IN RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE - (Alma Smith Property) N/S Bird River Road, E of Reames River Road 15th Election District 6th Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case Nos. XV-687 & 97-302-A
Alma Smith, Owner; Flow Development Corp., Developer	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner seeking combined relief, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). Specifically, the Owner/Developer, Flow Development Corporation, seeks approval of a development plan prepared by Morris & Ritchie Associates, Inc., for the tract known as the Alma Smith Property, which is located adjacent to Bird River Road in the vicinity of Wampler Road in eastern Baltimore County. In addition to development plan approval, the Owner/Developer also requests variance relief from Section 413.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit four (4) freestanding entrance signs which comprise 800 sq.ft. total sign area in lieu of the maximum permitted 15 sq.ft. for identification of a residential community. The subject property and relief requested are more particularly shown on the site plan/development plan submitted into evidence and identified as Developer's Exhibit 1.

Pursuant to the development regulations set out in Article 26 of the Baltimore County Code, this project has proceeded through the review process commencing with the filing of a Concept Plan by the Developer, presenting a schematic layout of the proposed development. In accordance with the Code, a concept plan conference was held for the project on August 19, 1996. Thereafter, a community input meeting was scheduled and

conducted on September 26, 1996 at the Middle River Middle School. This community input meeting was scheduled in order to provide adjacent property owners and members of the surrounding community an opportunity to review the project. The plan was refined and submitted for review at a development plan conference held on January 22, 1997. Thereafter, the requisite Hearing Officer's Hearing was scheduled. After several false starts and postponements, the Hearing Officer's Hearing was opened on March 5, 1997. Ultimately, it was continued to July 9, 1997 and again to September 30, 1997, at which time the Hearing Officer's Hearing was concluded.

Appearing at all or some of the scheduled hearings were Jim Wolf, a representative of Flow Development Corporation, Tim Madden, Registered Landscape Architect with Morris & Ritchie Associates, Inc., who prepared the site plan/development plan for this property, C. William Clark, Esquire Counsel for the Owner/Developer, and Robert and Alma Smith. Ms. Smith is the owner of the subject property which is under contract of sale to Flow Development Corporation. As is customary, numerous representatives of the various Baltimore County reviewing agencies appeared, including David Flowers the Project Manager for this development, and Stephany Wright, Mitch Kellman, and Robert W. Bowling, all representatives of the Department of Permits and Development Management (DPDM), Ervin McDaniel with the Office of Planning, and R. Bruce Seeley and Keith Kelley with the Department of Environmental Protection and Resource Management (DEPRM). Also present were Isaac Neuberger, Esquire, and Richard Rubin, Esquire, attorneys for Tito, Inc., an adjacent property owner, Robert Romadka, Esquire, who represents other property owners in the area, and William Chase, Esquire, who appeared on behalf of the Windlass Run Community Association. A number of other interested persons and residents from the adjacent com-

munity appeared, all of whom signed the Citizen Sign-In Sheets circulated at each of the hearings.

The subject property consists of approximately 45.1 acres in area, split zoned D.R. 3.5 and D.R. 5.5. The property is an irregularly shaped parcel which lies adjacent to Bird River Road and future Campbell Boulevard extended. Presently, the property contains a dwelling, which will be removed to make way for the proposed development. The balance of the property is in forest and agricultural use. As noted above, the Owner/Developer proposes residential development of the site in accordance with the development plan submitted into evidence as Developer's Exhibit 1. Actually, two different proposals are shown on the plan and identified as Alternates 1 and 2. For the proposal identified as Alternate 1, the Developer proposes two means of access to the interior of the site, both from Bird River Road. It is to be noted that the property is in somewhat of a horseshoe shape, with the area dividing the prongs of the horseshoe owned by others. Due to this site feature, there will actually be two areas of development within the overall tract. One is on the southwest side of the property, and the other on the southeast side of the property. On Alternate 1, an internal road is proposed with access from Bird River Road on the west side. Two cul-de-sacs will be constructed and 19 single family lots proposed. For the area on the southeast side, an internal road is also proposed for construction with access from Bird River Road. A total of 58 lots are proposed on that side of the tract, for a total of 77 lots overall.

Under Alternate 2, the same road configuration and lot layout are proposed for the area on the west side. Again, an internal road with access from Bird River Road will extend into the property to provide access

for 19 single family lots. However, for the primary area of development on the east side, vehicular access is proposed to be by way of an internal road which intersects with the future extended Campbell Boulevard. Moreover, under Alternate 2, 59 lots are proposed on the east side for a grand total of 78 lots overall.

Section 26-206 of the B.C.C. governs the Hearing Officer's Hearing and the conduct thereof. That Section requires that the Hearing Officer identify any outstanding issues and/or unresolved comments during the initial phase of the hearing. If any comments or issues are identified or remain unresolved, testimony and evidence is then received on these issues.

A number of relatively minor issues were identified during the initial phase of the hearing. For example, Robert Bowling, on behalf of the Development Plans Review division of DPDM, indicated that a change to the plan, specifically, Note 31, should be made to reflect that a board-on-board fence will be included on the landscaping plan for Alternate 2, as was done for Alternate 1. Additionally, further labeling of the forest conservation easement and buffer will be required by DEPRM. There were also some other minor comments and questions identified during the initial phase of the hearing.

The major issue, however, is what alternate should be approved, and, more importantly, this Developer's responsibility for the location and ultimate construction of Campbell Boulevard Extended.

Presently, the eastern property line is bounded by Campbell Boulevard, which is presently a paper street. County plans indicate that Campbell Boulevard will eventually be extended into this area so as to provide better traffic patterns and circulation in the area at large.

Testimony and evidence offered revealed that Bird River Road is stressed from a traffic standpoint and the extension of Campbell Boulevard will help ease this congestion.

The County representatives who were present unanimously support Alternate 2, as compared with Alternate 1. They believe that the property should not have dual access points from Bird River Road in that same will increase traffic congestion and ultimately present a safety hazard. Other neighbors in the vicinity, including Mr. Romadka's clients and Mr. Chase's client (the Windlass Run Community Association) also endorse Alternate 2.

The attorneys who were present on behalf of Tito, Inc., an adjoining property owner, also expressed favor for Alternate 2. Tito, Inc. owns that tract of land immediately adjacent to the subject property on the east side. When completed, Campbell Boulevard will divide the subject parcel from the Tito, Inc. property.

In sum, it is clear that if Alternate 2 is pursued, there are no significant outstanding issues, and that proposal would enjoy the support of Baltimore County as well as those residents and adjacent property owners in the vicinity of the subject site. On the other hand, if the Developer desires to pursue Alternate 1, significant issues would be raised. In view of the status of the case in this regard, the hearing was suspended on several occasions to allow the parties an opportunity to resolve their differences. These negotiations were complicated in view of the fact that they involved numerous entities; to wit, Baltimore County, Tito, Inc., Flow Development Corporation, and Alma Smith. Ultimately, on October 10, 1997, I received an executed agreement by and between all the parties. The sum and substance of the agreement was that the Developer would seek approval of Alternate 2, only, and the parties further agreed on specifics

as to the location, construction, and ultimate cost of extending Campbell Boulevard. The parties jointly requested that I incorporate this agreement within the body of any Order approving Alternate 2.

In my judgment, such request is entirely appropriate and consistent with the development regulations. The agreement executed by the parties, as well as the final amended development plan offered reflect that this Developer has resolved all County issues and incorporated all appropriate concerns to the satisfaction of the County agencies and interested members of the community and adjacent property owners. Thus, I find that Alternate 2 as shown on Developer's Exhibit 1 is in compliance with the development regulations contained within Title 26 of the B.C.C. and shall approve same consistent with the comments contained herein. Consideration of Alternate 1 is therefore moot, and same shall not be approved.

As to the Petition for Variance, testimony was offered by Mr. Tim Madden regarding this request. Essentially, the Owner/Developer proposes dual identification signs at each of the two access points for the proposed development. In my judgment, the size and location of the signs are appropriate, in view of the size of the property and physical constraints associated therewith. I am persuaded that the Owner/Developer has satisfied the requirements of Section 307 of the B.C.Z.R. and should therefore be granted

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/Hearing Officer for Baltimore County this 24th day of October, 1997 that Alter-

nate 2 as shown on the development plan for Alma Smith Property, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to the following restrictions:

> 1) Compliance with the Agreement and related Exhibits received October 10, 1997, a copy of which has been attached hereto and made a part hereof.

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

LAWRENCE E. SCHMIDT
Hearing Officer
for Baltimore County

LES:bjs

Rec'd 10/10/97

THIS AGREEMENT made as of this ___ day of October , 1997, by and among the following parties:

1. **FLOW DEVELOPMENT, INC.**, (the "**Smith Property Developer**") whose address is 1301 York Road, Suite 302, Towson, Maryland 21204, Attention: Morris Wolf, who is the contract purchaser of property located at the north side of Bird River Road, containing approximately forty six and five tenths (46.5) acres and being more particularly described on Exhibit 1-A attached hereto (the "**Smith Property**");

2. **ALMA SMITH**, whose address is 1025 Roxleigh Road, Baltimore, Maryland 21286, individually and as attorney in fact for her brothers, Charles J. Volz, J. Henry Volz, George W. Volz and J. Fred Volz, who are the legal owners of the Smith Property; joining in as a contract seller of the property for the benefit of Flow Development, Inc.;

3. **TITO, INC.**, whose address is 10 Parks Avenue, Hunt Valley, Maryland 21030, who is the owner of property located adjacent to the Smith Property; containing approximately 73.49 acres and being more particularly described on Exhibit 1-B attached hereto (the "**Tito Property**");

4. **BALTIMORE COUNTY, MARYLAND** ("**Baltimore County**").

Explanatory Statement

Flow Development, Inc. and Tito, Inc.(collectively, the "**Developer Parties**") are each the owner and/or contract purchaser of property located in Baltimore County, Maryland. The properties owned by the Developer Parties are in various stages of development, and are each affected in varying degrees by a proposed

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& WILLIAMS,
CHARTERED

extension (the "**Extension**") of Campbell Boulevard.

