

IN RE: DEVELOPMENT PLAN and PETITION * BEFORE THE
FOR SPECIAL HEARING - Trenton Mills
N/S Trenton Mill Road, W of * DEPUTY ZONING COMMISSIONER
Trenton Road
5th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case Nos. V-236 & 97-103-SPH
Carolyn E. and J. Paul Jennings, Owners;
Triple "J" Joint Venture, Developers

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by George W. Stephens, Jr. and Associates, Inc., for the proposed development of the subject property by Carolyn E. and J. Paul Jennings, Owners, and Triple "J" Joint Venture, Developers, as four (4) single family building lots, in accordance with the development plan submitted which was accepted and marked into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owners/Developers have requested approval of the creation of a non-density parcel, pursuant to the Petition for Special Hearing filed in companion Case No. 97-103-SPH. The subject property consists of a gross area of approximately 271 acres, more or less, zoned R.C.2 and is located on the northwest side of Trenton Mill Road, abutting the southeast side of Black Rock Road in Upperco.

Appearing at the public hearing required for this project were Carolyn E. Jennings, Property Owner, Rick Chadsey and Dean Hoover with George W. Stephens, Jr. & Associates, Inc., who prepared the development plan for this project, and Howard L. Alderman, Jr., Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing, including Dave Flowers, as Project Manager, and Robert W. Bowling and Ron Goodwin with the Department of Permits and Development Management (DPDM), Ervin McDaniel with the

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Office of Planning (OP), Michael Grossman with the Department of Recreation and Parks (RP), and R. Bruce Seeley, with the Department of Environmental Protection and Resource Management (DEPRM). Numerous residents from the surrounding community appeared, either as interested parties or in opposition to the development plan.

As to the history of this project, the concept plan conference for this development was conducted on November 27, 1995. As required, a community input meeting was held on January 3, 1996 at the Arcadia Volunteer Fire Company. Subsequently, a development plan was submitted and a conference held thereon on September 18, 1996. Following the submission of that plan, comments were submitted by the appropriate agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the hearing held before me on October 10, 1996.

As noted above, this matter comes before me as a joint request, seeking approval of a development plan as well as a special hearing to approve the creation of a non-density parcel which is to be retained by the Developer. Pursuant to the development plan regulations, I am first required to ascertain what agency issues or comments remain unresolved at the time of the hearing.

At the preliminary phase of the hearing, several issues relating to the development plan were identified by the Developer and those residents from the surrounding locale. Several of those issues raised were resolved as a result of preliminary discussions between the Developer and either County representatives or the citizens who attended the hearing. Those issues which were resolved during the preliminary phase of the hearing are as follows:

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First, an issue was raised concerning the special hearing request for the Developer to set aside 64.030 acres of the subject property for non-density purposes. That issue did not concern the retention of this 64.030 acres by the Developer as a non-density parcel, but rather, how this 64.030 acre parcel of land would be utilized in the future. The Developer agreed to add a note to the development plan, specifically, Note No. 40, containing language restricting the use of this non-density parcel to farming and farming-related uses. The Developer further agreed that prior to the issuance of any permits for an unrelated farm use or structure on that non-density parcel, the Developers would provide written notice to all adjacent property owners that an application for an unrelated farm use or structure had been filed, and provide an opportunity for a public hearing to be held should any surrounding resident object to the use or structure proposed within the application. The language of Note No. 40 was discussed at length, and the Developer agreed to add the appropriate language as indicated above to the development plan.

A second issue was raised concerning the proposed locations for the four houses that will be constructed on the remaining 207 acres. Those house locations were highlighted in red on Developer's Exhibit 1 and were agreed to by all parties. Therefore, this issue having been resolved, it was not necessary to take any testimony on that topic.

A third issue raised at the hearing was resolved by way of discussions by the Developer and Mr. Joseph Merry, a representative of DPDM. The Developer agreed to add language to the plan concerning any accessory structures on proposed Lot 3 of Trenton Mills. The Developer agreed and added to Developer's Exhibit 1, a note concerning accessory structures on Lot 3. That new note is outlined in red marker and is shown on the left

side of the development plan. The language of that note was acceptable to Mr. Merrey and the matter was resolved preliminarily.

Several other issues were raised and identified by the numerous attendees of the hearing as not having been resolved and required that testimony be taken. One of those issues concerned the installation of street lights at the driveway entrances to each of the four lots at their intersections with Trenton Mill Road and Black Rock Road. Mr. Robert Bowling, with the Development Plans Review Division of DPDM, testified that his office has required that the Developer install street lights where the driveways to these lots meet with Trenton Mill Road and Black Rock Road. He noted that it is the policy of the Department of Public Works that, for safety reasons, street lights should be installed at these intersections. Mr. Bowling testified that the Developer requested a waiver of this requirement which was denied by the Director of Public Works. On behalf of DPDM, Mr. Bowling asserted that inasmuch no waiver had been recommended by the Director of Public Works and since this Hearing Officer does not have the authority to grant such waivers without a recommendation, street lights must be installed. Mr. Bowling based his argument on Section 26-172 of the Baltimore County Code (B.C.C.) which addresses waiver requests. However, Mr. Bowling did not read Section 26-206, Subsection O of the B.C.C., which was brought to his attention on cross-examination by Mr. Alderman, Counsel for the Owners/Developers. Section 26-206(o) gives to this Hearing Officer the authority to impose such conditions upon approval as may be deemed necessary or advisable, based upon factual findings as may be supported by evidence for the protection of the surrounding and neighboring properties. This Section should be utilized as an alternative to proceedings by way of a waiver request, wherein a Developer can simply ask the Hearing Officer

to impose a restriction on the development plan to alleviate an issue for the protection of neighboring properties.

All of the residents who attended the hearing are opposed to the installation of street lights, either on Trenton Mill Road or on Black Rock Road. These residents appreciate and value the rural character of their communities and believe that the installation of street lights will impose upon their quiet enjoyment of their property. They oppose the brightness inherent with street lighting and believe that they not only detract from the rural character of a community, but that they also hamper their ability to see oncoming headlights at night time. These residents argued that while pulling out of their driveways in the evenings, the easiest way to identify oncoming traffic is by their headlights coming from a distance. The ability to see those headlights is greatly hampered when bright street lights are placed along rural roads. These residents therefore asked that a condition be imposed, pursuant to Section 26-206(o) of the B.C.C., eliminating the necessity for the Developer to install street lights. Furthermore, these residents argued that the proposed development consists of four houses over a 207-acre parcel of land. The driveways serving these four lots are private, and thus, the traffic on them will be minimal such that the need for street lights at the entrance to these driveways is unwarranted.

I find from the facts and evidence presented at the hearing that the installation of street lights at the driveway entrances to each of the four lots are not necessary and should not be required. The volume of traffic on a private driveway does not warrant the installation of a street light at the intersection of those driveways with a rural road.

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Mr. Bowling also raised an issue regarding the widening of Trenton Mill Road at the intersection of those driveway entrances. Mr. Bowling's Department has requested the dedication of a 30-foot wide right-of-way to the County for the future widening of this road. Mr. Bowling testified that his Department has not required that any improvements to this road be made at this time, but only that the 30-foot wide right-of-way easement be granted at this time. Furthermore, Mr. Bowling adjusted his position so that the 30-foot wide right-of-way dedication would not include the private driveway that leads from Trenton Mill Road to the property owned by Victoria Woodward and Robert Devlin, Protestants in this matter. Once this matter was clarified, the issue of widening Trenton Mill Road was not opposed. Therefore, I shall require that the Developer dedicate to Baltimore County a 30-foot wide right-of-way easement on the north side of Trenton Mill Road where the access driveways for Lots 1 and 2 intersect that road. Only the 30-foot wide right-of-way easement shall be dedicated at this time and no improvements shall be required. Furthermore, the 30-foot wide right-of-way shall not include, or affect in any way, the 16-foot access driveway easement to the Woodward/Devlin property.

The next issue was raised at the request of two property owners, namely Theresa and Brian Ensor. The Ensors reside along Black Rock Road adjacent to the very northern portion of the subject property. Testimony revealed that the Developer actually has the right to utilize the same driveway used by Theresa and Brian Ensor, and Mr. Long. However, the Developer is not proposing the use of the Ensors' driveway for this 4-lot subdivision, but has, in the alternative, provided a 20-foot wide driveway running from Black Rock Road to Lots 3 and 4 of the proposed subdivision. The Developer has shown that this 20-foot driveway will run along the

eastern property line of the Ensor property. In that their house sits in close proximity to the location of this driveway, the Ensors have asked that the Developer relocate this driveway so as not to adversely affect their homesite.

Mr. Chadsey testified that while the Developer has the option to access Lots 3 and 4 through the commonly shared driveway with the Ensors, the Developer has opted to provide a separate driveway to proposed Lots 3 and 4. He testified that the location of that driveway was selected due to sight distance problems associated with Black Rock Road in this area. Furthermore, the driveway was proposed to be located on the far western edge of the subject property in order to preserve prime and productive soils, as requested by DEPRM. Therefore, the location of the driveway access to Lots 3 and 4 was dictated by the sight distance problems along this area of Black Rock Road, and to preserve prime and productive soils. However, in response to the Ensors' concerns, Mr. Chadsey marked on Developer's Exhibit 1 in yellow highlighter and red marker, a proposed relocation of this driveway access from Black Rock Road to Lots 3 and 4. This relocation maintained the same sight distances on Black Rock Road, however, the driveway has been shifted approximately 20 feet further east of the Ensor property line. Furthermore, the Developer has agreed to provide some screening in the area of the Ensor home, between the proposed driveway and the Ensor property. The relocation of this driveway was an effort to alleviate the Ensors' objection to the proposed access to Lots 3 and 4.

After considering all of the testimony and evidence offered by both the Ensors as well as the Developer, I find that the driveway from Black Rock Road to Lots 3 and 4 shall be shifted approximately 20 feet east of the Ensor property line. The proposed relocation will soften the

impact that this driveway will have on the Ensors' enjoyment of their property. Furthermore, the Developer shall be required to provide some screening on the west side of this access driveway in the approximate location of the Ensors' home. That is, it is not necessary for the Developer to provide screening along the entire length of the driveway, but only in the area adjacent to the Ensors' home.

Furthermore, as a condition of approval of this development plan, once all necessary permits have been obtained from Baltimore County and the Developer has actually installed the driveway from Black Rock Road to Lots 3 and 4, then at that time, the Developers shall be required to terminate their right to utilize the common driveway shared by the Developer, the Ensors and Mr. Long. Inasmuch as the Developers will have the newly constructed driveway to serve Lots 3 and 4, they will no longer need access over the Ensors' and Mr. Long's driveway. Therefore, as a condition of approval of this development plan, and specifically, approval of the relocation of the driveway to Lots 3 and 4, the Developer shall be required to terminate their right to use the common driveway shared with the Ensors and Mr. Long.

The next issue raised concerned the locations of the proposed dwellings on Lots 1 through 4. Those areas are highlighted in red marker showing the specific locations where the houses are proposed to be built. During preliminary discussions, the proposed house locations met with everyone's approval, with the exception of the Baltimore County Landmarks Preservation Commission. On behalf of the Landmarks Preservation Commission, Ms. Ruth Mascari testified that she is predominantly concerned about the proposed location of the house on Lot 1. Lot 1 is located in close proximity to the home of Ms. Victoria Woodward, a Protestant in this

matter. Ms. Woodward's home is on the Landmarks Preservation List as a historical structure. Ms. Mascari is concerned over the proposed location of the house on Lot 1 because it might be possible to actually see the proposed dwelling from the Woodward/Devlin property. Ms. Mascari testified that being able to see the proposed dwelling on Lot 1 could adversely affect the historical character of the Woodward/Devlin property.

While Ms. Woodward agreed with the proposed location of the house on Lot 1 and had no objections to that location, Ms. Mascari was not prepared to bind the Commission to agreeing to that house location, in that the location of the proposed dwelling on Lot 1 was not provided to the Commission prior to the hearing. However, Ms. Mascari did request that the Landmarks Preservation Commission be entitled to review and approve any and all house plans for the construction of the proposed homes, not only for Lot 1, but also for Lots 2, 3, and 4. She has requested, and believes that the Landmarks Preservation Commission should review and approve building materials and designs of the proposed homes. She is concerned that the type of home to be constructed on these lots might affect the historical character of the surrounding community.

