IN THE MATTER OF:
HARFORD JOINT VENTURE-LEGAL OWNER
SW COR OF YORK ROAD AND MT CARMEL
ROAD (16950 YORK ROAD

15<sup>th</sup> Election District 7<sup>th</sup> Councilmanic District

BEFORE THE

BOARD OF APPEALS

OF BALTIMORE COUNTY

Case No.: 97-308-SPHA

### ORDER OF DISMISSAL

This matter having come before this Board on appeal dated July 9, 1997 from a decision of the Zoning Commissioner dated June 9, 1997, wherein a Petition for Special Hearing allow a commercial parking area in a residential zone and to approve a modified parking plan pursuant to BCZR 409.12b to allow for loading services, parking for non-passenger vehicles in the rear of the subject site and relocated existing dumpsters in the new parking area for trash collection and pick up was denied and a Petition for Variance seeking to permit a setback and buffer of 18 feet each in lieu of the required 75 feet and 50 feet, respectively, for a proposed parking lot within a Residential Transition Area (RTA) was dismissed as moot.

WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible; and

WHEREAS, the subject matter has been held on the Board's docket since January 18, 2000, and no further action has occurred in this matter;

IT IS THEREFORE ORDERED, this \( \sum\_{\text{V}} \) day of \( \text{Low} \), 2009 by the Board of Appeals for Baltimore County that the above-referenced appeal in Case No.: 97-308-SPHA be and is hereby **DISMISSED FOR LACK OF PROSECUTION**.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Maureen E. Murphy, Chairman

IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE - SW/Corner of York

Road and Mt. Carmel Road

(16950 York Road)

7th Election District

3rd Councilmanic District

Harford Joint Venture Petitioner

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 97-308-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance for that property known as 16950 York Road, located at its intersection with Mt. Carmel Road in Hereford. The Petition was filed by the owners of the property, Harford Joint Venture, by Dr. Rodney Ortel, a General Partner, through their attorney, Charles E. Brooks, Esquire. The Petitioners seek approval of commercial parking in a residential zone, and a modified parking plan, pursuant to Section 409.12(b) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit loading services, parking for non-passenger vehicles (post office delivery trucks) in the rear of the subject site, and to relocate existing dumpsters in the new parking area for trash collection and pick-up. In addition to the special hearing relief sought, the Petitioners request a variance from Section 1B01.1.B.1 of the B.C.Z.R. to permit a setback and buffer of 18 feet each in lieu of the required 75 feet and 50 feet, respectively, for a proposed parking lot within a Residential Transition Area (RTA). The subject property and relief sought are more particularly described on the revised site plan dated March 21, 1997, which was submitted and marked into evidence as Petitioner's Exhibit 1.

It is to be noted that the Petition for Variance was withdrawn prior to the presentation of testimony and evidence in open hearing and

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that Petition shall be dismissed without prejudice. The case then proceeded on the Petition for Special Hearing. Appearing at the hearing on behalf of the Petitioner were Dr. Rodney Ortel, a General Partner, Norman Gerber, an expert Land Planner, Patrick O'Keefe, Land Use Consultant, and Joseph L. Larson, a principal with Spellman, Larson and Associates, who prepared the site plan for this property. Malcomb F. Spicer, Esquire, appeared on behalf of Charles E. Brooks, Esquire, to represent the Petitioners. Appearing in opposition to the request were John J. Brown, Richard W. Sands, Stanley H. Stull, Levi A. Carlstrom and Rebecca J. Palmer. Many of these individuals are affiliated with the First Baptist Church of Hereford, which is located immediately adjacent to the subject property. The Protestants were represented by Michael Marino, Esquire.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel, approximately 1.69 acres in area, and is split zoned B.M.-C.R., and R.C.5-C.R. The property is located on the southwest corner of the intersection of York Road and Mt. Carmel Road in the Hereford Village Center and is improved with a one-story block building which is utilized as a strip shopping center. Among the businesses located therein is a High's Dairy Store, a pizza shop, a video store, a dry cleaning business, a pharmacy, and the Hereford Branch of the U.S. Post Office. Parking for this business is provided by a large macadam paved lot located in front of the property. There is also a small macadam paved parking area to the rear of the property which the Petitioners propose to expand, pursuant to the Petition for Special Hearing.

On behalf of the Petitioners, Dr. Rodney Ortel testified that he has been a General Partner of the Harford Joint Venture partnership which has owned the property since 1979 and that the shopping center has changed

little since its original construction. He testified that the U.S. Post Office is a major tenant at the center and has requested that the Petitioners provide an additional area for parking of their trucks. Specifically, the Post Office has requested the construction of a parking lot to the rear of the building for unloading and loading of delivery mail trucks. On cross-examination, Dr. Ortel testified that the Post Office's request for additional parking was just that, and that no ultimatum or threat was made by that tenant to vacate the premises if parking were not allowed.

Mr. Joseph Larson, a principal with Spellman, Larson and Associates, also testified. He noted that the property was actually split zoned into three zoning classifications. The existing front parking lot and building are on that portion of the site zoned B.M.-C.R. Most of the rear portion of the property from immediately behind the building to the rear property line is zoned R.C.5-C.R., with a small area zoned R.O.-C.R. on the northwest side of the site. Mr. Larson discussed the need for the proposed parking lot, the revisions which had been made from the original parking plan, and the potential relocation of dumpsters to the rear of the site. Presently, these dumpsters are located in the front portion of the property. Mr. Larson also testified that a storm water management facility, if necessary, would be located on the rear of the lot.

Norman Gerber, an urban/regional planner, also testified. He described the property and use thereon from a land planning standpoint and indicated that he believes that additional parking would be an improvement to the site and neighborhood. He noted that no additional building was proposed and that no new traffic would be generated. He described the proposal as a "preventive measure" to prohibit the Post Office from considering a relocation of its Hereford Branch. He opined that the proposed

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parking lot is appropriate in that no other use could be conceived for the rear portion of the property where the additional parking area is proposed. He also opined that the proposed construction of a parking lot would not be detrimental to the health, safety or general welfare of the locale.

Testimony was also received from the Protestants who appeared. Many of these Protestants are members of the First Baptist Church of Hereford which fronts Mt. Carmel Road immediately adjacent to the subject site. The rear of their church building faces the rear of the shopping center and the proposed location of the parking lot. The Protestants unanimously oppose the construction of the rear parking lot. They fear that there will be additional trash and litter generated on that portion of the property which will adversely affect their site and view. They were also concerned over the safety of parishoners and their children by the increase in traffic which will result if the rear parking lot is constructed. Mr. Sands, in particular, offered detailed testimony which is contained in the record. Photographs were also submitted which show that the present dumpsters are in a state of disrepair and that the area around same is not well-kept. This testimony was helpful in determining whether the rear parking lot, if developed, would be maintained. Certainly the front lot, at least the dumpsters and area immediately adjacent thereto, are not well-kept at the present time.

The off-street parking and loading regulations are codified in Section 409 of the B.C.Z.R. As stated in the Petition for Special Hearing, the Petitioners request relief pursuant to Section 409.12.B. That Section states, "If the requirements for parking space or loading space in Section 409 would create an undue hardship, the Zoning Commissioner may approve a modified parking plan upon Petitioned and after a public hearing, the

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procedure for which is set forth in Section 409.8.B.1 above." (Emphasis added). As to the procedure set forth in Section 409.8.B.1, it is to be noted that relief can only be granted if the Zoning Commissioner determines that the proposed parking arrangement will not be detrimental to the health, safety or general welfare of the surrounding community.

Tt is clear that the requirements in Section 409.8.B and 409.12.B must be read in conjunction with one another. Thus, an applicant for relief must demonstrate that both an undue hardship would be created if relief were denied, and that such relief can be granted in a fashion so as to not detrimentally impact the surrounding locale.

In my judgment, the Petitioners, under the present plan, have failed to satisfy either requirement. Dr. Ortel's testimony on cross-examination was persuasive that there would be no undue hardship suffered by the Petitioner if relief were denied. Rather, the testimony presented was that the request was being made for the convenience of a single tenant. There was no persuasive testimony offered that the existing parking arrangement is deficient and/or that the operation of the shopping center would be adversely impacted if relief were denied.

Moreover, I am not persuaded that the relief can be granted without adverse impact to the surrounding locale. I am appreciative of the testimony offered by the members of the Hereford Baptist Church. The plan presented does not appear to be well-conceived in that same actually depicts an entrance to the rear lot from Mt. Carmel Road and parking spaces immediately adjacent to the Church property. Although modifications were offered during the tesitmony presented at the hearing, I am not persuaded that the plan is appropriate. Perhaps a limited area of parking immediately by to the rear of the Post Office would be acceptable. However, the

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testimony presented in open hearing as well as the site plan offered, fail to persuade me that relief should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on the Petition held, and for the reasons set forth above, the relief requested must be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Aday of June, 1997 that the Petition for Special Hearing seeking approval of commercial parking in a residential zone, and a modified parking plan, pursuant to Section 409.12(b) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit loading services, parking for non-passenger vehicles (post office delivery trucks) in the rear of the subject site, and to relocate existing dumpsters in the new parking area for trash collection and pick-up, in accordance with Petitioner's Exhibit 1 be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision; and,

TT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.1.B.1 of the B.C.Z.R. to permit a setback and buffer of 18 feet each in lieu of the required 75 feet and 50 feet, respectively, for a proposed parking lot within a Residential Transition Area (RTA), in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

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LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

July 7, 2000

To: T. Bryan Mcintre, Councilman Third District County Council

From: Hope Jacobson, Code Enforcement Permits and Development Management

Subject: Hereford Plaza 16950 York Rd

J DAte? July 7, 2000

In respone to your letter dated June 8, 2000 infegards to a history of Hereford Plaza , which in your letter réfers to it as Monkton Shopping the property is currently in compliance

The owners had requested a special hearing to expend the maring in the rear of the property



a hour perfore

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

1. Byw. M. Still Permits and Development Management

FROM:

T. Bryan McIntire, Councilman

Third District County Council

SUBJECT:

Monkton Shopping Center

DATE:

9 June 2000

Regarding my memo of June 8 requesting a history for the Monkton Center and an evaluation of any possible zoning violations, would you please be sure to assess the appropriateness of two large dumpsters located on the property.

Thank you for your assistance.

887-3196 887 5791 fax M.S. 2201

TBM/gm

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### County Board of Appeals of Baltimore County



OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washin

Old Courthouse, 400 Washington Avenue

January 18, 2000

### NOTICE OF POSTPONEMENT

CASE #: 97-308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner 16950 York Road 7th E; 3rd C

(Petition for Special Hearing DENIED; Petition for Variance withdrawn prior to Z.C. Hearing & dismissed.)

which was scheduled for hearing on 2/01/2000 has been **POSTPONED** at the request of Counsel for Petitioner for reasons as stated, and without objection by Counsel for Protestants. **NOT TO BE RESCHEDULED UNTIL AFTER THE ADOPTION OF THE 2000 COMPREHENSIVE ZONING MAPS.** 

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

cc: Counsel for Appellant /Petitioner

Appellant /Petitioner

Spellman, Larson and Associates

Counsel for Protestants Protestants:

: Charles E. Brooks, Esquire Malcolm F. Spicer, Esquire

: Dr. Rodney Ortel /Harford Joint Venture

: Joseph L. Larson

: Michael E. Marino, Esquire

: John J. Brown
Richard W. Sands
Stanley H. Stull
Levi A. Carlstrom
Rebecca J. Palmer

: Joseph Parker

Interested party

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

LAW OFFICES

### BROOKS & SPICER

610 BOSLEY AVENUE

### TOWSON, MARYLAND 21204

(410) 296-2600

CHARLES E. BROOKS MALCOLM F. SPICER, JR. TELEFAX (410) 296-2379

January 6, 2000

Kathleen C. Bianco, Administrator County Board of Appeals For Baltimore County, Room 49 400 Washington Avenue Towson, Maryland 21204

Re: Case No.: 97-308-SPHA in the Matter of Hereford Joint Venture,

Petitioner

Dear Ms. Bianco:

The above referenced case is scheduled for hearing on February 1, 2000 at 10:00 a.m.

The property owner has filed a re-classification request with Baltimore County, which, if granted, will obviate the need for any hearing before the Board of Appeals. Accordingly, the Petitioner is requesting that this matter be postponed until after adoption of the comprehensive zoning maps for Baltimore County. If the rezoning is granted as requested, the Petition for Special Hearing will be withdrawn.

I have discussed this matter with Michael E. Marino, Esquire, who represents the Protestants and he has indicated he has no objection to this requested postponement.

Please feel to contact me if you have any questions in reference to the above.

Sincerely yours,

Charles E. Brooks, Esquire

CEB/MFS/lmf

cc: Michael E. Marino, Esquire

Rodney Ortel, M.D.

Joseph Larson

00 JAN 10 PM 2: 12

LAW OFFICES

### BROOKS & SPICER

610 BOSLEY AVENUE

### TOWSON, MARYLAND 21204

CHARLES E. BROOKS MALCOLM F. SPICER, JR. (410) 296-2600

TELEFAX (410) 296-2379

October 6, 1999

### **SENT VIA FAX AND REGULAR MAIL**

Kathleen C. Bianco, Administrator County Board of Appeals For Baltimore County Room 49 400 Washington Avenue Towson, Maryland 21204

Re:

Case No.: 97-308-SPHA

In the Matter of Harford Joint Venture Petitioner

Dear Ms. Bianco:

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The above referenced hearing is now scheduled for October 13, 1999 at  $10:\overline{00}$ 

a.m.

Due to the recent illness of Norman Gerber, our expert planner, we must request a postponement of the scheduled hearing to afford us the opportunity to obtain another expert.

We have discussed this request with Michael Marino, Esquire, who has no objection.