Baltimore County has agreed with the Developer Parties that a portion of the Extension (hereinafter the "Road") from Bird River Road to Pulaski Highway (Route 40), will be constructed by it and will be funded as a capital project provided that each of them make certain contributions to the construction cost, which they are willing to do. The parties wish to set forth their agreement with respect to the location, development and construction of the Extension and with respect to certain other matters, all as set forth below:

NOW THEREFORE, for good and valuable legal consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Alignment of Extension. The Developer Parties and Alma Smith agree that the Extension will be constructed in the location set forth on Exhibit B attached hereto, it being the intention that, except as shown on Exhibit B, Campbell Boulevard shall be apportioned equally between the Smith Property and the Tito Property along their common boundary line. The right-of-way and easements for a 50' road on a 60' right of way for this shall be dedicated to the County by the respective developers and/or Alma Smith, on or before December 1, 1997.

2. Contribution to Cost of Extension. Each of the Parties hereby agrees to contribute the following amounts, at the time and in the manner set forth in paragraph 3 below, in complete fulfillment of their obligations set forth in this paragraph 4:

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& WILLIAMS,
CHARTERED

a) As to the Smith Property, the Smith Property Developer will contribute an amount equal to the total cost that the Smith Property Developer would have incurred with respect to the design, widening and improvements of Bird River Road if Campbell Boulevard were not to be built. The "widening and improvements of Bird River Road" shall include all paving, curb and gutter, storm drains, sidewalks if needed and storm water management. The contribution shall be based upon a private construction contract cost estimate to be obtained by the Smith Property Developer and submitted to Baltimore County for its determination and approval. Additionally, the Smith Property Developer shall provide such additional area to its proposed storm water management facility as is necessary to provide storm water management for a 50' wide section of Campbell Boulevard running from its intersection with Bird River Road in a northerly direction to the point of said developer's storm water management facility. The Smith Property Developer hereby reserves the right to claim additional compensation from Baltimore County (by adjustment, credit, or otherwise) to the extent that the enlargement of said facility results in the loss to said developer of any usable land.

b) As to the Tito Property, Tito will contribute to the Fund an amount equal to the cost of road widening and improvements of Bird River Road and Reames Road as required by Baltimore County in connection with the project to be developed on the Tito Property if Campbell Boulevard were not to be built. The "widening and improvements of Bird River Road" shall include all paving, curb and

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& WILLIAMS,
CHARTERED

gutter, storm drains, sidewalks if needed and storm water management. The requirement for road widening and improvements shall be determined in accordance with the Baltimore County Policy and Procedures Manual, or shall be as otherwise set forth on the approved Development Plan for the Tito project. Tito's contribution shall be based upon a private construction cost estimate to be obtained by Tito and submitted to Baltimore County for its determination and approval.

3. Manner of Contribution to Fund. Each of the Developer Parties shall make their contribution to a deposit account (the "**Fund**") at the time of plat recordation for such project, as a deferred deposit account in accordance with the Development Policies and Procedures Manual. The County shall be entitled to draw upon the monies contained in the Fund at such time and for such purposes as the County may elect in its sole discretion.

Notwithstanding the foregoing, Tito's contribution for the payment of its share of Road Widening Costs may be postponed to the extent that, under standard Baltimore County development policy, it would not have had to pay for all of the Road Widening Costs at the time of plat recordation for its project. To the extent that Tito could have phased the road widening and improvements, Tito may delay payment of its contribution until such time as it would have had to construct the road widening and improvements for each phase of its project, as determined by Baltimore County in accordance with its standard development policy.

4. Discharge of Road Improvement Responsibilities. The County agrees with each of the Parties that the contribution by each party to the Fund shall represent the complete fulfillment and discharge of such party's responsibility with respect to the installation of, widening of, or improvement of any road adjacent

to such project, including such project's responsibility for installation of sewer, water or other improvement within the right-of-way of such road. Nothing herein is intended to affect the obligation of any party to develop new roadways within such party's project as shown on the Development Plan for such project.

5. Construction of Campbell Boulevard. The Smith Property Developer shall provide County by January 1, 1998 the design and plats for the easements described in paragraph 1 for the 28' wide road from the intersection of Bird River through to a point on Campbell Boulevard near the storm water management facility. The Cost for that design shall be credited against Smith Property Developer's contribution required by No. 2 above. The County agrees to use its best efforts to award the construction contracts on or before March 31, 1998 for the Road and the water line and cause to be constructed for use as an access to the Smith Property and the Tito Property by June 15, 1998, the Road, together with all improvements for water, sewer, storm drain which are intended to be located in the Road, which shall be maintained by the County until its final construction.

6. Binding Nature; Time of the Essence. This Agreement shall be binding upon each of the Parties and their respective personal representatives, successors and assigns. Time is of the essence of this Agreement.

WITNESS/ATTEST:

FLOW DEVELOPMENT, INC.

By:

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& WILLIAMS,
CHARTERED

ALMA SMITH, Individually and as Attorney in fact for Charles J. Volz, J. Henry Volz, George W. Volz and J. Fred Volz

TITO, INC.

By: _____

BALTIMORE COUNTY, MARYLAND

By: Robin Churchill
ROBIN CHURCHILL

Approved as to form and legal sufficiency:

10/10/97
DOUG SILBER, ESQUIRE
Assistant County Attorney

Approved:

CHARLES R. OLSEN
Director, Dept. Of Public Works

Attachments: Exhibits 1A, 1B & B

C:\OFFICE\WPWIN\WPDOCS\WORK.CWC\FLOWDEV4.WPD

LAW OFFICES
OLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

ZONING DESCRIPTION

BEGINNING at a point distant 900 feet more or less measured southwesterly along the north side of Bird River Road, ultimate 70 feet wide, from the extended centerline of Wampler Road, 60 feet wide. Thence the following courses and distances:

North 03° 41' 53" West 1045.79 feet, North 18° 58' 42" East 412.05 feet, North 18° 59' 14" East 631.26 feet, North 18° 36' 39" East 354.86 feet, South 49° 24' 16" East 612.57 feet, South 43° 53' 38" West 299.99 feet, South 49° 00' 26" East 1432.00 feet, South 43° 21' 21" West 635.19 feet, North 48° 25' 25" West 450.20 feet, South 70° 27' 11" West 503.18 feet, South 19° 35' 11" East 336.84 feet, South 74° 28' 58" West 611.36 feet, to the place of beginning.

CONTAINING 46.847 Acres of land more or less.

BEING known as 9918 Bird River Road and located in the Fifteenth Election District of Baltimore County, Maryland.

BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS
406
TIMOTHY F. MADDEN
STATE OF MARYLAND

Tim Madden
1-14-97

RECEIVED FOR FILING
10/9/97

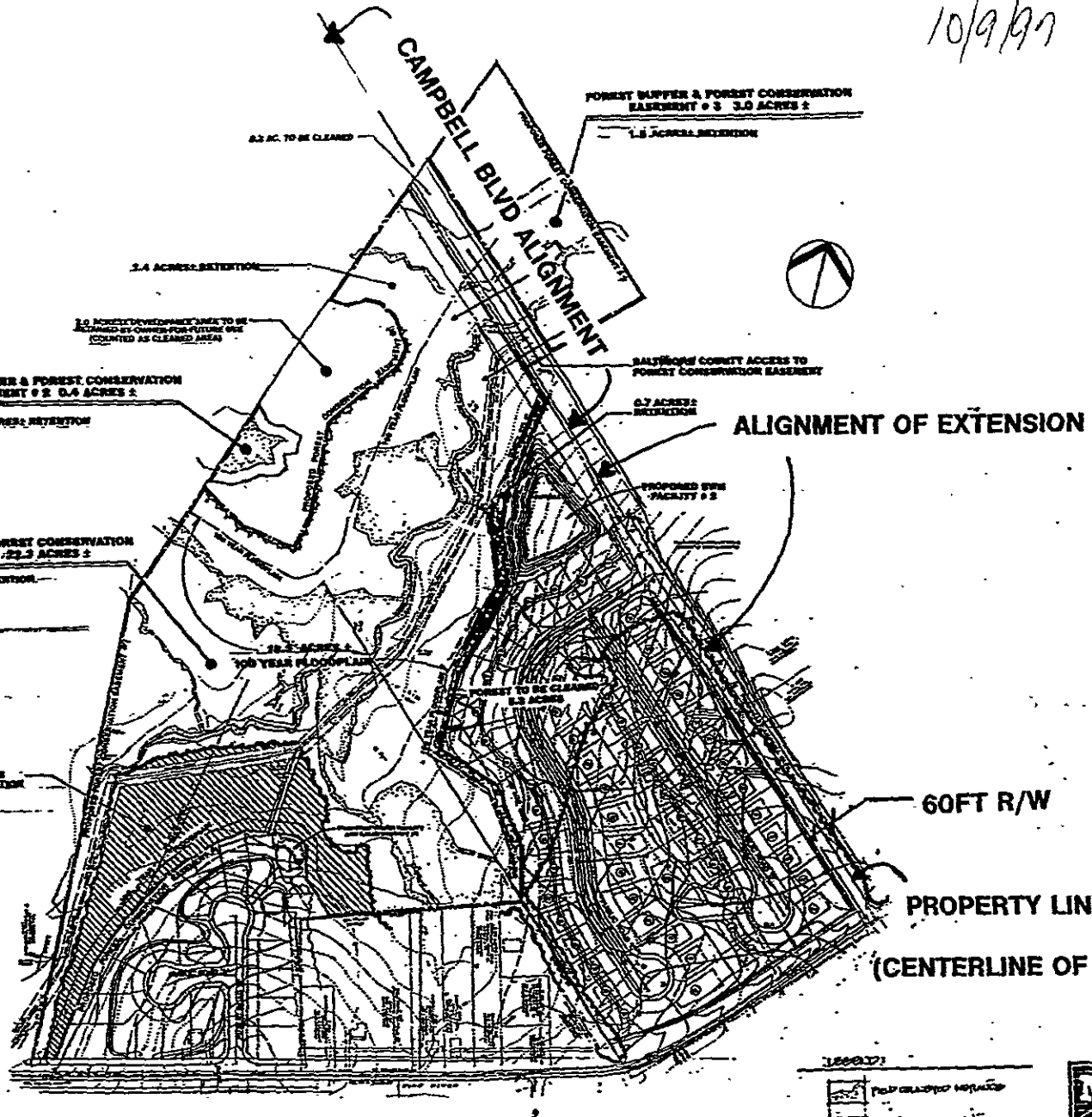
EXHIBIT
10-9-97
1A

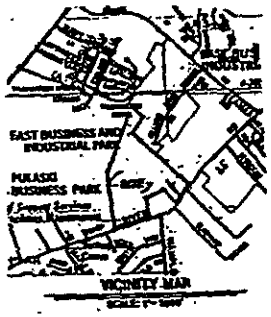
☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☑ 110 WEST ROAD, SUITE 105
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
FAX (410) 792-7395

EXHIBIT B
10/9/97





SEQUENCE OF FOREST CONSERVATION PROCEDURES

FOREST CONSERVATION WORKSHEET

MRA
MORRIS & RITCHIE ASSOCIATES, INC.

