IN THE MATTER OF
THE APPLICATION OF
BALTIMORE HOMES, LTD - PETITIONER
FOR ZONING RECLASSIFICATION ON
PROPERTY LOCATED ON THE NE/S
CARROLL ISLAND ROAD, 490' W OF
BOWLEYS QUARTERS ROAD
(105-107 CARROLL ISLAND ROAD)

15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT * BEFORE THE

BOARD OF APPEALS

* OF

BALTIMORE COUNTY

* Case No. R-97-468 (Cycle I, 1997)

ORDER OF DISMISSAL OF PETITION

This case came to the Board on a Petition for Reclassification filed by Mark H. Wittstadt, Esquire, on behalf of Petitioners for zoning reclassification on property located on the northeast side of Carroll Island Road, 490' west of Bowleys Quarters Road known as 105-107 Carroll Island Road in the Fifteenth Election District of Baltimore County.

WHEREAS, Petitions for Reclassification pending on the Board's Continued Docket on the date of adoption of the Comprehensive Zoning Maps are considered to be moot; and

WHEREAS, no further action has been taken in this matter since a continuance was granted on October 15, 1997,

IT IS, THEREFORE, this Alat day of Mountain, 2003, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. R-97-468 be and the same is declared moot, and the Petition **DISMISSED**.

COUNTY BOARD OF APPEALS
OF BAZTIMORE COUNTY

awrence M. Stahl, Chairman



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

November 21, 2003

Mark H. Wittstadt, Esquire 6905 Dunmanway Suite A Baltimore, MD 21222

RE: In the Matter of: Baltimore Homes, Ltd.

Case No. R-97-468 / Order of Dismissal of Petition

Dear Mr. Wittstadt:

Enclosed please find a copy of the Order of Dismissal of Petition issued this date by the Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco

Administrator

Enclosure

c: Frank D. Scarfield, Jr. /Baltimore Homes Ltd Spellman, Larson & Associates, Inc. Carol Saffron-Brinks, Esquire /Board of Ed. /MS 1102-J People's Counsel for Baltimore County Pat Keller, Planning Director Jeffrey Long /Planning Lawrence E. Schmidt /Zoning Commissioner W. Carl Richards /PDM Timothy M. Kotroco, Director /PDM



MEMORANDUM IN SUPPORT OF PETITION

FOR RECLASSIFICATION

105-107 CARROLL ISLAND ROAD

Now Comes the Owner, By it's Attorneys Mark H. Wittstadt, and Wittstadt & Wittstadt, P.A. and files the instant memorandum in support of the Petition for Reclassification and states:

The owner of the subject property is Baltimore Homes Ltd. The proposed use of the property is an office/ retail development. The current zoning of the property is CB, the reclassification requested is BR

Prior to the most recent zoning process the subject property was zoned BR. As a result of the comprehensive zoning process the maps were changed, and the subject property lost it's BR status. This Petition is filed simply to get back what was lost as a result of the comprehensive re-zoning.

On December 26, 1994 the Baltimore County Zoning Commissioner approved the Development Plan which had been submitted by the owner of the property. (see attached) That plan would have allowed the owner to develop the property into a much needed office and retail establishment. Since that date the owner has been diligent in obtaining the required financing and tenants to occupy the building.

Once the owner received the approval, he was under the belief that his plan would remain approved despite any changes to the property that might be caused by the then up and coming comprehensive re-zoning process. The owner now realizes that his belief was not warranted, and that his Development Plan has been materially jeopardized as a result of re-zoning to CB.

The property owner never received notification that the property was to be rezoned. All indication from the Planing Board was that the zoning would remain the same as it had been. It was not until the owner received notice in October 1996 that he was aware that the property was approved for CB zoning. By that time it was to late to stop the change from being approved by the County Council. Thus the need to file under these provisions for reclassification.

As this Board is well aware Reclassification is warranted when there is a error in the zoning map or a change in the neighborhood has occurred.

This property is in the heart of an area of the county which has undergone significant change. Over the past twenty years the community has gone from a predominately rural area to a thriving and expanding residential and commercially based community. The proposed commercial development is needed to keep up with these changes. The planning board, and subsequently the County Counsel, failed to take into consideration when it recommended the change in zoning, that the existing and Approved Development Plan would further these goals.

Respectfully Submitted,

Mark H. Wittstadt, Esquire

Wittstadt & Wittstadt, P.A.