Sincerely,

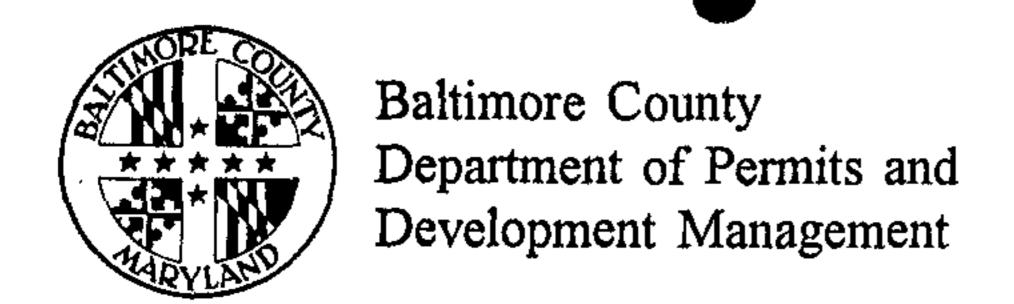
Charles E. Brooks, Esquire

CEB/lmf

cc:

Michael E. Marino, Esquire

Joseph L. Larson C. Richard Moore Rodney L. Ortel, M.D.



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

July 14, 1997

Michael Marino, Esquire 609 Bosley Avenue Towson, MD 21204

RE: Petition for Special
Hearing and Variance
SW corner of York Road
and Mt. Carmel Road
(16950 York Road)
7th Election District
3rd Councilmanic District
Harford Joint Venture Petitioner
Case No. 97-308-SPHA

Dear Mr. Marino:

Please be advised that an appeal of the above-referenced case, special hearing only, was filed in this office on July 9, 1997 by Charles E. Brooks, Esquire on behalf of Harford Joint Venture. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

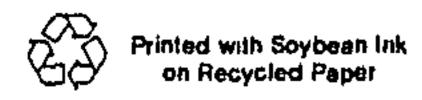
If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

ARNOLD JABLON Director

AJ:rye

c: People's Counsel



### APPEAL

Petitions for Special Hearing and Variance SW corner of York Road and Mt. Carmel Road (16950 York Road) 7th Election District - 3rd Councilmanic District Harford Joint Venture - Petitioner Case No. 97-308-SPHA

Petitions for Special Hearing and Variance

Description of Property

Certificate of Posting

No Certificate of Publication Found

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: 1 - Plat to Accompany Zoning Petition

2 - Hereford Community Plan

3 - Hereford Community Association Minutes dated February 11, 1997

Protestants' Exhibits: 1 - Two Photographs of Dumpsters Presently on Parking Lot

2 - Two Photographs of Dumpster Sludge

3 - Two Photographs of Proposed Location of

Dumpsters
4 - Photograph of Trucks Presently Using Rear
Parking Area

Zoning Commissioner's Order dated June 9, 1997 (Denied in Part, Dismissed as Moot in Part)

Notice of Appeal received on July 9, 1997 from Charles E. Brooks, Esquire on behalf of Harford Joint Venture

C: Charles E. Brooks, Esquire, Malcomb F. Spicer, Esquire, 610 Bosley Avenue, Towson, MD 21204
Dr. Rodney Ortel, Harford Joint Venture, 9403 Harford Road,
Baltimore, MD 21234
Michael Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204
People's Counsel of Baltimore County, M.S. 2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE
PETITION FOR VARIANCE

16950 York Road (Hereford Plaza), Corner \* ZONING COMMISSIONER
formed by the intersection of W/S
York Road and S/S Mt. Carmel Road \* OF BALTIMORE COUNTY
7th Election District, 3rd Councilmanic
\* CASE NO. 97-308-SPHA
Harford Joint Venture
Petitioner \*

## ENTRY OF APPEARANCE

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

\*

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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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 13 day of February, 1997, a copy of the foregoing Entry of Appearance was mailed to Charles Brooks, Esq., 610 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN

SPH -To permit commercial parking in residential zone; to permit loading services, parking for non-passenger vehicles (P.O. delivery trucks) in rear of subject site; relocate existing dumpsters in new parking area for trash collection and pickup; (PETITION FOR VARIANCE WAS WITHDRAWN BY PETITIONER PRIOR TO HEARING; DISMISSED AS MOOT.)

6/09/97 -Z.C.'s Order in which Petition for Special Hearing was DENIED; Petition for Variance dismissed as moot.

10/22/97 - Notice of Assignment for hearing scheduled for Tuesday, January 6, 1998 at 10:00 a.m. sent to following:

Charles E. Brooks, Esquire Malcolm F. Spicer, Esquire Dr. Rodney Ortel /Harford Joint Venture Spellman, Larson and Associates /Joseph L. Larson Michael E. Marino, Esquire John J. Brown Richard W. Sands Stanley H. Stull Levi A. Carlstrom Rebecca J. Palmer Joseph Parker People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney

- 12/09/97 -Letter from C. Brooks, Esquire; Petitioner through counsel and engineer have been in negotiation with reps of Hereford Baptist Church (the only protestant to this matter); working on amendment to plan to eliminate objections of protestant. Requesting postponement of this matter pending outcome of negotiation /amendment.
- 12/11/97 -T/C from kcb to Messrs Marino and Spicer; request for postponement to be granted. Will reschedule to date in late Spring.

   Notice of PP and Reassignment sent to parties; case rescheduled to Thursday, May 28, 1998 at 10:00 a.m.
- 5/28/98 -Board convened for hearing as scheduled; parties appeared.
  Postponement requested on the record; same granted by Board. Reassigned to confirmed date of June 25, 1998. (K.C.M.)
   Notice Confirming Reassigned Date sent to parties; reassigned to Thursday, June 25, 1998 at 9:30 a.m.
- 6/11/98 -Received from PDM -- Revised Plat to Accompany Zoning Petition filed with PDM 5/28/98 for full Agency review prior to Board's 6/25/98 hearing.
- 6/23/98 -Request for Postponement from Charles E. Brooks, Counsel for Petitioner; County agencies have not yet completed review of revised plan; all comments not yet filed. No objection from Michael Marino, Counsel for Protestants. Awaiting comment from C. Demilio.

- 6/23/98 -Letter from C. Demilio no objection to granting of postponement as requested by Messrs Brooks and Spicer. Verified with both Mr. Spicerand Mr. Marino that Mr. Marino also has no objection to the granting of this request (typographical error in letter).
  - Reached the wife of Joseph Parker (an interested party) at 343-1292 by telephone; advised that hearing would be postponed. Confirmed same with Messrs Marino and Spicer who will contact their clients, witnesses, etc.; contacted C. Demilio and panel members.
  - Notice of PP and Reassignment to be sent. Will attempt to find reassignment date that will meet all necessary schedules.
- 7/07/98 -Notice of Assignment sent to all parties; matter reassigned for hearing to a date agreed upon by all counsel; and assigned for hearing on Thursday, October 1, 1998 at 10:00 a.m.
- 7/21/98 -Memo from Bruce Seeley, DEPRM re ZAC Meeting of 6/08/98 / DEPRM comments ("Ground Water Management see previous comments").
- 9/23/98 -Letter from Joseph Larson with copies of comments from Zoning, Development Plans Review, and State Highways for inclusion in the file for Case No. 97-308-SPHA (CBA file was found to be lacking these comments when the file was reviewed by Mr. Larson on 9/21/98).
- 9/29/98 -Hand-delivered letter from Charles Brooks, Esquire requesting continuance of 10/01/98 hearing; parties have reached agreement; when finalized and executed, Protestants will withdraw opposition. Hearing to put this on the record to be 1/2 hour hearing only. To be requested when agreement is finalized. Confirmed no objection with C. Demilio, People's Counsel.
  - Notice of Continuance sent to parties; to reset only upon request. (FAX to C Brooks & M Marino; hand-deliver to People's Counsel)
- 3/09/99 -Letter from C. Brooks requesting brief period (approximately 1 hour) to be scheduled for hearing in this matter; agreement reached; to be presented to the Board and incorporated in Board's Order.
- 3/16/99 -Confirmed date of 4/20/99 at 1 pm for this matter with M. Spicer; Notice of Assignment sent to parties; scheduled for Tuesday, April 20, 1999 at 1:00 p.m.
- 4/06/99 -Visit to CBA office by Mr. Spicer as follow-up to telephone call. Requested that this case begin at 2:00 p.m. on 5/20/99 (one hour later) due to scheduling conflict. This would allow the matter to proceed on the date scheduled. He indicated confirmation of this one-hour delay in start time with Mr. Marino, who had no objections to this reassignment to 2:00 p.m.
- 4/07/99 -Notice of Reassignment /Time Only sent to parties; reassigned for a 2:00 p.m. start on date as schedule, Tuesday, April 20, 1999.

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- 4/12/99 -Letter from Charles Brooks, Esquire -- requesting postponement of 4/20/99 hearing -- agreement between parties will not be completed by hearing date; threfore requests postponement until said agreement is signed or determination made that agreement cannot be reached. Indicates that, while he has not discussed with Mr. Marino, does not believe he will object to same.
  - -T/C from kcb to M. Marino regarding postponement request.
  - -T/C from M. Marino no objection to continuing this matter pending final resolution of settlement; or, should settlement no be reached, then for hearing on another date to be assigned.
- 4/13/99 -Notice of Postponement sent this date; case pulled from schedule; to be reset for hearing only upon request.
- 6/18/99 -Letter from Charles E. Brooks, Esquire -- requesting that case be scheduled for hearing at earliest possible date requiring one full day. Case to be assigned and notice sent.
- 6/24/99 -Notice of Assignment sent to parties; assigned for hearing on Wednesday, October 13, 1999 at 10:00 a.m.
- 10/06/99 -T/C from M. Spicer (BROOKS & SPICER) due to recent illness of expert witness, he would be requesting a postponement; would submit in writing after discussion with opposing counsel.
- 10/07/99 -Letter from Charles Brooks, Esquire, requesting postponement as indicated above; request time to obtain another expert. Confirmed with P. Zimmerman indicated no objection; also left message for C. Demilio.
- 10/08/99 -Notice of PP and Reassignment sent to parties; reassigned to Tuesday, February 1, 2000 at 10:00 a.m. (T/C to M. Marino to confirm; no response as of 10/08; notice sent to notify interested parties of postponement, since hearing date is less than one week away.)
- 1/10/2000 -Letter from Charles E. Brooks, Esquire -- requesting postponement of hearing scheduled for 2/01/2000. Reclass request has been filed by Petitioner; if granted, will obviate need for hearing before the CBA. Mr. Brooks indicated no objection by Mr. Marino.
- 1/11/2000 T/C to M. Marino out of office until 1/17/2000; l.m. for him to
   call me on Tuesday 1/18/2000 (1/17 Holiday) to confirm prior to PP of
   this matter.
- 1/18/2000 -T/C w/M. Marino. No objection to holding this hearing pending out come of 2000 comprehensive zoning maps. Notice of PP sent to parties this date. To be reassigned for hearing, if necessary, only after the 2000 Maps have been finalized and adopted.





ROBERT E. SPELLMAN, P.L.S JOSEPH L. LARSON

SUITE 109 — JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 FAX (410) 825-5215

May 28, 1998

Mr. Carl Richards, Supervisor Office of Zoning Department of Permits & Development Management Baltimore County

ATTN: Ms. Sophia Jennings

"HAND DELIVERED"

Re: Hereford Plaza

Zoning Case No. 97-308-SPHA

(Harford Joint Venture)

Dear Ms. Jennings:

Attached hereto please find 12 copies of the revised Plat to Accompany Zoning Petition for the above-captioned project along with a check for \$100.00 to cover the required revision fee.

The attached Plan is being submitted for a full Agency review prior to a Hearing that has been scheduled before the Board Of Appeals for June 25, 1998.

The subject Plan has been revised in accordance with comments from the Community regarding the layout of the rear parking lot. Generally, the parking area has been relocated to the south end of the property and substantially reduced in size.

I would appreciate your earliest processing of the attached Plans for review and comment so that we may receive these comments timely, certainly well before the Hearing on June 25.

I would appreciate your earliest consideration of this matter.

Very truly yours,

SPELLMAN, LARSON & ASSOC.

Joseph L. Larson

PRESIDENT

cc:Michael Marino Chuck Brooks Peg Pearce





#### LAW OFFICES

### Brooks & Spicer

610 BOSLEY AVENUE

#### TOWSON, MARYLAND 21204

(410) 298-2600

CHARLES E. BROOKS MALCOLM F. SPICER, JR.

TELEFAX (410) 296-2379

July 9, 1997

### HAND DELIVERED

Arnold Jablon, Director Department of Permits and Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

Re: Petition For Special Hearing
S/W Corner of York Road & Mt. Carmel Road
(16950 York Road) - 7th Election District
Case Number: 97-308SPHA

Dear Mr. Jablon:

Please enter an appeal on behalf of Harford Joint Venture, Petitioner to the County Board of Appeals from the Order dated June 9, 1997 of the Zoning Commissioner relating to the Petition For Special Hearing.

Enclosed is a check in the amount of Two Hundred Ten Dollars (\$210.00) for filing fees.

Sincerely,

Charles E. Brooks

Charles E. Brooks/ To

CEB/lg Enclosure

cc: Rodney L. Ortel, M.D. (w/encl.)

Joseph L. Larson



Spellman, Larson & Associates, Inc. Suite 109 Jefferson Building 105 w. Chesapeake Avenue Towson, Maryland 21204

Dear Mr. Larson,

Enclosed is a copy of the February 11, 1997 minutes of the Hereford Community Association. This will give you an official record of the association voting concerning the parking issue at Hereford Plaza. No vote was taken after your presentation at the March 11, 1997 meeting since the parking area was essentially the same with specific placement of the dumpsters addressed. It is our hope that this issue can be resolved in such a way as to improve the operation of the plaza and the aesthetic appearance of the plaza.

Let us also bring to your attention the need to repair damage to the planters in the plaza parking lot. While it is unfortunate that such damage occurs, it is part of the price of doing business with the general public.

yours truly,

Peggy Pearce

Recording Secretary

Magy Peace

Hereford Community Association

DEGEUVED APR 23 1997

PETTONESS EXHIBIT NO3



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at

HEREFORD PLAZA 16950 YORK ROAD

97-308-SPHA

which is presently zoned

R¢ 5-CR

BM-CR

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)

1 BO1 .1.B.1 to permit an 18' setback and buffer in lieu of 75' and 50' respectively, for a parking lot within the R.T.A.

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

This site is quite unique due to the split zoning and the unusual R.T.A. ramifications. The R.T.A. variance will relieve an undue hardship and practical difficulty by providing better traffic circulation and site layout.

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.