EXHIBIT "B"
THE ALMA SMITH PROPERTY

DATE	REVISIONS

ORDER RECEIVED FOR FILING
Date
By

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 24, 1997

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Boulevard, Suite 700
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE
(Alma Smith Property)
N/S Bird River Road, E of Reames River Road
15th Election District - 6th Councilmanic District
Alma Smith, Owner; Flow Development Corp., Developer
Case Nos. XV-687 & 97-302-A

Dear Mr. Clark:

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

LAWRENCE E. SCHMIDT
Hearing Officer
for Baltimore County

LES:bjs

cc: I. William Chase, Esq. 1190 W. Northern Pkwy, Baltimore, Md. 21210
Messrs. Isaac Neuberger and Richard Rubin, Esquire
Commerce Place, Floor 27, 1 South Street, Baltimore, Md. 21202
Robert Romadka, Esquire, 814 Eastern Blvd., Baltimore, Md. 21221
Mr. Tim Madden, MRA, 110 West Road, Towson, Md. 21204
Mr. Morris Wolf, Flow Development Corp.,
1301 York Road, Suite 302, Towson, Md. 21204
Douglas Silber, Esq., Baltimore County Office of Law
Dave Flowers - Proj. Mgr., DPDM; DEPRM; DPW; Case File

RE: PETITION FOR VARIANCE 9918 Bird River Road (Smith Property), N/S Bird River Rd, 900' SW of c/l Wampler Rd 15th Election District, 6th Councilmanic Legal Owner(s): Alma Smith Contract Purchaser(s): Flow Development, Inc. Petitioners	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 97-302-A

* * * * * * * * * * * * *

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 13th day of March, 1997, a copy of the foregoing Entry of Appearance was mailed to C. William Clark, Esq., 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

#302

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9918 Bird River Road

which is presently zoned DR 3.5 and DR 5.5

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 Variance from Section(s)

See attached sheet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Reasons to be presented at the Hearing

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

I, or we, agree to pay expenses of above Variance 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:

Mr. Morris Wolf, Flow Development, Inc.
(Type or Print Name)

Morris Wolf, Pres.
Signature

1301 York Road, Suite 302
Address

Lutherville, MD 21093
City State Zipcode

Attorney for Petitioner:

C. William Clark
(Type or Print Name)

C. William Clark
Signature

Suite 700, 502 Washington Avenue
Address Phone No.

Towson MD 21204
City State Zipcode

410/823-7800

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):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

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

Name

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: NJK DATE 1/24/97

* combined w/ H01

ORDER RECEIVED FOR FILING
Date 1/24/97
By

413.1(E)(1) OF THE B.C.Z.R. IS REQUESTED, FROM THE MAXIMUM 15 SQUARE FEET PERMITTED FOR IDENTIFICATION SIGNAGE FOR A RESIDENTIAL COMMUNITY. THIS PROJECT PROPOSES THE INSTALLATION OF FOUR (4), FREE-STANDING ENTRANCE SIGNS WHICH COMPRISE A TOTAL OF 800 SQUARE FEET OF SIGN AREA. THESE WILL BE LOCATED AT THE PROJECT ENTRANCES FOR IDENTIFICATION PURPOSES AND DESIGNED AS SITE SPECIFIC ENTRANCE FEATURES.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

ZONING DESCRIPTION

BEGINNING at a point distant 900 feet more or less measured southwesterly along the north side of Bird River Road, ultimate 70 feet wide, from the extended centerline of Wampler Road, 60 feet wide. Thence the following courses and distances:

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CONTAINING 46.847 Acres of land more or less.

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BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS
406
TIMOTHY E. MADDEN
STATE OF MARYLAND

1-14-97

#302

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☑ 110 WEST ROAD, SUITE 105
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
FAX (410) 792-7395

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 in Towson, Maryland on the property identified herein as follows:

Case: #97-302-A
(Item 302)
9918 Bird River Road - Smith Property
N/S Bird River Road, 900' SW of c/l Wampler Road
15th Election District
6th Councilmanic
Legal Owner(s):
Alma Smith
Contract Purchaser(s):
Flow Development, Inc.
Variance: to permit a total of 800 square feet of sign area in lieu of the maximum 15 square feet permitted.
Hearing: Wednesday, March 5, 1997 at 9:00 a.m. in Rm. 106, County Office Building.

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.

2/072 Feb. 6 C117754

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb 6, 1997

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 Feb 6, 1997

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

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

No. 020096

ITEM #

DATE 1-14-97 ACCOUNT R-001-6150

By: MDC / RG

Item 302

AMOUNT $ 250 00

RECEIVED FROM: Flow Development, Inc - 9918 Bird River Rd.

FOR: 020 - VARIANCE - $ 250.00

B A L T I M O R E C O U N T Y, M A R Y L A N D $250.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

PDM #15-687 - DEV. PLAN

RE: Case No.: 97-302-A

Petitioner/Developer: ALMA SMITH, ETAL
C/O FLOW DEVELOPMENT / TIM MADDEN
F-821-1743

Date of Hearing/Closing: 3/5/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at N/S BIRD RIVER ROAD VICINITY WAMPLER ROAD - 2 SIGNS EACH AT ENTRANCES TO DEVELOPMENT

The sign(s) were posted on 1/31/97 (REV. 2/1/97)
(Month, Day, Year)

Sincerely,

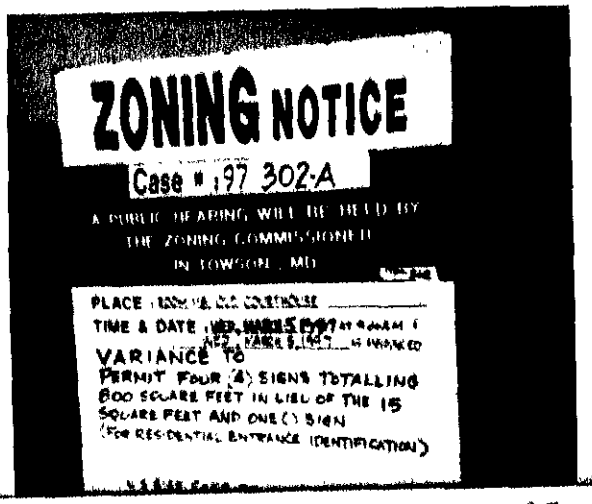
Patrick M. O'Keefe 2/2/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

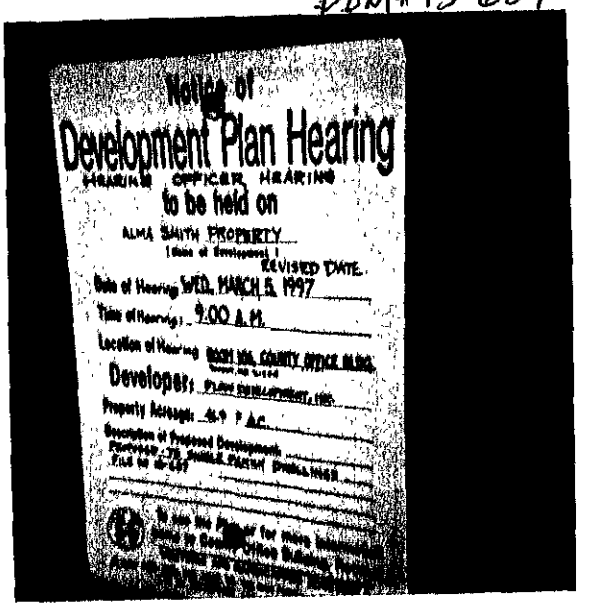
523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354
(Telephone Number)



PDM# 15-687



BIRD RIVER RD.

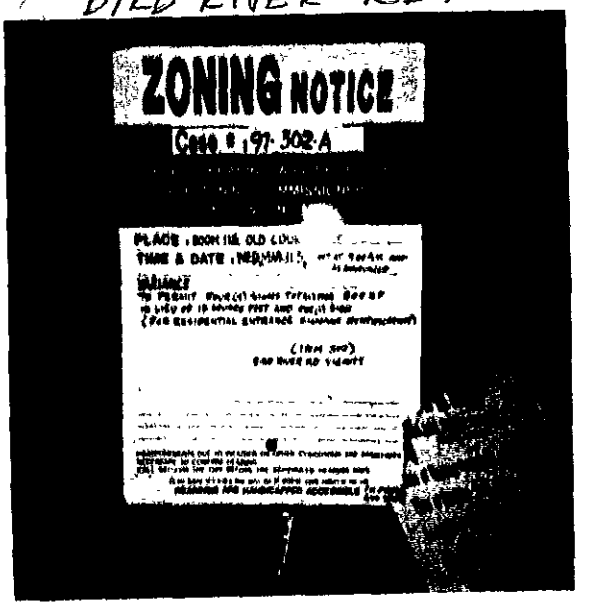


Exhibit B

Combined w/ HOH

#302

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.:_____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: to permit four signs totaling 800 sq ft in lieu of 1 sign of 15 sq ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

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/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.: 302 Petitioner: Mr. Morris Wolf, FLOW DEVELOPMENT, INC.

