethman Lane
Location of Sign: Fencing roadway on property being zoned
Remarks: _____
Posted by M. H. Kelly Date of return: 7/1/96
Number of Signs: 1

MICROFILMED

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

No. 2-2808

96-497-SPHX1A

DATE 6/14/96 ACCOUNT 01-615
By MMK
Inv. 497 AMOUNT \$ 755.00

RECEIVED FROM: John V. Murphy - 1936 Rethman Lane
070 - Combination Sp Exception, Comm Var - \$650.00
080 - 3 Signs - 55.00 each Sp. H. - \$105.00
FOR: \$755.00

MICROFILMED

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

Case: 48-47 SP-1A
(Item 48)

1938 Redman Lane
corner of N.E.S. Stansbury
Road and S.E.S. Hydranger
Drive

12th Election District

7th Councilmanic

Legal Owner(s):

Francis T. Layden

Special Hearing: to approve vehicular access through the R.C.-20 zone to the commercial recreational facility proposed and to allow the commercial recreational facility uses as shown on the plat within the 100-foot area specified. **Special Exception:** for commercial recreational facility. **Variance:** to allow crusher run driveway and parking areas in lieu of the required dustable and dustless surface and to waive the requirement to stripe the parking area. **Hearings:** Monday, July 15, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3363.

(2) For information concerning the file and/or Hearing, Please Call 887-3391.

6/28/96 June 27

C82917

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/27, 1996

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 6/27, 1996.

THE JEFFERSONIAN,

LEGAL AD.-TOWSON

LEGAL AD.-TOWSON

MICROFILMED



Baltimore County
Department of Permits and
Development Management

497
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor 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.: 497 Petitioner: Francis T. Leyden

Location: 1936 Rettman Lane

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John V. Murphy

ADDRESS: 14 N. Rolling Road
Catonsville MD 21228

PHONE NUMBER: (410) 744-4967

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
June 27, 1996 Issue - Jeffersonian

Please forward billing to:

John V. Murphy, Esq.
14 N. Rolling Road
Catonsville, Maryland 21228
744-4967

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: 96-497-SPHXA (Item 497)
1936 Rettman Lane
corner of NE/S Stansbury Road and SE/S Hydranger Drive
12th Election District - 7th Councilmanic
Legal Owner(s): Francis T. Leyden

Special Hearing to approve vehicular access through the R.C.-20 zone to the commercial recreational facility proposed and to allow the commercial recreational facility uses as shown on the plat within the 100-foot area specified.

Special Exception for commercial recreational facility.

Variance to allow crusher run driveway and parking areas in lieu of the required durable and dustless surface and to waive the requirement to stripe the parking area.

HEARING: MONDAY, JULY 15, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 20, 1996

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: 96-497-SPHXA (Item 497)
1936 Rettman Lane
corner of NE/S Stansbury Road and SE/S Hydranger Drive
12th Election District - 7th Councilmanic
Legal Owner(s): Francis T. Leyden

Special Hearing to approve vehicular access through the R.C.-20 zone to the commercial recreational facility proposed and to allow the commercial recreational facility uses as shown on the plat within the 100-foot area specified.

Special Exception for commercial recreational facility.

Variance to allow crusher run driveway and parking areas in lieu of the required durable and dustless surface and to waive the requirement to stripe the parking area.

HEARING: MONDAY, JULY 15, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Francis T. Leyden
John V. Murphy, 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.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 10, 1996

John V. Murphy, Esquire
14 N. Rolling Road
Catonsville, MD 21228

RE: Item No.: 497
Case No.: 96-497-SPHXA
Petitioner: Francis T. Leyden

Dear Mr. Murphy:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 14, 1996.

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 (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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 28, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
For July 1, 1996
Item No. 497

The Development Plans Review Division has reviewed the subject zoning item. This proposal is subject to the Landscape Manual. The Developer should contact this office for specific requirements.

RWB:HJO:jrb

cc: File

ZONE15C

RECEIVED

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

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: July 9, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 497, 501, 509, 510, 512, 514, 515, 517, 518, 519 and 520

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Caryl L. Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 06/26/96

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 JUNE 24, 1996.

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 490, 491, 493, 494, 495, 496,
497, 498 and 499.