6905 Dunmanway, Suite A

Baltimore, Maryland 21222

(410) 282-2112



Petition for Reclassification

to the Board of Appeals of Baltimore County

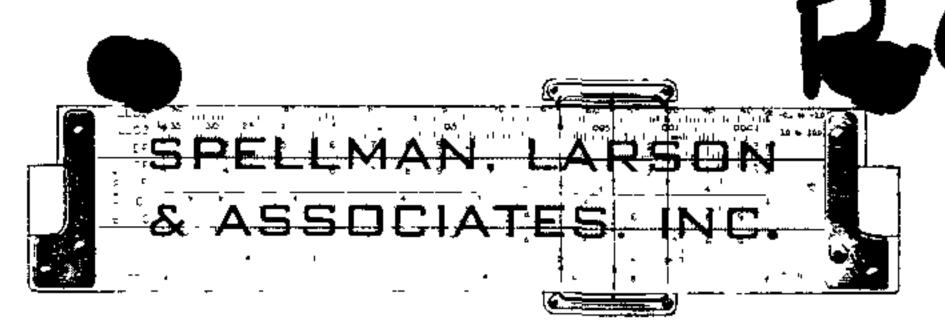
for the Property at 105-107 Carroll Island Road

This Petition shall be filed with the Department of Permits & Development Management

| of Baltimore County, from an | CB | | zone to | BRAS | WHILE | zone, for the ressons |
|--|--|-------------------|----------------------|----------------------|--|--|
| given in the attached and (2) for | a Special Excep | otion under the Z | oning Regulations | of Battimore Co | unty, to use the he | |
| N/A | | | | | | • |
| nd (3) for the reasons given in ti | he attached stat | tement a variança | e from the followin | g sections of the | Zoning Regulation | ns of Baltimore County: |
| N/A | | | | | | |
| | | | | | | • |
| roperty is to be posted and to be posted and to be to be bound by the zoning | expenses of abo | ve Special Exce | ption advertising, p | posting, etc., upo | on filing of this petit t to the Zoning Lav | ion, and further agree to v for Baltimore County. |
| | | | l/We do solemi | nly declare and affi | | s of perjury, that I/we are the |
| estrect Purchaser/Lesses: | • | | Legal Owner(e | ore HOMES, | LTD | |
| ype or Print Name) | | · | (Type or Print I | (arne) | 1 | 7 |
| gnature | | • | Signature | | Jr PR | SIDENT |
| kiress | <u>, </u> | | (Type or Print A | iame) | | |
| y | State | Zıp Code | Signature | | | |
| tomey for Petitioner: | | | , <u> </u> | | NT ROAD 410- LAND 21222 | 284-2900 Phone No. |
| MARK H. WITTSTADT | · · · · · · · · · · · · · · · · · · · | <u> </u> | City | and phone numbe | | State Zip Code intract purchaser or represent |
| Much A./ | 1261 | well- | | Wittstadt. | | ** |
| 6905 DUNMANWAY, SUL | TE A | 110 282-211 | Name 12 6905 Dun | manway, Su | ite A Balti | more 21222 |
| BALTIMORE, MARYLA | | Phone No. | Address | OFFICE USE | ONLY | Phone No. (410) 282-2112 |
| Y | State | Zip Code | EST | IMATED LENGTH | | |
| | | | UN#\ | railable for Hearing | the following dates_ | |
| · • · · | + + + + + + + + + + + + + + + + + + | | • | TWO Months | *** *** * 45.5 | |
| - · · · | · · · · · · · · · · · · · · · · · · · | . <u></u>) | ALL | | OTHER_ | DATE |
| | | | REV | IEWED BY: | | DATE |

R-97-468







ROBERT E SPELLMAN, PLS 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

DESCRIPTION FOR ZONING, NO. 105- NO. 107 CARROLL ISLAND ROAD, 15TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same on the northeast side of Carroll Island Road as widened to a width of 70 feet at the distance of 467 feet more or less, measured northwesterly along the northeast side of Carroll Island Road, 70 feet wide, from the centerline of Bowleys Quarters Road and running thence and binding on the northeast side of Carroll Island Road north 77 Degrees 45 Minutes 12 Seconds west 78.25 feet and northwesterly by a curve to the right with a radius of 784.00 feet the distance of 232.77 feet thence leaving the northeast side of Carroll Island Road and running north 27 Degrees 59 Minutes east 56.37 feet north 06 Degrees 11 Minutes 27 Seconds east 98.61 feet south 69 Degrees 42 Minutes 00 Seconds east 322.33 feet and south 22 Degrees 00 Minutes 01 Seconds west 184.01 feet to the place of beginning.