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		Approximate the second	ESTIMATED LENGTH OF HEARING  unavailable for Hearing  the following dates						
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orney for Petitioner		,							
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ontract Purchaser/Less			Legal Owner(s):				VENTU		
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# Petition for Special Hearing

### to the Zoning Commissioner of Baltimore County

for the property located at

HEREFORD PLAZA 16950 YORK ROAD

97-308-5PHA

which is presently zoned

RC 5-CR

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

A request to allow a commercial parking area in a residential zone

and to approve a modified parking plan pursuant to BCZR 409.12b to allow for loading services, parking for non-passenger vehicles (post office delivery trucks) in the rear of the subject site and relocate existing dumpsters in the new parking area for trash collection and pick up.

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.

	We do scientify declare and affirm, under the penalties of perjuty, that thee are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lesson:	Lagal Owner(s): HARFORD JOINT VENTURE
DNA	DR. RODNEY ORTEL, Gen. Partner
(Type or Print Name)	(Type or Print Name)
DNA	Kohen Otal
Signature	Bignature
DNA	
Address	(Type or Print Name)
DNA	
City State Zipcode	Signature
Same and the Maddle and	9403 HARFORD ROAD 750-4151
Tomey for Petitioner:	Address Phone No.
CHARLES BROOKS	BALTIMORE MD 21234
pe or Print Name)	City State Zipcode Name, Address and phone number of representative to be contacted.
nature .	CHARLES BROOKS
610 BOSLEY AVE 296-2600	610 BOSLEY AVE 296-2600
TOWSON MD 21204	Address TOWSON MD - 21204 Phone No.
State Zipcode	OFFICE USE ONLY
	ESTRIATED LENGTH OF HEARING
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	ALLOTHER
	REVIEWED BY JEF NATE 124 97



# Petition for Special Hearing

# to the Zoning Commissioner of Baltimore County

for the property located at

HEREFORD PLAZA 16950 YORK ROAD

97-308-5PHA

which is presently zoned

RC 5-CR

BM-CR

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

A request to allow a commercial parking area in a residential zone and to approve a modified parking plan pursuant to BCZR 409.12b to allow for loading services, parking for non-passenger vehicles (post office delivery trucks) in the rear of the subject site and relocate existing dumpsters in the new parking area for trash collection and pick up.

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.

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rney for Petitioner:				Address	<del></del>			Pho	ie No.
					9403	HARFOR	D ROAD	750·	-4151
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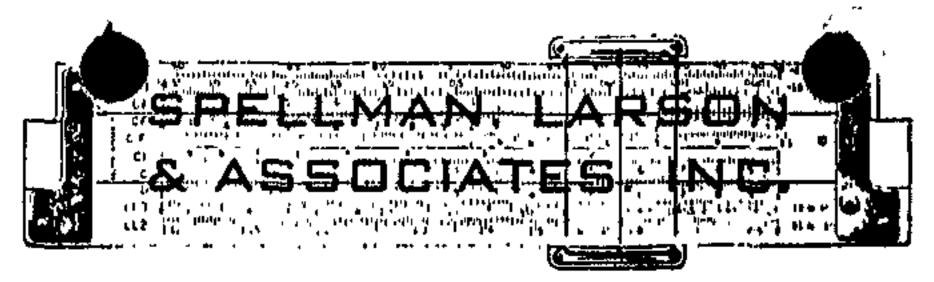
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-296 2379 | P.42

99308-5PH REV 3/21/97

Language for Hereford Plaza Petition and Plat

and to approve a modified parking plan pursuant to BCZR 409.12 B to allow for loading and unloading services, parking for non-passenger vehicles (post office delivery trucks) in the rear of the subject site and relocate existing dumpsters in the new parking area for trash collection and pick up.



SUITE 109 -- JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535

FAX (410) 825-5215

ROBERT E. SPELLMAN. P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

97-308-5PHA

# DESCRIPTION FOR ZONING HEREFORD PLAZA, 7TH DISTRICT. BALTIMORE COUNTY, MARYLAND

Beginning for the same at the corner formed by the intersection of the west side of York Road (Md Rte. No. 45), 66 feet wide, and the south side of Mt. Carmel Road 40 feet wide and running thence and binding on the west side of York Road south 2 Degrees 41 Minutes 03 Seconds east 177.36 feet thence leaving the west side of York Road and running south 87 Degrees 12 Minutes 48 Seconds west 356.31 feet north 3 Degrees 47 Minutes 49 Seconds west 174.90 feet south 87 Degrees 00 Minutes 40 Seconds east 103.50 feet and north 3 Degrees 27 Minutes 38 Seconds west 30.00 feet and running thence to and along the south side of Mt. Carmel Road south 88 Degrees 58 Minutes 53 Seconds east 257.65 feet to the place of beginning.

Containing 1.69 acres of land, more or less.



#308

### CERTIFICATE OF POSTING

	RE: Case No.: 97-308 SPHA
	RE: Case No.:
	Petitioner/Developer:
	HARFORD VOINT VENTURE
	Date of Hearing/Closing:
	Date of Heating Closing.
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:	
were posted conspicuously on the property FRONT OF PROP. FACING YORK	RD.
The sign(s) were posted on	8/19/97 (Month, Day, Year)
	Sincerely,
	Juny Freund 8/19
	(Signature of Sign Poster and Date)
• • • • • • • • • • • • • • • • • • • •	GARY FREUND
	(Printed Name)
	(Address)
•	(City, State, Zip Code)
	(Telephone Number)

BALTIMORE	E COUNTY, MARYLAND	SSSE 1 1990 1994; 2000 COLLAND BERKER, 1, 1997 (Depterman, commencial) god as encourage, they have 1 is placed the 20 of the 1
12 . A.A.	UDGET & FINANCE No. 048777 NEOUS RECEIPT	PAID RECEIPT PROCESS ACTUAL TIME
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	AMOUNT \$ 100.00 (WCR)	5 MISCELLANOUS CASH RECEIPT Receipt # 047912 UFLN CF NO. 048777
RECEIVED FROM:	Spellman Larson & ASsociates Inc	100.00 CHECK Baltimore County, Maryland
FOR:	REVISED PLATS	
	HEREFORD PLAZA — 97-308-SPHA Drop-Off No Review	
DISTRIBUTION WHITE - CASHIER	PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION
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### County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room -Room 48 Old Courthouse, 400 Washington Avenue

October 22, 1997

### NOTICE OF ASSIGNMENT

97-308-SPHA

THE MATTER OF: HARFORD JOINT VENTURE -Petitioner 16950 York Road 7th E; 3rd C

(Petition for Special Hearing DENIED; Petition for Variance withdrawn prior to dismissèd.)

ASSIGNED FOR:

ŤUESDAY, JANUARY 6, 1998 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in \full compliance with Rule 2(c).

> Kathleen C. Bianco Administrator

Counsel for Appellant /Petitioner cc:

Appellant /Petitioner

: Charles E. Brooks, Esquire Malcolm F. Spicer, Esquire

: Dr. Rodney Ortel /Harford Joint Venture

Spellman, Larson and Associates

: Joseph L.\Larson

Counsel for Protestants

Protestants:

: Michael E.\Marino, Esquire

: John J. Brown Richard W. Sands Stanley H. Stull A. Carlstrom Levi Rebecca J. Palmer

: Joseph Parker

Interested party

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney

LAW OFFICES

### Brooks & Spicer

GIO BOSLEY AVENUE

#### TOWSON, MARYLAND 21204

CHARLES E. BROOKS
MALCOLM F. SPICER, JR.

(410) 298-2800

TELEPAX (410) 296-2379

97 DEC -9 PM 5: 46

December 9, 1997

HAND DELIVERED

Christine Howanski, Chairman County Board of Appeals of Baltimore County Room 49, 400 Washington Avenue Towson, Maryland 21204

Re: In the Matter of

Harford Joint Venture, Petitioner

Case Number: 97-308-SPHA

Dear Ms. Howanski:

The above case is scheduled for hearing on Tuesday, January 6, 1998 at 10:00 a.m.

The Petitioner through counsel and their engineer have been in negotiations with representatives of the Hereford Baptist Church, the only protestant in this case, and we are exploring the possiblity of revising the parking plan in order to eliminate the objections from the Church. This revised plan is being reviewed by Baltimore County, but that process will not be complete prior to the scheduled date.

Accordingly, it is requested that this matter be postponed or continued from its present date. This will allow the County to comment on the feasibilty of the revised plan which the Church has requested. If a revised plan satisfactory to all parties can be developed, we may be able to effect a compromise of this case.

Your consideration of the above is greatly appreciated.

Sincerely yours

Charles E. Brooks

CEB/lg

cc: Michael E. Marino, Esquire

Joseph L. Larson Dr. Rodney L. Ortel

People's Counsel For Baltimore County (hand delivered)

PP to 5/98 date







### County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 11, 1997

### NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner 16950 York Road 7th E; 3rd C

(Petition for Special Hearing DENIED; Petition for Variance withdrawn prior to Z.C. Hearing & dismissed.)

which was scheduled to be heard on 1/06/98 has been POSTPONED at the request of Counsel for Petitioner, without objection by Counsel for Protestant; and has been

### REASSIGNED FOR:

### THURSDAY, MAY 28, 1998 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

cc: Counsel for Appellant /Petitioner

Appellant /Petitioner

: Charles E. Brooks, Esquire Malcolm F. Spicer, Esquire

: Dr. Rodney Ortel /Harford Joint

Venture

Spellman, Larson and Associates

: Joseph L. Larson

Counsel for Protestants

Protestants:

: Michael E. Marino, Esquire

: John J. Brown Richard W. Sands Stanley H. Stull Levi A. Carlstrom

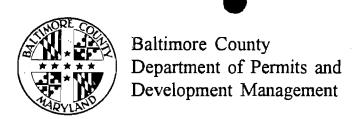
Rebecca J. Palmer

Interested party

: Joseph Parker

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney

Norman E. Gerber



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

July 14, 1997

Michael Marino, Esquire 609 Bosley Avenue Towson, MD 21204

RE: Petition for Special
Hearing and Variance
SW corner of York Road
and Mt. Carmel Road
(16950 York Road)
7th Election District
3rd Councilmanic District
Harford Joint Venture Petitioner
Case No. 97-308-SPHA

Dear Mr. Marino:

Please be advised that an appeal of the above-referenced case, special hearing only, was filed in this office on July 9, 1997 by Charles E. Brooks, Esquire on behalf of Harford Joint Venture. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

//

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel

97 JUL 14 PM 2:50

COUNTY BOARD OF APPEALS





### County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 28, 1998

### NOTICE CONFIRMING REASSIGNED DATE

CASE #: 97-308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner 16950 York Road 7th E; 3rd C

(Petition for Special Hearing DENIED; Petition for Variance withdrawn prior to Z.C. Hearing & dismissed.)

was scheduled to be heard on 5/28/98; requested POSTPONEMENT ON THE RECORD granted by the Board; and has been

### REASSIGNED FOR:

### THURSDAY, JUNE 25, 1998 at 9:30 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

: Counsel for Appellant /Petitioner

Appellant /Petitioner

: Charles E. Brooks, Esquire
Malcolm F. Spicer, Esquire

: Dr. Rodney Ortel /Harford Joint Venture

Spellman, Larson and Associates

Counsel for Protestants Protestants:

: Joseph L. Larson

: Michael E. Marino, Esquire

: John J. Brown
Richard W. Sands
Stanley H. Stull
Levi A. Carlstrom
Rebecca J. Palmer

Interested party

: Joseph Parker

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney LAW OFFICES

### Brooks & Spicer

610 BOSLEY AVENUE

### TOWSON, MARYLAND 21204

CHARLES E. BROOKS MALCOLM F. SPICER, JR. (410) 296-2600

TELEFAX (410) 296-2379

June 23, 1998

Kristine K. Howanski, Chairman County Board of Appeals for Baltimore County Old Courthouse Room 49 400 Washington Avenue Towson, Maryland 21204

RE: In the matter of Harford Joint Venture – Petitioner Case Number – 97-308-SPHA

Dear Ms. Howanski:

It is respectfully requested that the above entitled case now scheduled for hearing on June 25, 1998 be postponed. This request is made due to the fact that all county agencies have not yet completed review of the revised plan and all comments have not as yet been filed.

We have spoken with Michael E. Marino, Esquire, Counsel for the Protestants, and he has indicated that he has objection to this request. We have not been able to contact People's Counsel for Baltimore County. Your consideration of the above is greatly appreciated.

Sincerely,

Charles E. Brooks

CEB/rld

cc: Michael E. Marino, Esquire

Carol S. Demilio, Deputy People's Counsel

Dr. Rodney Ortel

above typo/larriction } confuned w/ M. Spisin and ( On Marino 6/23/98.

No objections from Mauro au Démilie





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

June 23, 1998

Kristine K. Howanski, Esq., Chairman County Board of Appeals of Baltimore County 401 Washington Avenue, Room 49 Towson, MD 21204

Hand-delivered

3: 52

S. Demiliofor

Re: In the Matter of Harford Jt. Venture

Case No. 98-308-SPHA

CBA Hearing Date: June 25, 1998

Dear Chairman Howanski:

In response to Mr. Brooks' request for postponement of the above, please be advised that this office does not object.

Very truly yours,

Carole S. Demilio

Deputy People's Counsel

CSD/caf

cc: Charles E. Brooks, Esq., Attorney for Petitioner (via facsimile - 410-296-2379)

Michael E. Marino, Esq., Attorney for Protestants (via facsimile - 410-296-0057)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 7, 1998

NOTICE OF ASSIGNMENT /Confirmed Date

CASE #: 97-308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner 16950 York Road 7th E; 3rd C

(Petition for Special Hearing DENIED; Petition for Variance withdrawn prior to Z.C. Hearing & dismissed.)

which was scheduled to be heard on 6/25/98 and postponed at the request of Counsel for Petitioner and without objection has been reassigned to the following hearing date, after verification with all counsel; and has been

### REASSIGNED FOR:

THURSDAX, OCTOBER 1, 1998 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

cc: Counsel for Appellant /Petitioner

Appellant /Petitioner

: Charles E. Brooks, Esquire
Malcolm F. Spicer, Esquire

: Dr. Rodney Ortel /Harford Joint

\Venture

Spellman, Larson and Associates

314000

: Joseph L. Larson

Counsel for Protestants

Protestants:

: Michael \E. Marino, Esquire

: John J. Brown
Richard W. Sands
Stanley H. Stull
Levi A. Carlstrom

Rebecca J. Palmer

Interested party

: Joseph Parker

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney LAW OFFICES

### BROOKS & SPICER

610 BOSLEY AVENUE

#### TOWSON, MARYLAND 21204

(410) 296-2600

CHARLES E. BROOKS
MALCOLM F. SPICER, JR.