Location: North side of Bird River Road, 900 ft SW of Reames Road.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. Morris Wolf, FLOW DEVELOPMENT, INC

ADDRESS: 1301 YORK ROAD, SUITE 302, HEAVER PLAZA
Towson, MD. 21204

PHONE NUMBER: 321-7650

TO: PUTUXENT PUBLISHING COMPANY
February 6, 1997 Issue - Jeffersonian

Please foward billing to:

Mr. Morris Wolf
Flow Development, Inc.
1301 York Road, Suite 302
Heaver Plaza
Towson, MD 21204
321-7650

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-302-A (Item 302)
9918 Bird River Road - Smith Property
N/S Bird River Road, 900' SW of c/l Wampler Road
15th Election District - 6th Councilmanic
Legal Owner(s): Alma Smith
Contract Purchaser(s): Flow Development, Inc.

Variance to permit a total of 800 square feet of sign area in lieu of the maximum 15 square feet permitted.

HEARING: WEDNESDAY, MARCH 5, 1997 at 9:00 a.m. in Room 106, County Office Building.

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.

Baltimore County
Department of Permits and
Development Management

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

January 31, 1997

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 in Towson, Maryland on the property identified herein as follows:

DEVELOPMENT PLAN HEARING
PROJECT NUMBER: XV-687
PROJECT NAME: ALMA SMITH PROPERTY
LOCATION: N/S Bird River Road, end of Reames Road
ACRES: 46.28
DEVELOPER: Flow Development, Inc.
PROPOSAL: 79 Single Family Dwellings

and

CASE NUMBER: 97-302-A (Item 302)
9918 Bird River Road - Smith Property
N/S Bird River Road, 900' SW of c/l Wampler Road
15th Election District - 6th Councilmanic
Legal Owner(s): Alma Smith
Contract Purchaser(s): Flow Development, Inc.

Variance to permit a total of 800 square feet of sign area in lieu of the maximum 15 square feet permitted.

HEARING: WEDNESDAY, MARCH 5, 1997 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Flow Development, Inc.
C. William Clark, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY:
2/4/97 for Development Hearing and 2/18/97 for Variance Hearing.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) 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

May 30, 1997

NOTICE OF REASSIGNMENT

CONTINUED HEARING
DEVELOPMENT PLAN HEARING
PROJECT NUMBER: XV-687
PROJECT NAME: ALMA SMITH PROPERTY
LOCATION: N/S Bird River Road, end of Reames Road
ACRES: 46.28
DEVELOPER: Flow Development, Inc.
PROPOSAL: 79 Single Family Dwellings

and

CASE NUMBER: 97-302-A (Item 302)
9918 Bird River Road - Smith Property
N/S Bird River Road, 900' SW of c/l Wampler Road
15th Election District - 6th Councilmanic
Legal Owner(s): Alma Smith
Contract Purchaser(s): Flow Development, Inc.

Variance to permit a total of 800 square feet of sign area in lieu of the maximum 15 square feet permitted.

HEARING: WEDNESDAY, JULY 30, 1997 and THURSDAY, JULY 31, 1997 at 9:00 a.m., Room 407 Courts Bldg., 401 Bosley Ave.

ARNOLD JABLON
DIRECTOR

cc: C. William Clark, Esq.
Isaac Neuberger, Esq.
I. William Chase, Esq.
Robert Romadka, Esq.

Baltimore County
Department of Permits and
Development Management

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

February 28, 1997

C. William Clark, Esquire
Suite 700, 502 Washington Avenue
Towson, MD 21204

RE: Item No.: 302
Case No.: 97-302-A
Petitioner: Flow Development, Inc.

Dear Mr. Clark:

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 January 24, 1997.

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)

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

INTEROFFICE CORRESPONDENCE

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

Date: February 18, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
for February 10, 1997
Item No. 302

The Development Plans Review Division has reviewed the subject zoning item. Proposed private signs must be outside the 50 foot public road right-of-way.

RWB:HJO:cab

cc: File

ZONE48C

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F Williams
Administrator

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

RE: Baltimore County 1·31·97
Item No. 302 (MJK)

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

L. J. Gredlein

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: Feb 4, 97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Feb 3rd, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 298 299 300 301 302 304 305 307

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 6, 1997

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item No. 302

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

Prepared by: Jeffrey W Long

Division Chief: Carl L. Kerns

PK/JL

ITEM302/PZONE/ZAC1

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 02/06/97

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 FEB 03. 1997.

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:298,299,301,302,307, 308 AND 310.

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

PETITION PROBLEMS

#299 --- JCM

1. No zoning indicated on petition form.

#300 --- RT

1. Name of person signing for legal owner is illegible.

#302 --- MJK

1. No legal owner information at all on the petition form. (See memo in the file.)

#304 --- MJK

1. No attorney signature on petition form.

#305 --- JLL

1. Plat says legal owner is "Catherine D. Peak"; petition form says legal owner is "The Sun Company, Inc." -- Which is correct???
2. Need title and authorization of person signing for legal owner. (See memo in the file.)

#306 --- JCM

1. Need name and title of person signing for legal owner.
2. Need address for legal owner.
3. Need telephone number for legal owner.

#307 --- CAM

1. Petition form not properly notarized.

#308 --- JRF

1. No attorney signature on petition form.

#309 --- JRF

1. Petition says zoning is "M.L."; folder says zoning is "M.L.-I.M." -- Which is correct??
2. No telephone number for legal owner on petition form.
3. No area noted on folder, just "Lot 30 40 50" -- What is correct acreage??
4. Folder not marked "floodplain".

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: January 24, 1997

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II
Zoning Review, PDM

SUBJECT: Item #302
9918 Bird River Road

I advised the petitioner that the legal owner must sign the form.

MJK:scj

Baltimore County Government
Department of Permits and
Development Management

#302

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3335

January 10, 1997

Flow Development, Inc.
1301 York Road, Suite 302
Towson, MD 21286

RE: Alma Smith Property-PDM#XV-687

Dear Sir:

The Development Plan Conference and the Hearing Officer's Hearing have been scheduled on the above referenced project. Please arrange to attend this meeting with appropriate representation.

DEVELOPMENT PLAN CONFERENCE:

Date: Wednesday, January 22, 1997
Time: 9:00 AM
Location: Development Management Conference Room
County Office Building, Room 123, 111 W. Chesapeake Avenue, Towson

HEARING OFFICER'S HEARING:
Date: Thursday, February 13, 1997
Time: 9:00 AM
Location: Old Courthouse Rm. 118, 401 Washington Avenue, Towson

A copy of a public notification letter of the Development Plan Conference and Hearing Officer's Hearing is attached for your convenience. Please note that it is the developer's responsibility to send a copy of the development plan and notify all interested parties of the conference and hearing.

1/10
Patricia.
Fax copies to;
• Marty Fisher
• John Kinnally

Sincerely,

David Flowers/gw

David Flowers
Project Manager

DF:jnw
c: Morris & Ritchie Assoc., Inc.
MUST BE POSTED BY 1/15/97

DEVELOPMENT PLAN CONFERENCE and HEARING OFFICER'S HEARING NOTIFICATION

NAME of DEVELOPMENT:
Location:

Dear Sir or Madam:

In anticipation of a public hearing on the above referenced project, I am enclosing a copy of the development plan we have filed with Baltimore County. The Hearing Officer's Hearing (and combined Zoning Hearing, if required), scheduled by the Department of Permits and Development Management of Baltimore County, is as follows:

Hearing Date: **Time:**

Hearing Location: Room _____ of the
, Towson, MD 21204

As you are probably aware, the attached plan will receive a thorough review by appropriate agencies for compliance with applicable State and County regulations. Agency comments will be presented to the developer's representative at the Development Plan Conference to be held on (date) at (time) in Room 123 of the County Office Building (COB) 111 West Chesapeake Avenue, Towson, MD 21204. The purpose of this conference is to ensure a coordinated review among agencies for the development plan proposal. You are invited to observe this exchange between county staff and the developer; however, the public hearing will provide the proper format for citizen comment.

Please accept this letter as written notification that agency comments, responses and recommendations as required by the County Code will be available in the official file in Room 123 of the COB, until five (5) days preceding the public hearing. At that time, the file will be forwarded to the Hearing Officer/Zoning Commissioner in preparation of the hearing.

Should you have any questions or concerns regarding this matter, you are encouraged to attend the public hearing. For further information, you may also contact the Department of Permits and Development Management at (410) 887-3335.

Respectfully yours,

Enclosure: Development Plan
c: PDM/ Development Management, 111 W. Chesapeake Av., Towson, MD 21204
jvm
❑ zadmjoe/devhoh.doc

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

March 10,.1997

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, Maryland 21204

I. William Chase, Esquire
Chase & Chase
1190 W. Northern Pkwy, Ste 124
Baltimore, Maryland 21210

Mr. Isaac Neuberger
Tito, Inc.
One South Street, 27th Floor
Baltimore, Maryland 21202

Robert Romadka, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: DEVELOPMENT PLAN and PETITION FOR VARIANCE for ALMA SMITH PROPERTY
N/S Bird River Road, 900' SW of the c/l of Wampler Road
(9918 Bird River Road)
15th Election District - 6th Councilmanic District
Alma Smith, Legal Owner; Flow Development, Inc., Developer
Case Nos. XV-687 and 97-302-A

Dear Counsel:

This letter will confirm the ruling made in open hearing at the Hearing Officer's Hearing held in the above-captioned matter on Wednesday, March 5, 1997. On that date, Mr. Robert Bowling, Chief of the Developer's Plans Review Division, submitted a revised development plan comment, dated March 5, 1997, relative to the location of Campbell Boulevard, and requested a continuance of the hearing. The request was granted and the Hearing Officer's Hearing has been continued to reconvene Monday, April 14, 1997 at 9:00 AM in Room 118 of the Old Courthouse. Please note that the Zoning Commissioner's Office is scheduled to relocate in early April, 1997. In the event the Hearing Room location is changed, I will further advise you.