2 1996

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

cc: File



Printed with Soybean Ink
on Recycled Paper

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

6-21-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 497 (MJK)

Dear Ms. Watson:

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

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS

MICROFILMED

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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
PETITION FOR VARIANCE	*	ZONING COMMISSIONER
1936 Rettman Lane, Corner of NE/S Stans-		
bury Road and SE/S Hydranger Drive	*	OF BALTIMORE COUNTY
12th Election District, 7th Councilmanic	*	
	*	CASE NO. 96-497-SPHXA
Francis T. Leyden		
Petitioner	*	

* * * * *

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 19th day of July, 1996, a copy of the foregoing Entry of Appearance was mailed to John V. Murphy, Esquire, 14 N. Rolling Road, Baltimore, MD 21228, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

JAN 20 1996

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1996, LEGISLATIVE DAY NO. 2
BILL NO. 21- 96

MR. LOUIS L. DEPAZZO, COUNCILMAN

BY THE COUNTY COUNCIL, January 16, 1996

A BILL
ENTITLED

Signed by Executive
Feb 22 1996

Effective Date
April 7 1996

AN ACT concerning

Commercial Recreational Facilities

FOR the purpose of amending the definition of commercial recreational facilities in the
Zoning Regulations and permitting these facilities to be located in certain
manufacturing zones of the County.

BY repealing and re-enacting, with amendments

Section 101, the definition of Commercial Recreational Facilities, Section 241.1,
by adding a permitted use, alphabetically, and Sections 248.4.A and 253C. and D.
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the
Planning Board, dated October 19, 1995, concerning the subject legislation and held a
public hearing thereon on December 4, 1995, now, therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 101, the Definition of Commercial Recreational
3 Facilities, Section 241.1, by adding a permitted use, alphabetically, and Sections 248.4.A.
4 and 253C. and D. of the Baltimore County Zoning Regulations, as amended, be and they are

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike-out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

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hereby repealed and re-enacted, with amendments, to read as follows:

Section 101 - Definitions.

Words used in the present tense include the future; words in the singular number include plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below:

Commercial Recreation Facilities: Facilities whose principal purpose is to provide space and equipment for non-professional athletic activities. A commercial recreational facility includes, but is not limited to a [health or athletic club;] baseball-batting range or cage; golf-driving range; putting green; miniature golf; athletic field; swimming pool; skating rink or course; baseball, racquetball, tennis or squash court; [bowling alley;] archery range or similar facility or any combination of the above. For the purpose of these regulations, a commercial recreational facility shall not include a rifle, pistol, skeet, or trap range, go-cart course, amusement park, or similar use.

M.R. Zone - Manufacturing Restricted

Section 241 - Use Regulations

241.1 - The following uses are permitted, provided their operations are entirely within enclosed buildings except where approval of the development plan indicates otherwise:

COMMERCIAL RECREATIONAL FACILITIES

1 M.L.R. Zone - Manufacturing Light, Restricted

2 Section 248 - Use Regulations

3 248.4 - Special Exceptions - When permitted as special exceptions (see
4 Sections 270 and 502):

5 A. The following uses:

6 Airstrips.

7 Automotive-service station, subject to the provisions of Section 405.

8 Boat yard (including marine railway).

9 Excavations, controlled (see Section 403).

10 Heliport, Type II.

11 Public utility uses other than those noted in Section 200.11 excluding
12 steam power plant.

13 Riding stable (commercial) [golf driving range, miniature golf, baseball
14 batting range; as interim income-producing uses].

15 Sanitary or rubble landfills (see Section 412).

16 Sludge disposal facility - Co-landfilling (see Section 412.A2.A).

17 Sludge disposal facility - Composting (see Section 412.A2.B).

18 Sludge disposal facility - Handling in general (see Section 412.A2.C).

19 Sludge disposal facility - Incineration (see Section 412.A2.D).

20 Sludge disposal facility - Landspreading (see Section 412.A2.E).

21 Volunteer fire company.

Wireless transmitting or receiving structure not permitted by Section 426.

Section 253 M.L. Zone (Manufacturing, Light)

Use Regulations.

C. The following interim uses, provided that it is shown by the petitioner and verified by the director of public works that public sewerage and water-supply facilities will not be available to the site of any such use for a period of at least two years after the time the petition is heard, and provided, further, that any such use shall be discontinued and the grant of the special exception shall expire on a date within a year after such time as public sewerage and water-supply facilities do become available to the site, as shall be more particularly stipulated in the order granting the special exception:

1. Amusement parks;
- [2. Baseball-batting ranges;]
- [3.] 2. Farms, or limited-acreage wholesale flower farms;
- [4. Golf-driving ranges;]
- [5.] 3. Kennels;
- [6. Miniature-golf courses;]
- [7.] 4. Radio or television broadcasting studios;
- [8.] 5. Racetracks;
- [9.] 6. Riding stables, commercial;
- [10.] 7. Shooting ranges;
- [11.] 8. Trailers, non-accessory, subject to the provisions of Section 415, except that trailer parks are not permitted;

1 [12.] 9. Used-motor vehicle outdoor sales areas; and

2 [13.] 10. Veterinarians' offices.