The Developer strongly objected to this request by Ms. Mascari and argued that the future purchasers of these lots should have maximum flexibility in the type of home they wish to build on their own property. Furthermore, the Developer stated that many, if not, all of the homesites on this property will be out of view of the Woodward/Devlin property. Therefore, it would be unduly burdensome for those future homeowners to be required to have their house plans reviewed by the Landmarks Preservation Commission, given that their houses would not be visible by any historical properties.

After reviewing all of the testimony and evidence on this particular issue, I find that the location for the proposed dwelling on Lot 1 is acceptable and will not adversely affect the property owned by Ms. Woodward and Mr. Devlin. Furthermore, I find that the Landmarks Preservation Commission should have no input on the types of houses, the materials used, and/or the design of the proposed dwellings on Lots 1 through 4 of this subdivision. Given the remote location of the proposed dwellings from this historical property, it is not necessary for the Commission to become involved in the design and construction of the proposed dwellings.

Perhaps the issue that generated the greatest amount of testimony and the most controversy at the hearing before me involved the dedication of land on both sides of Piney Run to Baltimore County as part of the stream valley park greenway program. Testimony revealed, and the development plan shows, that the 271-acre parcel of land is bifurcated by Piney Run. This stream runs from Carroll County, which borders this property, through the subject property, intersecting with the Woodward/Devlin tract, and finally through the eastern most portion of the subject property. Mr. Grossman from the Department of Recreation and Parks and Mr. McDaniel with the Office of Planning, both appeared at the hearing and requested that I order the Developer to dedicate property on both sides of Piney Run to Baltimore County to be utilized as a stream valley park greenway. The requested dedication of this property was vehemently opposed by the owners of the property as well as the surrounding residents who fear trespassers and members of the general public entering upon this park land and wandering onto their properties. They strongly oppose this greenway program and requested that the dedication not be made.

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Testifying on behalf of the County's request for this dedication was Mr. Mike Grossman, a representative of the Department of Recreation and Parks. Mr. Grossman testified that the stream valley park greenway program envisions that all streams located in Baltimore County will be interconnected as public park land. He stated that the Master Plan provides that when land is proposed for development and a Hearing Officer's Hearing is held concerning the development of a parcel of land which is traversed by a stream, that the Developer should be required to dedicate to Baltimore County land on both sides of the stream for the purpose of providing park land for the general residents of Baltimore County and surrounding areas. Mr. Grossman testified that this land would be utilized for hiking, fishing, biking, nature studies, etc. He also testified concerning some other popular programs, such as the Northern Central Hike and Bike Trail, and other areas where this program has been highly successful. Mr. Grossman testified that Piney Run has been identified as a candidate for a stream valley park and his office has requested that the dedication be made.

However, on cross-examination, Mr. Grossman was unable to identify this property on the map of the stream valley park greenway program as set forth on Page 33, or Pages 130-131 of the Master Plan. It was clear to Mr. Grossman as well as this Hearing Officer, that the property which is the subject of this development plan approval, is not identified at all on the map on Page 33 as being part of the stream valley park greenway program. Furthermore, the map on Pages 130-131 is, at best, unclear as to whether this property is part of the greenway program. Mr. Grossman stated that regardless of the fact that this property is not shown on the map on

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Pages 130-131 of the Master Plan, Piney Run has been identified as a greenway stream.

Also testifying in support of the dedication of Piney Run into the stream valley park program, was Mr. Erv McDaniel with the Office of Planning. Mr. McDaniel agreed with Mr. Grossman that the map on Page 33 does not show this property as being part of the stream valley park program and the map on Pages 130-131 does not identify this property as being part of the stream valley park either. Mr. McDaniel asserted, however, that Piney Run has been identified as a stream valley park and could not understand why the maps did not corroborate this fact. Mr. McDaniel stated that one possible explanation of this omission is that the map on Pages 130 and 131 has been tremendously reduced from its original size so that the map could be printed in the Master Plan book. He believes that the entire Piney Run would show as a stream valley park on the original map of the northern sector of Baltimore County. However, he and Mr. Grossman could not testify that the maps on Page 33 and Pages 130-131 identify this property as being part of the stream valley park program.

Mr. Tim Dugan also appeared and testified on behalf of the Office of Planning. Mr. Dugan's position is that the maps on Pages 130 and 131 of the Master Plan do, in fact, show this property as being part of the stream valley park/greenway program. He, too, stated that because the map has been greatly reduced to fit into the Master Plan booklet, it is very difficult to identify the designation of Piney Run on this map. However, he argued that the entire Piney Run is part of this program.

The Developer argued that the map on Page 33 very clearly shows that the property is not part of the stream valley program, and at best, the map on Page 130 is extremely ambiguous as to whether the property is

included at all. The Developer argued that the property is not part of the stream valley park program and no dedication should be made. Furthermore, the Developer argued, and brought out by way of cross examination of the various witnesses who attended the hearing, that the Developer is greatly concerned over the liability issue should someone get hurt on the proposed stream valley park. While the Developer would maintain ownership of the fee and the County would only take an easement, the owner of the property would be subject to liability should someone slip and fall or get hurt on their property. This would open the owner of this property to litigation in the event the stream valley park would be allowed to traverse the subject property. Furthermore, the owner of the property, as well as the surrounding owners, have great fear that individuals would trespass onto their properties, or that criminals might utilize this public access to burglarize homes, vandalize property, or worse yet, inflict personal injury to those residents who live in and around these rural areas. They fear for their safety should this land be opened for public access. Furthermore, testimony indicated that there is no provision for policing these public stream valley parks at the present time. Mr. Grossman testified that the residents would have to rely on the Baltimore County Police for the protection of these public areas, in that there is no money budgeted for additional police for these stream valley parks.

The Developer argued that all of this testimony as to whether the stream valley parks/greenway program is a viable program is moot, given the fact that the subject property is not identified on the Master Plan maps as being within the proposed stream valley park.

After reviewing the maps contained on Pages 33, and Pages 130 and 131 of the Master Plan, I find that the property which is the subject of

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this development plan is not part of the proposed stream valley park/greenway program. Specifically, the map on Page 33 clearly shows that the stream valley park does not run to the Carroll County Line in the location of Piney Run. The map on Pages 130 and 131, is, at best, inconclusive as to whether the subject property is part of the program. Therefore, based on the documents and testimony presented, I find that this property is not part of the proposed stream valley park network and therefore, the Developer shall not be required to dedicate property on either side of Piney Run to Baltimore County.

Furthermore, in my opinion, this particular parcel of land is in no way a critical link to the stream valley park program. This property leads into Carroll County and would most likely be a terminus to the stream valley park program. It basically is a dead end for the stream valley park and probably justifies why the map on Page 33 specifically excludes this portion of Piney Run as a stream valley park. Therefore, I find from the documents presented to me that this property is not part of the stream valley park program, and therefore, the Developer shall not be required to make the dedication.

There are many areas of Baltimore County that are extremely sensitive to development. These areas contain rural valleys wherein streams traverse. These are the very streams that the Department of Recreation and Parks and the Planning Office have identified as the proposed stream valley park/greenway program. I anticipate that the many residents of these valleys will strongly object in the future to these stream valleys becoming public parks, open to all members of the public. It is only a matter of time before this issue will be brought back before this Hearing Officer on another proposed subdivision. Hopefully, the

questions raised concerning liability, policing and other safety issues will be resolved before the next request is made. Inasmuch as I have found that this property is not included in the proposed stream valley park/greenway program, these issues did not have to be resolved at the hearing before me. However, this issue will be raised again, and at that time, I anticipate that answers to these very difficult questions will be presented to this Hearing Officer.

No other issues were raised concerning the proposed development plan. Therefore, the plan as submitted shall be approved consistent with the terms and conditions imposed at the end of this Order.

As noted earlier in this opinion, the Owners/Developers have also requested a special hearing to approve the creation of a non-density parcel consisting of 64.030 acres. After due consideration of the testimony and evidence presented, it appears that the relief requested should be granted. The Developer has agreed to add a note to the development plan, specifically, Note No. 40, which restricts the use of this parcel for non-density purposes. Thus, in my opinion, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 21st day of October, 1996 that the development plan for Trenton Mills, identified herein as Developer's

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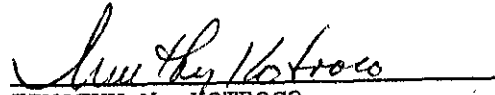
Exhibit 1, be and is hereby APPROVED, consistent with the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the creation of a non-density parcel containing 64.030 acres, in accordance with Developer's Exhibit 1, be and is hereby GRANTED subject to the following restrictions:

- 1) The Developer shall not be required to install street lights either on Trenton Mill Road or on Black Rock Road. This restriction is being imposed, pursuant to Section 26-206(o) of the Baltimore County Code, wherein I have found that this restriction is necessary to protect the surrounding and neighboring properties. I further find that this restriction is imposed at the request of a party to these proceedings, without which the installation of street lights would have an adverse impact on the health, safety and general welfare of the surrounding communities. Furthermore, I find that the imposition of this restriction will alleviate the adverse impact that these street lights will have on this rural community. The imposition of this restriction does not affect the number of dwelling units proposed for this subdivision and therefore, the installation of street lights shall not be required.
- 2) The Developer shall dedicate to Baltimore County a 30-foot wide strip of land along the north side of Trenton Mill Road, west of the access easement to the Woodward/Devlin property, and proposed Lots 1 and 2. The 30-foot wide strip shall be dedicated at this time, only, and no improvements or grading shall be required. Furthermore, the 30-foot wide strip shall not impose upon or interfere with the 16-foot wide access easement to the Woodward/Devlin property.
- 3) The Developer shall relocate ^{the} 20-foot wide driveway access from Black Rock Road to Lots 3 and 4 to a location approximately 20 feet ~~west~~ of its previously proposed location as shown in yellow highlighter and red marker on Developer's Exhibit 1. Furthermore, once the Developer has obtained all necessary permits and the driveway is actually installed, he shall terminate his right to use the common driveway shared with the Ensors and Mr. Long. This termination shall only be done once the Developer has constructed the driveway in its alternate location.

4) The Developer shall not be required to dedicate to Baltimore County an area along Piney Run for the stream valley park program.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.


TIMOTHY M. KOTROCO
Hearing Officer
for Baltimore County

TMK:bjs

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Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 21, 1996

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: DEVELOPMENT PLAN and PETITION FOR SPECIAL HEARING - Trenton Mills
N/S Trenton Mill Road and SE/S of Black Rock Road, W of Trenton Road
5th Election District - 3rd Councilmanic District
Carolyn E. and J. Paul Jennings, Owners;
Triple "J" Joint Venture, Developers
Case Nos. V-236 & 97-103-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the Petition for Special Hearing 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 cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr.&Mrs. J. Paul Jennings, 5306 Trenton Mill Road, Upperco, Md. 21155
Messrs. Rich Chadsey and Dean Hoover, G.W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

Ms. Ruth Mascari, Landmarks Preservation Commission (OP)
Mr.&Mrs. Brian Ensor, 5104-A Black Rock Road, Hampstead, Md. 21074
Mrs. Geneva V. Long, 5104-A Black Rock Road, Hampstead, Md. 21074
Ms. Victoria Woodward, P.O. Box 58, Upperco, Md. 21155
Mr. R. Devlin, 5126 Trenton Mill Road, Upperco, Md. 21155
Mr. James W. Rouse, Jr., 4537 Black Rock Road, Upperco, Md. 21155
Mr. Neil M. Ridgely, Hampstead Town Manager
1034 S. Carroll Street, Hampstead, Md. 21074

Dave Flowers, DPDM; DEPRM; DPW; People's Counsel; Case File

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Petition for Special Hearing

97-103-SPH
to the Zoning Commissioner of Baltimore County

for the property located at Trenton Mill Road, West of Trenton Road

which is presently zoned RC-2

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

the creation of a non-density parcel as shown more particularly on the Plan to accompany this Petition.

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.