The property will not be reposted or advertised in that the case was called and the record opened. Please advise your respective clients, witnesses, etc., of this new date and time. I trust that the continuance will provide appropriate time for additional communications between the parties in the hopes of resolving outstanding issues.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: David Flowers, Project Manager, PDM (Dave, Please notify all agencies)

BALTIMORE COUNTY, MARYLAND

SUBJECT: DEVELOPMENT PLAN REVIEW COMMENTS FOR JULY 9, 1997

DATE: July 29, 1997

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
Department of Permits & Development Management

PROJECT NAME: Alma Smith Property, Alternates I & II

PROJECT NO: PDM #15-687

LOCATION: N/S Bird River Road; end of Reames River Road

DISTRICT: 15C6

The Development Plans Review Division has reviewed the subject plan dated January 3, 1997, May 20, 1997 and May 21, 1997 with the latest revision dated July 14, 1997, July 18, 1997 and July 21, 1997.

Our previous Development Plan comments dated July 8, 1997 are still valid with the following revisions and/or modifications:

LANDSCAPE COMMENTS:

Required for Development Plan approval:

Revise Note #11 as follows:

2200 L.F. side & rear yard screening ÷ 15 = 147 P.U.s
Total Planting Units required = 343 P.U.s

Required for Final Landscape Plan approval:

The Schematic Landscape Plan comments previously submitted by this office continue to be applicable.

Plantings utilized for local open spaces, panhandle lot buffers and other areas not required by the Landscape Manual are considered "in addition to" the minimum required Planting Units.

TRAFFIC COMMENTS:

Alternate I is not acceptable and shall be denied.

The note for sight lines for Alternate II shall be added.

It has been reminded that extensive grading along Bird River Road is required to provide the adequate line of sight.

SITE SPECIFIC COMMENTS:

ALTERNATE I

HIGHWAY COMMENTS:

We believe that the local area road network would be better served if this development is required to have its main access from Campbell Boulevard. Because of this, we are not recommending approval of this subdivision.

ALTERNATE II

HIGHWAY COMMENTS:

The Department of Public Works will allow only one access to Campbell Boulevard for this subdivision.

SANITARY SEWER COMMENTS:

The public sewer cannot go through the middle of Lot #26.

RWB:DAB:jrb

cc: File

SMITHA.ADD

1/29/97 97-374

JOB 68 set for 3/5/97

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

JILL D. LOPER

* Also Admitted In the District of Columbia

TOWSON OFFICE:
307 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 825-0711

January 24, 1997

Mr. Arnold E. Jablon, Director
Department of Permits
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Development / Alma Smith Property / 9918 Bird River Road

Dear Mr. Jablon:

This letter will confirm our conversation on Monday, January 20, 1997, in which I advised you that as adjoining property owner to the above captioned property I had not at that time received any written communication or development plans. I was totally unprepared, therefore, for the development plan conference held on Wednesday, January 22, 1997. The matter discussed has now been set for hearing on Thursday, February 13, 1997.

You advised me that if the Petitioner would not agree to a two week postponement that you would grant me such relief. I was advised subsequently by attorney C. William Clark that his client would not agree to the postponement. Therefore, I would appreciate your granting to me this two week extension at this time. There are substantial material changes between the original concept plan and the present development plan which will require time to review and to prepare adequate comments for the hearing that will take place concerning the present development plan.

Thanking you for cooperation in this matter. Awaiting your further reply.

Very truly yours,

Robert J. Romadka

RJR/jmc

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHADT

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-

11 April 1997

Via Hand Delivery

The Honorable Lawrence C. Schmidt
Zoning Commissioner for
Baltimore County
Old Court House
Room 112
400 Washington Avenue
Towson, MD 21204

Re: Development Plan and Petition for
Variance for Alma Smith Property
Alma Smith, Legal Owner
Flow Development, Inc., Developer
Case No. XV-687 and 97-302-A

Dear Commissioner Schmidt:

As I mentioned to Dave Flowers, Supervisor of Development Management, the revisions to the Development Plan for the Alma Smith property have not been completed. For that reason, we request that the hearing scheduled for April 14, 1997 be continued.

Thank you for your anticipated cooperation.

Very truly yours,

C. Wm. Clark /mh

C. William Clark

CWC:mh

cc: *Via Telefax*

Isaac M. Neuberger, Esquire	410/332-8594
Mr. David Flowers	410/887-2824
Robert Romadka, Esquire	410/686-0118
I. William Chase, Esquire	410/433-4174
Mr. Carl Julio	410/666-2000
Mr. Richard Chadsey	410/433-4174
Mr. Tim Madden	410/821-1748

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHADT

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
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SUITE 700, NOTTINGHAM CENTRE
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TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

August 15, 1997

Via Hand Delivery

The Honorable Lawrence C. Schmidt
Zoning Commissioner for
Baltimore County
County Courts Building
401 Bosley Avenue
Room 407
Towson, MD 21204

Re: Development Plan and Petition for
Variance for Alma Smith Property
Alma Smith, Legal Owner
Flow Development, Inc., Developer
Case No. XV-687 and 97-302-A

Dear Commissioner Schmidt:

The agreement that was discussed at the hearing on the Development Plan for the above-captioned property between Baltimore County and the various developers has been delivered to Baltimore County, but not executed. The agreement was due to be filed with your office today. I came to your office to discuss this with you, but found that you were out of the office this afternoon. I assume that it will be acceptable to take a few extra days to get this to you.

Please call me upon review of your letter so that we can set a due date for the agreement. Thank you for your anticipated cooperation.

Very truly yours,

C. William Clark

C. William Clark

CWC:mh

I called attny Clark, agreement will be delivered by 8/22/97 8/18/97

cc: *Via Telefax*

Richard Rubin, Esquire	410/332-8594
Mr. David Flowers	410/887-2824
I. William Chase, Esquire	410/433-4174
Mr. Tim Madden	410/821-1748
Douglas Silber, Esquire	410/296-0931
Mr. Morris Wolf	410/296-7943

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT J. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES
STUART A. SCHADT

LAW OFFICES

NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX (410) 296-2765

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(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823 -

Telefax Cover Page

DATE. September 2, 1997

TO Hon. Lawrence C. Schmidt

FIRM Zoning Commissioner for Baltimore County

RE Development Plan and Petition for Variance for Alma Smith Property
Case No.: XV-687 and 97-302-A

TELECOPIER NO (410) 887-3468

FROM. C. William Clark

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 2

IF YOU DO NOT RECEIVE ALL PAGES BEING TRANSMITTED, OR IF YOU NEED TO CONTACT THIS OFFICE, FOR ANY REASON, PLEASE CALL **CHERYL SANDERS** AT (410) 823-7800.

Message:

cc: I. William Chase, Esq. (via telefax) 410-433-4174
Richard Rubin, Esq. (via telefax) 410-332-8594

Bill -
This goes into the Alma Smith file
9/2/97

CONFIDENTIALITY NOTICE

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR
C. WILLIAM CLARK
E. BRUCE JONES
STUART A. SCHADT

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700 NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823

September 2, 1997

VIA TELEFAX
(410) 887-3468

Hon. Lawrence C. Schmidt
Zoning Commissioner for Baltimore County
County Courts Building, Room 407
401 Bosley Avenue
Towson, Maryland 21204

RE: Development Plan and Petition for Variance for Alma Smith Property
Case No.: XV-687 and 97-302-A

Dear Commissioner Schmidt:

As you are aware, there is a proposed agreement with respect to this developer, surrounding developer, and Baltimore County, Maryland, with respect to the extension of Campbell Boulevard which will provide access to the subject site. Inasmuch as there are still some issues that need to be resolved within this matter, please schedule an additional day of hearing so that we can bring this matter to a close. I have contacted Richard Rubin, Esq. who represents Tito, Inc., and I. William Chase, Esq. who represents the Community Association, both of whom were present at the hearing on the above captioned matter. Neither have any opposition to this request. Thank you for your anticipated cooperation.

Very truly yours,

C. William Clark

CWC/cas

cc: I. William Chase, Esq. (via telefax 410-433-4174)
Richard Rubin, Esq. (via telefax 410-332-8594)

Hearing

LAW OFFICES
NEUBERGER, QUINN, GIELEN, RUBIN & GIBBER, P.A.

27TH FLOOR
ONE SOUTH STREET
BALTIMORE, MARYLAND 21202-3201
(410) 332-8550

(WRITER'S DIRECT DIAL NO.)
(410) 332-8510

(FAX NO.)
(410) 332-8594

February 20, 1997

Mr. David Flowers
Supervisor of Development Management
Baltimore County Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204-4604

Re: Application of Flow Development, Inc.
78 Single Family Town Homes
North side of Bird River Road
East of Reams Road/The Alma Smith Property

Dear Mr. Flowers:

This Firm represents Tito, Inc. who, as you know, owns several parcels of land to the east of the Alma Smith property.