TELEFAX (410) 296-2379

September 29, 1998

## HAND DELIVERED

Kristine Howanski, Chairman County Board of Appeals For Baltimore County Room 49 400 Washington Avenue Towson, Maryland 21204

Re: In the Matter of Hereford Joint Venture, Petitioner Case No.: 97-308-SPHA

Dear Ms. Howanski:

The above entitled case is presently scheduled for hearing on Thursday, October 1, 1998 at 10:00 a.m.

The Petitioner and Protestants (Hereford Baptist Church) are jointly requesting a continuance of the above entitled case. The basis for this request is that we have reached an agreement in principle with the Protestants in this case, The Hereford Baptist Church. It is the desire of the Petitioner and the Protestants that this agreement be reduced to writing and when finally approved by all parties, the Hereford Baptist Church will withdraw their opposition to the relief requested. The agreement will also require that the plan be revised by the Petitioner's engineer.

Accordingly, it is respectfully requested that the above entitled case be continued to afford the Petitioner and the Protestants the opportunity of entering into a written agreement and revising their site plan to reflect the same. This will substantially reduce the time necessary when this matter is rescheduled for hearing and we feel that after the agreement is complete, a hearing in this matter should take approximately one half (1/2) hour.

COUNTY BOARD OF APPEALS

Page Two September 29, 1998 Ms. Kristine Howanski

Thank you for your prompt attention to the above.

Sincerely yours,

Charles E. Brooks

CEB/lg

cc: Michael E. Marino, Esquire

People's Counsel for Baltimore County (hand delivered)

Joseph L. Larson

Rodney L. Ortel, M.D.

Norman E. Gerber

C. Richard Moore



OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 29, 1998

## NOTICE OF CONTINUANCE

CASE #: 97-308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner 16950 York Road 7th E; 3rd C

(Petition for Special Hearing DENIED; Petition for Variance withdrawn prior to Z.C. Hearing & dismissed.)

Which was scheduled to be heard on October 1, 1998 has been CONTINUED by joint request of counsel for Petitioner and Protestants. TO BE RESET ONLY UPON REQUEST.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

cc: Counsel for Appellant /Petitioner

Appellant /Petitioner

: Charles E. Brooks, Esquire Malcolm F. Spicer, Esquire

: Dr. Rodney Ortel /Harford Joint
Venture

Spellman, Larson and Associates

periman, Larson and Associaces

Counsel for Protestants Protestants:

: Joseph L. Larson

: Michael E. Marino, Esquire

: John J. Brown
Richard W. Sands
Stanley H. Stull
Levi A. Carlstrom
Rebecca J. Palmer

Interested party

: Joseph Parker

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney



LAW OFFICES

## Brooks & Spicer

610 BOSLEY AVENUE

#### TOWSON, MARYLAND 21204

CHARLES E. BROOKS MALCOLM F. SPICER, JR. (410) 296-2600

TELEFAX (410) 296-2379

March 5, 1999

Kathleen C. Bianco, Administrator County Board of Appeals of Baltimore County Room 49 400 Washington Avenue Towson, Maryland 21204

Re: In the matter of Hereford Joint Venture – Petitioner Case No.: 97-308-SPHA

Dear Ms. Bianco:

Please schedule a hearing in the above referenced case before the Board of Appeals. This case has been resolved by agreement with the Protestants and the hearing will be uncontested.

Counsel for the Protestants is preparing an agreement to memorialize the parties understanding and the terms of the agreement will be presented to the Board of Appeals to be incorporated into their Order. We anticipate the need for approximately one (1) hour to present the Petitioner's case to the Board.

Please feel free to contact me if you have any questions.

Sincerely yours,

Charles E. Brooks, Esquire

CEB/MFS/lmf

cc: Michael E. Marino, Esquire Rodney Ortel, M.D. Joseph Larson Norman Gerber

Drooks @ Joseph



OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 16, 1999

## NOTICE OF ASSIGNMENT

CASE #: 97 \$308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner
16950 York Road 7th E; 3rd C

(Petition for Special Hearing DENIED; Petition for Variance withdrawn prior to Z.C. Hearing & dismissed.)

Has been scheduled at request of counsel; and has been

## ASSIGNED FOR:

TUESDAY, APRIL 20, 1999 at 1:00 p.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

cc: Counsel for Appellant /Petitioner

Appellant /Petitioner

Spellman, Larson and Associates

Counsel for Protestants Protestants:

Charles E. Brooks, Esquire
Malcolm F. Spicer, Esquire
Dr. Rodney Ortel /Harford Joint
Venture

: Joseph L. Larson

: Michael E. Marino, Esquire

: John J. Brown
Richard W. Sands
Stanley H. Stull
Levi A. Carlstrom
Rebecca J. Palmer

: Joseph Parker

Interested party

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney T/C from Mac Spicer 10:48 a.m. 4/6/99

-He is in on 4/20/99 for the Harford Joint Venture case ...case is uncontested; a settlement has been reached.
-He does not want to give up the date; he is only asking to start at 2:00 p.m. instead of 1:00 p.m. (someone has a conflict with that time - a seminar is going on in the morning until 1:00 p.m.)
-He'll call Mr. Marino to see if that is agreeable to him, and he will you back.

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OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

April 7, 1999

## NOTICE OF REASSIGNMENT / CHANGE IN TIME ONLY

CASE #: 97-308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner 16950 York Road 7th E; 3rd C

(Retition for Special Hearing DENIED; Petition for withdrawn prior to Z.C. Hearing dismissed.)

which is scheduled for hearing on April 20, 1999 has been reassigned to a later start time by agreement of counsel; and has been

## REASSIGNED FOR:

TUESDAY APRIL 20, 1999 at 2:00 p.m.

NOTICE:

This appeal is an evidentiary\hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule

> Kathleen C. Bianco Administrator

Counsel for Appellant /Petitioner

pellant /Petitioner

Associates Spellman, Larson and

Counsel for Protestants

Protestants:

Interested party

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney

Charles E. Brooks, Esquire Malcolm F. Spicer, Esquire Dr. Rodney Ortel /Harford Joint Venture

: J&seph L. Larson

: Michael E. Marino, Esquire

: John J. Brown Richard W. Sands Stanley H. Stull Levi . Carlstrom Rebecca J. Palmer

: Joseph Parker

LAW OFFICES

#### Brooks & Spicer

610 BOSLEY AVENUE

#### TOWSON, MARYLAND 21204

(410) 296-2000

CHARLES E. BROOKS MALCOLM F. SPICER, JR. TELEFAX (410) 296-2379

April 9, 1999

Kathleen C. Bianco, Administrator County Board of Appeals For Baltimore County Room 49 400 Washington Avenue Towson, Maryland 21204

Re:

Case No.: 97-308-SPHA

In the Matter of Harford Joint Venture Petitioner

Dear Ms. Bianco:

The above referenced hearing is now scheduled for April 20, 1999 at 2:00 f.m.

It had been anticipated by Counsel that we would have a written agreement setting forth the terms of the agreement between the Petitioner and the First Baptist Church signed by all parties prior to the scheduled hearing date. It appears at this time that this agreement will not be in place by that time and it therefore respectfully request that this matter once again be postponed.

In view of what has transpired I believe it would be best that the same not be rescheduled until requested and a request not be made until the parties have a written agreement signed or it is determined that no agreement can be reached.

I am delivering a copy of this to Mr. Marino. Although I have not had an opportunity to discuss my request with him, I do not believe he will have any objection if in deed this case must be tried as a contested case.

39 APR 12 PH 2: LE

Page Two April 9, 1999 Kathleen C. Bianco, Administrator

Please feel free to contact me if you have any questions.

Sincerely yours,

Charles E. Brooks, Esquire

## CEB/MFS/lmf

cc:

Michael E. Marino, Esquire

Joseph L. Larson Rodney L. Ortel, M.D.

Norman E. Gerber



OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room -Room 48 Old Courthouse, 400 Washington Avenue

April 13, 1999

## NOTICE OF POSTPONEMENT

CASE #: 97-308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner 16950 York Road 7th E; 3rd C

(Petition for Special Hearing DENIED; Petition for Variance withdrawn prior to Z.C. Hearing & dismissed.)

which was scheduled to be heard on April 20, 1999 has been POSTPONED at the request of Counsel for Appellant /Petitioner, without objection by Counsel for Protestants. WILL BE RESCHEDULED FOR HEARING ONLY UPON REQUEST.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

> Kathleen C. Bianco Administrator

Counsel for Appellant /Petitioner cc:

Appellant /Petitioner

Spellman, Larson and Associates

Counsel for Protestants Protestants:

Interested party

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney

- : Charles E. Brooks, Esquire Malcolm F. Spicer, Esquire
- : Dr. Rodney Ortel /Harford Joint Venture
  - : Joseph L. Larson
  - : Michael E. Marino, Esquire

: John J. Brown Richard W. Sands Stanley H. Stull Levi A. Carlstrom Rebecca J. Palmer

rker her nerent : Joseph Parker



LAW OFFICES

## BROOKS & SPICER

GIO BOSLEY AVENUE

#### TOWSON, MARYLAND 21204

CHARLES E. BROOKS MALCOLM F. SPICER, JR. (410) 296-2600

TELEFAX (410) 296-2379

June 17, 1999

Kathleen C. Bianco, Administrator County Board of Appeals For Baltimore County Room 49 400 Washington Avenue Towson, Maryland 21204

Re: Case No.: 97-308-SPHA in the Matter of Hereford Joint Ventures

Dear Ms. Bianco:

Please schedule the above entitled case for hearing before the Board of Appeals at the earliest possible date.

We anticipate the need for one full day.

Please feel free to contact me if you have any questions in reference to the above.

Sincerely yours,

Charles E. Brooks, Esquire

CEB/lmf

cc:

Rodney Ortel, M.D.

Michael E. Marino, Esquire



OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

410-887-3180

Hearing Room -Room 48 FAX: 410-887-3182

Old Courthouse, 400 Washington Avenue

October 8, 1999

## NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner 7th E; 3rd C 16950 York Road

(Petition for Special Hearing DENIED; Petition for Variance withdrawn prior to Z.C. Hearing dismissed.)

which was scheduled for hearing on 10/13/99 has been POSTPONED at the request of Counsel for Petitioner for reasons as stated, and without objection by Counsel for Protestants\or the Office of People's Counsel; and has been

## REASSIGNED FOR:

TUESDAY, FEBRUARY 1, 2000 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

No postponements will be granted without sufficient **IMPORTANT:** reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

Counsel for Appellant /Petitioner cc:

Appellant /Petitioner

Spellman, Larson and Associates

Counsel for Protestants Protestants:

: Charles E. Brooks, Esquire Malcolm F. Spicer, Esquire

: Dr. Rodney Ortel /Harford Joint Venture

: Joseph L. Larson

Michael E. Marino, Esquire

: John J. Brown Rîchard W. Sands Stanley H. Stull Levi \ A. Carlstrom Rebecca J. Palmer

Interested party

: Joseph Parker

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney



OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room - Room 48

FAX: 410-887-3182

Old Courthouse, 400 Washington Avenue

June 24, 1999

#### NOTICE OF ASSIGNMENT

CASE #: 97-308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner
16950 York Road 7th E; 3rd C

66,9 x101/2000

(Petition for Special Hearing DENIED; Petition for Variance withdrawn prior to Z.C. Hearing & dismissed.)

which had been postponed by request of Counsel for Petitioner and without objection, to be reset only upon request, has been assigned for hearing at the request of Counsel for Petitioner; and has been

## ASSIGNED FOR:

WEDNESDAY, OCTOBER 13, 1999 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

cc: Counsel for Appellant /Petitioner

Appellant /Petitioner

Spellman, Larson and Associates >

Counsel for Protestants

Protestants:

Venture Joseph L. Larson

: Charles E. Brooks, Esquire
Malcolm F. Spicer, Esquire
Dr. Rodney Ortel /Harford Joint

Michael E. Marino, Esquire

John J. Brown
Richard W. Sands
Stanley H. Stull
Levi A. Carlstrom
Rebecca J. Palmer

: Joseph Parker

Interested party

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney



# Baltimore County Zoning Commissioner Office of Planning and Zoning

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

June 9, 1997

Charles E. Brooks, Esquire Malcomb F. Spicer, Esquire 610 Bosley Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE SW/Corner of York Road and Mt. Carmel Road (16950 York Road) 7th Election District - 3rd Councilmanic District Harford Joint Venture - Petitioner Case No. 97-308-SPHA

Dear Messrs. Brooks & Spicer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied and the Petition for Variance dismissed as moot, 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 Zoning Commissioner for Baltimore County

LES:bjs

cc: Dr. Rodney Ortel, Harford Joint Venture 9403 Harford Road, Baltimore, Md. 21234

> Michael Marino, Esquire 609 Bosley Avenue, Towson, Md. 21204

People's Counsel; Case/Files

Notice of Hearing

The Zoning 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: #97-308-SPH (Item 308)
16950 York Road - Hereford Plaza corner formed by the intersection of W/S York Road and S/S Mt. Carmel Road 7th Election District 3rd Councilmanic Legal Owner(s):
Harford Joint Venture
Special Hearing: to allow a commercial parking area in a residential zone: Variance: to permit an 18 foot setback and buffer in lieu of 75 feet and 50 feet respectively, for a parking lot within the RTA Hearing: Priday, March 7, 1997 at 10:00 a.m. In Rm. 1997 at 10:00 a.m. In Rm. 1997 at 10:00 a.m. In Rm. 1997 at 10:00 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.