Signature

LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

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):

J. Paul Jennings

J. Paul Jennings (CAJ-POA)

Signature

Carolyn A. Jennings

(Type or Print Name)

Signature

5306 Trenton Mill Road 374-6630

Address Phone No.

Upperco, Maryland 21155

City State Zipcode

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

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204
Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: R.T. DATE 9-6-96

ITEM # 109

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By

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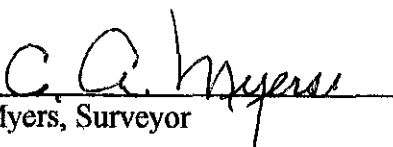


C.A. MYERS & SON, INC.
LAND SURVEYORS
5732 EMORY ROAD
UPPERCO, MD 21155

97-103-5PH

**ZONING DESCRIPTION FOR SPECIAL HEARING OF "TRENTON MILLS",
TRENTON MILL ROAD, UPPERCO, MD, 21155.**

Beginning at a point on the Southwest side of Trenton Mill Road at the end of a line drawn North 75 degrees 32 minutes 10 seconds East 469.04 feet from the intersection of Trenton Mill Road and Thomas Shilling Court, as recorded in Deed No. 6164 folio 818, thence crossing said road, North 30 degrees 13 minutes 54 seconds East 860.81 feet, South 61 degrees 56 minutes 06 seconds East 165.51 feet, South 36 degrees 38 minutes 00 seconds East 874.50 feet, North 55 degrees 22 minutes 00 seconds East 627.00 feet, South 82 degrees 38 minutes 00 seconds East 396.00 feet, South 31 degrees 28 minutes 00 seconds East 660.00 feet, North 63 degrees 41 minutes 36 seconds East 610.36 feet, North 34 degrees 56 minutes 16 seconds West 296.53 feet, North 32 degrees 26 minutes 16 seconds West 774.26 feet, North 24 degrees 11 minutes 16 seconds West 253.13 feet, South 59 degrees 00 minutes 12 seconds West 692.10 feet, North 28 degrees 04 minutes 18 seconds West 585.52 feet, North 01 degrees 47 minutes 42 seconds East 434.45 feet, North 28 degrees 24 minutes 12 seconds East 173.23 feet, North 84 degrees 25 minutes 48 seconds West 42.00 feet and North 31 degrees 20 minutes 29 seconds West 179.49 feet, thence, South 87 degrees 36 minutes 31 seconds West 351.11 feet, South 50 degrees 55 minutes 47 seconds West 355.23 feet, South 72 degrees 39 minutes 37 seconds West 543.93 feet, South 15 degrees 26 minutes 24 seconds East 337.83 feet, South 15 degrees 57 minutes 53 seconds West 243.16 feet, South 18 degrees 46 minutes 06 seconds East 425.00 feet and South 30 degrees 13 minutes 54 seconds West 720.00 feet to intersect the above mentioned Deed on the southwest side of said road, thence, South 60 degrees 50 minutes 27 seconds East 50.01 feet to the beginning, containing Sixty four acres and thirty thousandths (64.030) of an acre of land, more or less.


C. A. Myers, Surveyor

ITEM # 109

ORIGINAL FOR
ZONING OFFICE
FILE.

MICROFILMED

Dean
Date 9/6 Time 10:01 A.M.
P.M.

WHILE YOU WERE OUT

M David DuValle

Of Living Office

☐ Phone 887-3851

☐ Fax _____

☐ Mobile _____

Area Code Number Extension

TELEPHONED	☒	PLEASE CALL	☐
CAME TO SEE YOU	☒	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	URGENT	☐
RETURNED YOUR CALL	☐	SPECIAL ATTENTION	☐

Message Trenton Mill

Ready for pick-up

Signs & Posts?

and your return

Come pick up signs

Signed

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 Office Building, 111 W. Chase Avenue in Towson.

Maryland 21204 or Room 118 Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #97-103-SPH
(Item 109)

NE/S Trenton Mill Road,
6,250' +/- W. of c/l Trenton
Road

6th Election District
3rd Councilmanic
Legal Owner(s):

J. Paul Jennings and Carolyn
A. Jennings

Special Hearing: to approve
the creation of a non-density
parcel.

Hearing: Thursday, October
10, 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 887-3353.

(2) For information concern-
ing the file and/or hearing,
Please Call 887-3391.

9/200 Sept. 19 C83683

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

9-19, 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 9-19, 1996

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

MICROFILMED

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 058699

DATE 8/31/98 ACCOUNT 001-6150

AMOUNT \$ 40.00 (CAM)

RECEIVED FROM: Rhoda & George Mielke

FOR: VERIFICATION #98-3527

Trenton Mills

PAID RECEIPT

PROCESS ACTUAL TIME
9/01/1998 9/01/1998 11:56:31

REG 0502 CASHIER JRIC JMR DRAWER 2
5 MISCELLANEOUS CASH RECEIPT

Receipt # 061180 OFLN
CR NO. 050699

40.00 CHECK
Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION



Baltimore County
Department of Permits and
Development Management

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

97-103-SPH

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.: 109 Petitioner: Paul & Carolyn Jennings

Location: Trenton Mill Road, West of Trenton Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Howard L. Alderman, Jr., Esq. Levin & Gann, PA

ADDRESS: 305 West Chesapeake Avenue, Suite 113

Towson, Maryland 21204

PHONE NUMBER: (410) 321-0600

TO: PUTUXENT PUBLISHING COMPANY
September 19, 1996 Issue - Jeffersonian

Please forward billing to:

Howard L. Alderman, Esq.
Levin & Gann, P.A.
305 W. Chesapeake Avenue, #113
Towson, MD 21204
321-0600

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: 97-103-SPH (Item 109)
NE/S Trenton Mill Road, 6.250' +/- W of c/l Trenton Road
5th Election District - 3rd Councilmanic
Legal Owner(s): J. Paul Jennings and Carol A. Jennings

Special Hearing to approve the creation of a non-density parcel.

HEARING: THURSDAY, OCTOBER 10, 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

September 11, 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:

DEVELOPMENT PLAN HEARING

Project Name: Trenton Mills

Project Number: V-236

Location: N/S Trenton Mill Road, W of Trenton Road

Acres: 207.35

Developer: Triple "J" Joint Venture - Michelle Jennings

Proposal: 4 single family lots.

and

CASE NUMBER: 97-103-SPH (Item 109)

NE/S Trenton Mill Road, 6.250⁺/₋ W of c/l Trenton Road

5th Election District - 3rd Councilmanic

Legal Owner(s): J. Paul Jennings and Caroly A. Jennings

Special Hearing to approve the creation of a non-density parcel.

HEARING: THURSDAY, OCTOBER 10, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: J. Paul Jennings and Carolyn A. Jennings
Howard A. Alderman, Jr., Esq.
G. W. Stephens, Jr. & Associates, Inc./Dean Hoover

MICROFILMED

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





Baltimore County
Department of Permits and
Development Management

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

November 14, 1996

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

RE: Item No.: 109
Case No.: 97-103-SPH
Petitioner: J. Paul Jennings, et ux

Dear Mr. Alderman:

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 September 6, 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,

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

WCR/re
Attachment(s)

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

9-18-96

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

RE: Baltimore County
Item No. 109 (RT)

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Bob Smail at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

10-28-96

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

RE: Baltimore County
Item No. *109 (RT)*

Dear Ms. Eubanks:

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 affected 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 item.

Very truly yours,

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

BS/es

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

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 09/19/96

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 SEPT. 16, 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: 104, 105, 106, 107, 108 & 109.

104, 105, 106, 107, 108, 109

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



BALTIMORE COUNTY PERSONNEL
RULES AND REGULATIONS

RULE 13 LAYOFFS AND REINSTATEMENT

REGULATION 13.01

When a reduction in force becomes necessary for reasons of economy, the resulting layoffs, demotions and transfers shall be made on an equitable basis with due consideration for length of service together with the employee's record of ability and efficiency and in accordance with any applicable "memorandum of understanding". Any employee so affected shall have the right of appeal under Regulation 2.03. (Bill No. 17, 1990)

REGULATION 13.02

Any employee in Merit System status who has been laid off, transferred or demoted through no fault of his own because of any reduction in force, shall be considered for any position for which he is qualified before new employees are hired; provided, that the employee who has been laid off applies within twenty-four months of the termination of his employment.

REGULATION 13.03

The Director of Personnel may, upon written recommendation from the agency head, reinstate former Merit System status employees to the county classified service within twelve (12) months of their resignation; provided further that such resignation is without prejudice and said employee has previously been certified as eligible for rehire. Such employee may be considered without further competition for class from which he or she resigned, provided that a vacant position exists, subject to successful completion of a pre-employment physical examination. If reinstated, such former employee shall receive pay and benefits comparable to those which were received at the time of resignation; provided further, that such

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 23, 1996

FROM: Robert A. Wirth *RAW/qp*
DEPRM

SUBJECT: Zoning Item #109 - Trenton Mill Golf Course
Trenton Mill Road
Zoning Advisory Committee Meeting of September 16, 1996

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

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

Agricultural Preservation

Support this request with the condition that no house or residential structure, including tenant house will be located on this parcel.

RAW:DL:WL:sp

TRENTONM/DEPRM/TXTSBP

MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 29, 1996

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: DEVELOPMENT PLAN and PETITION FOR SPECIAL HEARING - Trenton Mills
Carolyn E. & J. Paul Jennings, Owners; Triple "J" J.V., Developers
Case Nos. V-236 & 97-103-SPH

Dear Mr. Alderman:

A copy of the decision rendered in the above-captioned matter was recently forwarded to you. It has come to my attention that an error was made in the Order with regard to the location of the proposed driveway access to Lots 3 and 4. Specifically, Restriction No. 3 of my order states that the subject driveway is to be relocated 20 feet further west of the property line of Brian and Teresa Ensor, when in fact, the driveway is located along the Ensor's eastern property line. Obviously, relocating the subject driveway 20 feet west of the property line would place the driveway on the Ensor property.

Therefore, please correct Restriction No. 3 of your copy of the Order to reflect that the subject driveway is to be relocated in an easterly direction, not west. Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr.&Mrs. J. Paul Jennings, 5306 Trenton Mill Road, Upperco, Md. 21155
Messrs. Rich Chadsey and Dean Hoover, G.W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

Ms. Ruth Mascari, Landmarks Preservation Commission (OP)
Mr.&Mrs. Brian Ensor, 5104-A Black Rock Road, Hampstead, Md. 21074
Mrs. Geneva V. Long, 5104-A Black Rock Road, Hampstead, Md. 21074
Ms. Victoria Woodward, P.O. Box 58, Upperco, Md. 21155
Mr. R. Devlin, 5126 Trenton Mill Road, Upperco, Md. 21155
Mr. James W. Rouse, Jr., 4537 Black Rock Road, Upperco, Md. 21155
Mr. Neil M. Ridgely, Hampstead Town Manager
1034 S. Carroll Street, Hampstead, Md. 21074

Dave Flowers, DPDM; DEPRM; DPW; People's Counsel; Case File

MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 27, 1996

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: DEVELOPMENT PLAN and PETITION FOR SPECIAL HEARING
(Trenton Mills)
Case Nos. V-236 and 97-103-SPH

Dear Mr. Alderman:

In response to your letter dated November 14, 1996 concerning Restriction No. 3 of the Order issued in the above-captioned matter, and modified by my letter of October 29, 1996, the following comments are offered.

Restriction No. 3 of my Order requires that your client, the Developer in this case, terminate his right to use the common driveway shared with Mr. & Mrs. Ensor and Mr. Long, upon completion of the driveway to serve Lots 3 and 4 in its alternate location. You have requested that the termination instrument be prepared at the expense of Mr. & Mrs. Ensor and presented to your clients for execution. In view of the fact that the driveway is being relocated at the request of Mr. & Mrs. Ensor, I am persuaded that the expense of preparing the termination instrument should be borne by the Ensors. Therefore, by copy of this letter to Mr. & Mrs. Ensor, it shall be made known to them that the said termination instrument shall be prepared by them, at their expense, at such time as your client notifies them that the driveway has been completely installed in its alternate location.