We are writing to formally request that the center line of the proposed Campbell Boulevard Extended be on the common property line between the Alma Smith property and the Tito, Inc. properties. The Flow plan listed the Tito, Inc. property as zoned MH-IM. The Tito property has been rezoned to DR 3.5 and DR 5.5. The Flow development plan also shows along the northeast side of the subject site the proposed Campbell Boulevard as being located solely on the property of Tito, Inc. This is wrong and contrary to Baltimore County policy. Since both properties are now zoned residential, the proposed road should be located evenly between the Smith and the Tito, Inc. properties. Baltimore County policy dictates that when a road is proposed between two properties, the alignment should be located along the property line common to both properties. Since the concept plan listed the Tito, Inc. property as MH-IM, it is possible that they were not aware of the current zoning but, after being put on notice of their mistake, the present development plan should show the proposed Campbell Boulevard to be located between both properties. Failure on the part of Flow to voluntarily locate Campbell Boulevard on the Flow development plan or for Baltimore County to approve the Flow development plan as now proposed, would leave my client no alternative but to pursue any and all legal remedies.

Our clients have met with the principals of Flow Development, Inc. and its engineers and believe that our client's engineers, Messrs. George Williams Stephens and Tim Madden, of Morris & Ritchie, have reviewed this very carefully and they understand the design constraints of the design and location that we are suggesting.

72220

Our client also feels very strongly that Campbell Boulevard Extended, if constructed, should be a capital project road and certainly not a developer road. Neither Flow Development nor Tito, Inc. require the construction of Campbell Boulevard Extended for their development or will be seeking access to and from Campbell Boulevard.

We expect to be at the hearing on March 5 and will be prepared to answer any questions that anyone might have with respect to our position.

Very truly yours,

Isaac M. Neuberger

IMN:at

cc: Honorable Vincent J. Gardena
Councilman for the 5th District
Mr. Arnold Jablon, Director
Department of Permits and Development Management
Mr. Lawrence Schmidt, Zoning Commissioner
Mr. Robert Barrett
Special Assistant to County Executive
Ms. Karin Brown, Community Planner
Mr. Robert Bowling, Permits and Development
Mr. Arnold F. (Pat) Keller, Director
Baltimore County Office Planning and Zoning
Mr. Charles R. Olsen, Director of Public works
Ms. Adrianne Bayle, President
Windless Improvement Association
Robert J. Romadka, Esquire
Mr. Morris Wolf, Flow Development
Mr. Timothy Madden, Morris & Ritchie

LAW OFFICES
NEUBERGER, QUINN, GIELEN, RUBIN & GIBBER, P.A.
27TH FLOOR
ONE SOUTH STREET
BALTIMORE, MARYLAND 21202-3201
(410) 332-8550

(WRITER'S DIRECT DIAL NO.)
(410) 332-8510

(FAX NO.)
(410) 332-8594

March 18, 1997

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, Maryland 21204

Re: DEVELOPMENT PLAN and PETITION FOR VARIANCE for ALMA SMITH PROPERTY
N/S Bird River Road, 900' SW of the c/l of Wampler Road
(9918 Bird River Road)
15th Election District - 6th Councilmanic District
Alma Smith, Legal Owner; Flow Development, Inc., Developer
Case Nos. XV-687 and 97-302-A

Dear Bud:

In light of the meeting that took place on March 18, 1997 and all the discussions that seemed to be positive, it seems to me that it would be in everyone's best interest if we were to postpone the Hearing Officer's Hearing scheduled for April 14, 1997. From Tito, Inc.'s perspective, we are prepared to move forward on that date, but it seems to me that it will take a bit longer than that for us to reach a formal agreement that will make that hearing unnecessary. Please give this some thought.

Very truly yours,

Isaac M. Neuberger

IMN:at

cc: Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
David Flowers
Supervisor of Development Mgmt
Robert Romadka, Esquire
I. William Chase, Esquire
Mr. Carl Julio
Mr. Richard Chadsey
Mr. Tim Madden - Morris & Ritchie

2/6/97

BCEA Tues 2/18/97
HBA 1/30/97
re: dedicate road beds before construction

Smith Property - DPC 1/22/97

R&P What as included in PWA for construction of pathway?
Recheck calcs for LOS in 100 yr FP. 20' access easements to LOS

DPR Sight lines Rds to be staked & checked by Lahee
pg 8 site Specific Grade to ultimate design of Campbell Blvd or dedicate Revertible Slope Easement.
Provide landscape easement. 10' of rear yard to be reserved for uniform fence & landscaping along w/s R/W of Campbell Blvd.
Who maintains fence & LS in easement.

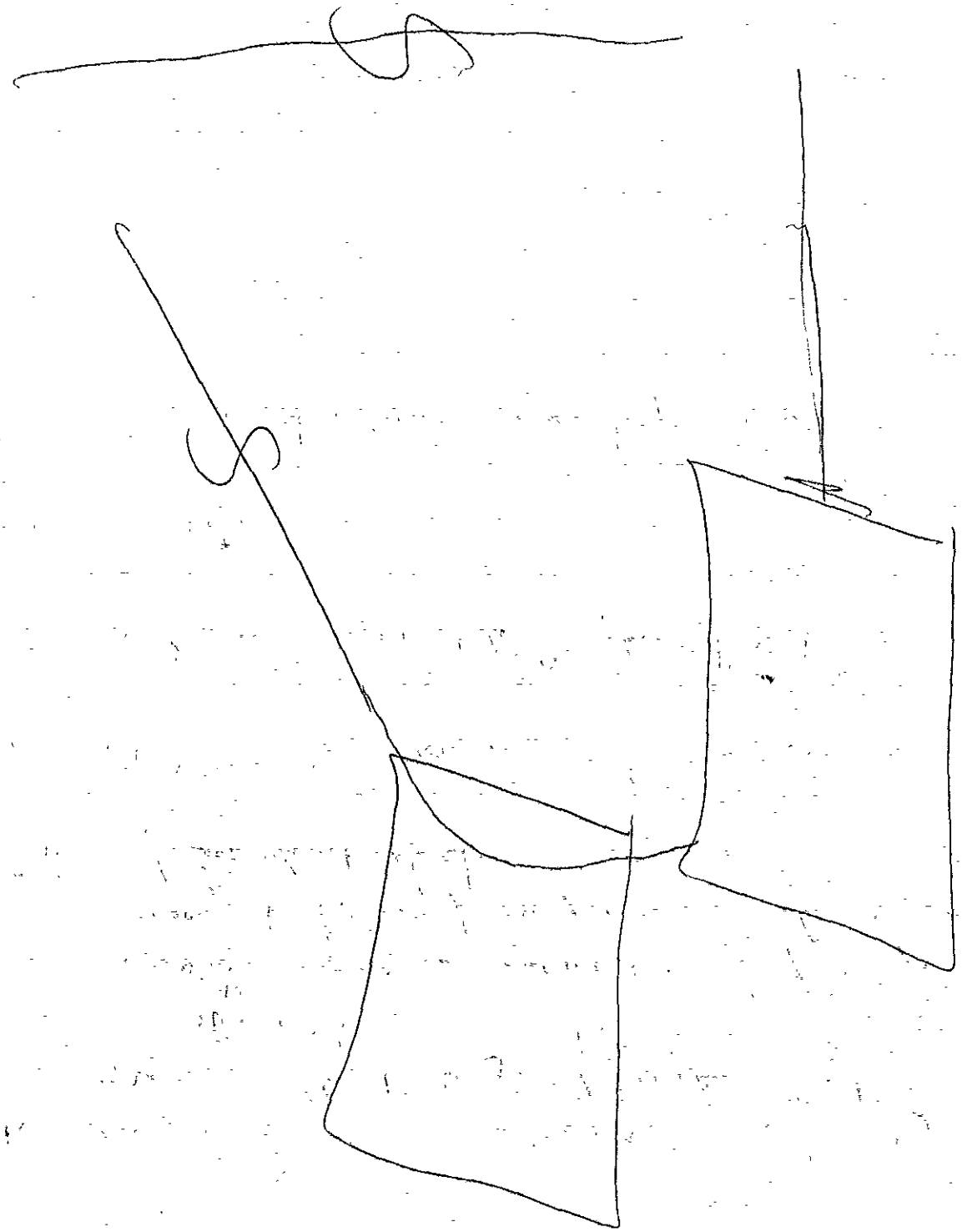
ZON Add FDP notes, variance & DP orders.