2/076 Feb. 6 G117766

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 197
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 10 4, 19
THE JEFFERSONIAN,
a. Henrikson
LEGAL AD TOWSON

BALTIMORE COUNTY, N	MARYLAND		
SCELLANEOUS RECE	(F) 977)	5004	
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BALTIMORE COUNTY, MARYLAND FFICE OF BUDGET & FINANCE WISCELLANEOUS RECEIPT	No.	040964	PAID RECEIPT PROCESS ACTUAL TIME
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BALTIMORE COUNTY, MA OFFICE OF FINANCE REVENU MISCELLANEOUS CASH RE	UE DIVISION
DATE 1 24 97	P-001-015-000
RECEIVED HOLLOW -	Joint Venture
OZO Voriance	
040 Wariana Spil	DE BZ50 - TAKEN BY: JE
FOR:	01A00#0319MICHRC \$500.00

# CERTIFICATE OF STING

	RE: Case No.: 97-308 SPH
	Petitioner/Developer: HEREFORD PLA
	% DOE LARSON
	Date of Hearing/Closing: 3/7/97
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:	•
were posted conspicuously on the property loc	CMT. CARMEL RD.
	2/13/97
The sign(s) were posted on	(Month, Day, Year)
	Sincerely,
	Patrick M. Okaf 2/14/9 (Signature of Sign Poster and Date)
TELLIGITE LA LICE	Patrick M. O'Keefe
CHITZOIPH.	(Printed Name)
TO STATE OF THE PROPERTY OF TH	523 Penny Lane (Address)
THE REAL PROPERTY AND ADDRESS OF THE PARTY AND	Hunt Valley, MD 21030
CATE PLANT THINK I PROPERTY AND	(City, State, Zip Code)
	(Telephone Number)
97-308 SPH 1950 YORK RD HEREFORD PLAZA 2/13/97	•

C0724

RE: Case No.: 97-308 SPH

Petitioner/Developer: HEPEFORD PLAZA, ETA

% DOE LARSON

Date of Hearing/Closing: 3/7/97

2EV. 5/12/97

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 # 16950 YORK RD

O MT. CARMEL RD.

The sign(s) were posted on

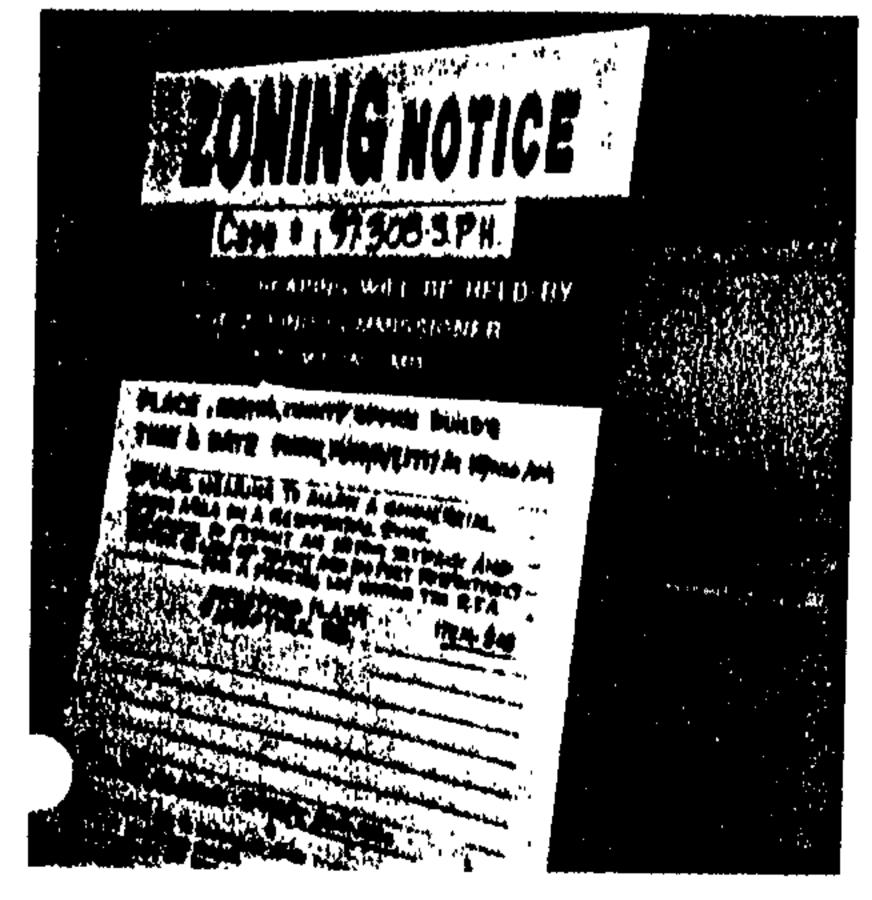
Month, Day, Year)

Sincerely, Patrick O'Keefe 5/3/97

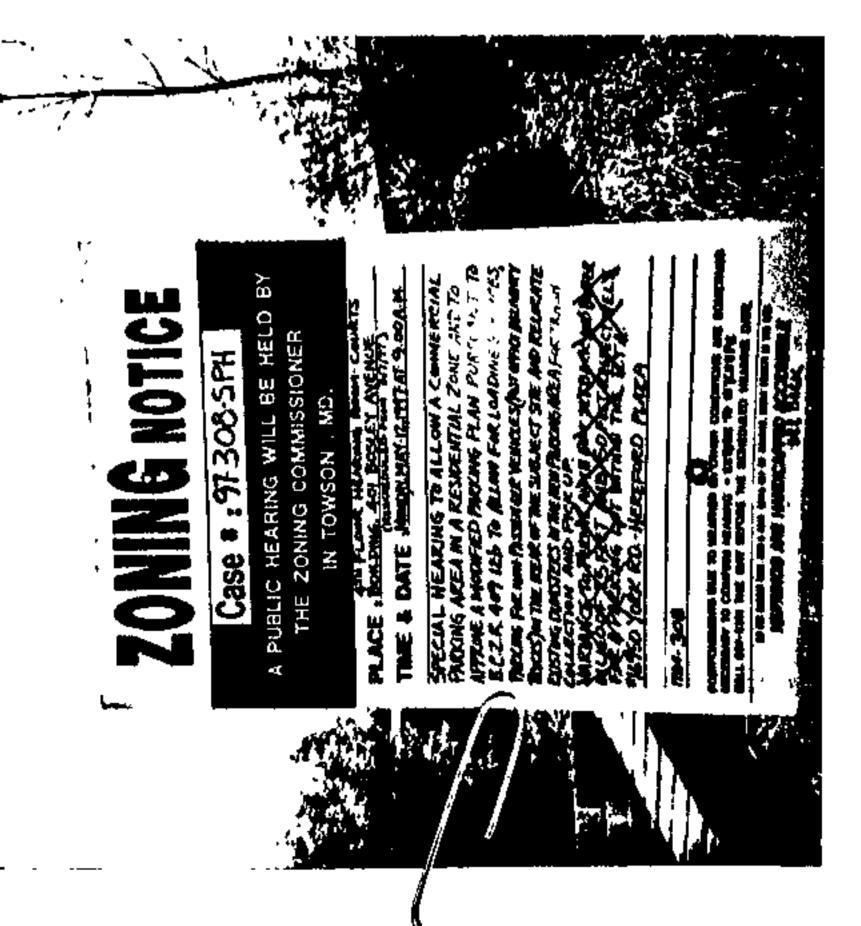
Patrick M. OKaf 2/14/97

(Signature of Sign Poster and Date) REV 5/3/97

Patrick M. O'Keefe



97-308 SPH #16950 YORK RD HEREFORD PLAZA 2/13/97



97-308-SPY-KEEFORD PLASS # 16950 YOLK RD. (REVIED) H-5/12/97 (REV) - R.P. 4/29/97



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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 308
Petitioner: DR RODNEY ORTEL
Location: 16950 YORK ROAD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Spellman Larson Associates
ADDRESS: 105 W. Chesapeake Ave
Suite 406 Towson MD 21204
PHONE NUMBER: 803-3535
PHONE NUMBER: OV J J J J J J J J J J J J J J J J J J

AJ:ggs

(Revised 09/24/96)

	,
Request for Zoning. Variance, Special Exception, or Special Hearing	1
Date to be Posted: Anytime before but no later than	•
Format for Sign Printing, Black Letters on White Background:	1
	<u> </u>

# ZONING NOTICE

Case No.: 97-308-SPHA

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

PLACE:
DATE AND TIME:
REQUEST: TO PERMIT AN 18' SETBACK AND
BUFFER IN LIEU OF 75' AND 50 PESPECTIVELY,
FOR A PARKING LOT WITHIN THE R.T.A.
· · · · · · · · · · · · · · · · · · ·
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

# ZONING NOTICE

Case No.: 97-308-SPHA

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

REQUEST: TO	ALLOW A	COMMERCIAL	PARKING
	1	ENTIAL ZONE	
	•		' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '
	1		
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HANDICAPPED ACCESSIBLE

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

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

Please foward billing to:

Spellman, Larson & Associates 105 W. Chesapeake Avenue Suite 406 Towson, MD 21204 823-3535

## 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: 97-308-SPH (Item 308)
16950 York Road - Hereford Plaza
corner formed by the intersection of W/S York Road and S/S Mt. Carmel Road
7th Election District - 3rd Councilmanic
Legal Owner(s): Harford Joint Venture

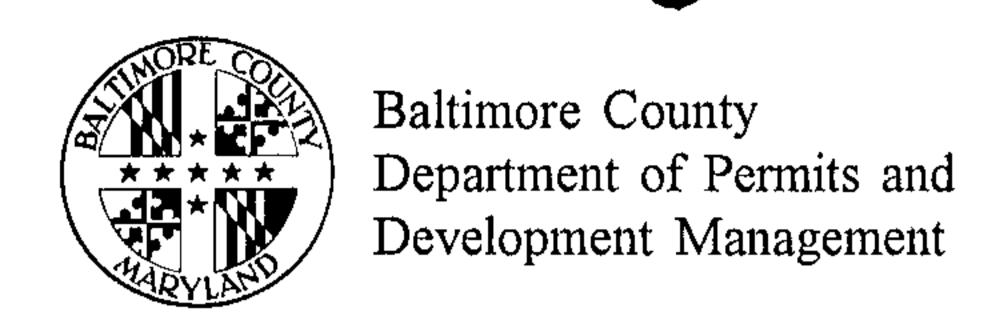
Special Hearing to allow a commercial parking area in a residential zone. Variance to permit an 18 foot setback and buffer in lieu of 75 feet and 50 feet respectively, for a parking lot within the RTA.

HEARING: FRIDAY, MARCH 7, 1997 at 10:00 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.



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:

CASE NUMBER: 97-308-SPH\*(Item 308)
16950 York Road - Hereford Plaza
corner formed by the intersection of W/S York Road and S/S Mt. Carmel Road
7th Election District - 3rd Councilmanic
Legal Owner(s): Harford Joint Venture

Special Hearing to allow a commercial parking area in a residential zone.

Variance to permit permit an 18 foot setback and buffer in lieu of 75 feet and 50 feet respectively, for a parking lot within the RTA.

HEARING: FRIDAY, MARCH 7, 1997 at 10:00 a.m. in Room 106, County Office Building.

Arnold Jablon

Director

cc: Harford Joint Venture Charles Brooks, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY 2/20/97.

- (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

April 8, 1997

## NOTICE OF REASSIGNMENT

Rescheduled from 3/7/97

CASE NUMBER: 97-308-SPH (Item 308) 16950 York Road - Hereford Plaza

corner formed by the intersection of W/S York Road and S/S Mt. Carmel

Road

7th Election District - 3rd Councilmanic Legal Owner(s): Harford Joint Venture

Special Hearing to allow a commercial parking area in a residential zone and to approve a modified parking plan pursuant to BCZR 409.12b to allow for loading services, parking for non-passenger vehicles (post office delivery trucks) in the rear of the subject site and relocate existing dumpsters in the new parking area for trash collection and pick up.

Variance to permit permit an 18 foot setback and buffer in lieu of 75 feet and 50 feet respectively, for a parking lot within the RTA.

HEARING: MONDAY, MAY 12, 1997 at 9:00 a.m, 4th floor hearing room Courts Building, 401 Bosley Avenue.

ARNOLD JABLON DIRECTOR

cc: Harford Joint Venture

Charles Broosk, Esq. Michael E. Marino, Esq.

Joseph L. Larson

Kenneth Ruhl
Pat vanderBeemt

PLEASE NOTE THAT THE ZONING SIGN ON THE PROPERTY MUST BE ALTERED TO GIVE NOTICE OF THE ABOVE HEARING ON OR BEFORE APRIL 27, 1997 AND CERTIFICATION OF SAME FILED WITH THIS OFFICE. PLEASE CONTACT THE SIGN VENDOR USED FOR THE ORIGINAL POSTING.



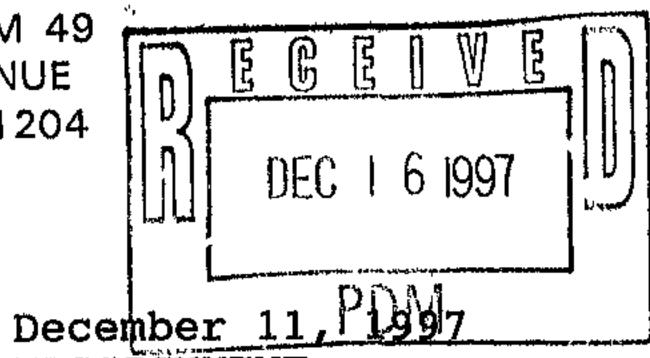
Hearing Room -

# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

410-887-3180

Room 48 Old Courthouse, 400 Washington Avenue



NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner 16950 York Road 7th E; 3rd C

(Petition for Special Hearing DENIED; Petition for withdrawn prior to Z.C. Hearing Variance dismissed.)

which was scheduled to be heard on 1/06/98 has been POSTPONED at the request of Counsel for Petitioner, without objection by Counsel for Protestant; and has been

## REASSIGNED FOR:

## 1998 at 10:00 a.m. MAY 28, THURSDAY,

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

Counsel for Appellant /Petitioner cc:

Appellant /Petitioner

: Charles E. Brooks, Esquire Malcolm F. Spicer, Esquire

: Dr. Rodney Ortel /Harford Joint Venture

Spellman, Larson and Associates

Counsel for Protestants Protestants:

: Joseph L. Larson

: Michael E. Marino, Esquire

: John J. Brown Richard W. Sands Stanley H. Stull Levi A. Carlstrom Rebecca J. Palmer

: Joseph Parker

Interested party

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney



OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

October 22, 1997.