3 D. The following miscellaneous uses:

4 1. Signs, outdoor-advertising (see Section 413.3);

5 2. Wireless transmitting or receiving structure not permitted by
6 Section 426; and

7 3. After-Hours Club, provided that it is located at least 1,000 feet
8 from any residentially-used dwelling, residential zone line, church, park, child care center, or
9 school existing prior to the filing of the application for special exception.

10 4. COMMERCIAL RECREATIONAL FACILITIES.

11 SECTION 2. And be it further enacted that this Act shall take effect forty-five days
12 from the date of its enactment.

13 COMREC.BIL

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

James T Lusk

John MURPHY

Paul Lee

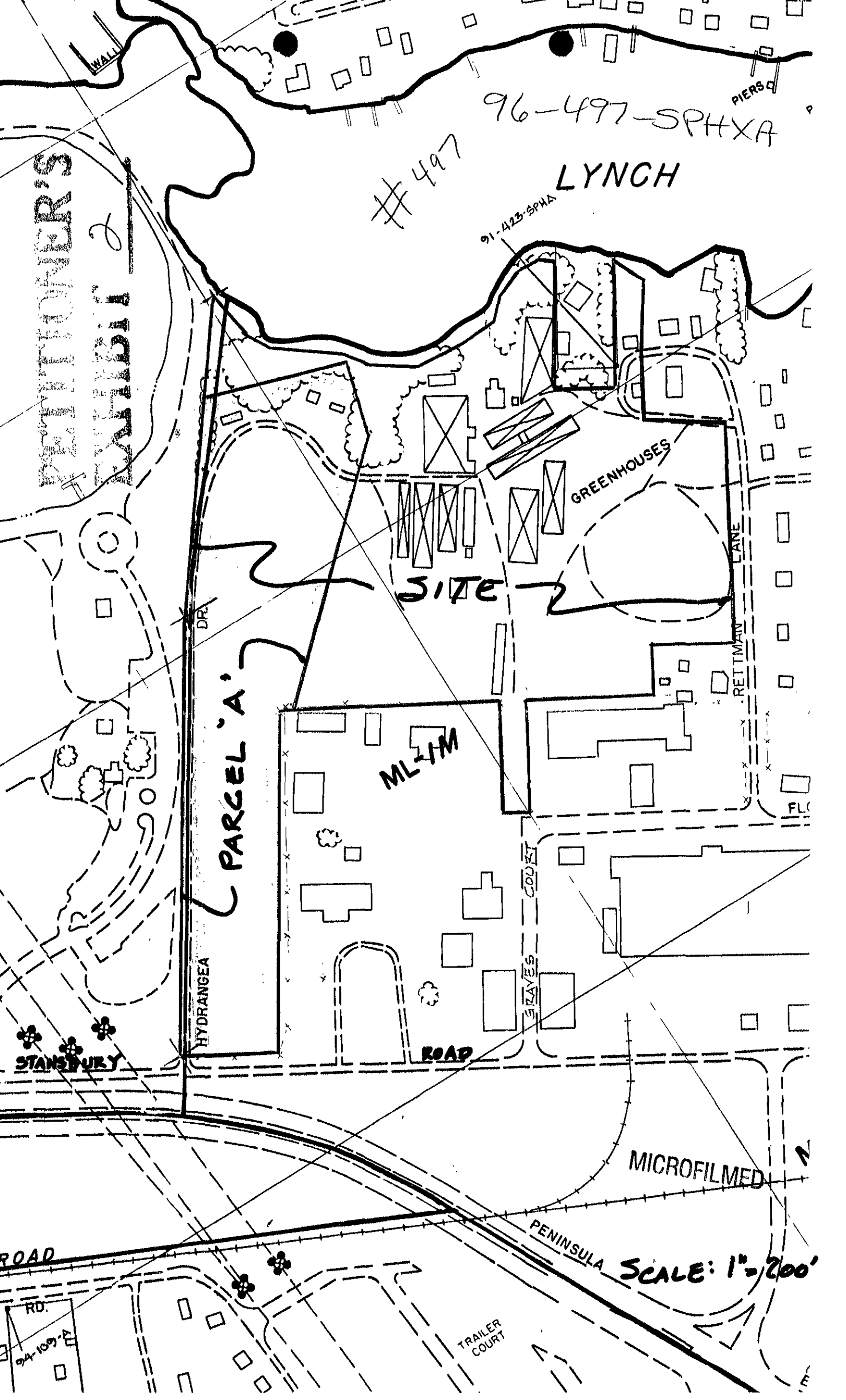
1934. Rittman LA

14 N. Rohlwing RD BM 21228

304 W. Pennsylvania Ave 2704



MICROFILMED



WALL

PIERS

96-497-SPHXA

LYNCH

91-423-SPHA

GREENHOUSES

SITE

PARCEL "A"

ML-1M

STANBURY

HYDRANGEA

ROAD

GRAVES COURT

MICROFILMED

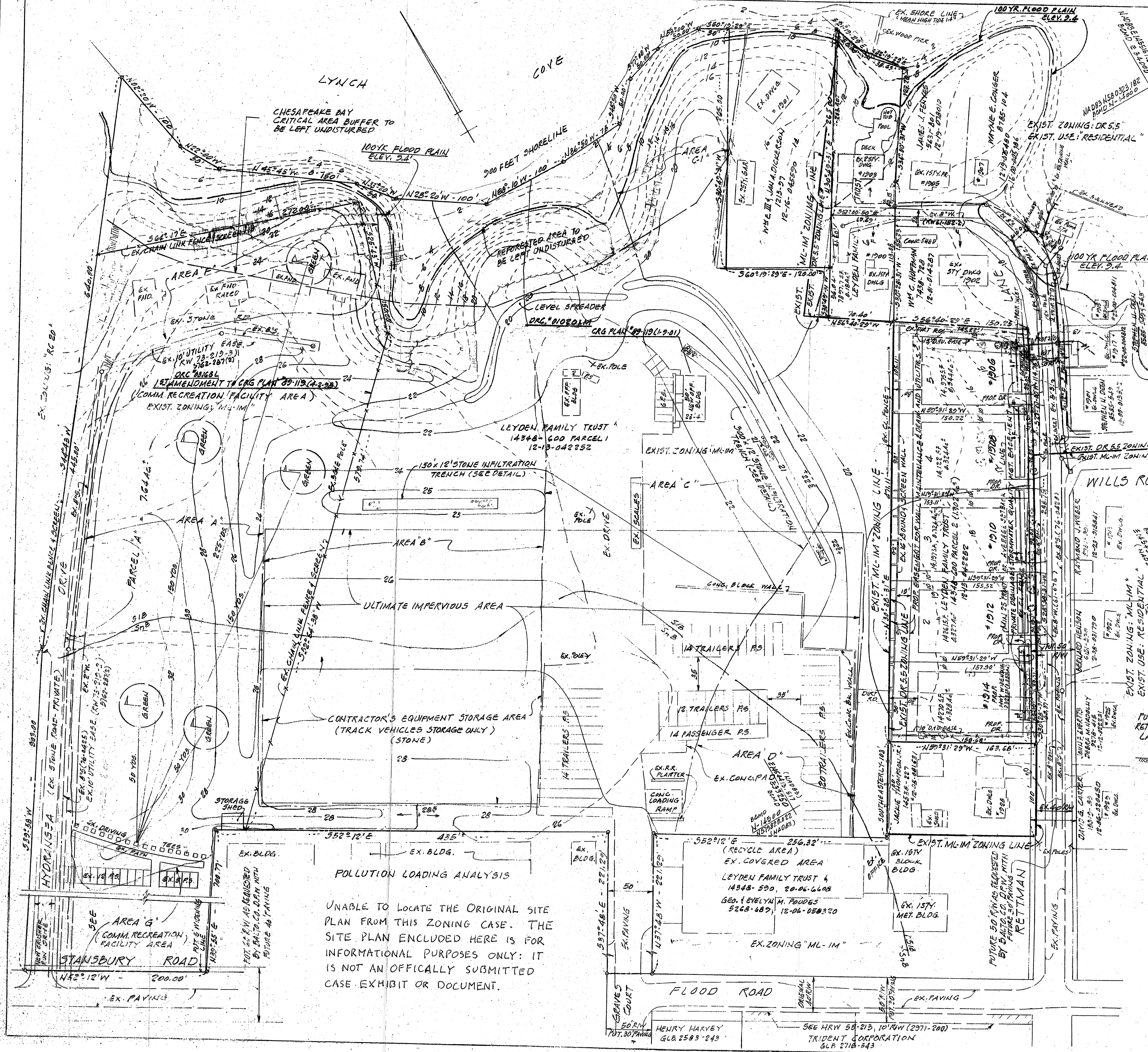
PENINSULA

SCALE: 1"=200'

TRAILER COURT

RD.