Should you have any further questions on the subject, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Brian Ensor
5104-A Black Rock Road, Hampstead, Md. 21074

People's Counsel; Case File

MICROFILMED

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NE/S Trenton Mill Road, 6.250'+/- W of	*	ZONING COMMISSIONER
c/l Trenton Road, 5th Election District,	*	OF BALTIMORE COUNTY
3rd Councilmanic	*	CASE NO. 97-103-SPH
J. Paul Jennings and Carolyn A. Jennings	*	
Petitioners	*	

* * * * *

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 7th day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin and Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

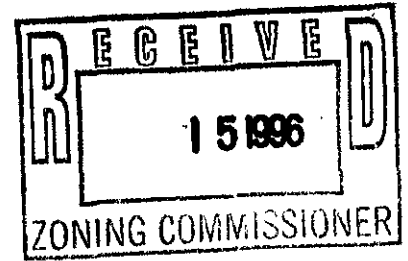
PETER MAX ZIMMERMAN

RECEIVED

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)



HOWARD L. ALDERMAN, JR.

November 14, 1996

HAND DELIVERED

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
for Baltimore County
Room 112
400 Washington Avenue
Towson, Maryland 21204

RE: Development Plan and Petition for Special Hearing - Trenton Mills
Case Nos. V-236 and 97-103-SPH

Dear Mr. Kotroco:

I am writing in reference to your Order, dated October 21, 1996 and your subsequent letter dated October 29, 1996 in the above-referenced matter. Specifically, I am writing with reference to restriction number three shown on page sixteen of your Order, as modified by your letter of October 29, 1996.

My clients understand fully the rationale used by you in connection with the restriction, as well as the clarification made subsequent to your Order. Since this is a direct request of Mr. and Mrs. Ensor, the adjoining property owners, my clients will certainly comply with the Restriction as modified. However, my clients will require that the termination instrument be prepared at the expense of Mr. and Mrs. Ensor and presented to my clients for execution. Obviously, my clients will also agree to notify Mr. and Mrs. Ensor when the driveway has been completely constructed in the location identified.

I would appreciate it if you would clarify the responsibility for preparation of the termination instrument as being that of Mr. and Mrs. Ensor. It would be most helpful if this clarification were received not later than twenty nine days from the date of your original Order.

Should you have any questions or need additional information in this regard, as always, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, reading "Howard L. Alderman, Jr.".

Howard L. Alderman, Jr.

HLA:lah

cc: The Jennings Family

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 22, 1998

C. Victoria Woodward, Esquire
P.O. Box 58
Upperco, MD 21155

Dear Ms. Woodward:

RE: Trenton Mills Non-Density Parcel "A", 5th Election District

This is in response to your letter dated August 27, 1998. After careful review of your request to divide Parcel A into two non-density tracts and after review of the zoning case number 97-103-SPH (special hearing), it is my opinion that your request is within the spirit and intent of the hearing officer's order, subject to the imposed restrictions within that order.

In addition, this request for a non-density transfer is in keeping with note number 40 of the Final Development Plan, which states that this non-density parcel is to be used for farming and farming-related uses.

As per your letter, your clients will maintain these tracts as separate parcels after purchase, the parcels will not be consolidated with their current respective properties, and no future requests for density transfer onto those parcels will be requested. In keeping with the spirit and intent of the R.C.-2 zone, both parcels should be put into the agricultural preservation program.

Any previously established easement with Baltimore County shall continue to be in effect after the division of Parcel A.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Bruno Rudaitis".

Bruno Rudaitis
Planner II
Zoning Review

BR:scj

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

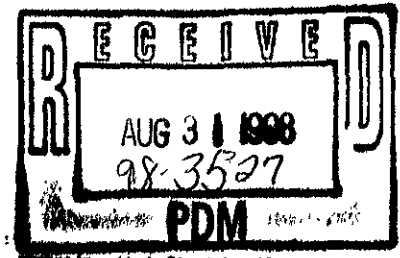
C. Victoria Woodward
Attorney at Law
PO Box 58
Upperco, MD 21155

(410) 239-9353
Facsimile (410) 239-4683

Licensed in the States
of Maryland & Georgia

August 27, 1998

Mr. Arnold Jabalon, Director
Baltimore County Department of Permits
And Development Management
111 W. Chesapeake Ave.
Towson, MD 21204



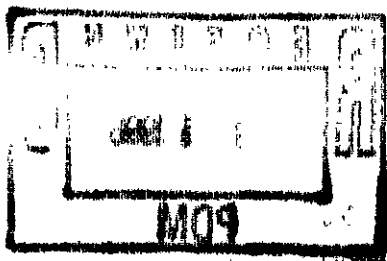
Re: Trenton Mills Non-Density Parcel A

Dear Mr. Jabalon,

My clients are contract purchasers the 64 +/- acre tract of land denoted as Parcel A on the record plat for Trenton Mills, recorded among the Land Records of Baltimore County in Plat Book 70, folio 31 and 32. This plan was approved pursuant to the Hearing Officer's Hearing in Case No. V-236 and 97-103-SPH.

This tract is zoned RC-2 and is located in the designated Piney Run Rural Legacy area. My clients seek a division of Parcel A into two non-density tracts. One tract will be purchased by Mr. & Mrs. George Mielke, adjoining owners and farmers by profession. The other tract will be purchased by James Rouse, Jr. and Amy Christensen Oelke, adjoining owners whose land is in the agricultural preservation program.

I have enclosed a copy of the record plat for your review. I have also enclosed a reduced copy of the development plan which denotes a fence line highlighted in red. This line, which is the proposed division line, is the current division between the existing tilled land and the pasture land and is marked by heavy growth of trees and shrubs and an existing fence-line. My clients' use will be for non-density farming purposes in furtherance of the spirit and intent of the RC-2 zone. Additionally, my clients will agree to maintain these tracts as separate deeded parcels after purchase and will not consolidate these tracts with their current respective properties, nor will they request a transfer of density onto these parcels.



Page 2

Pursuant to 26-170 and 26-171(b)(5) of the Baltimore County Code and your authority under the Code as Director of PADM, my clients request your consideration in waiving zoning requirements for a Special Hearing. I have enclosed our check for Forty (\$40.00) Dollars for review of this matter.

If you have any questions, please do not hesitate to call. We appreciate your response as soon as convenient.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Woodward", with a large, stylized loop at the end.

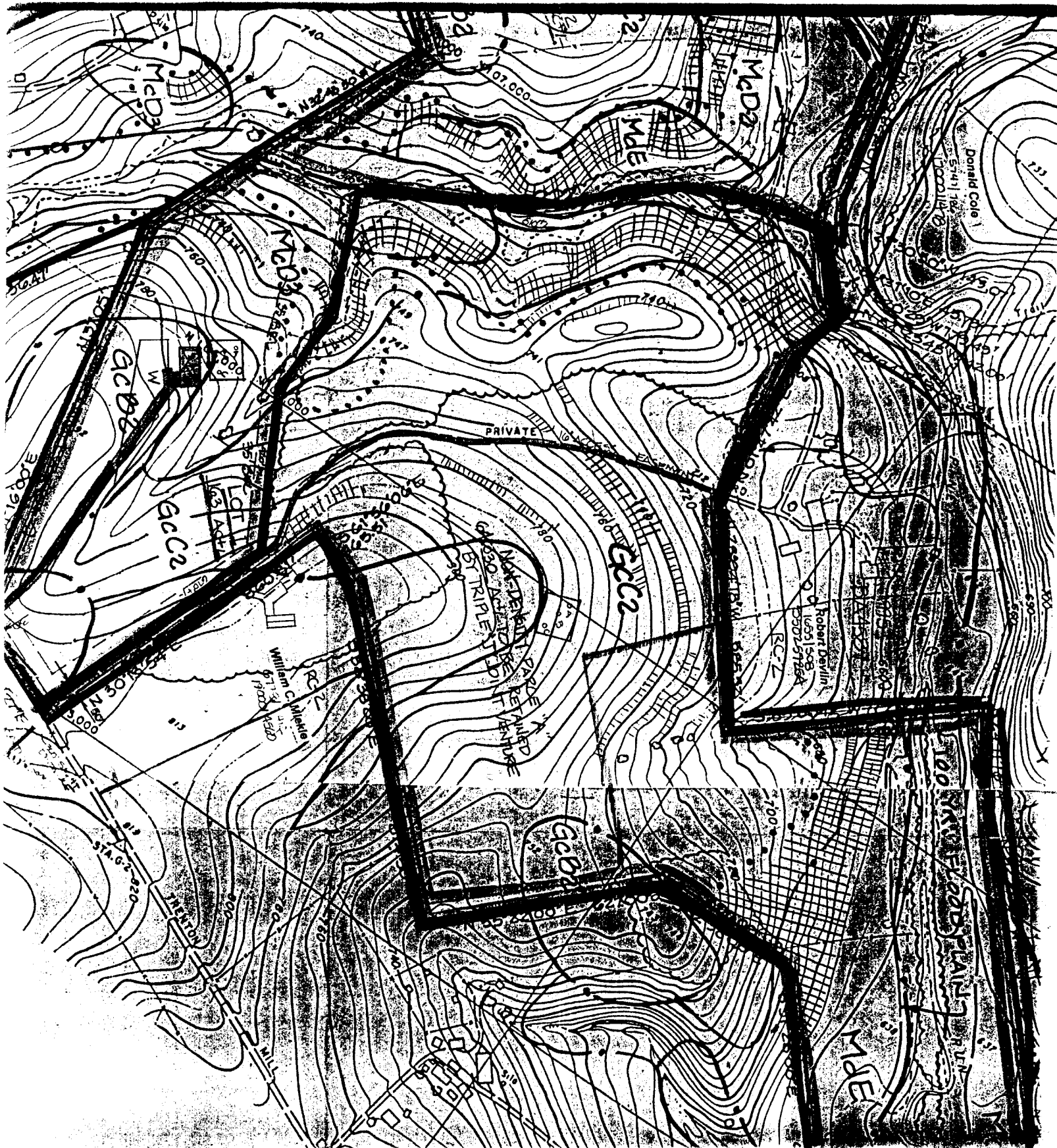
C. Victoria Woodward

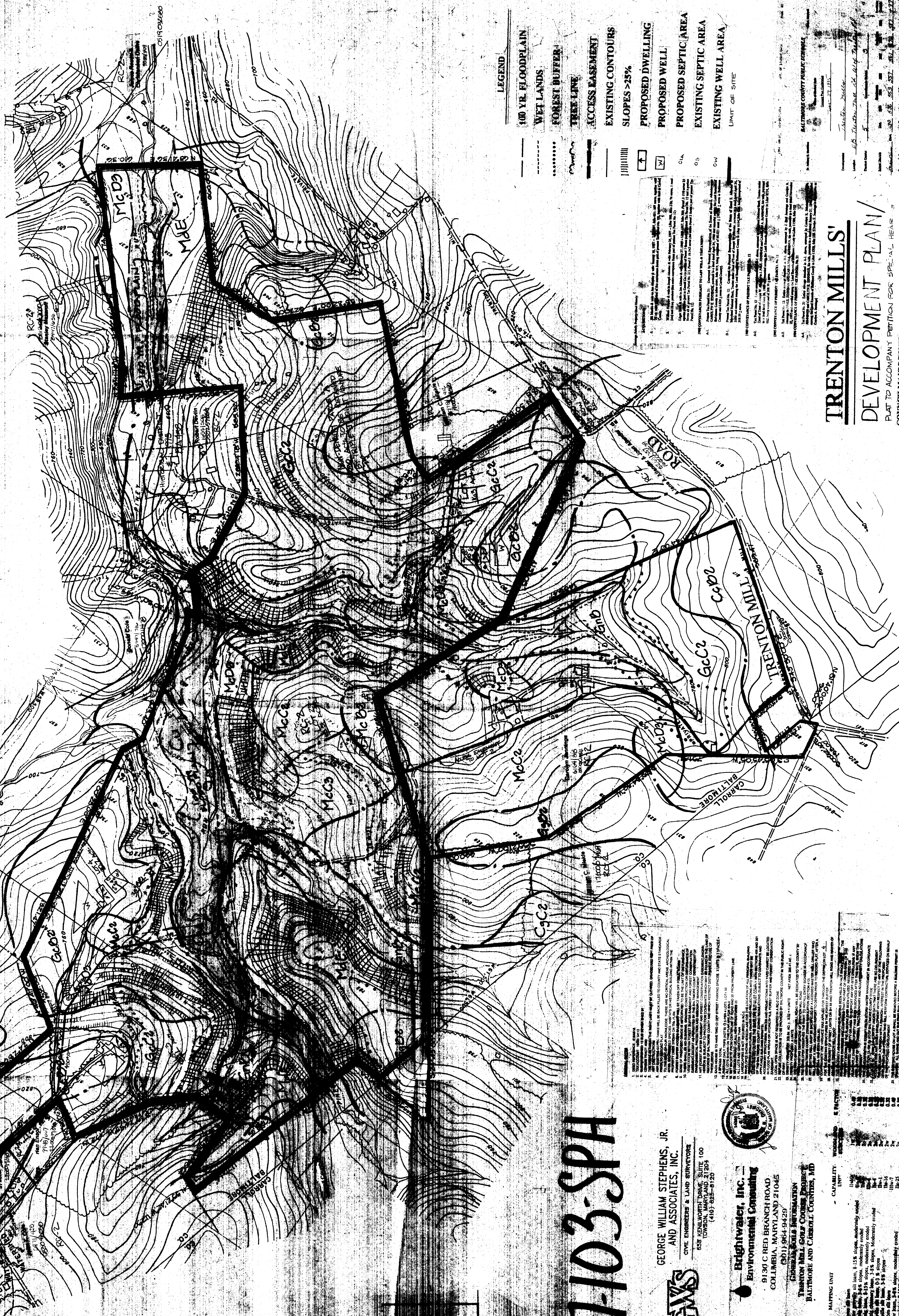
cc: Howard Alderman, Esq.
Mr. & Mrs. George Mielke
James Rouse, Jr.
Amy Christensen Oelke
Wally Lippencott