## NOTICE OF ASSIGNMENT

CASE #: 97-308-SPHA

IN THE MATTER OF: HARFORD JOINT VENTURE -Petitioner 16950 York Road 7th E; 3rd C

(Petition for Special Hearing DENIED; Petition for Variance withdrawn prior to Z.C. Hearing & dismissed.)

## ASSIGNED FOR:

# TUESDAY, JANUARY 6, 1998 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

cc: Counsel for Appellant /Petitioner

Appellant /Petitioner

: Charles E. Brooks, Esquire Malcolm F. Spicer, Esquire

: Dr. Rodney Ortel /Harford Joint Venture

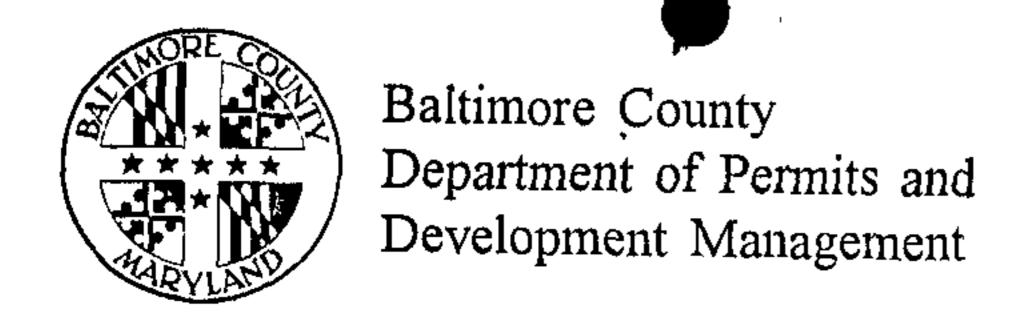
Spellman, Larson and Associates

Counsel for Protestants Protestants:

- : Joseph L. Larson
- : Michael E. Marino, Esquire
- : John J. Brown
  Richard W. Sands
  Stanley H. Stull
  Levi A. Carlstrom
  Rebecca J. Palmer
- : Joseph Parker

Interested party

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney



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

February 28, 1997

Charles Brooks, Esquire 610 Bosley Avenue Towson, MD 21204

> Item No.: 308 RE:

> > Case No.: 97-308-SPH

Petitioner: Harford Joint Venture

Dear Mr. Brooks:

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.

Zoning Supervisor

WCR/re Attachment(s)



Printed with Soybean Ink on Recycled Paper

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

Permits and De	DATE: February 11, 1997 velopment Management
FROM: Arnold F. 'P Office of P1	at' Keller, III, Director anning
SUBJECT: 16950 Yor	k Road
INFORMATION:	
Item Number:	308
Petitioner:	Harford Joint Venture
Property Size:	
Zoning:	RC 5-CR and BM-CR
Requested Action:	
Hearing Date:	
SUMMARY OF RECOMMENI	DATIONS:
Based upon a review comment:	of the information provided, staff offers the following
residential zone for exists, staff can fi	the request to allow a commercial parking area in a Phase One only. Until such time as a demonstrated need and no justification for the provision of additional parking based on the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the plat accompanies of the parking tabulation indicated on the parki
	how P Any
Division Chief:	Pary L. Klins
AFK/JL:rdn	

## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: February 18, 1997

Department of Permits & Development

Management

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for February 10, 1997

Ttem No. 308

The Development Plans Review Division has reviewed the subject zoning Mt. Carmel Road is a state road, therefore, all improvements, intersections, entrances, drainage requirements and construction affecting the state road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County. Clarify ownership of parcel of land between the road and the proposed parking lot.

In accordance with the originally approved site plan, landscape plan and Zoning Enforcement the three (3) dumpsters in front of the building must be relocated to the rear proposed parking lot. The dumpsters must be screened; preferably in a masonery enclosure.

The proposed parking lot is subject to Section IX.C.2.b.1 of the of the Baltimore County Landscape Manual which requires that 7 percent of the interior of the parking lot must be reserved for landscaping.

A schematic landscape must be submitted and approved as a condition of the special hearing.

The adjacent church must buffered.

The nearby specimen 36 inch diameter sycamore must not be damaged.

RWB:HJO:cab

cc: File

ZONE48F

# BALTIMORE COUNTY, MARYLAND

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

T0:

Mr. Arnold Jablon, Director

February 11, 1997

Zoning Administration and Development Management

FROM:

R. Bruce Seeley RBS/4P

DEPRM

SUBJECT:

Zoning Item #308 - Hereford Joint Venture

Hereford Plaza

Zoning Advisory Committee Meeting of February 3, 1997

The Department of Environmental Protection and Resource Management offers the attached comments regarding the referenced zoning variance petition.

RBS:sp

Attachment

HEREFORD/DEPRM/TXTSBP

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

## INTER-OFFICE CORRESPONDENCE

TO:

Joe Maranto, PDM

DATE: January 31, 1996

FROM:

Bruce Seeley, DEPRM

SUBJECT: Hereford Plaza Development Plan

The following comments must be addressed before DEPRM can recommend approval of the referenced plan:

# Ground Water Management

- Will an expansion of the building space or useage follow the parking lot expansion?
- Where will stormwater management be located and how will it affect the septic reserve area?
- The septic system components must be field located and shown on the plan. Any cut or fill above the system must be indicated and be addressed.
- Septic system manholes and cleanouts must be provided with access above grade.
- The septic system must be cleaned, inspected and certified by a licensed septic system contractor.
- The septic system may be required to be replaced or expanded. 6.

# Storm Water Management

The new parking adds substantial impervious areas. Storm water management needs to be addressed for this project.

The developer's engineer should contact Rob Powell (887-2762) and Ed Schmaus (887-3768) to discuss these concerns. Please note that this was DEPRM's first opportunity to review this plan.

BS:sp

MARANTO/DEPRM/TXTSBP

# Baltimore County Governmen 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



Printed on Recycled Paper



David L. Winstead Secretary

Parker F. Williams
Administrator

February 4, 1997

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

RE: Baltimore County Item No. 308 (JRF)

Parking

MD 45/MD 137 Hereford Plaza Mile Post 16.16

Dear Ms. Eubanks:

This letter is in response to your request for our review of the referenced item.

Although we have no objection to approval of the use permit, we will require access approval to MD 137 through this office.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Nine (9) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost and in an even thousand dollar increment. These must be made payable to the State of Maryland (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- c. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

410-545-5600 (Fax# 333-1041)

My telephone number is \_\_\_\_\_

Ms Rosyln Eubanks Page Two February 4, 1997

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

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,

Ronald Burns, Chief

Engineering Access Permits

Division

LG/eu

	Attach original petition	Due Date <u>4/1/97</u>
To:	Arnold L. Jablon	; ;
From:	Robert A. Wirth RAW/ JAP	! ! ! i
Subject:	Zoning Item #97-308SPH	
	Revised Hereford Plaza	
	Zoning Advisory Committee Meeting	of March 31st
The I	Department of Environmental Protection he above-referenced zoning item.	n and Resource Management has no comments
exter	Department of Environmental Protections of the above-reference of the above-reference of the apply to the environmental regulations apply to the control of the environmental regulations apply to the environmental regulations apply the environment	on and Resource Management requests an enced zoning item to determine the extent to be site.
_X_The [comr	Department of Environmental Protection ments on the above-referenced zoning	n and Resource Management offers the following item:
	Development of the property must cor Water Quality, Streams, Wetlands and the Baltimore County Code).	nply with the Regulations for the Protection of different states of the Indiana (Sections 14-331 through 14-350 of
<del></del>	_Development of this property must cor (Sections 14-401 through 14-422 of th	nply with the Forest Conservation Regulations ne Baltimore County Code).
<del></del> .	Development of this property must co Regulations (Sections 26-436 through County Code).	mply with the Chesapeake Bay Critical Area 26-461, and other Sections, of the Baltimore
_X_	Ground Water Management: S	See attached Comments.
	**************************************	· · · · · · · · · · · · · · · · · · ·
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	——————————————————————————————————————	i

# PETITION PROBLEMS

## #299 --- JCM

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

- 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

Petition form not properly notarized.

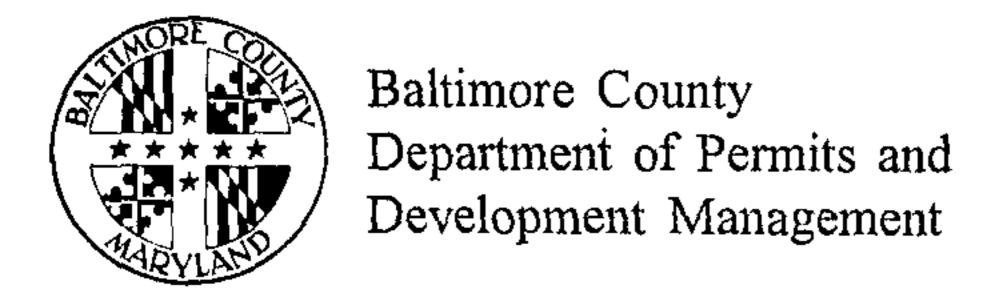
## #308 --- JRF

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??
- 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".

Case Entry/Updat	е	Mode	e :	CHANGE	,
	CASREC	File	<b>∍</b> :	PDLV0001	
Address: <u>16950</u>	Intake: THOMPSON, D SON, H Inspection YORK RD .: DUMPSTER PROBLEM	Apt	Case nspection Are	#: 00-4494 a: 12 : 21111	
Insp./Hear. Note	tion: 7152000 Date os: WORKING ON IT, 7-E-	-11, PROP IN (			
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V 09:		V 10:	<del></del>	· · · · · · · · · · · · · · · · · · ·	
F3=Exit	F5=Refresh	F	6≕Select form	ıat	
F9=Insert	F10=Entry	F)	l1=Change		



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

April 7, 1997

Charles Brooks, Esquire 610 Bosley Avenue Towson, MD 21204

RE: Drop-Off Revision Review (Item #308)
Hereford Plaza --- 16950 York Road

7th Election District

Dear Mr. Brooks:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

J. .. ( ) () ...

Very truly yours,

John R. Alexander

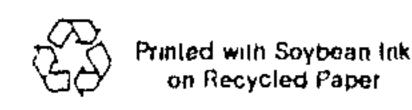
Planner I

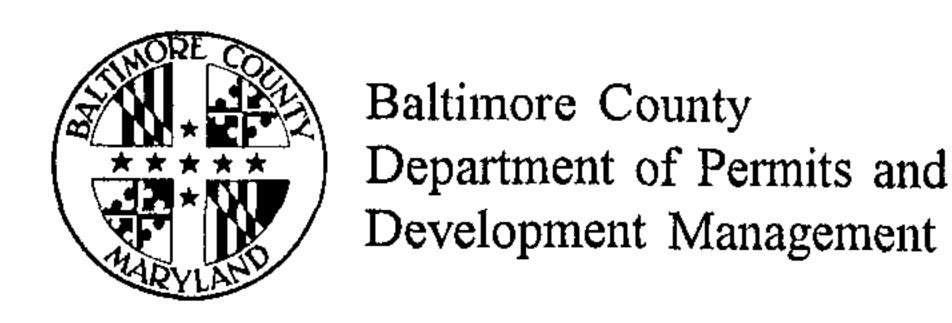
Zoning Review

JRA:scj

Enclosure (receipt)

c: Zoning Commissioner





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

June 17, 1998

Charles Brooks, Esquire 610 Bosley Avenue Towson, MD 21204

RE: Drop-Off Petition Review
Case 97-308-SPHA
16950 York Road
7<sup>th</sup> Election District

Dear Mr. Brooks:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or imcomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

- 1. Show and dimension typical parking space and aisle dimensions.
- 2. Be aware of landscape manual requirements for parking. Contact Avery Harden at 410-887-3751 for any of these issues.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John L. Lewis

Planner II Zoning Review

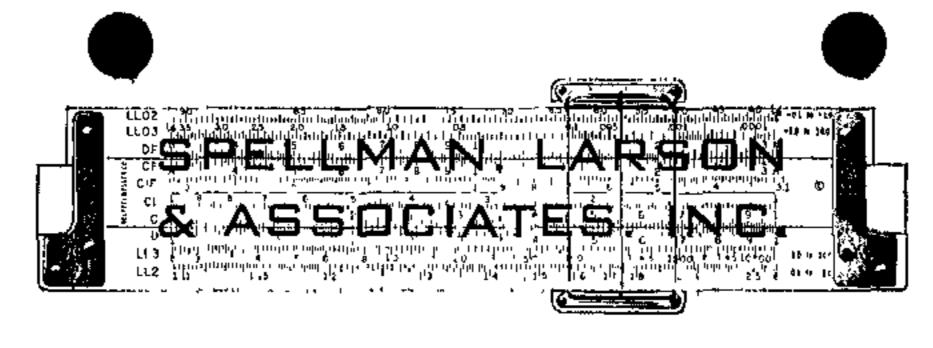
JLL:rye

Enclosure (receipt)

c: Board of Appeals



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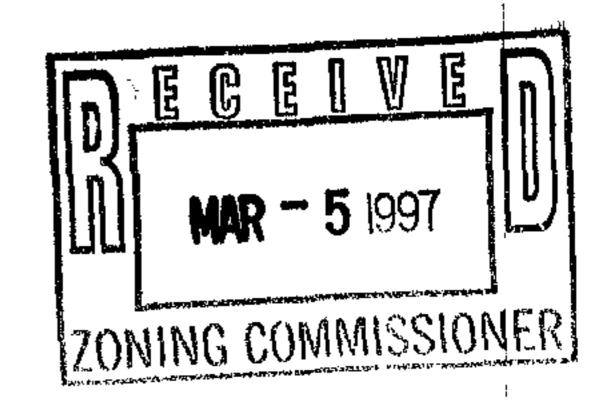


ROBERT E. SPELLMAN, P.L.S JOSEPH L. LARSON

SUITE 109 -- JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 FAX (410) 825-5215

March 4, 1997

The Honorable Timothy Kotroco Deputy Zoning Commissioner Zoning Commissioners Office County Court House Baltimore County



"HAND DELIVERED"

Re: Hereford Plaza

Mt. Carmel Rd & York Rd Zoning Case 97-308-SPH

Item No. 308

Dear Mr. Kotroco:

I wish to herewith respectfully request a Continuance of the above-captioned Zoning Case due to the fact that we have been required to re-file an Amended Plat and Zoning Petition in this matter.