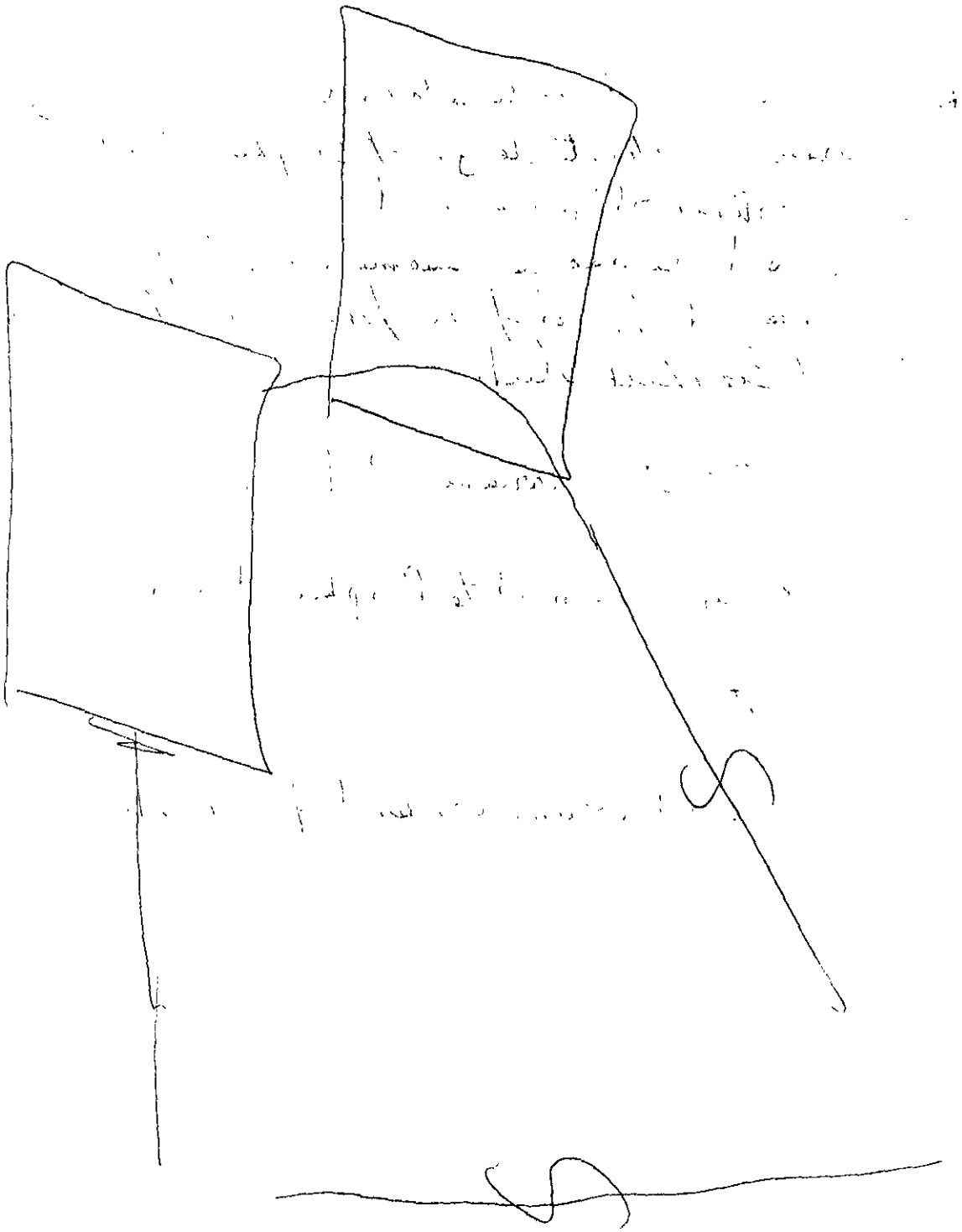
OP Landscape easement to Campbell Blvd

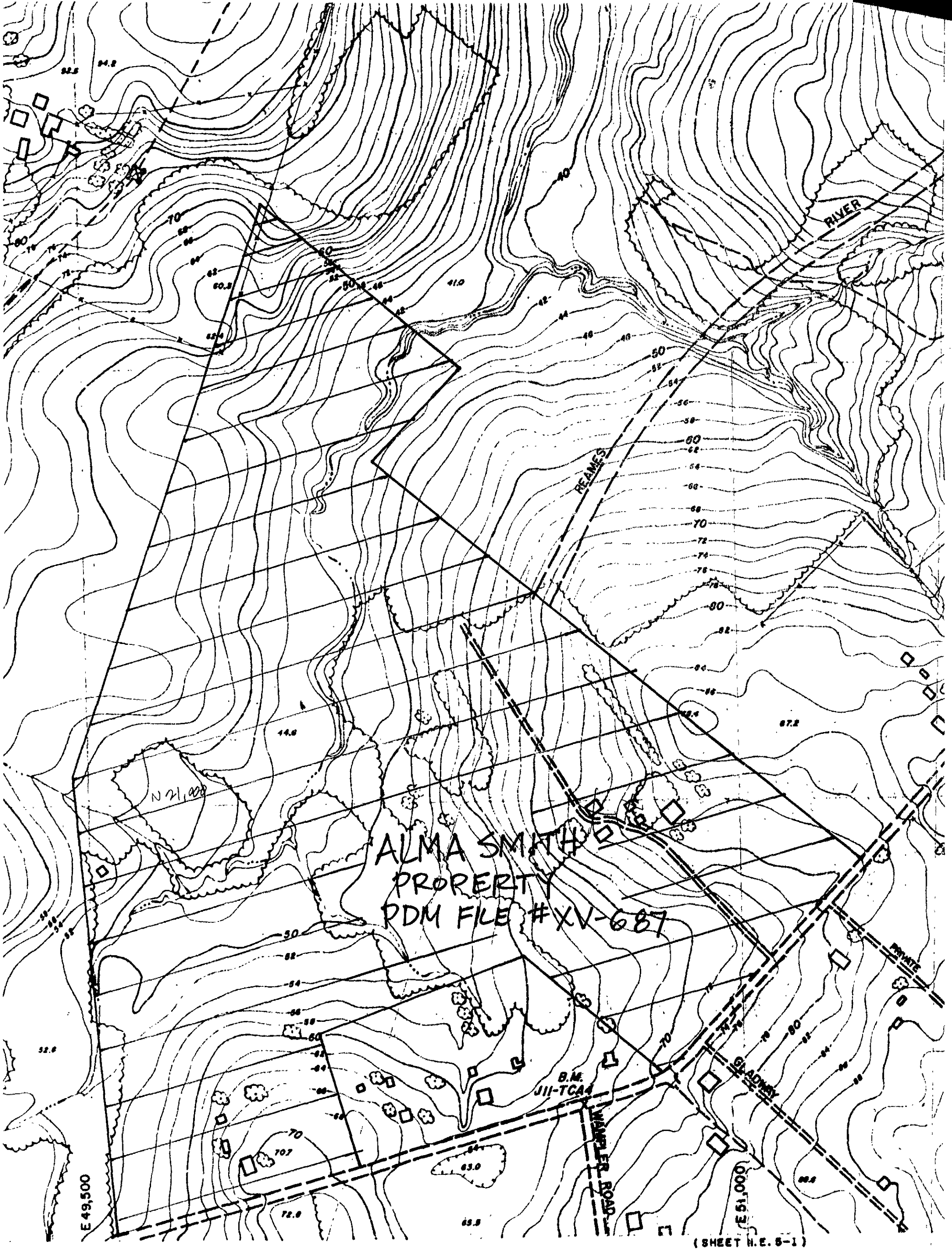
DEPRM EIR Add notes

SWM Need pond volume comps before hearing

LA







302

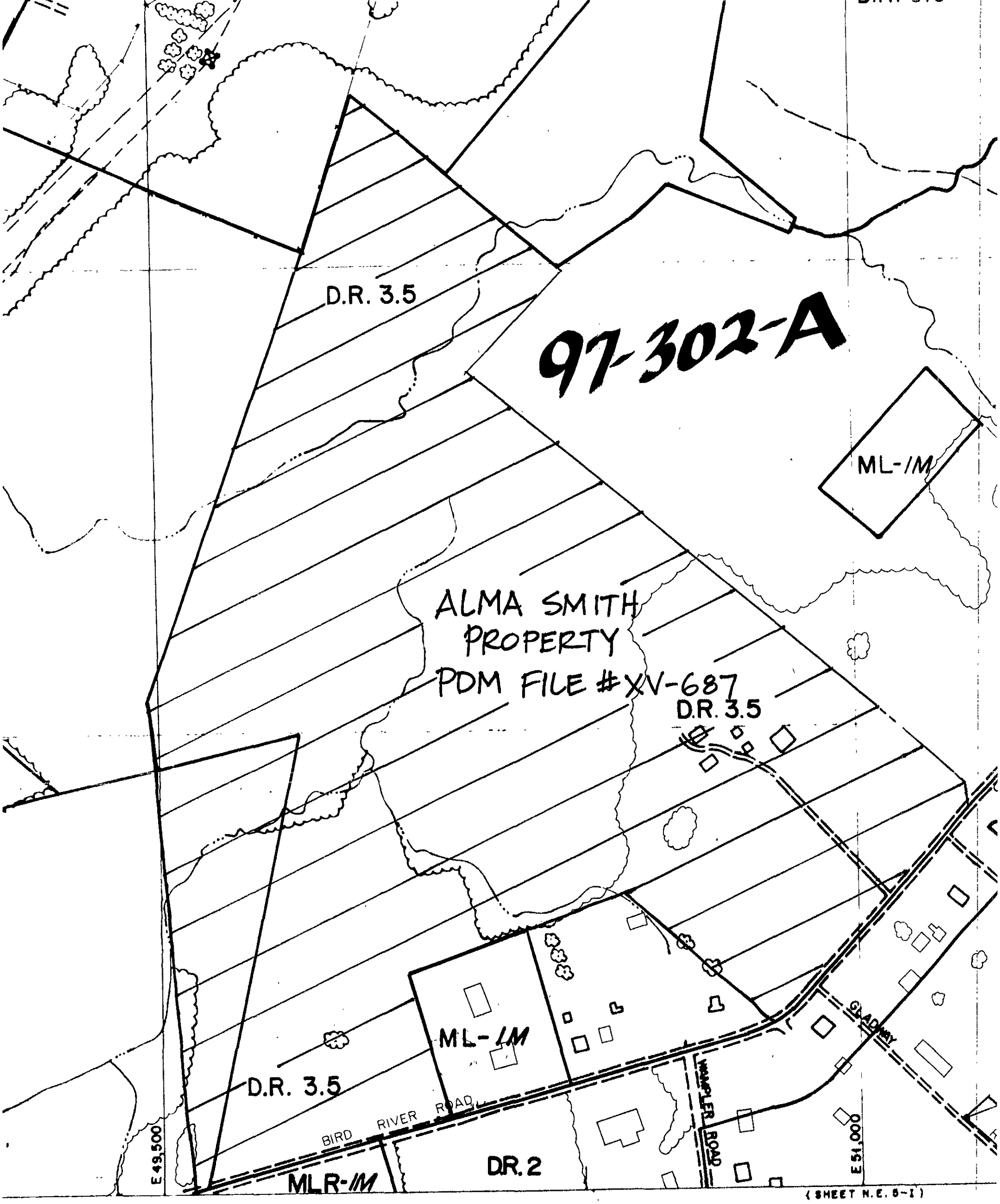
91-302-A

PHOTOGRAMMETRIC MAP

BALTIMORE COUNTY METROPO

N.E.
6-I

SCALE: 1" = 200'