COORDINATES

NAME	NORTH	EAST
C31	1444.05	2234.07
C32	1451.92	2238.02
C33	1459.79	2241.97
C34	1467.66	2245.92
C35	1475.53	2249.87
C36	1483.40	2253.82
C37	1491.27	2257.77
C38	1499.14	2261.72
C39	1507.01	2265.67
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C41	1522.75	2273.57
C42	1530.62	2277.52
C43	1538.49	2281.47
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C373	4135.59	3600.07
C374	4143.4	

boundary of nondensity Parcel A
proposed line of division



[illegible]

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
COUNCILMANIC DISTRICT 3
SINGLETON DISTRICT
BALTIMORE CO., MARYLAND
DATE 9/21/95
PDM # V-236
1"=200'

DEVELOPER
CRISTINA JENNINGS : J. Paul Jennings
 53% TRULY MC ROAD
 LITTLE ROCK, AR 72755
 (501) 374-6630

TRIPLE "D" JOINT VENTURE
 11 WEST 42ND STREET
 N.Y. N.Y. 10036
 (212) 392-1100
 ATTN: MICHELLE JENNINGS

COMMUNITY INVEST MARKETING
 11316
 - A UNIFORM FOR STREET LIGHTS HAVE BEEN APPLIED FOR.
 - BLACK ROCK ROAD IS A SCenic ROUTE.

14840109

TRANSFORMED

97-103-SPH

GWS

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**

CIVIL ENGINEERS & LAND SURVEYORS

656 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-6120

Brightwater, Inc.
Environmental Consulting
9130 C RED BRANCH ROAD
COLUMBIA, MARYLAND 21045
(301) 964-9420

GENERAL SOLS INFORMATION
TRANTON MILL GOLF COURSE PROJECT
BALTIMORE AND CARROLL COUNTIES, MD

[illegible]

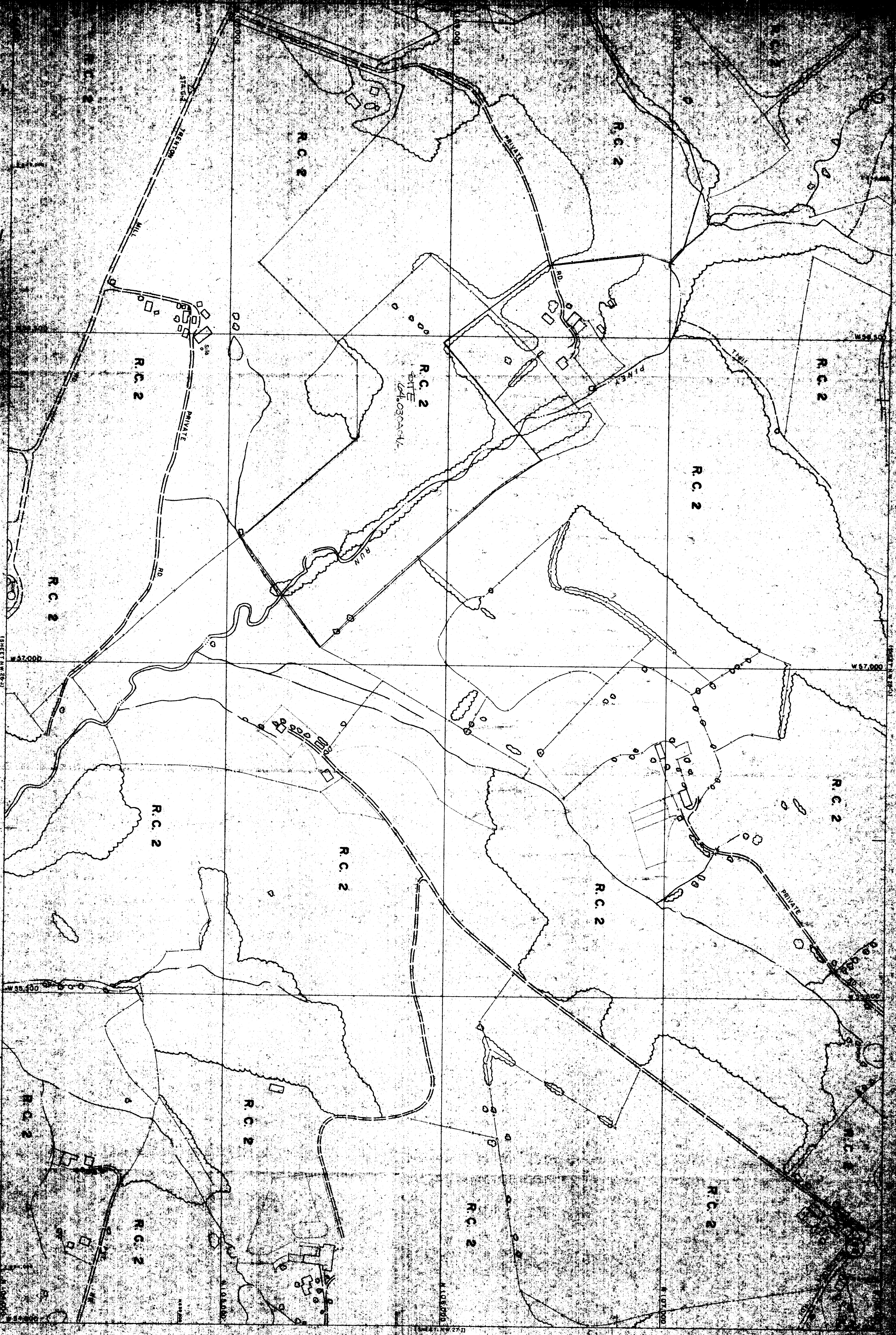
Ballantine Plains Farmland Soil as listed by the Ballantine County Soil Conservation District

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

[Signature]
Planning Director

SCALE	1" = 200'
DATE	1992
PROPOSED	1992
ADDITION	1992
REVISION	1992
LOCATION	NORTH OF
SHEET	21.0



IN RE: DEVELOPMENT PLAN and PETITION * BEFORE THE
FOR SPECIAL HEARING - Trenton Mills
H/S Trenton Mill Road, W of * DEPUTY ZONING COMMISSIONER
Trenton Road * OF BALTIMORE COUNTY
5th Election District *
3rd Councilmanic District * Case Nos. V-236 & 97-103-SPH
Carolyn E. and J. Paul Jennings, Owners;
Triple "J" Joint Venture, Developers

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by George W. Stephens, Jr. and Associates, Inc., for the proposed development of the subject property by Carolyn E. and J. Paul Jennings, Owners, and Triple "J" Joint Venture, Developers, as four (4) single family building lots, in accordance with the development plan submitted which was accepted and marked into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owners/Developers have requested approval of the creation of a non-density parcel, pursuant to the Petition for Special Hearing filed in companion Case No. 97-103-SPH. The subject property consists of a gross area of approximately 271 acres, more or less, zoned R.C.2 and is located on the northwest side of Trenton Mill Road, abutting the southeast side of Black Rock Road in Upperco.

Appearing at the public hearing required for this project were Carolyn E. Jennings, Property Owner, Rick Chadsey and Dean Hoover with George W. Stephens, Jr. & Associates, Inc., who prepared the development plan for this project, and Howard L. Alderman, Jr., Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing, including Dave Flowers, as Project Manager, and Robert W. Bowling and Ron Goodwin with the Department of Permits and Development Management (DPRM), Ervin McDaniel with the

Office of Planning (OP), Michael Grossman with the Department of Recreation and Parks (RP), and R. Bruce Seeley, with the Department of Environmental Protection and Resource Management (DEPRM). Numerous residents from the surrounding community appeared, either as interested parties or in opposition to the development plan.

As to the history of this project, the concept plan conference for this development was conducted on November 27, 1995. As required, a community input meeting was held on January 3, 1996 at the Arcadia Volunteer Fire Company. Subsequently, a development plan was submitted and a conference held thereon on September 18, 1996. Following the submission of that plan, comments were submitted by the appropriate agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the hearing held before me on October 10, 1996.

As noted above, this matter comes before me as a joint request, seeking approval of a development plan as well as a special hearing to approve the creation of a non-density parcel which is to be retained by the Developer. Pursuant to the development plan regulations, I am first required to ascertain what agency issues or comments remain unresolved at the time of the hearing.

At the preliminary phase of the hearing, several issues relating to the development plan were identified by the Developer and those residents from the surrounding locale. Several of those issues raised were resolved as a result of preliminary discussions between the Developer and either County representatives or the citizens who attended the hearing. Those issues which were resolved during the preliminary phase of the hearing are as follows:

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First, an issue was raised concerning the special hearing request for the Developer to set aside 64.030 acres of the subject property for non-density purposes. That issue did not concern the retention of this 64.030 acres by the Developer as a non-density parcel, but rather, how this 64.030 acre parcel of land would be utilized in the future. The Developer agreed to add a note to the development plan, specifically, Note No. 40, containing language restricting the use of this non-density parcel to farming and farming-related uses. The Developer further agreed that prior to the issuance of any permits for an unrelated farm use or structure on that non-density parcel, the Developers would provide written notice to all adjacent property owners that an application for an unrelated farm use or structure had been filed, and provide an opportunity for a public hearing to be held should any surrounding resident object to the use or structure proposed within the application. The language of Note No. 40 was discussed at length, and the Developer agreed to add the appropriate language as indicated above to the development plan.

A second issue was raised concerning the proposed locations for the four houses that will be constructed on the remaining 207 acres. Those house locations were highlighted in red on Developer's Exhibit 1 and were agreed to by all parties. Therefore, this issue having been resolved, it was not necessary to take any testimony on that topic.

A third issue raised at the hearing was resolved by way of discussions by the Developer and Mr. Joseph Merry, a representative of DPRM. The Developer agreed to add language to the plan concerning any accessory structures on proposed Lot 3 of Trenton Mills. The Developer agreed and added to Developer's Exhibit 1, a note concerning accessory structures on Lot 3. That new note is outlined in red marker and is shown on the left

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side of the development plan. The language of that note was acceptable to Mr. Merrey and the matter was resolved preliminarily.