In order to not inconvenience the interested parties with regard to the Hereford community I am attaching hereto letters that we have sent to the First Baptist Church of Hereford and also the Hereford Community Association by Registered Mail in order to apprise them of the situation.

I appreciate your indulgence.

Very truly yours,

Joseph L Karson President

cc: Charles Brooks Rodney Ortel





ROBERT E. SPELLMAN, P.L.S.

JOSEPH L LARSON

JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 FAX (410) 825-5215

March 4, 1997

Mr Ken Bollinger, President Hereford Community Association P.O. Box 180 Monkton MD 21111

Re: Hereford Plaza

Mt. Carmel Rd & York Rd Zoning Case 97-308-SPH

Item No. 308

Dear Mr. Bollinger:

I wish to herewith advise you that we have formally asked for a Continuance of the above-captioned matter due to circumstances that have required us to file an Amended Zoning Plat and Zoning Petition in the subject matter.

I am informing you of this Continuance in order to not inconvenience you with regard to your Associations attendance at the Hearing which was originally scheduled for March 7, 1997.

Short of being presumptuous that the Commissioner would automatically grant this Continuance I believe a call to his office would assuage any concerns you may have.

I will be in touch with you shortly with regard to the re-filing of the Amended Petition and if need be to review same at the next scheduled meeting of your Association.

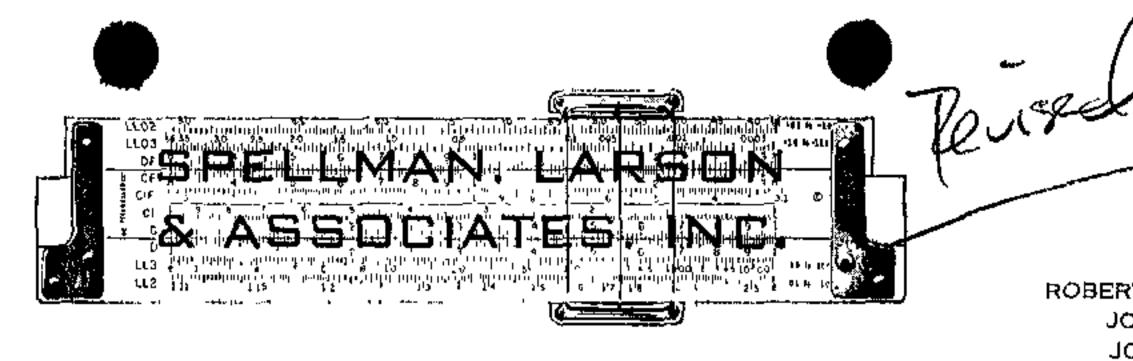
Should you have any questions or wish to discuss this matter in any further detail please feel free to contact me at any time.

Very truly yours,

Joseph L Larson

President

CC: Charles Brooks
Rodney Ortel
Timothy Kotroco





ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 FAX (410) 825-5215

91.308-5PH

March 19, 1997

Ms. Gwendolyn Stephens, Supervisor
Department of Permits & Development
Management
Baltimore County
County Office Building
Towson MD 21204

REVISED DROP-OFF No REVIEW 3/21/97

Re: Hereford Plaza

Case No. 97 308 SPH

Job No. 83039

Dear Gwen:

Attached hereto please find a copy of the proposed Zoning Petition language amendment that we wish to be added to our Special Hearing Petition that you have in your possession for the subject project.

Also attached hereto please find 12 copies of the Amended Plat to Accompany the Zoning Petition.

We wish to reuse the Legal Descriptions previously submitted and the Amended Zoning Maps that are currently in your project file.

With this submission along with the \$100.00 processing fee we wish to formally request that the above-referenced Zoning Petition be set in for hearing.

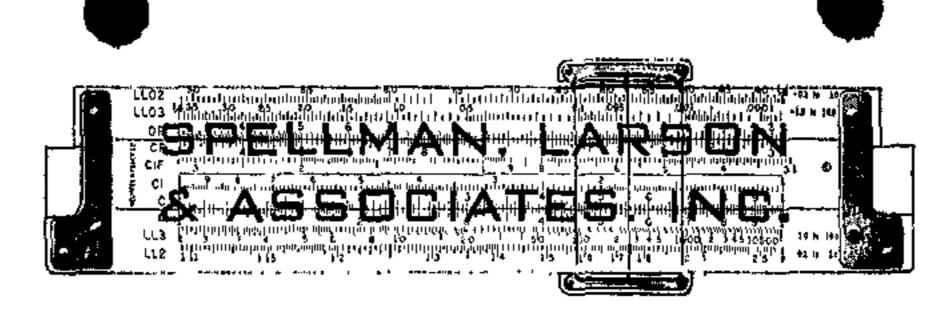
Should you have any questions or wish to discuss this matter in any further detail please feel free to contact me at any time.

Very∧truly yours,

Joseph L Larson President

z: Charles Brooks Rodney Ortel





ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

SUITE 109 — JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 FAX (410) 825-5215

May 28, 1998

Mr. Carl Richards, Supervisor Office of Zoning Department of Permits & Development Management Baltimore County

ATTN: Ms. Sophia Jennings

"HAND DELIVERED"

Re: Hereford Plaza

Zoning Case No.

(Harford Joint Venture

Dear Ms. Jennings:

Attached hereto please find 12 copies of the revised Plat to Accompany Zoning Petition for the above-captioned project along with a check for \$100.00 to cover the required revision fee.

The attached Plan is being submitted for a full Agency review prior to a Hearing that has been scheduled before the Board Of Appeals for June 25, 1998.

The subject Plan has been revised in accordance with comments from the Community regarding the layout of the rear parking lot. Generally, the parking area has been relocated to the south end of the property and substantially reduced in size.

I would appreciate your earliest processing of the attached Plans for review and comment so that we may receive these comments timely, certainly well before the Hearing on June 25.

I would appreciate your earliest consideration of this matter.

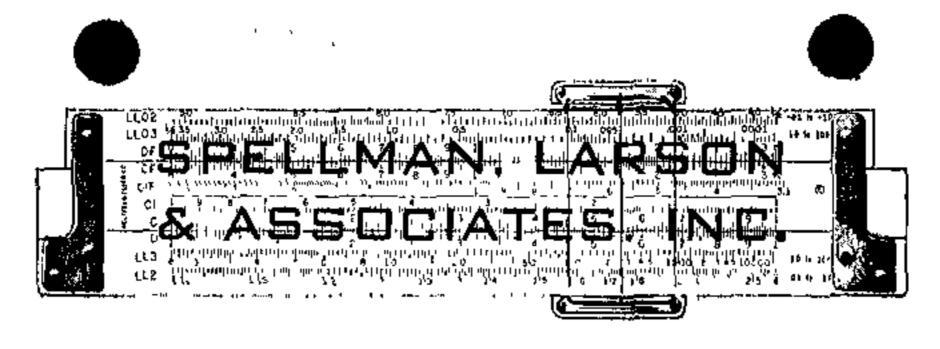
MAY 29 1998
PDM
PDM

Very truly yours,

SPELLMAN, LARSON & ASSOC.

Joseph L. Larson PRESIDENT

cc:Michael Marino Chuck Brooks Peg Pearce





ROBERT E. SPELLMAN, P.L.S.

JOSEPH L. LARSON

JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 FAX (410) 825-5215

April 29, 1997

Ms Gwendolyn Stephens, Supervisor
Department of Permits & Development
Management
Baltimore County
County Office Building
Towson MD 21204

Re: Hereford Plaza

Case No. 97 308 SPH (Item No. 308)

Job No. 83039

Dear Gwen:

Apparently and unfortunately due to a miscommunication between my office and yours the Zoning Petition identified as Case No. 97-308 SPH has been incorrectly advertised.

In order to right this problem I wish to herein formally inform you thusly: the Special Hearing Petition is correct as submitted with the new language inserted; the Variance Petition was deemed to be unnecessary and was supposedly to be withdrawn. Fortunately the Plan as submitted speaks for itself and is true and correct.

I am herein informing you of this matter and at the same time forwarding a copy of this letter to Commissioner Schmidt to properly alert his office. Also the sign posted on the property has been amended to X out the Variance Petition Request by our Sign Posting Contractor Mr. Pat O'Keefe.

We will, of course, formally withdraw the Variance Petition at the Zoning Hearing but I am making you aware of the matter beforehand.

It is paramount to our integrity in our negotiations with the Hereford Community Association that we are totally

Ms Gwendolyn Stephens, Supervisor Department of Permits & Development Management

SPELLMAN, LARSON & ASSOC Hereford Plaza April 29, 1997 Page: 2

forthright regarding our intentions in this Case and I would not want them to think that what we had originally proposed to them is in fact different than the actual Petition filed.

Should you have any questions or wish to discuss this matter please feel free to contact me at any time.

Very truly yours,

Joseph L Larson President

cc: Lawrence Schmidt, Zoning
Commissioner
Charles Brooks, Esquire
Michael Marino, Esquire
Dr. Rodney Ortel
Ken Bollinger
Pastor John Brown

LAW OFFICES

## BROOKS & SPICER

610 BOSLEY AVENUE

#### TOWSON, MARYLAND 21204

CHARLES E. BROOKS MALCOLM F. SPICER, JR. (410) 296-2600

TELEFAX (410) 296-2379

July 9, 1997

## HAND DELIVERED

Arnold Jablon, Director
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition For Special Hearing
S/W Corner of York Road & Mt. Carmel Road
(16950 York Road) - 7th Election District
Case Number: 97-308SPHA

Dear Mr. Jablon:

Please enter an appeal on behalf of Harford Joint Venture, Petitioner to the County Board of Appeals from the Order dated June 9, 1997 of the Zoning Commissioner relating to the Petition For Special Hearing.

Enclosed is a check in the amount of Two Hundred Ten Dollars (\$210.00) for filing fees.

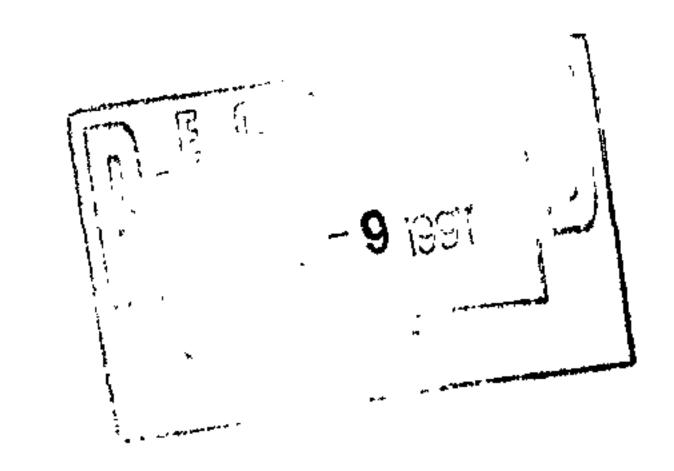
Sincerely,

Charles E. Brooks

CEB/lg Enclosure

cc: Rodney L. Ortel, M.D. (w/encl.)

Joseph L. Larson



LAW OFFICES

# LEVY & MARINO, P.A. 609 BOSLEY AVENUE TOWSON, MARYLAND 21204

(410) 821-6633 FAX (410) 296-0057

March 14, 1997

Director of Permits & Development Management 111 W. Chesapeake Avenue, Room 111 Towson, MD 21204

ATTN.: Gwendolyn Stevens

Re:

Item No. 308

16950 York Road, Hereford, Maryland

Dear Ms. Stevens:

Please be advised that this office represents The First Baptist Church of Hereford, an interested party in the above captioned case.

We were informed by Deputy Zoning Commissioner Timothy Kotrocco's secretary that the previously scheduled hearing for March 7, 1997 was postponed at the request of the Petitioner.

This letter will serve as a request to forward a copy of all future hearing notifications concerning the above captioned case to this office.

Thank you for your cooperation in this matter.

Very truly yours,

Michael E. Marino

MEM/lrb 8836rb

## PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOSEPH L. LARSON	105 W. CHESAPGAKE AVE.
RATRICK O'KEEFE	523 PENNY LA. HUNTVALLEY ?
(20) Ox4E/	WINDOLOCK COKOYSULLE
NORMAN GERRER	35 PICICISURU OF GOKENSULE
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# PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
JOHN J. BROWN	POBOX 687 PARKTON, MB 21120
Richard W. Sandl	3/12 Baller School horse pol Freeden Met
STANLEY H. STUCL	20137 DLD YUEK & WATTE HALL MEZIC
LEVI A. CARLSTROM	1120 MT. CARMEZ RD, PARKTON, MD 21/20
Rebecca J. Palmer	517 Hillord Lane Monteton md. 21111
Michael Musing 1834	609 Boslee Avenue Towsu 40
Michael Marin By. Attuny by Petitimur	2120
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# PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
LENNETH RUHL	POBXZ63, PHOENIX MD 21131
LENNETH RUHL Boatvander Beamt	POBOX 263, PHOENIX MD 21131 POBOX 37 morbitus
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Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Printed with Soybean Ink