Containing 1.24 acres of land, more or less.

03/03/97



RE: Case No.: J. C. S. T. J. J. Petitioner/Developer: 12/10/80 Date of Hearing/Closing: Oct 15, 1997 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 105, 107 CARROLL 15. RD. The sign(s) were posted on (Month, Day, Year) Sincerely, (Sign nure of Sign Poster and Date) (Printed Name) (Address) (City, State, Zip Code) (Telephone Number) 9/96

は、東京では、東京では、東京では、東京では、東京で、 100mm できた。 100m

certdoc



ISCELLANEOUS RECEIPT

No.

5 513 ZONING VERIFICATION

\$35.00 CK P-A-I-D

Raltimore County Haryland

Office Of Budget & Finance

__ ACCOUNT_____001-6150 DATE 5/13/97 AMOUNT \$ 35.00 (WCR) RECEIVED Baltimore Homes Construction Co., Inc. FROM: #080 - SIGN POSTING FOR: _ Reclassification - Cycle I #R-97-468

DISTRIBUTION

TE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

| and the same of th |
|--|
| BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT R-97-468 |
| DATE 3-3-97 ACCOUNT 001-6181 #4 |
| AMOUNT \$ 500.00 |
| RECEIVED SPELLMAN, LARSON |
| 076 RECLASS Token by Jef |
| 03A91#0042MICHRC #500.00 105-1078ACADEBZOHOK-03-SOLAND RD. |
| WALIDATION OR SIGNATURE OF CASHIER JE - CASHER PINK - AGENCY YELLOW - CUSTOMER |





ROBERT E SPELLMAN PLS 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

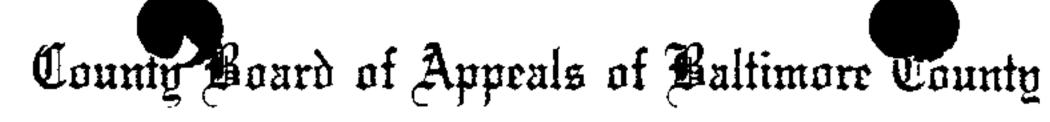
DESCRIPTION FOR ZONING, NO. 105- NO. 107 CARROLL ISLAND
ROAD, 15TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same on the northeast side of Carroll Island Road as widened to a width of 70 feet at the distance of 467 feet more or less, measured northwesterly along the northeast side of Carroll Island Road, 70 feet wide, from the centerline of Bowleys Quarters Road and running thence and binding on the northeast side of Carroll Island Road north 77 Degrees 45 Minutes 12 Seconds west 78.25 feet and northwesterly by a curve to the right with a radius of 784.00 feet the distance of 232.77 feet thence leaving the northeast side of Carroll Island Road and running north 27 Degrees 59 Minutes east 56.37 feet north 06 Degrees 11 Minutes 27 Seconds east 98.61 feet south 69 Degrees 42 Minutes 00 Seconds east 322.33 feet and south 22 Degrees 00 Minutes 01 Seconds west 184.01 feet to the place of beginning.

Containing 1.24 acres of land, more or less.

03/03/97







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

May 15, 1997

NOTICE OF HEARING

CASE NUMBER: R-97-468

105-107 Carroll Island Road

NE/S Carroll Island Road, 490' W of Bowleys Quarters Road

15th Election District - 5th Councilmanic

Legal Owner(s): Baltimore Homes, Inc.

Reclassification petition to change the property's zoning from C.B. to B.R.-A.S.

HEARING: WEDNESDAY, OCTOBER 15, 1997 at 10:00 a.m., Room 48 Old Courthouse, 400 Washington Avenue before the County Board of Appeals.

ROBERT O. SCHUETZ, CHAIRMAN COUNTY BOARD OF APPEALS

cc: Baltimore Homes, Inc.
Mark H. Wittstadt



County Board of Appeals of Baltimore County



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

May 15, 1997

NOTICE OF HEARING

CASE NUMBER: R-97-468

105-107 Carroll Island Road

NE/S Carroll Island Road, 490' W of Bowleys Quarters Road

15th Election District - 5th Councilmanic

Legal Owner(s): Baltimore Homes, Inc.

1 my Busine Reclassification petition to change the property's zoning from C.B. to B.R.-A.S. putomorus service

HEARING: WEDNESDAY, OCTOBER 15, 1997 at 10:00 a.m., Room 48 Old Courthouse, 400 Washington Avenue before the County Board of Appeals.