Several other issues were raised and identified by the numerous attendees of the hearing as not having been resolved and required that testimony be taken. One of those issues concerned the installation of street lights at the driveway entrances to each of the four lots at their intersections with Trenton Mill Road and Black Rock Road. Mr. Robert Bowling, with the Development Plans Review Division of DPRM, testified that his office has required that the Developer install street lights where the driveways to these lots meet with Trenton Mill Road and Black Rock Road. He noted that it is the policy of the Department of Public Works that, for safety reasons, street lights should be installed at these intersections. Mr. Bowling testified that the Developer requested a waiver of this requirement which was denied by the Director of Public Works. On behalf of DPRM, Mr. Bowling asserted that inasmuch no waiver had been recommended by the Director of Public Works and since this Hearing Officer does not have the authority to grant such waivers without a recommendation, street lights must be installed. Mr. Bowling based his argument on Section 26-172 of the Baltimore County Code (B.C.C.) which addresses waiver requests. However, Mr. Bowling did not read Section 26-206, Subsection O of the B.C.C., which was brought to his attention on cross-examination by Mr. Alderman, Counsel for the Owners/Developers. Section 26-206(o) gives to this Hearing Officer the authority to impose such conditions upon approval as may be deemed necessary or advisable, based upon factual findings as may be supported by evidence for the protection of the surrounding and neighboring properties. This Section should be utilized as an alternative to proceedings by way of a waiver request, wherein a Developer can simply ask the Hearing Officer

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to impose a restriction on the development plan to alleviate an issue for the protection of neighboring properties.

All of the residents who attended the hearing are opposed to the installation of street lights, either on Trenton Mill Road or on Black Rock Road. These residents appreciate and value the rural character of their communities and believe that the installation of street lights will impose upon their quiet enjoyment of their property. They oppose the brightness inherent with street lighting and believe that they not only detract from the rural character of a community, but that they also hamper their ability to see oncoming headlights at night time. These residents argued that while pulling out of their driveways in the evenings, the easiest way to identify oncoming traffic is by their headlights coming from a distance. The ability to see those headlights is greatly hampered when bright street lights are placed along rural roads. These residents therefore asked that a condition be imposed, pursuant to Section 26-206(o) of the B.C.C., eliminating the necessity for the Developer to install street lights. Furthermore, these residents argued that the proposed development consists of four houses over a 207-acre parcel of land. The driveways serving these four lots are private, and thus, the traffic on them will be minimal such that the need for street lights at the entrance to these driveways is unwarranted.

I find from the facts and evidence presented at the hearing that the installation of street lights at the driveway entrances to each of the four lots are not necessary and should not be required. The volume of traffic on a private driveway does not warrant the installation of a street light at the intersection of those driveways with a rural road.

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Mr. Bowling also raised an issue regarding the widening of Trenton Mill Road at the intersection of those driveway entrances. Mr. Bowling's Department has requested the dedication of a 30-foot wide right-of-way to the County for the future widening of this road. Mr. Bowling testified that his Department has not required that any improvements to this road be made at this time, but only that the 30-foot wide right-of-way easement be granted at this time. Furthermore, Mr. Bowling adjusted his position so that the 30-foot wide right-of-way dedication would not include the private driveway that leads from Trenton Mill Road to the property owned by Victoria Woodward and Robert Devlin, Protestants in this matter. Once this matter was clarified, the issue of widening Trenton Mill Road was not opposed. Therefore, I shall require that the Developer dedicate to Baltimore County a 30-foot wide right-of-way easement on the north side of Trenton Mill Road where the access driveways for Lots 1 and 2 intersect that road. Only the 30-foot wide right-of-way easement shall be dedicated at this time and no improvements shall be required. Furthermore, the 30-foot wide right-of-way shall not include, or affect in any way, the 16-foot access driveway easement to the Woodward/Devlin property.

The next issue was raised at the request of two property owners, namely Theresa and Brian Ensor. The Ensors reside along Black Rock Road adjacent to the very northern portion of the subject property. Testimony revealed that the Developer actually has the right to utilize the same driveway used by Theresa and Brian Ensor, and Mr. Long. However, the Developer is not proposing the use of the Ensors' driveway for this 4-lot subdivision, but has, in the alternative, provided a 20-foot wide driveway running from Black Rock Road to Lots 3 and 4 of the proposed subdivision. The Developer has shown that this 20-foot driveway will run along the

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eastern property line of the Ensor property. In that their house sits in close proximity to the location of this driveway, the Ensors have asked that the Developer relocate this driveway so as not to adversely affect their homesite.

Mr. Chadsey testified that while the Developer has the option to access Lots 3 and 4 through the commonly shared driveway with the Ensors, the Developer has opted to provide a separate driveway to proposed Lots 3 and 4. He testified that the location of that driveway was selected due to sight distance problems associated with Black Rock Road in this area. Furthermore, the driveway was proposed to be located on the far western edge of the subject property in order to preserve prime and productive soils, as requested by DEPRM. Therefore, the location of the driveway access to Lots 3 and 4 was dictated by the sight distance problems along this area of Black Rock Road, and to preserve prime and productive soils. However, in response to the Ensors' concerns, Mr. Chadsey marked on Developer's Exhibit 1 in yellow highlighter and red marker, a proposed relocation of this driveway access from Black Rock Road to Lots 3 and 4. This relocation maintained the same sight distances on Black Rock Road, however, the driveway has been shifted approximately 20 feet further east of the Ensor property line. Furthermore, the Developer has agreed to provide some screening in the area of the Ensor home, between the proposed driveway and the Ensor property. The relocation of this driveway was an effort to alleviate the Ensors' objection to the proposed access to Lots 3 and 4.

After considering all of the testimony and evidence offered by both the Ensors as well as the Developer, I find that the driveway from Black Rock Road to Lots 3 and 4 shall be shifted approximately 20 feet east of the Ensor property line. The proposed relocation will soften the

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impact that this driveway will have on the Ensors' enjoyment of their property. Furthermore, the Developer shall be required to provide some screening on the west side of this access driveway in the approximate location of the Ensors' home. That is, it is not necessary for the Developer to provide screening along the entire length of the driveway, but only in the area adjacent to the Ensors' home.

Furthermore, as a condition of approval of this development plan, once all necessary permits have been obtained from Baltimore County and the Developer has actually installed the driveway from Black Rock Road to Lots 3 and 4, then at that time, the Developers shall be required to terminate their right to utilize the common driveway shared by the Developer, the Ensors and Mr. Long. Inasmuch as the Developers will have the newly constructed driveway to serve Lots 3 and 4, they will no longer need access over the Ensors' and Mr. Long's driveway. Therefore, as a condition of approval of this development plan, and specifically, approval of the relocation of the driveway to Lots 3 and 4, the Developer shall be required to terminate their right to use the common driveway shared with the Ensors and Mr. Long.

The next issue raised concerned the locations of the proposed dwellings on Lots 1 through 4. Those areas are highlighted in red marker showing the specific locations where the houses are proposed to be built. During preliminary discussions, the proposed house locations met with everyone's approval, with the exception of the Baltimore County Landmarks Preservation Commission. On behalf of the Landmarks Preservation Commission, Ms. Ruth Mascari testified that she is predominantly concerned about the proposed location of the house on Lot 1. Lot 1 is located in close proximity to the home of Ms. Victoria Woodward, a Protestant in this

8

ORDER RECEIVED FOR FILING
Date 10/21/96
By [Signature]

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Date 10/21/96
By [Signature]

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Date 10/21/96
By [Signature]

matter. Ms. Woodward's home is on the Landmarks Preservation List as a historical structure. Ms. Mascari is concerned over the proposed location of the house on Lot 1 because it might be possible to actually see the proposed dwelling from the Woodward/Devlin property. Ms. Mascari testified that being able to see the proposed dwelling on Lot 1 could adversely affect the historical character of the Woodward/Devlin property.

While Ms. Woodward agreed with the proposed location of the house on Lot 1 and had no objections to that location, Ms. Mascari was not prepared to bind the Commission to agreeing to that house location, in that the location of the proposed dwelling on Lot 1 was not provided to the Commission prior to the hearing. However, Ms. Mascari did request that the Landmarks Preservation Commission be entitled to review and approve any and all house plans for the construction of the proposed homes, not only for Lot 1, but also for Lots 2, 3, and 4. She has requested, and believes that the Landmarks Preservation Commission should review and approve building materials and designs of the proposed homes. She is concerned that the type of home to be constructed on these lots might affect the historical character of the surrounding community.

The Developer strongly objected to this request by Ms. Mascari and argued that the future purchasers of these lots should have maximum flexibility in the type of home they wish to build on their own property. Furthermore, the Developer stated that many, if not, all of the homesites on this property will be out of view of the Woodward/Devlin property. Therefore, it would be unduly burdensome for those future homeowners to be required to have their house plans reviewed by the Landmarks Preservation Commission, given that their houses would not be visible by any historical properties.

After reviewing all of the testimony and evidence on this particular issue, I find that the location for the proposed dwelling on Lot 1 is acceptable and will not adversely affect the property owned by Ms. Woodward and Mr. Devlin. Furthermore, I find that the Landmarks Preservation Commission should have no input on the types of houses, the materials used, and/or the design of the proposed dwellings on Lots 1 through 4 of this subdivision. Given the remote location of the proposed dwellings from this historical property, it is not necessary for the Commission to become involved in the design and construction of the proposed dwellings.

Perhaps the issue that generated the greatest amount of testimony and the most controversy at the hearing before me involved the dedication of land on both sides of Piney Run to Baltimore County as part of the stream valley park/greenway program. Testimony revealed, and the development plan shows, that the 271-acre parcel of land is bifurcated by Piney Run. This stream runs from Carroll County, which borders this property, through the subject property, intersecting with the Woodward/Devlin tract, and finally through the eastern most portion of the subject property. Mr. Grossman from the Department of Recreation and Parks and Mr. McDaniel with the Office of Planning, both appeared at the hearing and requested that I order the Developer to dedicate property on both sides of Piney Run to Baltimore County to be utilized as a stream valley park/greenway. The requested dedication of this property was vehemently opposed by the owners of the property as well as the surrounding residents who fear trespassers and members of the general public entering upon this park land and wandering onto their properties. They strongly oppose this greenway program and requested that the dedication not be made.

Testifying on behalf of the County's request for this dedication was Mr. Mike Grossman, a representative of the Department of Recreation and Parks. Mr. Grossman testified that the stream valley park/greenway program envisions that all streams located in Baltimore County will be interconnected as public park land. He stated that the Master Plan provides that when land is proposed for development and a Hearing Officer's Hearing is held concerning the development of a parcel of land which is traversed by a stream, that the Developer should be required to dedicate to Baltimore County land on both sides of the stream for the purpose of providing park land for the general residents of Baltimore County and surrounding areas. Mr. Grossman testified that this land would be utilized for hiking, fishing, biking, nature studies, etc. He also testified concerning some other popular programs, such as the Northern Central Mike and Bike Trail, and other areas where this program has been highly successful. Mr. Grossman testified that Piney Run has been identified as a candidate for a stream valley park and his office has requested that the dedication be made.

However, on cross-examination, Mr. Grossman was unable to identify this property on the map of the stream valley park/greenway program as set forth on Page 33, or Pages 130-131 of the Master Plan. It was clear to Mr. Grossman as well as this Hearing Officer, that the property which is the subject of this development plan approval, is not identified at all on the map on Page 33 as being part of the stream valley park/greenway program. Furthermore, the map on Pages 130-131 is, at best, unclear as to whether this property is part of the greenway program. Mr. Grossman stated that regardless of the fact that this property is not shown on the map on

Pages 130-131 of the Master Plan, Piney Run has been identified as a greenway stream.

Also testifying in support of the dedication of Piney Run into the stream valley park program, was Mr. Erv McDaniel with the Office of Planning. Mr. McDaniel agreed with Mr. Grossman that the map on Page 33 does not show this property as being part of the stream valley park program and the map on Pages 130-131 does not identify this property as being part of the stream valley park either. Mr. McDaniel asserted, however, that Piney Run has been identified as a stream valley park and could not understand why the maps did not corroborate this fact. Mr. McDaniel stated that one possible explanation of this omission is that the map on Pages 130 and 131 has been tremendously reduced from its original size so that the map could be printed in the Master Plan book. He believes that the entire Piney Run would show as a stream valley park on the original map of the northern sector of Baltimore County. However, he and Mr. Grossman could not testify that the maps on Page 33 and Pages 130-131 identify this property as being part of the stream valley park program.