#### **Dumpsters Presently on Parking Lot**





Prot No 1

Dumpster Sludge Approx. 8 ft. X 30 ft. X 1 in. thick Seeping from bottom of dumpsters



had Nor

## Proposed Location of Dumpsters





Overt No. 3

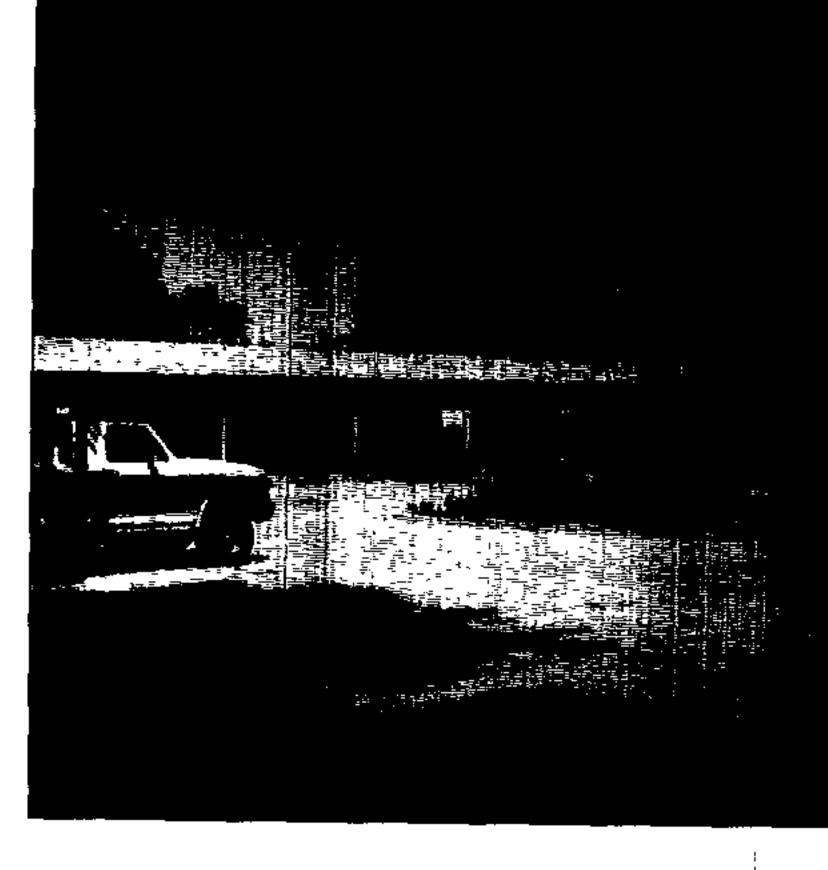
#### Trucks presently using rear parking area



Prot No4

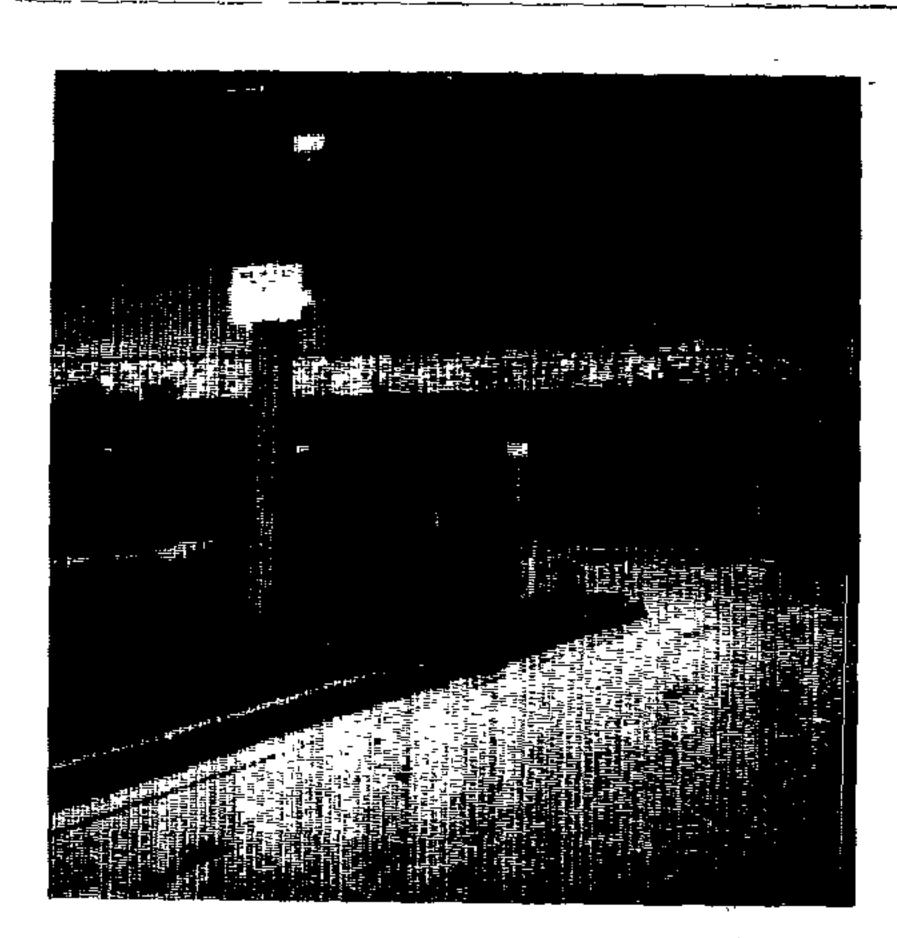


16950 York

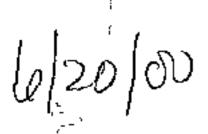


6/20/00/18 16950 York Rd

6/20/00/1X



16950 York Rd





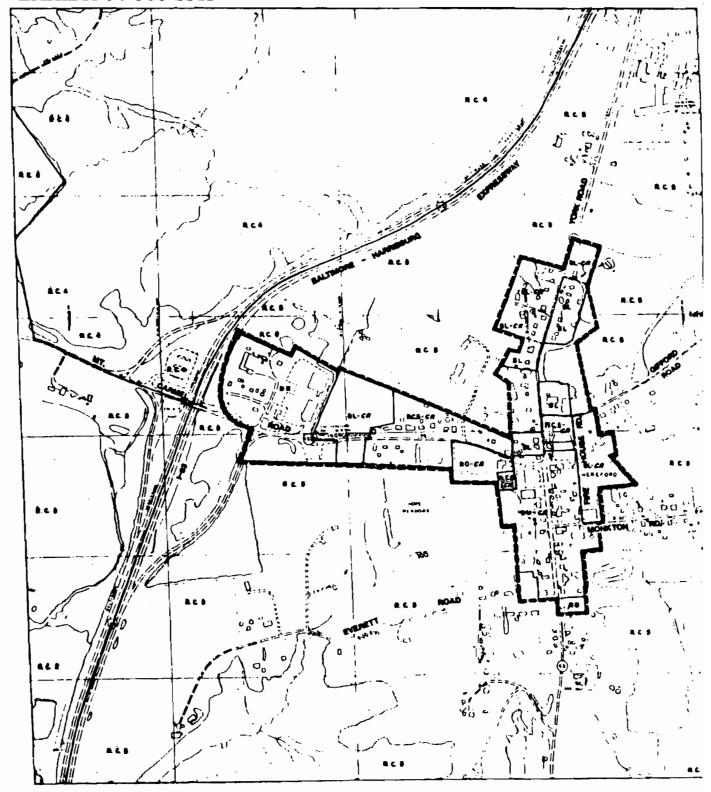
16950 York Rd

10/20/00 H8



16950 York Rd 6/20/00.

**EXHIBIT 97-308-SPH** 

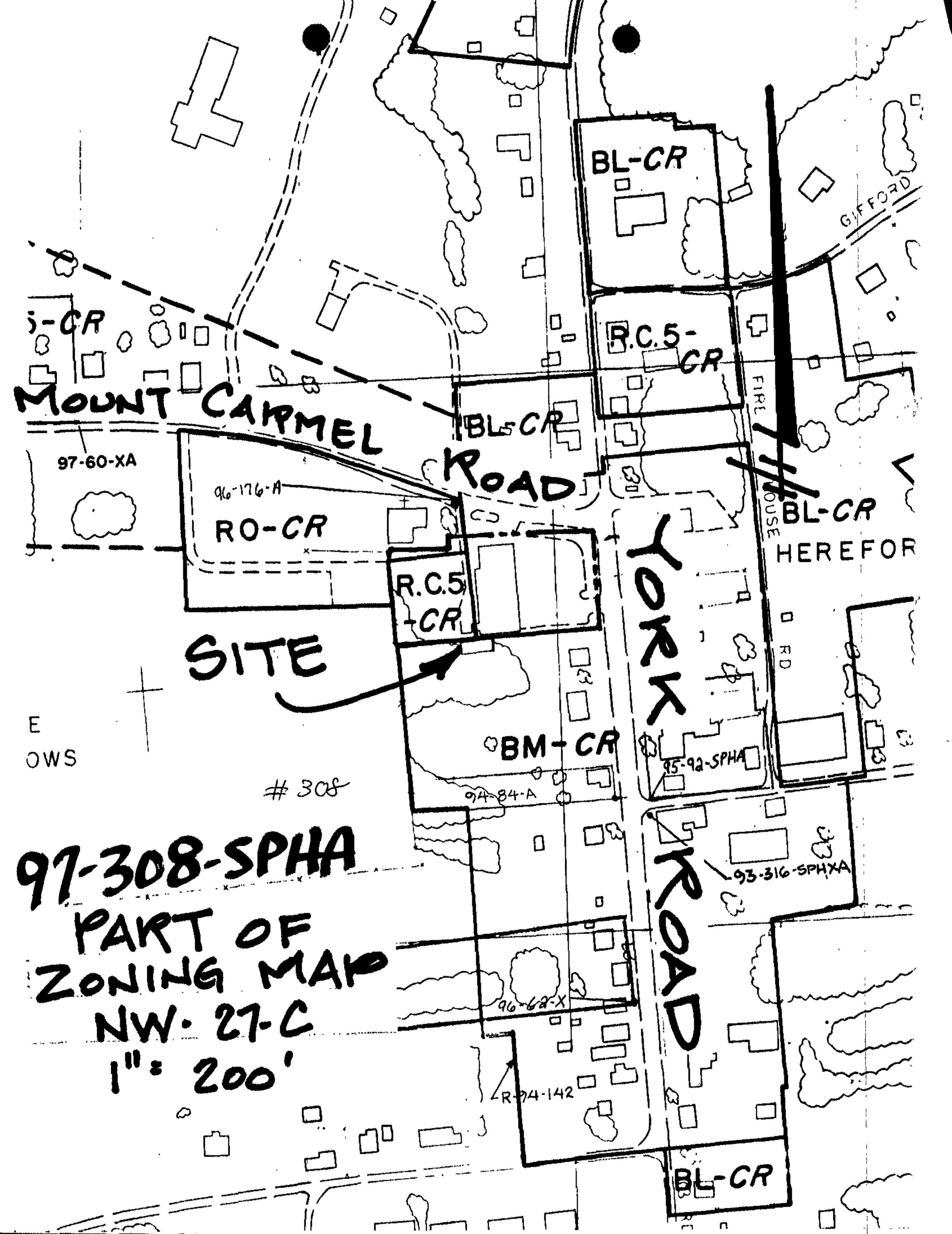


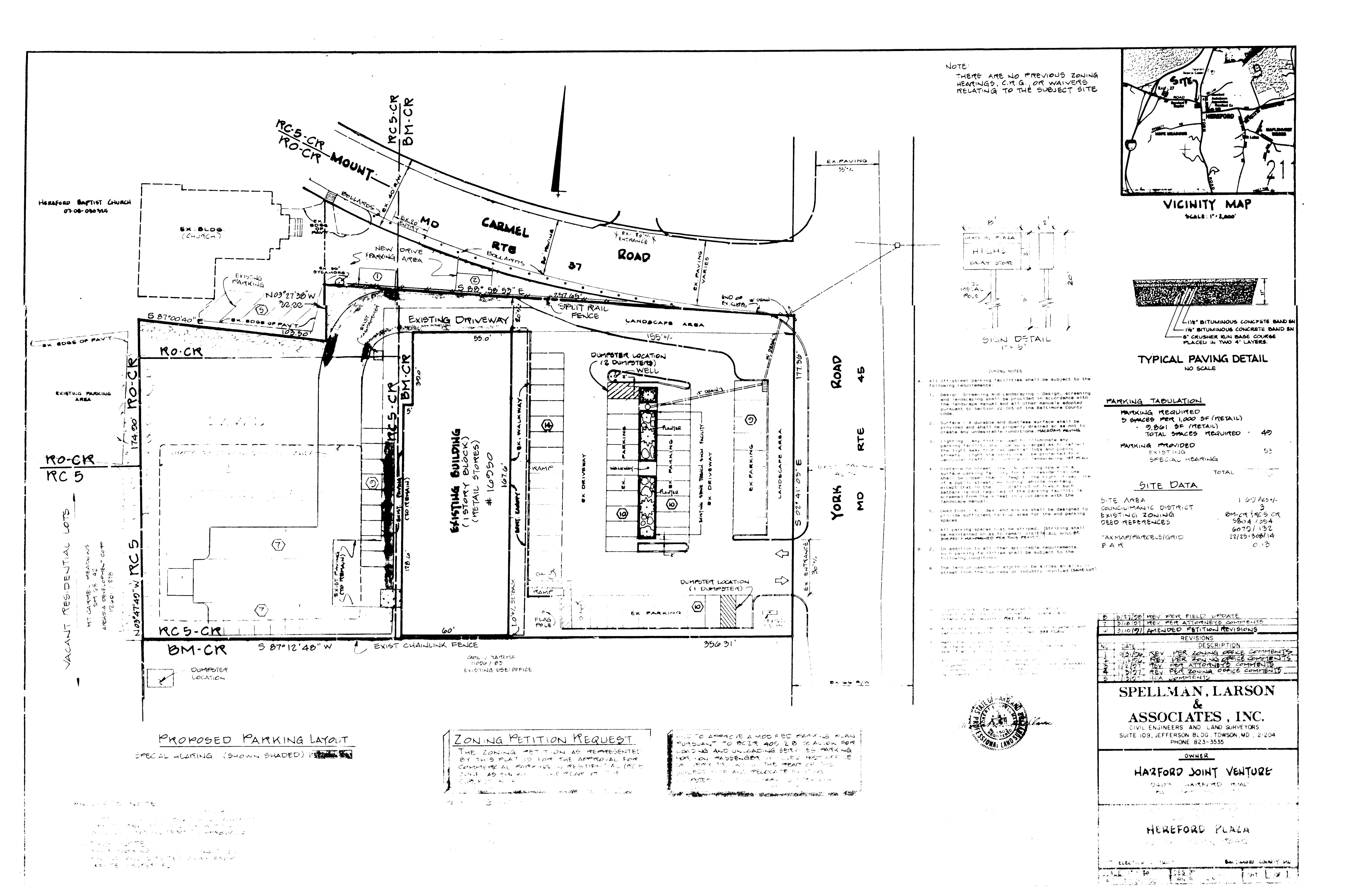



COMMERCIAL RURAL DISTRICT BOUNDARY

#### HEREFORD COMMUNITY PLAN

Propisso By: Bolipsus County Office at Physician and Incide







63,337