ROBERT O. SCHUETZ, CHAIRMAN COUNTY BOARD OF APPEALS

Baltimore Homes, Inc. cc:

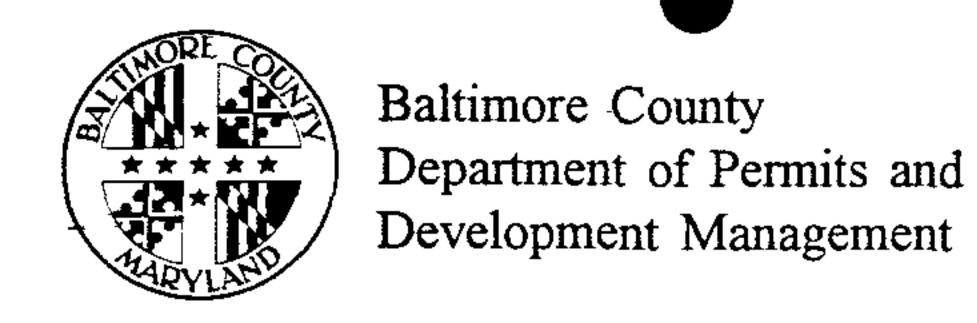
Mark H. Wittstadt

Do Testimony taken

No objection from PC

Hope

Wo date, set until Per heard from



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

October 6, 1997

Mark H. Wittstadt, Esquire 6905 Dunmanway, Suite A Baltimore, MD 21222

> Item No.: 468 RE:

> > Case No.: R-97-468

Petitioner: Baltimore Homes, Ltd.

Dear Mr. Wittstadt:

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 March 3, 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.

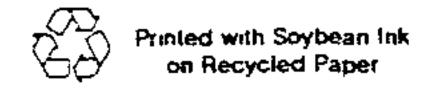
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re Attachment(s)



| | Attach original petition | Due Date <u>6/10/97</u> |
|----------|--|---|
| To: | Arnold L. Jablon | |
| From: | Bruce Seeley الزر | |
| Subject: | Zoning Item #97-468 | |
| | Baltimore Homes | |
| | Zoning Advisory Committee M | leeting of Zoning Reclass Cycle 1 |
| | Department of Environmental Poments on the above-referenced | rotection and Resource Management has no zoning item. |
| exte | - | rotection and Resource Management requests an e-referenced zoning item to determine the extent to by to the site. |
| - | Department of Environmental Proving comments on the above-re | rotection and Resource Management offers the ferenced zoning item: |
| X | | nust comply with the Regulations for the Protection etlands and Floodplains (Sections 14-331 through ty Code). |
| | · · · · · · · · · · · · · · · · · · · | must comply with the Forest Conservation through 14-422 of the Baltimore County Code). |
| X | • • • • • • • • • • | must comply with the Chesapeake Bay Critical Area through 26-461, and other Sections, of the Baltimore |
| | | |
| | | <u> </u> |
| | | |
| | | |



David L. Winstead Secretary Parker F. Williams Administrator

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

Baltimore County 5.7.97

Item No. R-97-468

Bouto. Homes, Ide

105-107 Connoc (score R)

Dear Ms. Eubanks:

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

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

RE:

Thank you for the opportunity to review this item.

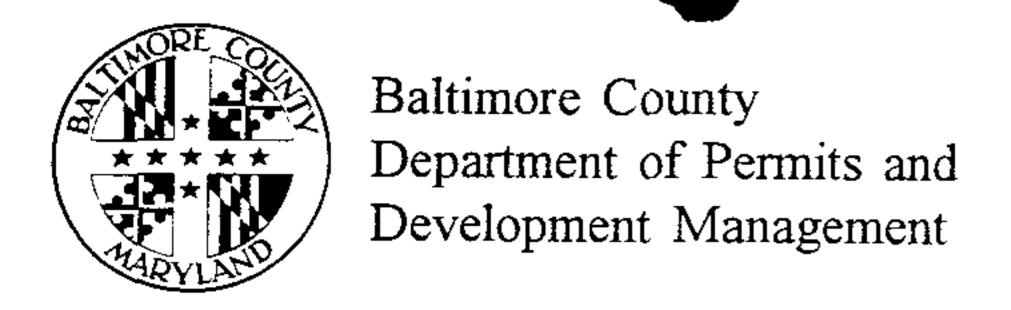
Very truly yours,

Ronald Burns, Chief

Engineering Access Permits

Division

LG



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

April 30, 1997

Mark H. Wittstadt, Esquire 6905 Dunmanway Suite A Baltimore, MD 21222

> RE: Reclassification Petition Cycle I, #R-97-468 105-107 Carroll Island Road

Dear Mr. Wittstadt:

As you are aware, Baltimore County is no longer responsible for posting properties for routine zoning hearings. However, Baltimore County will post all properties that were filed as part of Cycle I zoning reclassification. To cover the cost of posting this property, you must remit a check for \$35.00 (payable to Baltimore County, Maryland). Please send this check, as soon as possible, to either myself or Sophia.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 410-887-3391.

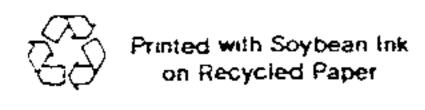
Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

Zoning Re

WCR:scj

c: Board of Appeals





RE: PETITION FOR ZONING RECLASSIFICATION * 105-107 Carroll Island Road, NE/S Carroll Island Rd, 490' W of Bowleys Quarters Rd * 15th Election District, 5th Councilmanic

Baltimore Homes, Ltd.

Petitioner

BEFORE THE COUNTY

BOARD OF APPEALS OF

BALTIMORE COUNTY

Case No. R-97-468

* * * * * * * * *

*

*

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

Deter Mars Zimmerman

CAROLE S. DEMILIO

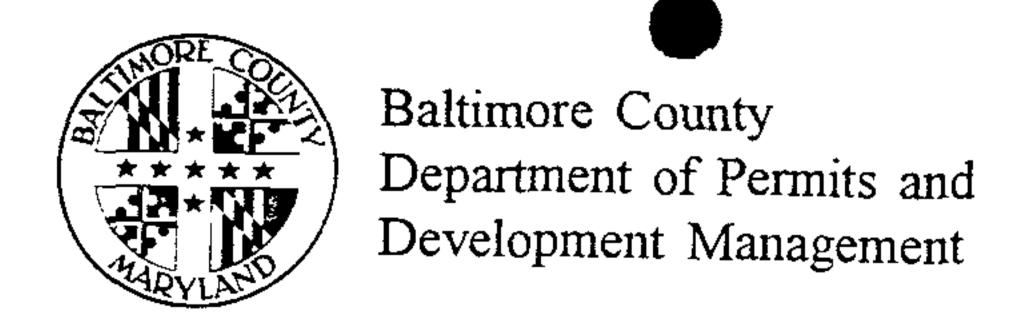
Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this \(\sum_{\text{N}} \) day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to Mark H. Wittstadt, Esq., 6905 Dunmanway, Suite A, Baltimore, MD 21222, attorney for Petitioner.

PETER MAX ZIMMERMAN



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

April 30, 1997

Mark H. Wittstadt, Esquire 6905 Dunmanway Suite A Baltimore, MD 21222

> RE: Reclassification Petition Cycle I, #R-97-468 105-107 Carroll Island Road

Dear Mr. Wittstadt:

As you are aware, Baltimore County is no longer responsible for posting properties for routine zoning hearings. However, Baltimore County will post all properties that were filed as part of Cycle I zoning reclassification. To cover the cost of posting this property, you must remit a check for \$35.00 (payable to Baltimore County, Maryland). Please send this check, as soon as possible, to either myself or Sophia.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

WCR:scj

c: Board of Appeals

EXAMPLE 3 - Zoning Description



Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

| | | • • · · · · · · · · · · · · · · · · · · | _ | |
|---|---|---|---|-------------|
| | ZONING DESCRIPTION FOR | 11 DORSET | HIUS COURT | |
| | Election District 4 | _ Councilman | (address) nic District | 3 |
| | | South, east or west | side of DORS | ET |
| £. | | ich is50 | FOOT PADIU f feet of right-of | |
| | wide at a distance of 850 F | t) (north, south, | 2TH of th | |
| | centerline of the nearest improved in | | <u>. </u> | |
| | which is 40 FEET (number of feet of right-of- | | *Being Lot # | - - |
| | Block, Section # | | ubdivision of | |
| N P P P P P P P P P P P P P P P P P P P | DORSET HIUS (name of subdivision) | as record | ed in Baltimore Co | unty Plat |
| | Book # Folio #_ | THE FELLEN | , containing | • |
| | (square feet and acres) | * | | |
| | | | | |

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber 49, Folio 94" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

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

166

BALTIMORE HOMES, LTD NE/s Carroll Island Road, 490' W of Bowleys Quarters Road (105-107 Carroll Island Road)

From C.B. to B.R.-A.S. 1.24 +/- acres

R-97-468 ITEM #4, CYCLE I, 1997

15th Election District
5th Councilmanic District

Open Site Plan

March 3, 1997

Petition for Reclassification filed by Mark H. Wittstadt, Esquire, on behalf of Baltimore Homes, Inc., Petitioner.

Counsel for Petitioner

Mark H. Wittstadt, Esquire 6905 Dunmanway Suite A Baltimore, MD 21222

Frank D. Scarfield, Jr. Baltimore Homes, LTD 7101 Sollers Point Road Baltimore, MD 21222

Spellman, Larson & Associates, Inc. Suite 406 Jefferson Building Towson, MD 21204

James Earl Kraft Baltimore County Board of Education Mail Stop 1102-J

People's Counsel for Baltimore County

Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk / PDM
Arnold Jablon, Director / PDM

Petitioner

R-97-468

Baltimore Homes Ltd.

11/12/03 – Order of Dismissal of Petition to be issued; moot due to CZMP; file to be closed after period of 30 days from issuance of Order of Dismissal.

R-97-468 /BALTIMORE HOMES, LTD.

^{10/15/97 -}At scheduled hearing time of 10:00 a.m., Petitioner's attorney had not appeared. At 10:30 a.m., Board convened; Petitioner's moved for continuance; no objection by People's Counsel; no testimony taken. Case opened and continued; to be reset upon request by Petitioner

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

February 6, 2004

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton

Board of Appeals

SUBJECT:

CLOSED APPEAL CASE FILES

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

| BOARD OF APPEALS CASE NUMBER | <u>PDM</u> FILE NUMBER | NAME | LOCATION |
|------------------------------|--|--|--|
| R-97-468 | R-97-468 ITEM #4 CYCLE I 1997 | BALTIMORE HOMES, LTD | CARROLLO ISLAND ROAD / BOWLEYS QUARTERS ROAD |
| R-98-32 | R-98-32 (OUT OF CYCLE) | TITO, INC. | REAMS ROAD / BUTTONWOOD ROAD EXTENDED |
| R-99-409 | R-99-409 CYCLE V 1999 | BARE HILLS ASSOCIATES AND CALLAHAN INVESTORS INC AND CALLAHAN FAMILY | FALLS ROAD / HOLLINS LANE |

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

IN RE: DEVELOPMENT PLAN HEARING
N/S Carroll Island Road, E of
Eastern Avenue
(105-107 Carroll Island Road)
15th Election District
5th Councilmanic District

Frank Scarfield, Jr./Baltimore
Homes, Ltd. - Owner/Developer *

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. XV-629

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Hearing Officer for consideration of a development plan prepared by Broyles, Hayes and Associates, Inc., for the proposed development of the subject property by Frank Scarfield, Jr./Baltimore Homes, Inc., Owner/Developer, with a two-story retail/office building of 17,600 sq.ft. total, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. The property is located in the vicinity of Bowleys Quarters in southeastern Baltimore County and consists of a gross area of 1.45 acres, more or less, zoned B.R.-C.S.A. At the present time, it is improved with two single family dwellings which will be removed during the construction phase of this project.

Appearing at the public hearing required for this project were Frank Scarfield, Jr., Owner, Steven Broyles, Registered Professional Engineer who prepared the development plan, and Mark Wittstadt, Esquire, attorney for the Owner/Developer. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing. No residents from the surrounding locale appeared.

As to the history of this project, the concept plan conference for this development was conducted on May 31, 1994. As required, a community input meeting was held at 1124 Bowleys Quarters Road on June 29, 1994. Subsequently, the a development plan was submitted and a conference thereon was conducted on November 30, 1994. Following the submission of that plan,

IN RE:

development plan comments were submitted by the appropriate agencies of Baltimore County and a revised development plan incorporating these comments and bearing a revision date of December 8, 1994 was submitted at the hearing held before me on December 21, 1994.

At the public hearing before me, I am required to determine what, if any, agency comments remain unresolved. Testimony and evidence received was that all issues raised within the comments submitted by the various County reviewing agencies have been resolved and incorporated within the revised development plan. Based upon the uncontradicted testimony and the absence of any community participation, it appears that the development plan should be approved.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this $2^{2^{n}\theta}$ day of December, 1994 that the development plan for Carroll Island Park, identified herein as Developer's Exhibit 1, be and is hereby APPROVED.

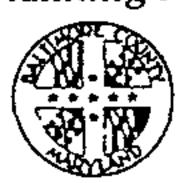
Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TIMOTHY M. KOTROCO

Hearing Officer for Baltimore County

TMK:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

December 23, 1994

(410) 887-4386

Mark Wittstadt, Esquire 1 Reservoir Circle, Suite 201 Baltimore, Maryland 21208 DEC 26 1993

RE: DEVELOPMENT PLAN HEARING

N/S Carroll Island Road, E of Eastern Avenue

(105-107 Carroll Island Road)

15th Election District - 5th Councilmanic District

Frank Scarfield, Jr./Baltimore Homes, Ltd. - Owner/Developer

Case No. XV-629

Dear Mr. Wittstadt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCC

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. Frank Scarfield, Jr.

6610 Holabird Avenue, Baltimore, Md.

21224

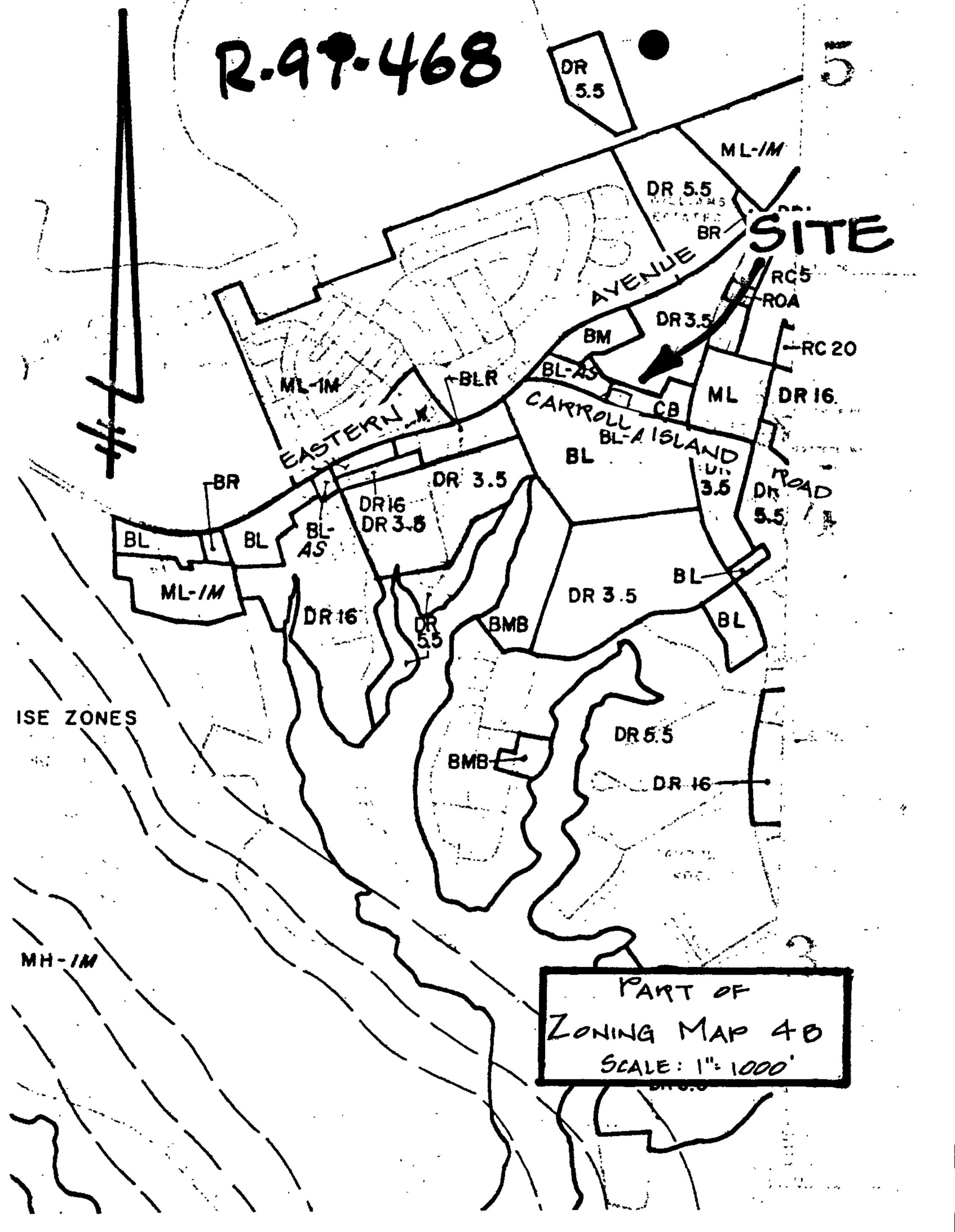
Mr. Steven Broyles

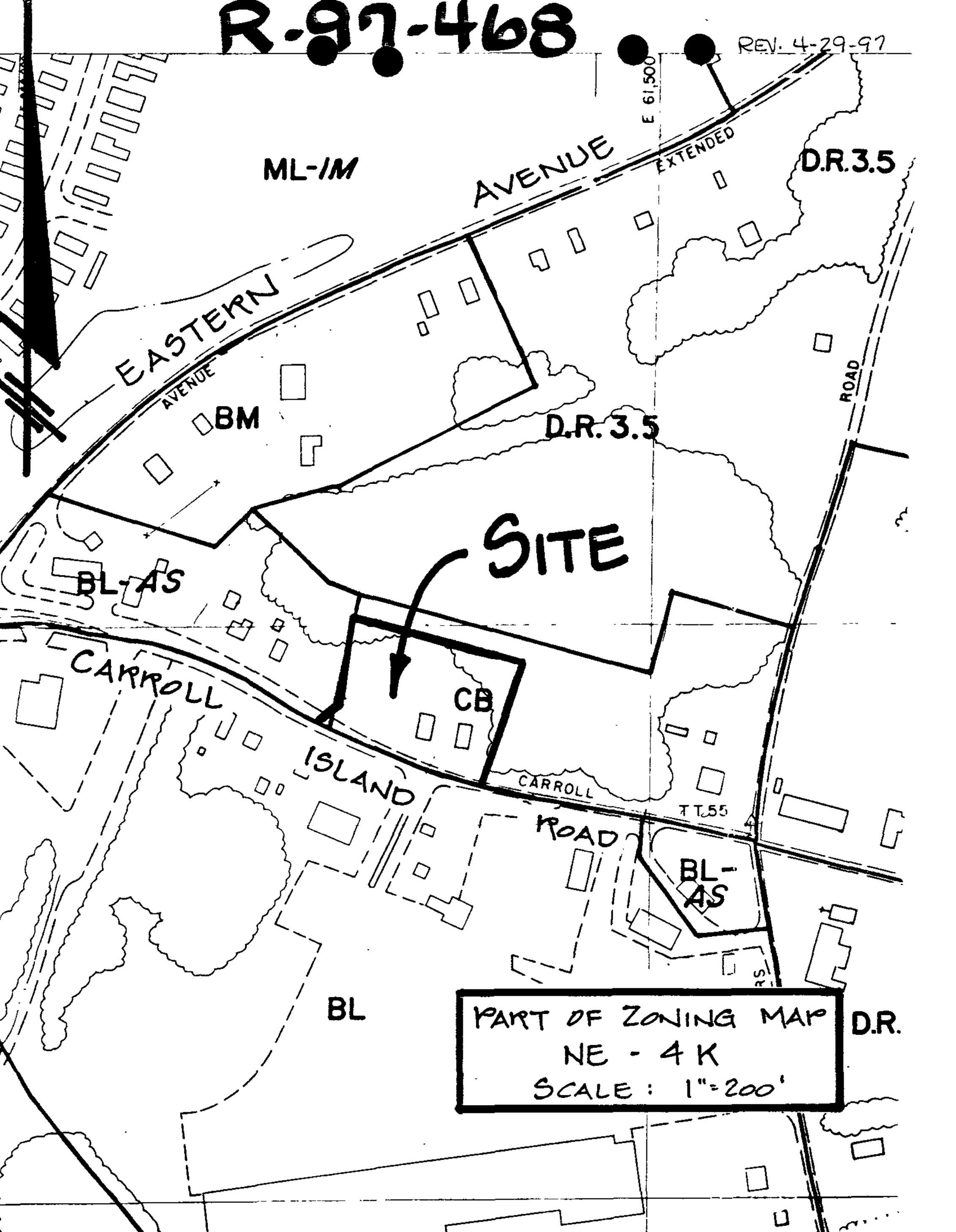
4972 Ilchester Road, Ellicott City, Md. 21043

Dave Flowers, Project Manager - ZADM

People's Counsel; DEPRM; DPW; Case File

Printed with Soybean Ink
on Recycled Paper





M/21,02 M.10,00.22 G 10 781