94-109-A



CASE #96-497 SPHA

SPECIAL EXCEPTION FOR PARCEL 'A' (7.64 AC.) UNDER SECTION 253.26 (BILL 21-96) TO PERMIT A GOLF DRIVING RANGE, MINIATURE GOLF & BASEBALL BATTING RANGE. IN A "ML-IM" AND PART OF DRIVING RANGE IN RC 20 ZONE. SPECIAL HEARING TO PERMIT ACCESS THROUGH A RC 20 ZONE TO GOLF DRIVING RANGE, MINIATURE GOLF & BASEBALL BATTING RANGE.

VARIANCE TO SECTION 409.8.A.2 & SECTION 409.8.A.6 OF BC22 TO ALLOW DRIVEWAY AND PARKING AREAS NOT TO BE PAVED OR MACADAMED BUT TO HAVE CRUSHER RUN SERVICE AND FROM REQUIRED PERMANENTLY STRIPPED PARKING AREA.

ALL GRANTED BY DEPUTY ZONING COMMISSIONER ON AUGUST 6, 1996.

GENERAL NOTES - ORIGINAL CRG 89119 SUBMITTAL

- AREA OF PROPERTY = 22.853 AC.
- EXISTING ZONING OF PROPERTY = ML-IM & DR 5.5
- ORIGINAL USE OF PROPERTY - SOLID WASTE PROCESS FACILITY
- REQUIRED OFF STREET PARKING APPROVED (PRIOR TO MAY 25, 1998)
NO. OF EMPLOYEES MAX. SHIFT - 15
REQ'D P.S. ORIGINAL SITE 1 P/SEMP - 5
NUMBER OF PARKING SPACES SHOWN:
TRAILERS = 50 PASSENGERS = 24
TRAILERS TO BE USED FOR TRANSPORTING OF APPROVED MATERIAL FOR RECYCLING ONLY. NO STORAGE OF DUSTLESS AND DURABLE PAVING NOT REQ'D IN EXISTING AREA USED FOR CONTRACTOR'S EQUIPMENT STORAGE SCREENING TO BE PROVIDED ALONG PARKING AREA TO SCREEN TRAILERS FROM RESIDENTIAL VIEW.
AMENITY OPEN SPACE - NONE REQ'D
26% OF SITE COVERED BY IMPERVIOUS SURFACE (ULTIMATELY)
- 1ST AMENDMENT TO CRG PLAN #89119 (4-2-98)
DRC #031601 REFINEMENT TO CRG PLAN TO DEVELOP A 7.64 ACRE PARCEL ADJACENT TO STANBURY PARK FOR COMMERCIAL RECREATIONAL FACILITIES - ZONING WAS GRANTED IN CASE #96-497 SPHA ON 8-6-96
- 2ND AMENDMENT TO CRG PLAN #89119 (1-9-01)
DRC #010201M REFINEMENT TO CRG PLAN TO CONSTRUCT A NEW 1 STORY OFFICE BUILDING 50' X 23' X 4'.

2ND AMENDMENT TO CRG PLAN 89119
THE OWL CORPORATION PROPERTY - RETTMAN LANE AND FLOOD ROAD REASON FOR AMENDMENT

UPDATE THE ORIGINAL APPROVED CRG PLAN SHOWING THE EXISTING USES AND AMENDMENTS PER DRC APPROVAL AND TO DEVELOP THE REMAINING PORTION (2.19 AC.) OF THE PROPERTY WHICH WAS REZONED FROM "ML-IM" TO DR 5.5. ZONING CHANGE WAS GRANTED ON 10-10-00. CASE #7-019 BY THE COUNTY COUNCIL. THERE ARE PRESENTLY 2 EXISTING DWELLINGS LOCATED ON THE PARCEL.

- AREA OF PROPERTY = 2.19 AC. ± NET = (2.40 AC. ± GROSS)
- EXISTING ZONING OF PROPERTY = DR 5.5. (1" = 200' ZONING MAP SE4F)
- DENSITY CALCULATIONS:
A. NO. OF LOTS ALLOWED: 2.19 X 5.5 = 12.04 = 12
B. NO. OF LOTS SHOWN (INCL. 2 EX. DWGS.) = 7 (2 EX. / LOT)
- OWNER: LEYDEN FAMILY TRUST
1900 GRAVES COURT
BALTIMORE, MD 21222
TEL.: 410-282-0066
- DEED REFERENCE: 14348-600, TAX ACCT. NO. 12-13-042252
- TAX MAP 103, PARCEL 94, GRID 24
- REGIONAL PLANNING DIST. 32B
- CENSUS TRACT 4204
- DISTRICT SCHOOL
ELEMENTARY SCHOOL DISTRICT: GRANGE
MIDDLE SCHOOL DISTRICT: GENERAL JOHN STRICKER
HIGH SCHOOL DISTRICT: PATAPSCO
- WATERSHED: 21
- SUB SEWER SHED: 42
- ELECT. DIST. 12
- COUNCILMANIC DIST. 7
- SOIL TYPE: SIB (SASSAFRAS)
- SUBJECT PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (CA) DUE TO ITS LOCATION TO LYNCH COVE
- PROPERTY SERVED BY PUBLIC SEWER & WATER
- PROPOSED USE: SINGLE FAMILY DETACHED HOMES
- LOCAL OPEN SPACE REQUIRED:
7 UNITS X 650 S.F. = 4,550 S.F. OR 0.10 AC.
LOCAL OPEN SPACE PROVIDED: 0 S.F. WAIVER REQUESTED, AND FEE IN LIEU TO BE PAID.
- SIM WILL BE PROVIDED BY ENGINEERED GRASS CHANNEL.
- PROPERTY SHOWN ON THIS PLAN HAS BEEN HELD INTACT SINCE 1971. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THIS PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.
- THE ISSUANCE OF PERMIT AND ALL GRADING WILL BE DONE IN ACCORDANCE WITH THE STANDARD PLAN FOR SEDIMENT AND EROSION CONTROL APPROVED BY BALTIMORE COUNTY SOIL CONSERVATION DISTRICT.
- ZONING HISTORY:
1. CASE #96-498 SPHA - COMMERCIAL RECREATIONAL FACILITIES
2. CASE #7-019 - 2.58 AC. "ML-IM" TO "DR 5.5" RETTMAN LANE GRANTED 10-10-00 - COUNTY COUNCIL

NOTE:
THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO THE COUNTY'S FACILITIES SUCH AS WATER METER, MANHOLES, CURBS AND GUTTERS AND INSETS WITHIN HIS JURISDICTION AND FOR ANY DAMAGES CAUSED BY HIS CONSTRUCTION EQUIPMENT OUTSIDE OF HIS SUBDIVISION. OCCUPANCY PERMITS WILL BE WITHHELD UNTIL SUCH DAMAGES HAVE BEEN CORRECTED.
PROPOSED STORM DRAIN EXTENSION IN RETTMAN RD. TO BE CONSTRUCTED UNDER BALTIMORE COUNTY CONTRACT.

PROPOSED LOT
NO SCALE
NOTE: BUILDING SETBACKS WILL COMPLY TO OCCR SECT. 1601. C.I.W.

PROF. 11" WIDE PRIVATE DRAINAGE & STORMWATER QUALITY MGT. EASEMENT

FUT. R/W RETTMAN LANE

IN LINE DRAIN
6" PVC BGM. AD
SPINE THICKNESS EQUAL TO PIPE DIAMETER
12" 15" PERFORATED SD

2ND AMENDMENT TO CRG PLAN 89-119
(2.19 ACRE PARCEL - ZONING CASE 7-019)
OWL CORPORATION PROPERTY
"1936 RETTMAN LANE"

ELECT. DIST. 12
COUNCILMANIC DIST. 7
BALTO. COUNTY, MD

SCALE: 1" = 50'
MAR. 23, 2004
MAY 21, 2004
DEC. 01, 2005
APRIL 18, 2007

OWNER & DEVELOPER
LEYDEN FAMILY TRUST
1900 GRAVES COURT
BALTIMORE, MD 21222
TEL.: 410-282-0066

ENGINEER: **CENTURY ENGINEERING, INC.**
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070