Mr. Tim Dugan also appeared and testified on behalf of the Office of Planning. Mr. Dugan's position is that the maps on Pages 130 and 131 of the Master Plan do, in fact, show this property as being part of the stream valley park/greenway program. He, too, stated that because the map has been greatly reduced to fit into the Master Plan booklet, it is very difficult to identify the designation of Piney Run on this map. However, he argued that the entire Piney Run is part of this program.

The Developer argued that the map on Page 33 very clearly shows that the property is not part of the stream valley program, and at best, the map on Page 130 is extremely ambiguous as to whether the property is

included at all. The Developer argued that the property is not part of the stream valley park program and no dedication should be made. Furthermore, the Developer argued, and brought out by way of cross examination of the various witnesses who attended the hearing, that the Developer is greatly concerned over the liability issue should someone slip and fall or get hurt on their property. This would open the owner of this property to litigation in the event the stream valley park would be allowed to traverse the subject property. Furthermore, the owner of the property, as well as the surrounding owners, have great fear that individuals would trespass onto their properties, or that criminals might utilize this public access to burglarize homes, vandalize property, or worse yet, inflict personal injury to those residents who live in and around these rural areas. They fear for their safety should this land be opened for public access. Furthermore, testimony indicated that there is no provision for policing these public stream valley parks at the present time. Mr. Grossman testified that the residents would have to rely on the Baltimore County Police for the protection of these public areas, in that there is no money budgeted for additional police for these stream valley parks.

The Developer argued that all of this testimony as to whether the stream valley parks/greenway program is a viable program is moot, given the fact that the subject property is not identified on the Master Plan maps as being within the proposed stream valley park.

After reviewing the maps contained on Pages 33, and Pages 130 and 131 of the Master Plan, I find that the property which is the subject of

this development plan is not part of the proposed stream valley park/greenway program. Specifically, the map on Page 33 clearly shows that the stream valley park does not run to the Carroll County line in the location of Piney Run. The map on Pages 130 and 131, is, at best, inconclusive as to whether the subject property is part of the program. Therefore, based on the documents and testimony presented, I find that this property is not part of the proposed stream valley park network and therefore, the Developer shall not be required to dedicate property on either side of Piney Run to Baltimore County.

Furthermore, in my opinion, this particular parcel of land is in no way a critical link to the stream valley park program. This property leads into Carroll County and would most likely be a terminus to the stream valley park program. It basically is a dead end for the stream valley park and probably justifies why the map on Page 33 specifically excludes this portion of Piney Run as a stream valley park. Therefore, I find from the documents presented to me that this property is not part of the stream valley park program, and therefore, the Developer shall not be required to make the dedication.

There are many areas of Baltimore County that are extremely sensitive to development. These areas contain rural valleys wherein streams traverse. These are the very streams that the Department of Recreation and Parks and the Planning Office have identified as the proposed stream valley park/greenway program. I anticipate that the many residents of these valleys will strongly object in the future to these stream valleys becoming public parks, open to all members of the public. It is only a matter of time before this issue will be brought back before this Hearing Officer on another proposed subdivision. Hopefully, the

questions raised concerning liability, policing and other safety issues will be resolved before the next request is made. Inasmuch as I have found that this property is not included in the proposed stream valley park/greenway program, these issues did not have to be resolved at the hearing before me. However, this issue will be raised again, and at that time, I anticipate that answers to these very difficult questions will be presented to this Hearing Officer.

No other issues were raised concerning the proposed development plan. Therefore, the plan as submitted shall be approved consistent with the terms and conditions imposed at the end of this Order.

As noted earlier in this opinion, the Owners/Developers have also requested a special hearing to approve the creation of a non-density parcel consisting of 64.030 acres. After due consideration of the testimony and evidence presented, it appears that the relief requested should be granted. The Developer has agreed to add a note to the development plan, specifically, Note No. 40, which restricts the use of this parcel for non-density purposes. Thus, in my opinion, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 2nd day of October, 1996 that the development plan for Trenton Mills, identified herein as Developer's

Exhibit 1, be and is hereby APPROVED, consistent with the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the creation of a non-density parcel containing 64.030 acres, in accordance with Developer's Exhibit 1, be and is hereby GRANTED subject to the following restrictions:

- 1) The Developer shall not be required to install street lights either on Trenton Mill Road or on Black Rock Road. This restriction is being imposed, pursuant to Section 26-206(o) of the Baltimore County Code, wherein I have found that this restriction is necessary to protect the surrounding and neighboring properties. I further find that this restriction is imposed at the request of a party to these proceedings, without which the installation of street lights would have an adverse impact on the health, safety, and general welfare of the surrounding communities. Furthermore, I find that the imposition of this restriction will alleviate the adverse impact that these street lights will have on this rural community. The imposition of this restriction does not affect the number of dwelling units proposed for this subdivision and therefore, the installation of street lights shall not be required.
- 2) The Developer shall dedicate to Baltimore County a 30-foot wide strip of land along the north side of Trenton Mill Road, west of the access easement to the Woodward/Devlin property, and proposed Lots 1 and 2. The 30-foot wide strip shall be dedicated at this time, only, and no improvements or grading shall be required. Furthermore, the 30-foot wide strip shall not impose upon or interfere with the 16-foot wide access easement to the Woodward/Devlin property.
- 3) The Developer shall relocate the 20-foot wide driveway access from Black Rock Road to Lots 3 and 4 to a location approximately 20 feet west of its previously proposed location as shown in yellow highlighter and red marker on Developer's Exhibit 1. Furthermore, once the Developer has obtained all necessary permits and the driveway is actually installed, he shall terminate his right to use the common driveway shared with the Ensors and Mr. Long. This termination shall only be done once the Developer has constructed the driveway in its alternate location.

4) The Developer shall not be required to dedicate to Baltimore County an area along Piney Run for the stream valley park program.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Hearing Officer
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

October 21, 1996

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

Howard L. Alderman, Jr., Esquire
305 M. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: DEVELOPMENT PLAN AND PETITION FOR SPECIAL HEARING - Trenton Mills
N/S Trenton Mill Road and SE/S of Black Rock Road, W of Trenton Road
5th Election District - 3rd Councilmanic District
Carolyn E. and J. Paul Jennings, Owners;
Triple "U" Joint Venture, Developers
Case Nos. V-236 & 97-103-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the Petition for Special Hearing 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,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. J. Paul Jennings, 5306 Trenton Mill Road, Upperco, Md. 21155
Messrs. Rich Chadsey and Dean Hoover, G.W. Stephens, Jr. & Assoc., Inc.,
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

Ms. Ruth Mascari, Landmarks Preservation Commission (OP)
Mr. & Mrs. Brian Ensor, 5104-A Black Rock Road, Hampstead, Md. 21074
Mrs. Geneva V. Long, 5104-A Black Rock Road, Hampstead, Md. 21074
Ms. Victoria Woodward, P.O. Box 58, Upperco, Md. 21155
Mr. R. Devlin, 5126 Trenton Mill Road, Upperco, Md. 21155
Mr. James W. Rouse, Jr., 4537 Black Rock Road, Upperco, Md. 21155
Mr. Neil M. Ridgely, Hampstead Town Manager
1034 S. Carroll Street, Hampstead, Md. 21074

Dave Flowers, DPDM; DEPRM; DPW; People's Counsel; Case file



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Trenton Mill Road, West of Trenton Road
which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and make a part hereof, hereby petition for a Special Hearing under Section 50.0.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the creation of a non-density parcel as shown more particularly on the Plan to accompany this Petition.

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.

Contract Purchase/Lease:

Type or First Name

Signature

Address

City State Zip

Agency for Person:

Howard L. Alderman, Jr.

Signature

LEVIN & GAMM, P.A.

305 West Chesapeake Avenue

Suite 113

Towson, Maryland 21204

Telephone: (410) 321-0600

ORDER RECEIVED FOR FILING
Date 10/21/96
By [Signature]

With this petition, the undersigned, legal owner(s) of the property, shall file with the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

J. Paul Jennings

Signature

Carolyn A. Jennings

Signature

5306 Trenton Mill Road

374-6630

Upperco, Maryland 21155

Phone No.

Signature

LEVIN & GAMM, P.A.

305 West Chesapeake Avenue

Suite 113

Towson, Maryland 21204

Telephone: (410) 321-0600

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL OTHER: _____

REVIEWED BY: R.T. DATE: 9-6-96

ITEM # 109

C.A. MYERS & SON, INC. 97-103-SPH
LAND SURVEYORS
5732 EMORY ROAD
UPPERCO, MD 21155

ZONING DESCRIPTION FOR SPECIAL HEARING OF "TRENTON MILLS",
TRENTON MILL ROAD, UPPERCO, MD. 21155.

Beginning at a point on the Southwest side of Trenton Mill Road at the end of a line drawn North 75 degrees 32 minutes 10 seconds East 469.04 feet from the intersection of Trenton Mill Road and Thomas Shilling Court, as recorded in Deed No. 6164 folio 818, thence crossing said road, North 30 degrees 13 minutes 54 seconds East 869.81 feet, South 61 degrees 56 minutes 06 seconds East 165.51 feet, South 36 degrees 38 minutes 00 seconds East 874.50 feet, North 55 degrees 22 minutes 00 seconds East 627.00 feet, South 82 degrees 38 minutes 00 seconds East 396.00 feet, South 31 degrees 28 minutes 00 seconds East 660.00 feet, North 63 degrees 41 minutes 36 seconds East 610.36 feet, North 34 degrees 56 minutes 16 seconds West 296.53 feet, North 32 degrees 26 minutes 16 seconds West 774.26 feet, North 24 degrees 11 minutes 16 seconds West 253.13 feet, South 59 degrees 00 minutes 12 seconds West 692.10 feet, North 28 degrees 04 minutes 18 seconds West 585.52 feet, North 01 degrees 47 minutes 42 seconds East 454.45 feet, North 28 degrees 24 minutes 12 seconds East 173.23 feet, North 84 degrees 25 minutes 48 seconds West 42.00 feet and North 31 degree, 20 minutes 29 seconds West 179.49 feet, thence, South 87 degrees 36 minutes 31 seconds West 351.11 feet, South 50 degrees 55 minutes 47 seconds West 355.23 feet, South 72 degrees 39 minutes 37 seconds West 543.93 feet, South 15 degrees 26 minutes 24 seconds East 337.83 feet, South 15 degrees 57 minutes 53 seconds West 243.16 feet, South 18 degrees 46 minutes 06 seconds East 425.00 feet and South 30 degrees 13 minutes 54 seconds West 720.00 feet to intersect the above mentioned Deed on the southwest side of said road, thence, South 60 degrees 50 minutes 27 seconds East 50.01 feet to the beginning, containing Sixty four acres and thirty thousandths (64.030) of an acre of land, more or less.

C.A. Myers
C. A. Myers, Surveyor

ITEM # 109

ORIGINAL FOR
ZONING OFFICE
FILE.

Date 9/16 Time 1:00 PM

WHILE YOU WERE OUT

M David D. Dube

OF Lower Office

Phone 887-3851

Mobile

Area Code Number Extension

TELEPHONED

CAME TO SEE YOU

WILL CALL AGAIN

WANTS TO SEE YOU

URGENT

RETURNED YOUR CALL

SPECIAL ATTENTION

Message

Ready for pick up

Signatures

Did you return

Completed



Baltimore County
Department of Permits and
Development Management

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 101 Petitioner: Paul & Carolyn Jennings

Location: Trenton Mill Road, West of Trenton Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Howard L. Alderman, Jr., Esq. Levin & Gamm, PA

ADDRESS: 305 West Chesapeake Avenue, Suite 113

Towson, Maryland 21204

PHONE NUMBER: (410) 321-0600

TO: PUTNAM PUBLISHING COMPANY
September 19, 1996 Issue - Jeffersonian

Please forward billing to:

Howard L. Alderman, Esq.
Levin & Gamm, P.A.
305 M. Chesapeake Avenue, #113
Towson, Maryland 21204
321-0600

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: 97-103-SPH (Item 109)
NE/S Trenton Mill Road, 6.250 +/- W of c/l Trenton Road
5th Election District - 3rd Councilmanic
Legal Owner(s): J. Paul Jennings and Carolyn A. Jennings

Special Hearing to approve the creation of a non-density parcel.

HEARING: THURSDAY, OCTOBER 10, 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 887-3355.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

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

September 11, 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:

DEVELOPMENT PLAN HEARING
Project Name: Trenton Mills
Project Number: V-236
Location: N/S Trenton Mill Road, W of Trenton Road
Acre(s): 207.35
Developer: Triple "U" Joint Venture - Michelle Jennings
Proposal: 4 single family lots.

CASE NUMBER: 97-103-SPH (Item 109)
NE/S Trenton Mill Road, 6.250 +/- W of c/l Trenton Road
5th Election District - 3rd Councilmanic
Legal Owner(s): J. Paul Jennings and Carolyn A. Jennings

Special Hearing to approve the creation of a non-density parcel.

HEARING: THURSDAY, OCTOBER 10, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: J. Paul Jennings and Carolyn A. Jennings
Howard L. Alderman, Jr., Esq.
G. W. Stephens, Jr. & Associates, Inc./Dean Hoover

*NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3355.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9-19-1996

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 successive weeks, the first publication appearing on 9-19-1996.

THE JEFFERSONIAN,
A. H. Henshaw
LEGAL AD. - TOWSON

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: 97-103-SPH (Item 109)

NE/S Trenton Mill Road, 6.250 +/- W of c/l Trenton Road

5th Election District - 3rd Councilmanic

Legal Owner(s): J. Paul Jennings and Carolyn A. Jennings

Special Hearing to approve the creation of a non-density parcel.

HEARING: THURSDAY, OCTOBER 10, 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 887-3355.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

9/20/96



Baltimore County
Department of Permits and
Development Management

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

November 14, 1996

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

RE: Item No.: 109
Case No.: 97-103-SPH
Petitioner: J. Paul Jennings, et ux

Dear Mr. Alderman:

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 September 6, 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,

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

WCR/re
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

9-18-96

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

RE: Baltimore County
Item No. 109 (RT)

Dear Ms. Eubanks:

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 affected 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 item.

Very truly yours,

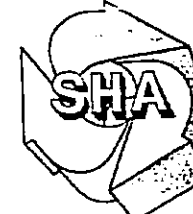
for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2255 Statewide Toll Free

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



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

10-28-96

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

RE: Baltimore County
Item No. 109 (RT)

Dear Ms. Eubanks:

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 affected 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 item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2255 Statewide Toll Free

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

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-8880

DATE: 09/19/96

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 SEPT. 16, 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.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 104, 105, 106, 107, 108 & 109.

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

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 23, 1996

FROM: Robert A. Wirth RAW/96
DEPRM

SUBJECT: Zoning Item #109 - Trenton Mill Golf Course
Trenton Mill Road
Zoning Advisory Committee Meeting of September 16, 1996

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

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

Agricultural Preservation

Support this request with the condition that no house or residential structure, including tenant house will be located on this parcel.

RAW:DL:WL:sp

TRENTON/DEPRM/TXTS8P



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 29, 1996

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: DEVELOPMENT PLAN AND PETITION FOR SPECIAL HEARING - Trenton Mills
Carolyn E. & J. Paul Jennings, Owners; Triple "J" J.V., Developers
Case Nos. V-236 & 97-103-SPH

Dear Mr. Alderman:

A copy of the decision rendered in the above-captioned matter was recently forwarded to you. It has come to my attention that an error was made in the Order with regard to the location of the proposed driveway access to Lots 3 and 4. Specifically, Restriction No. 3 of my order states that the subject driveway is to be relocated 20 feet further west of the property line of Brian and Teresa Ensor, when in fact, the driveway is located along the Ensor's eastern property line. Obviously, relocating the subject driveway 20 feet west of the property line would place the driveway on the Ensor property.

Therefore, please correct Restriction No. 3 of your copy of the Order to reflect that the subject driveway is to be relocated in an easterly direction, not west. Thank you for your consideration in this matter.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. J. Paul Jennings, 5306 Trenton Mill Road, Upperco, Md. 21155
Messrs. Rich Chadey and Dean Hoover, G.W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

Ms. Ruth Mascari, Landmarks Preservation Commission (OP)
Mr. & Mrs. Brian Ensor, 5104-A Black Rock Road, Hampstead, Md. 21074
Mrs. Geneva V. Long, 5104-A Black Rock Road, Hampstead, Md. 21074
Ms. Victoria Woodward, P.O. Box 58, Upperco, Md. 21155
Mr. R. Devlin, 5126 Trenton Mill Road, Upperco, Md. 21155
Mr. James M. Rouse, Jr., 4537 Black Rock Road, Upperco, Md. 21155
Mr. Neil M. Ridgely, Hampstead Town Manager
1034 S. Carroll Street, Hampstead, Md. 21074

Dave Flowers, DPM; DEPRM; DPW; People's Counsel; Case File

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Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 27, 1996

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: DEVELOPMENT PLAN AND PETITION FOR SPECIAL HEARING
(Trenton Mills)
Case Nos. V-236 and 97-103-SPH

Dear Mr. Alderman:

In response to your letter dated November 14, 1996 concerning Restriction No. 3 of the Order issued in the above-captioned matter, and modified by my letter of October 29, 1996, the following comments are offered:

Restriction No. 3 of my Order requires that your client, the Developer in this case, terminate his right to use the common driveway shared with Mr. & Mrs. Ensor and Mr. Long, upon completion of the driveway to serve Lots 3 and 4 in its alternate location. You have requested that the termination instrument be prepared at the expense of Mr. & Mrs. Ensor and presented to your clients for execution. In view of the fact that the driveway is being relocated at the request of Mr. & Mrs. Ensor, I am persuaded that the expense of preparing the termination instrument should be borne by the Ensors. Therefore, by copy of this letter to Mr. & Mrs. Ensor, it shall be made known to them that the said termination instrument shall be prepared by them, at their expense, at such time as your client notifies them that the driveway has been completely installed in its alternate location.

Should you have any further questions on the subject, please feel free to contact me.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Brian Ensor
5104-A Black Rock Road, Hampstead, Md. 21074

People's Counsel; Case File

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on Recycled Paper

RE: PETITION FOR SPECIAL HEARING *
NE/S Trenton Mill Road, 6.250' +/- W of *
c/l Trenton Road, 5th Election District, *
3rd Councilmanic *
J. Paul Jennings and Carolyn A. Jennings *
Petitioners *
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-103-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

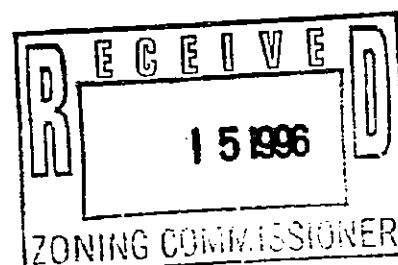
I HEREBY CERTIFY that on this 27th day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin and Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
8TH FLOOR
BALTIMORE, MARYLAND 21201
410-525-3700
TELECOPIER 410-625-6050

LAW OFFICES
LEVIN & CANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0500
TELECOPIER 410-296-2801

ELLIE LEVIN (AB314060)



HOWARD L. ALDERMAN, JR.

November 14, 1996

HAND DELIVERED

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
for Baltimore County
Room 112
400 Washington Avenue
Towson, Maryland 21204

RE: Development Plan and Petition for Special Hearing - Trenton Mills
Case Nos. V-236 and 97-103-SPH

Dear Mr. Kotroco:

I am writing in reference to your Order, dated October 21, 1996 and your subsequent letter dated October 29, 1996 in the above-referenced matter. Specifically, I am writing with reference to restriction number three shown on page sixteen of your Order, as modified by your letter of October 29, 1996.

My clients understand fully the rationale used by you in connection with the restriction, as well as the clarification made subsequent to your Order. Since this is a direct request of Mr. and Mrs. Ensor, the adjoining property owners, my clients will certainly comply with the Restriction as modified. However, my clients will require that the termination instrument be prepared at the expense of Mr. and Mrs. Ensor and presented to my clients for execution. Obviously, my clients will also agree to notify Mr. and Mrs. Ensor when the driveway has been completely constructed in the location identified.

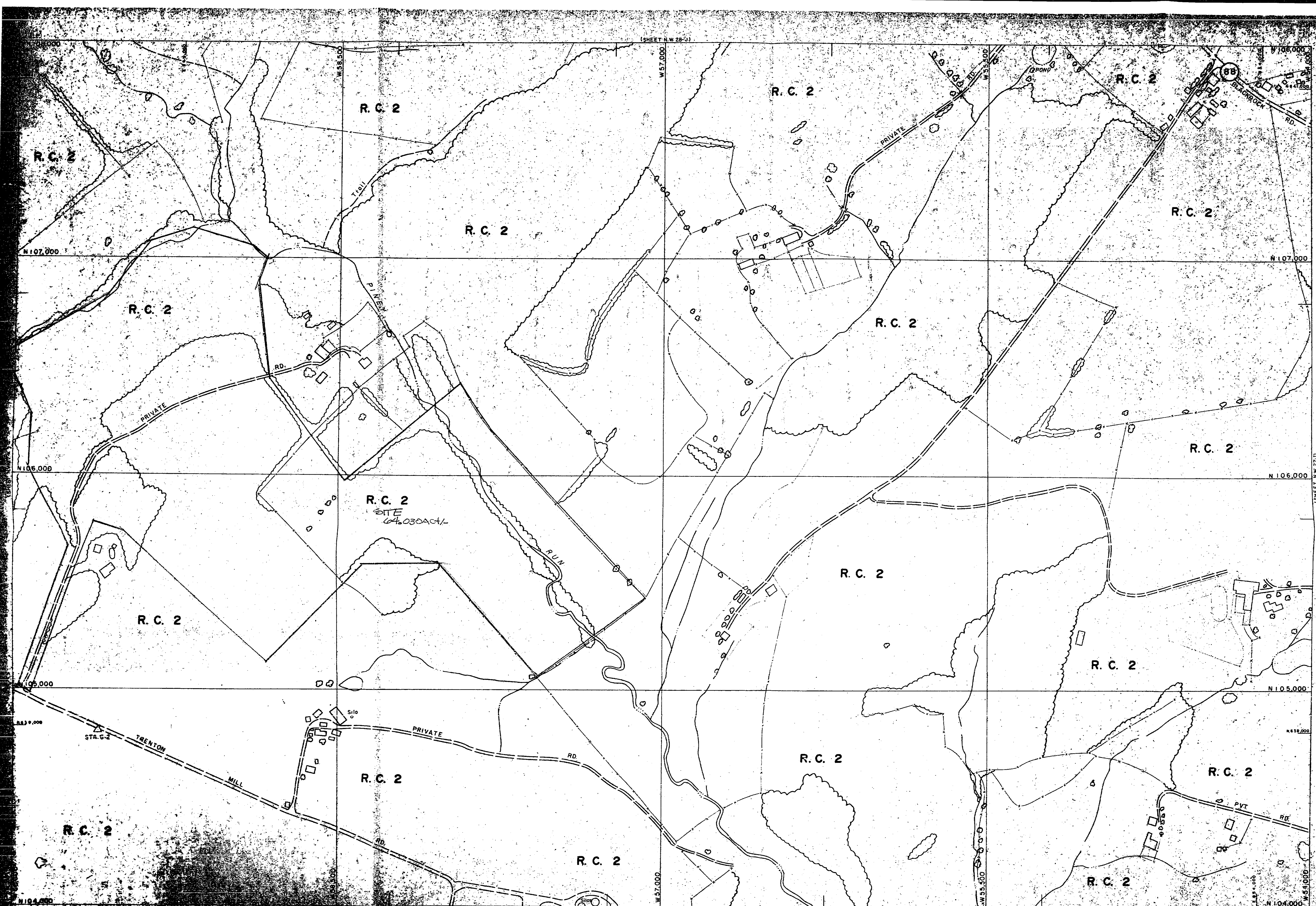
I would appreciate it if you would clarify the responsibility for preparation of the termination instrument as being that of Mr. and Mrs. Ensor. It would be most helpful if this clarification were received not later than twenty nine days from the date of your original Order.

Should you have any questions or need additional information in this regard, as always, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA:lah
cc: The Jennings Family



FF-55

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1988

LOCATION
NORTH OF
TRENTON

SHEET
N.W.
27

203
145