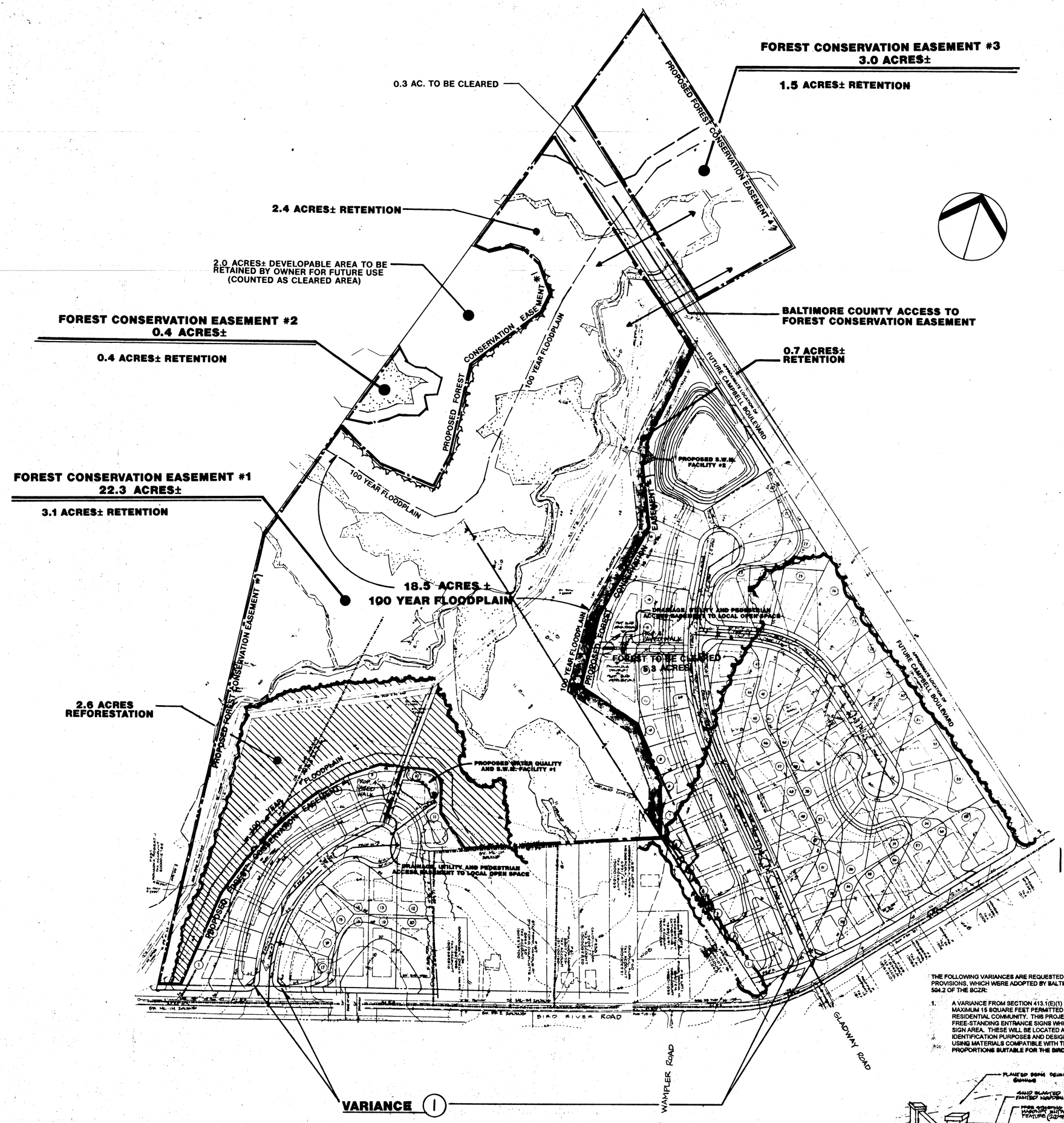


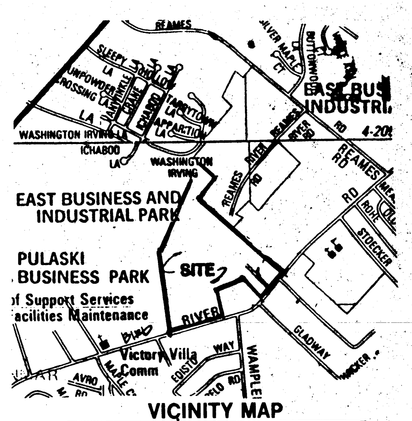
BALTIMORE CO
OFFICE OF PLANNING

OFFICIAL ZONI

#302

N.E. SCALE: 1"=200'
6-I





GENERAL NOTES:

1. CONTRACT PURCHASER:
   FLOW DEVELOPMENT, INC.
   1301 YORK ROAD
   SUITE 302 - HEAVER PLAZA
   TOWSON, MARYLAND 21204
   ATTN: MORRIS WOLF

   LANDOWNER:
   MRS. ALMA SMITH
   1025 ROXLEIGH ROAD
   BALTIMORE, MARYLAND 21286.

2. MRA CONTACT:
   TIMOTHY F. MADDEN, PRINCIPAL
   KRISTINE A. TEBAY, RLA

3. EXISTING PROPERTY INFORMATION:
   GROSS ACREAGE: 46.5 ACRES ±
   NET ACREAGE: 45.1 ACRES ± (INCLUDES OS ±)
   EXISTING ZONING: DR 3.5 & DR 5.5 AND ML-IM
   ADDRESS: 9918 BIRD RIVER ROAD

4. GENERAL INFORMATION:
   COUNCILMANIC TRACT: 6
   CENSUS TRACT: 4517.01
   ELECTION DISTRICT: 15
   TAX ACCOUNT NO.: 1522450190, 1700014806, 1522450360
   DEED REFERENCES: 8871/62, 8834/323, 7704/21
   TAX MAP REFERENCES: MAP 82 GRID 25&24, PARCEL 186, 151, 260
   ADC MAP REFERENCE: 37H-1
   WATERSHED: #6
   SUBSEWER SHED: #13 (WHITE MARSH SOUTH)
   TOPO & ZONING MAP NO.: NE 6-1

5. PROPOSED DEVELOPMENT:

   DEVELOPMENT OF 78 SINGLE FAMILY LOTS. ALL UNITS WILL BE "FOR SALE" AND WILL BE ON PUBLIC WATER AND SEWER. THE PROPERTY TO THE NORTH OF THE MAIN TRIBUTARY THAT BISECTS THE SITE WILL BE RETAINED BY THE CURRENT OWNER FOR FUTURE USE.

6. There have been no prior zoning hearings for this property

   Subdivision History:

   The subdivision known as "The Smith Property" was comprised of three deeds. One of the deeds was dated October 12, 1987, and recorded among the Land Records Baltimore County, Maryland in Liber 7704, Folio 21. Another deed was dated June 11, 1991, and recorded among the said Land Records in Liber 8834, Folio 323. The final deed was dated July 9, 1991, and recorded among the said Land Records in Liber 8871, Folio 162.

7. The site is served by public water and sewer.

8. This site is not in the Chesapeake Bay Critical Area.

9. This project will meet all B.O.C.A. and the Baltimore County Fire Code requirements.

10. Proposed Buildings shall not exceed a maximum height of 50 feet.

LEGEND

EXISTING CONTOUR
PROPOSED CONTOUR
EXISTING VEGETATION
EXISTING/PROPOSED R/W
PROPERTY LINE
PROPOSED STORM DRAIN
EXISTING SANITARY SEWER
PROPOSED SANITARY SEWER
EXISTING WATER LINE
PROPOSED WATER LINE
PROPOSED FIRE HYDRANT
EXISTING ZONING

97-302-A

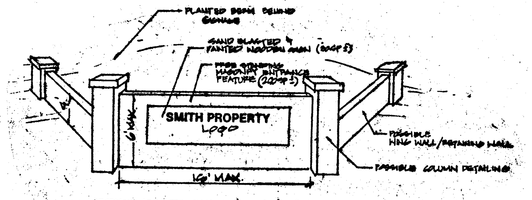
PDM FILE #XV-687

THE FOLLOWING VARIANCES ARE REQUESTED FROM THE SPECIFICALLY CITED CMDP PROVISIONS, WHICH WERE ADOPTED BY BALTIMORE COUNTY IN ACCORDANCE WITH SECTION 504.2 OF THE BCZR:

1. A VARIANCE FROM SECTION 413.1(E)(1) OF THE B.C.Z.R. IS REQUESTED, FROM THE MAXIMUM 15 SQUARE FEET PERMITTED FOR IDENTIFICATION SIGNAGE FOR A RESIDENTIAL COMMUNITY. THIS PROJECT PROPOSES THE INSTALLATION OF FOUR (4), FREE-STANDING ENTRANCE SIGNS WHICH COMPRISE A TOTAL OF 800 SQUARE FEET OF SIGN AREA. THESE WILL BE LOCATED AT THE PROJECT ENTRANCES FOR IDENTIFICATION PURPOSES AND DESIGNED AS SITE SPECIFIC ENTRANCE FEATURES, USING MATERIALS COMPATIBLE WITH THE PROPOSED ARCHITECTURE AND PROPORTIONS SUITABLE FOR THE BIRD RIVER ROAD STREETSCAPE.

VARIANCE 1

PROPOSED PROJECT IDENTIFICATION SIGN AND FREE STANDING ENTRANCE FEATURE ON BOTH SIDES OF A MONUMENTAL ENTRANCE. (SEE "SIGN DETAIL" ON THIS SHEET FOR SCHEMATIC DETAIL AND S.F. AREA.)



SIGN DETAIL

MRA

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS

110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax: (410) 821-1748

DEVELOPMENT PLAN: SHEET 4 OF 4

PLAT TO ACCOMPANY PETITION FOR VARIANCE

THE SMITH PROPERTY

#302

DATE	REVISIONS	
		JOB NO: 10344
		SCALE: 1"=100'
		DATE: 1-3-97
		DRAWN BY: BC
		DESIGN BY: BC
		REVIEW BY: TFM
		SHEET: