

15TH ELECTION DISTRICT
5th COUNCILMANIC DISTRICT

* BEFORE THE

BOARD OF APPEALS

* OF

BALTIMORE COUNTY

* Case No. R-98-032 (Out of Cycle)

ORDER OF DISMISSAL OF PETITION

This case came to the Board on a Petition for Reclassification filed by Isaac M.

Neuberger, Esquire, on behalf of Petitioners for zoning reclassification on property located on the southwest side Reams Road, 540' northwest of centerline Buttonwood Road Extended 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 August 28, 1997,

IT IS, THEREFORE, this At day of Mount , 2003, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. R-98-032 be and the same is declared moot, and the Petition **DISMISSED**.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

wrence 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

Isaac M. Neuberger, Esquire One South Street, 27th Floor Baltimore, MD 21202

RE: In the Matter of: Tito, Inc.

Case No. R-98-032 / Order of Dismissal of Petition

Dear Mr. Neuberger:

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: Lloyd N. McNutt /Tito, Inc.
Frederick N. Chadsey /GW Stephens
Sharon Bauer
Adam Paul /White Marsh Civic Assn.
Tom Carolan /Appletree Homes
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



Petition for Reclassification

to the Board of Appeals of Baltimore County

for the Property at River and Reames Road, Baltimore County, Maryland, which contains approximately 17.7339 acres

This Petition shall be filed with the Department of Perm. The undersigned, legal owner(s) of the property situate in Baltimore (made a part hereof, hereby petition (1) that the zoning status of the h	County and wisi	ch is described in the	DESCRIPTION ALICE DIST. STEECHES HOLDER SHIP
of Baltimore County, from an D.R. 3.5	zone to an	D.R. 5.5	zone, for the reasons
given in the attached and (2) for a Special Exception under the Zonin	ng Regulations	of Baltimore County, to	use the herein described property for:
N/A			
N/A	•		
and (3) for the reasons given in the attached statement a variance fro	om the following	sections of the Zonir	ng Regulations of Baltimore County:
N/A			
-			_
Property is to be posted and advertised as prescribed by 1, or we, agree to pay expenses of above Special Exception and are to be bound by the zoning regulations and restrictions of Balt	on advertising, p	posting, etc., upon filin	g of this petition, and further agree to le Zoning Law for Baltimore County.
	I/We do solemn legal owner(s)	nly declare and affirm, uno of the property which is th	der the penalties of perjury, that I/we are the ne subject of this Petition
Contract Purchaser/Lessee:	Legal Owner(s	s):	•
•	Tito, Ir		
(Type or Print Name)	(Type or Prior)	Marie MANTO	· · · · · · · · · · · · · · · · · · ·
Signature	Signature O)	Id N. Mª Nu T	t Authorized Agent
Audiess		·	
City State Zip Code		Parks Avenue	/10 /00 /000
Attorney for Petitioner:	Address		Phone No.
Isaac M. Neuberger(Type or Print Name)	City Name, addres to be contacte		State Zip Code legal owner, contract purchaser or representation
	Isaac M	. Neuberger	
Signature One South Street, 27th Flr.	Name One	South Street	, 27th Flr.
Baltimore, MD 21202 410-332-8510	Bal	timore, MD 21	410-332 0310
Address Phone No.	Address	-	Phone No
<u> </u>		OFFICE USE ON	ILY
City State Zip Code	ε	STIMATED LENGTH OF	HEARING
	u	navailable for Hearing the	following dates
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BENIEW	A	LL	OTHER
	F	REVIEWED BY	DATE
7/25/97 WER			
725197 KIR			

P-98-32

PETITION IN SUPPORT OF RECLASSIFICATION

Tito, Inc. (the "Applicant") is the owner of approximately 17.7339 acres located in the Middle River area of Baltimore County, Maryland (the "Property"). The Property, which is currently vacant, is zoned D.R. 3.5. From 1992 until the adoption on the 1996 Baltimore County Comprehensive Zoning Map, the Property was zoned D.R. 5.5. The Applicant hereby petitions the Board of Appeals to restore the Property to its former D.R. 5.5 designation. The current designation of the Property was established in error and was never intended by the Baltimore County Council (the "Council"). With the support of Councilman Vincent J. Gardina, the Baltimore County Planning Board (the "Planning Board") certified, pursuant to section 2-356(i) of the Baltimore County Code, to the Council that this Petition be exempt from the semi-annual cyclical procedures and that early action upon this Petition was manifestly required in the public interest. The Council approved the Planning Board's certification on July 1, 1997.

A brief recital of the zoning history of the Property and the surrounding parcels is helpful in putting this Petition in its proper context. For some time prior to 1992, the Property was zoned M.L.-I.M. That certain record plat recorded among the Land Records of Baltimore County at Liber 46, folio 72 on July 22, 1980 (the "Plat") fully vested Applicant's rights to develop the Property, as well as certain other areas owned by the Applicant which are adjacent to the Property, in accordance with its M.L.-I.M. zoning as building permits were issued pursuant to the Plat.

However, as part of the 1992 Baltimore County Comprehensive Zoning Map Process, Councilman Vincent Gardina asked the Applicant to consider correcting the uses of the Property, as well as the adjacent land owned by the Applicant, for residential uses rather than industrial uses. As a consequence, the Property was rezoned to D.R. 5.5 and the adjacent land owned by the Applicant was rezoned to D.R.3.5, leaving only a small portion of the land covered by the Plat as M.L.-I.M.. These zoning designations were assigned in order to balance out the development of the Property with the surrounding parcels located in the Honeygo area. Councilman Gardina was well aware that the Applicant had the vested right to develop the Property for uses consistent with M.L.-I.M. zoning.

After consulting with the Windless Run/Ballard Gardens Improvement Association (the "Community Association") and in order to further Councilman Gardina's desire to develop a community with many different, but complementing and compatible, but principally residential, uses, all of which flowed together in a harmonious and consistent manner, the Applicant began developing its property for residential uses.

As part of the 1996 Baltimore County Comprehensive Zoning Map Process, the Community Association, as per Issue 5-049, petitioned the Council to have an area consisting of 175.540 acres, of which the Property was approximately ten percent (10%), rezoned. During the 1996 Comprehensive Process, Councilman Gardina indicated that he supported the residential intentions of the Community Association, but intended to retain the same zoning designation for the Property and the surrounding parcels that was in place at this time, <u>i.e.</u> a mixture of the 3.5, 5.5 and M.L.-I.M. zones. Councilman Gardina has made it clear that he never intended to change the D.R.5.5 zoning classification of the Property and fully supports this Petition. Thus, the 1996 zoning classification of the Property was established in error.

There will not be any adverse impact to neighboring property owners or businesses as a result of this requested rezoning, which rezoning will make the Property compatible with the uses generally allowable under the zoning laws of the surrounding areas.

For the reasons set forth in this Petition, the Applicant hereby requests that the Property be rezoned to D.R. 5.5.

·R-98-32

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.

ENGINEERS

658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

June 25, 1997 Page 1 of 2

Description to Accompany Undocumented Plan of ZONING RECLASSIFICATION PETITION 15th Election District, Baltimore County, Maryland containing 17.7339 Acres of land more or less



Beginning for the same at a point on the southwestern right of way line of Reames Road 70.00 feet wide, shown on Plat R/W 61-187-2A, said point of beginning being located North 51 degrees 19 minutes 52 seconds West 683 feet from the centerline intersection of said Reames Road and Buttonwood Lane, 50 feet wide shown on a Plat entitled "GOLDEN ACRES", dated July 5, 1978, recorded among the Plat Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 43 folio 141, running thence leaving said point of beginning and binding on part of said right of way line of said first mentioned Plat (R/W 61-187-2A) and on said part of said southwestern right of way line of Reames Road,

- 1) South 48 degrees 16 minutes 10 seconds East 53.97 feet, running thence leaving said southwestern right of way line, shown on said plats and binding on Baltimore County Zoning lines, the twenty three following courses;
 - 2) South 05 degrees 14 minutes 22 seconds East 299.49 feet,
 - 3) South 45 degrees 35 minutes 09 seconds West 106.09 feet,
 - 4) South 49 degrees 06 minutes 03 seconds East 998.55 feet,
 - 5) South 20 degrees 44 minutes 13 seconds West 112.26 feet,
 - 6) South 41 degrees 19 minutes 24 seconds West 86.34 feet,
 - 7) South 63 degrees 12 minutes 54 seconds West 54.45 feet,
 - 8) South 60 degrees 15 minutes 36 seconds West 57 52 feet,
 - 9) South 79 degrees 23 minutes 35 seconds West 36.14 feet,
 - 10) North 73 degrees 13 minutes 50 seconds West 44.86 feet,
 - 11) South 65 degrees 41 minutes 36 seconds West 68.78 feet,
 - 12) South 26 degrees 15 minutes 14 seconds West 43.33 feet,
 - 13) South 61 degrees 19 minutes 16 seconds West 30.61 feet,
 - 14) South 72 degrees 02 minutes 10 seconds West 31.65 feet,
 - 15) South 19 degrees 38 minutes 26 seconds West 39.91 feet,
 - 16) North 86 degrees 41 minutes 46 seconds West 44.67 feet,
 - 17) South 63 degrees 19 minutes 41 seconds West 143.51 feet,
 - 18) South 55 degrees 54 minutes 28 seconds West 41.66 feet,
 - 19) South 79 degrees 47 minutes 17 seconds West 58.28 feet,
 - 20) North 71 degrees 46 minutes 27 seconds West 81.85 feet,
 - 21) South 27 degrees 49 minutes 43 seconds West 19.94 feet,
 - 22) North 66 degrees 52 minutes 36 seconds West 281.78 feet,
 - 23) South 46 degrees 00 minutes 46 seconds West 107.80 feet and
 - 24) South 55 degrees 43 minutes 42 seconds West 199.28 feet to

June 25, 1997 Page 2 of 2

intersect the southwest outline of Lot #9, said point also being on the Plat outline, both shown on a Plat entitled "40 EAST BUSINESS & INDUSTRIAL PARK", dated January 21, 1980, recorded among the Plat Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 46 folio 72, running thence binding on part of said Plat outline, shown on said last mentioned Plat (46/72);

- 25) North 49 degrees 01 minutes 24 seconds West 129.95 feet, thence leaving the outline of said last mentioned Plat (46/72) and running the fifteen following courses;
 - 26) North 73 degrees 25 minutes 11 seconds East 102.08 feet,
 - 27) North 56 degrees 14 minutes 33 seconds East 39.84 feet,
 - 28) North 76 degrees 06 minutes 33 seconds East 44.73 feet,
 - 29) North 67 degrees 49 minutes 57 seconds East 30.55 feet,
 - 30) North 35 degrees 35 minutes 36 seconds East 105.99 feet,
 - 31) North 65 degrees 41 minutes 09 seconds East 40.36 feet,
 - 32) South 31 degrees 30 minutes 33 seconds East 33.09 feet,
 - 33) North 19 degrees 49 minutes 41 seconds East 49.73 feet,
 - 34) North 27 degrees 04 minutes 32 seconds East 59.18 feet,
 - 35) North 06 degrees 34 minutes 14 seconds East 49.74 feet,
 - 36) North 05 degrees 02 minutes 50 seconds East 86.18 feet,
 - 37) North 08 degrees 23 minutes 09 seconds East 139.84 feet,
 - 38) North 05 degrees 45 minutes 11 seconds East 64.67 feet,
 - 39) North 06 degrees 32 minutes 11 seconds West 77.37 feet and
- 40) North 03 degrees 16 minutes 39 seconds East 89.92 feet to intersect the outline of Lot #6, said point also being on said last mentioned Plat outline (46/72), running thence binding on part of said Plat outline, shown on said last mentioned Plat (46/72);
- 41) North 41 degrees 19 minutes 30 seconds East 111.11 to a point designated 21, shown on said last mentioned Plat (46/72), thence leaving said point and binding on part of said outline of Lot #6 and binding on part of said Plat outline, both shown on said last mentioned Plat (46/72):
- 42) North 48 degrees 38 minutes 30 seconds West 88.34 feet, thence leaving said Plat outline shown on said last mentioned Plat (46/72), and running the seven following courses;
 - 43) North 31 degrees 42 minutes 32 seconds East 85.08 feet,
 - 44) North 28 degrees 52 minutes 48 seconds East 102.10 feet,
 - 45) North 13 degrees 08 minutes 51 seconds East 103.30 feet,
 - 46) North 28 degrees 58 minutes 49 seconds East 82.95 feet,
 - 47) North 06 degrees 09 minutes 09 seconds East 74.14 feet,
 - 48) North 21 degrees 58 minutes 35 seconds East 95.13 feet and
- 49) North 13 degrees 48 minutes 21 seconds East 98.73 feet to the point of beginning.

(NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS.)

OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.	035917	PAID RECEIPT PROCESS ACTUAL TIME
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#080 - SIGN POSTING			
Out-of-Cycle Reclassificati #R-98-32 Tito, Inc.			
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER			CASHIER'S VALIDATION
		Appen James	
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.	035916	
OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	-6181		PRODE TO ME
OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 7/25/97 ACCOUNT 001-	-6181		PROCESS AND THE PALL AND THE PART OF THE P
OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 7/25/97 ACCOUNT 001- AMOUNT \$1,250 RECEIVED IB Construction Company	-6181		PAID RETENT 1728/1997 7/28/199 5 MISCELLANDER JRID CELLY # 005958 NO. 035916 1 Baltimore Counts
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CERTIFICATE OF POSTING

Vest 13	RE: Case No.: $\frac{R-98-32}{}$
	Petitioner/Developer:
	TITO INC. PROPERTY
	Date of Hearing/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:	
This letter is to certify under the penalties of powere posted conspicuously on the property los FROM 1215 REAMES RD.	cated at REAMES RD, ACROSS
The sign(s) were posted on	3/8/97
	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date) GARY FREUND
	(Printed Name)
	(Address)
	(City, State, Zip Code)
45:8 MA E1 3UA Te	

9/96 cert.doc RECEIVED
COUNTY BOARD OF APPEALS

(Telephone Number)



County Board of Appeals of Baltimore County

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

August 4, 1997

NOTICE OF HEARING

CASE NUMBER: R-98-32

SW/S Reams Road, 540' NW of c/l Buttonwood Road Extended

15th Election District - 5th Councilmanic

Legal Owner(s): Tito, Inc.

Reclassification of property's zoning from D.R.-3.5 to D.R.-5.5.

HEARING: THURSDAY, AUGUST 28, 1997 at 10:00 a.m., Room 48 Old Courthouse, 400 Washington Avenue, Towson, Maryland.

KRISTINE K. HOWANSKI, CHAIRMAN COUNTY BOARD OF APPEALS

cc: Tito, Inc.

Isaac M. Neuberger, Esq.

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August 4, 1997

NOTICE OF HEARING

CASE NUMBER: R-98-32

SW/S Reams Road, 540' NW of c/l Buttonwood Road Extended

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HEARING: THURSDAY, AUGUST 28, 1997 at 10:00 a.m., Room 48 Old Courthouse, 400 Washington Avenue, Towson, Maryland.

KRISTINE K. HOWANSKI, CHAIRMAN COUNTY BOARD OF APPEALS

cc: Tito, Inc.

Isaac M. Neuberger, Esq.

RE: PETITION FOR ZONING RECLASSIFICATION SW/S Reams Road, 540 feet NW of c/l	*	BEFORE THE COUNTY
Buttonwood Road Extended, 15th Election District, 5th Councilmanic	*	BOARD OF APPEALS OF
	*	BALTIMORE COUNTY
Tito, Inc. Petitioner	*	Case No. R-98-32

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

Ovole 5. Demilia

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 ____ day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to Isaac M. Neuberger, Esq., 1 South Street, 27th Floor, Baltimore, MD 21202, attorney for Petitioner.

PETER MAX ZIMMERMAN



401 Bosley Avenue Towson, Maryland 21204 (410) 887-3211

Fax: (410) 887-5862

TO: Baltimore County Planning Board

DATE: May 20, 1997

FROM: Arnold F. "Pat" Keller, III

SUBJECT: Tito, Incorporated

17.95 Acre Parcel

The attached letter from Isaac M. Neuberger, Esquire, requests certification by the Planning Board for out-of-cycle action on a zoning petition for reclassification of the subject property from DR 3.5 to DR 5.5.

Section 2-356(I) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of an emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

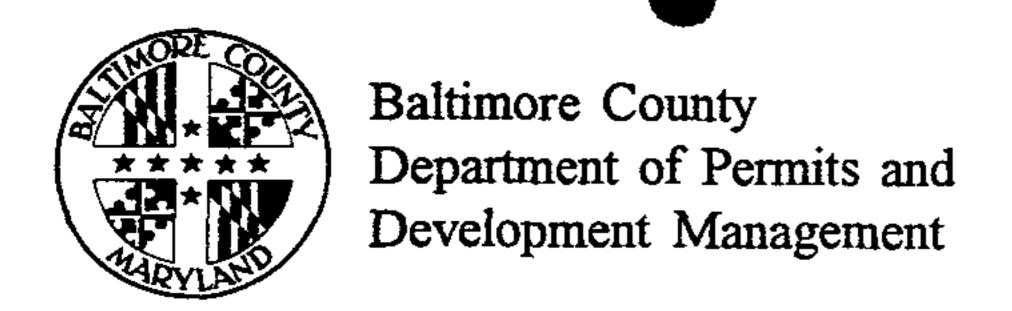
The subject request for certification has been reviewed by planning staff and without taking a position on the merits of the case, we recommend to the Board that certification for early action upon this zoning reclassification petition is required.

Arnold F. "Pat" Keller, III

AFK:JL

Attachment





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

August 1, 1997

Isaac M. Neuberger, Esquire One South Street 27th Floor Baltimore, MD 21202

RE: Reclassification Petition Out-of-Cycle, #R-98-32

Tito, Inc.

Dear Mr. Neuberger:

As you are aware, Baltimore County is no longer responsible for posting properties for routine zoning hearings. However, Baltimore County will post properties that were filed as a result of a 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.

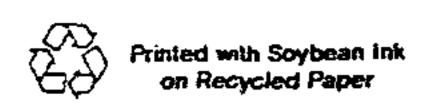
Very truly yours,

U. Callibal Des

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

WCR:scj

c: Board of Appeals







401 Bosley Avenue Towson, Maryland 21204 (410) 887-3495

Fax: (410) 887-5862

June 6, 1997

Hon. Joseph Bartenfelder Chairman, Baltimore County Council County Courthouse Towson, MD 21204

Re: Certification on Reclassification Petition -

Tito Inc. property

Dear Councilman Bartenfelder:

At a regularly scheduled meeting on June 5, 1997, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the requested 17.95-ac. portion of the Tito, Inc. property on Reames Road is manifestly required.

Enclosed is the report on this matter by the Office of Planning, as accepted by the Planning Board. The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Arnold F. 'Pat' Keller, III

Secretary

AFK/TD/rlh

Enclosure

cc: Members, Baltimore County Council

Merreen E. Kelly, Administrative Officer

Thomas Peddicord, Legislative Counsel/Secretary

Brian Rowe, County Auditor

Virginia W. Barnhart, County Attorney

Patrick Roddy, Assistant County Attorney

Robert J. Barrett, Spec. Asst. to the Co. Executive

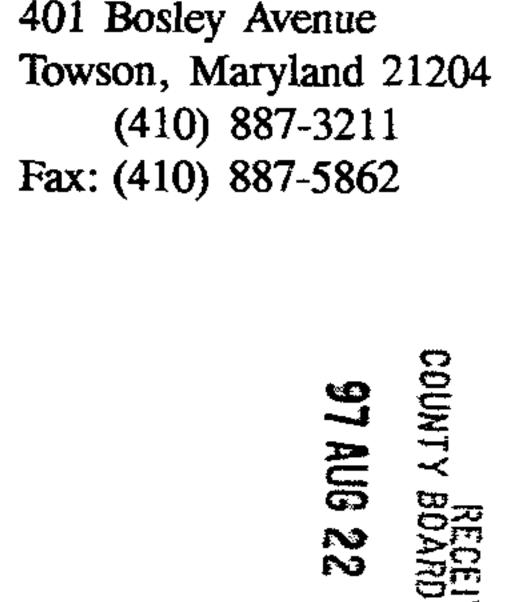
Robert O. Schuetz, Chairman, Board of Appeals

Arnold Jablon, Director, Permits & Development Management

Peter Max Zimmerman, People's Counsel

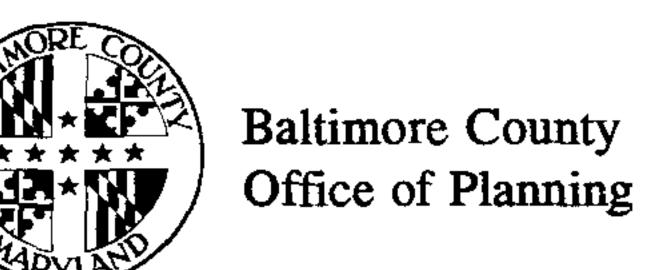
Isaac M. Neuberger, Petitioner's Attorney

TITO.DOC



APPEALS

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August 22, 1997

To:

Kristine K. Howanski, Chairman

Baltimore County Board of Appeals

From:

Arnold F. 'Pat' Keller, III, Director

Office of Planning

RE:

Tito Property Case No. R 98-32

Pursuant to Section 2-356 (i) of the Baltimore County Code, the Office of Planning provides the following comments which constitute our findings with respect to the instant case. Planning staff and the Planning Board recommended that DR 3.5 be applied to the subject property as part of the Comprehensive Map Process. However, subsequent to the Comprehensive Zoning Map Process, the Baltimore County Planning Board certified to the County Council that the petition be exempted from the cyclical procedure and that early action was manifestly required in the public interest. The County Council approved the Planning Board's recommended certification on July 1, 1997.

As stated in the Petition in Support of Reclassification, "During the 1996 Comprehensive Process, Councilman Gardina indicated that he supported the residential intentions of the Community Association, but intended to retain the same zoning designation for the Property and the surrounding parcels that was in place at this time, i.e., a mixture of the DR 3.5, 5.5 and ML-IM zones. Councilman Gardina has made it clear that he never intended to change the DR 5.5 zoning classification of the property and fully supports this petition."

As the County Council is the legislative body of the County and is vested with all the lawmaking power and authority, the Office of Planning supports the applicant's Petition for reclassification of the subject property from DR 3.5 to DR 5.5.

Sincerely,

Arnold F. 'Pat' Keller, III

AFK/JL:lsn

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Arnold Jablon, Director DATE: July 15, 1997

Department of Permits & Development Management

FROM: Kathleen C. Bianco,

County Board of Append

SUBJECT: Out-of-Cycle Exemption-

Request for Reclassification /Property located on Reames Road in the Fifth Councilmanic District /Petition filed

by Tito, Inc.

Approval by County Council July 7, 1997

Date for Hearing before the Board - 8/28/97 @ 10:00 a.m.

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Thursday, August 28, 1997 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its July 7, 1997 meeting (a copy of Resolution 71-97 is attached for your information and file).

I have copied Gwen on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of August 28, 1997.

Should you have any questions, please call me at extension 3180.

Attachment

cc: Carl Richards, Jr. /PDM
Gwen Stephens /PDM
Jeffrey Long /Planning
Office of People's Counsel
The Honorable Vincent J. Gardina
Baltimore County Council

Joseph Joseph



County Council of Baltimore County

Court House, Towson, Maryland 21204 (410) 887-3196 Fax (410) 887-5791

Stephen G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz SECOND DISTRICT

T. Bryan McIntire

Douglas B. Riley FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder SIXTH DISTRICT

Louis L. DePazzo
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

July 8, 1997

Kristine K. Howanski, Chairman Baltimore County Board of Appeals Court House Towson, Maryland 21204

Dear Ms. Howanski:

Attached please find a copy of Resolution 71-97 to approve the Planning Board's certification that the zoning reclassification petition filed by Tito, Inc. For the property located on Reames Road and situated in the Fifth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its July 7, 1997 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.

Legislative Counsel/Secretary

Throws fleddewd &

TJP:dp Enclosure

R07197.

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COUNTY BOARD OF APPEALS

8/2810

TITO, INC.

SW/s Reams Road, 540' NW of centerline

Buttonwood Road Extended

R-98-32 (Out-of-Cycle)

15th Election District 5th Councilmanic District

From D.R. 3.5 to D.R. 5.5

June 5, 1997

Planning Board Meeting and recommendation for

early action.

July 7

Approved by County Council.

July 25

Petition for Reclassification filed by Isaac M. Neuberger, Esquire, on behalf of

Petitioner.

*Isaac M. Neuberger, Esquire One South Street, 27th Floor Baltimore, MD 21202

Counsel for Petitioner

Lloyd N. McNutt, Authorized Agent

Tito, Inc.

Petitioner /Legal Owner

10 Parks Avenue

Cockeysville, MD 21030

Frederick N. Chadsey George William Stephens, Jr. and Assoc., Inc. 658 Kenilworth Drive, Suite 100 Towson, MD 21204

James Earl Kraft /Bd of Education
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

5th C /V. Gardina

Sharon Bauer 1207 Reames Road Baltimore, MD 21220 (Interested Party) ADDED /Interested Party -Mr. Adam Paal White Marsh Civic
Assn. 10404 Vincent Farm Lane
White Marsh, MD 21162

(send copy of notice & opinion to)
Tom Carolan
Appletree Homes
P.O. Box 417
New Windsor, MD 21776

#98-32 /Tito, Inc. /Out of Cycle SW/s Reams Road, 540' NW of centerline Buttonwood Road Extended 15th Election District; 5th Councilmanic District

- 8/08/97 -Received telephone calls from B. Seeley and G. Kerns regarding hearing date for this case; confirmed actual hearing date as Thursday, August 28, 1997 by telephone with both Sophie and Gwen. Awaiting copy of Notice of Hearing from Gwen.
- 8/26/97 -T/C from Jason Hess, calling on behalf of Isaac Neuberger /Petitioner. Will be requesting continuance of 8/28/97 hearing; possible amendmend to plan.
 Conversation with P. Zimmerman; no objection to continuance. He has spoken with Mr. Neuberger; will be in attendance on 8/28/97 for opening and continuance on the record. To be scheduled at later date.
- 8/28/97 -Opened and continued on the record at request of Petitioner; no objection by Office of People's Counsel. To be reset for hearing upon request.

R-98-032

Tito, Inc.

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.

ZONING ADVISORY COMMITTEE AGENDA DISTRIBUTION MEETING OF AUGUST 4, 1997

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RECEIVED APPEALS

South A Control of Appeal of
                                                                                                                                             $ Distributed at Meeting
                                                                                                                                              * Agenda Only
                                                                                                                                             + Agenda and Petition
                                                                                                                                             & Agenda and Plat
                                                                                                                                             # Agenda, Petition and Plat
                Board of Appeals (Kathi Bianco); MS #2013
                         Zoning Commissioner's Office (Lawrence Schmidt); MS #2112
                         PDM, Zoning Review H.O. Hearing File (Gwendolyn Stephens)
                         PDM, Zoning Review Work File (Roslyn Eubanks)
                         PDM, Project Management (David Flowers)
                         PDM, Code Enforcement (Helene Kehring)
                         PDM, Zoning Review (John Alexander)
            $&
$*
                         PDM, Development Plans Review (Robert W. Bowling)
                         Planning Office Director (Pat Keller)
                         Planning Office (Jeffrey Long)
                         Recreation and Parks (Jean Tansey); MS #52
                        DEPRM (Bruce Seeley) - 2 plats
                        DEPRM, Air Quality Management (Jerry Siewierski); MS #3404
                        State Highway Administration, Access Permits Division (David N. Ramsey)
           &
           &
                        PDM, Building Plans Review (Lt. Robert Sauerwald); MS #1102F
                        Economic Development Commission, Business Develop. (Robert Hannon); MS #2M07
                        Highways (Tim Burgess); MS #1003
                        Community Conservation (David Fields); MS #1102M
                        People's Counsel (Peter Zimmerman); MS #2010
                        Honorable McIntire, County Council, District 3; MS #2201
                        IF CRITICAL AREA, Maryland Office of Planning (Bill Carroll)
          #
#
                       IF ELDERLY HOUSING, Community Development; MS #1102M
                       IF FLOODPLAIN, Department of Natural Resources (John Joyce)
          #
                        IF FLOODPLAIN, Public Works (David Thomas); MS 1315
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The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" before the hearing date. If no written response is received by the committee before this hearing date, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number or case number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Roslyn Eubanks. If you have any questions regarding these zoning petitions, please contact either Sophia Jennings or Carl Richards at 887-3391 (FAX - 887-5708).

egislative Session 1997, Legislative P No. 14

Resolution No. 71-97

Mr. Vincent J. Gardina, Councilman

By the County Council, July 7, 1997

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by Tito, Inc. for the property located on Reames Road and situated in the Fifth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated June 5, 1997, has certified that early action on the Petition for Zoning Reclassification filed by Tito, Inc., requesting a reclassification of the above described property is manifestly required in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Tito, Inc. be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

READ AND PASSED this 7th day of July

BY ORDÉR

Thomas J. Peddicord, Jr.

Secretary

Barterfelly Jøseph Bartenfelder

Chairman, County Council

Resolution 71-97 ITEM:

Case Number: R-98-32

Item Number: 32

Legal Owner: Tito, Inc.

Contract Purchaser: N/A

Location: SW/S Reams Road, 540' NW of centerline

Buttonwood Road Extended

Existing Zoning: D.R.-3.5

Proposed Zoning: D.R.-5.5

Area: 17.7339 Acres

District: 15th Election District

5th Councilmanic District

Attorney: Isaac M. Neuberger

BALTIMORE COUNTY, MARYLAND Inter-Office Memorandum

DATE:

August 1, 1997

TO:

Baltimore County Zoning Advisory Committee

FROM:

W. Carl Richards, Jr.

Zoning Supervisor (887-3391)

SUBJECT:

Out-of-Cycle Open Zoning Reclassification Petition

Case Number R-98-32 Legal Owner: Tito, Inc. Contract Purchaser: N/A

Address: N/A

Description: SW/S Reams Road, 540' NW of centerline Buttonwood

Road Extended

15th Election District; 5th Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON JUNE 5, 1997 AND BY RESOLUTION #71-97 OF THE BALTIMORE COUNTY COUNCIL DATED JULY 7, 1997 (ATTACHED). PURSUANT TO SECTION 2–356(I) OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE OF AUGUST 8, 1997. YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY, OR MYSELF IMMEDIATELY.

WCR:scj

Revised 9/26/96

8/08/97- T/e to Saphie re larrect states both she and Seven show date on 8/28/97.

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> <u>FILE NUMBER</u>	NAME	LOCATION
R-97-468	R-97-468 ITEM #4 CYCLE I 1997	BALTIMORE HOMES, LTD	CARROLLO ISLAND ROAE / 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;



TOWSON

658 KENILWORTH DRIVE

SUITE 100

TOWSON, MARYLAND 21204

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

97-360/ 7/4/97 See Me un BEL AIR 203 EAST BROADWAY BEL AIR, MARYLAND 21014

410/879-1500

410/825-8120 FAX 410/583-0288

Permits and Development Management

PATE: Lett. 17, 1007

TO: Pe	ermits and Development Management	ATE: July 17, 1997
	REFERE	NCE: Tito
We are: Submit Forwation Return	nitting	18 1997
COPIES		
4	Description	······································
4	1000' Scale Zoning Map 200' Scale Zoning Map	
]	Check for \$1,250.00	
3	Application	
12	Site Plans	
<u>l</u>	Copy of out of cycle exemption	
☐ For your property ☐ Plans	rocessing Please s reviewed and accepted Meeting Meeting	ar use call when ready return to this office al requested g requested
DCH:elo	For further information, please contact the	writer at this office.
cc:	Sincerely Dean C. H	y yours, De Cover

Fite-puckss 3-2352 AW OFFICES Out of Cycle

Neuberger, Quinn, Gielen, Rubin & Gibber, P.A.

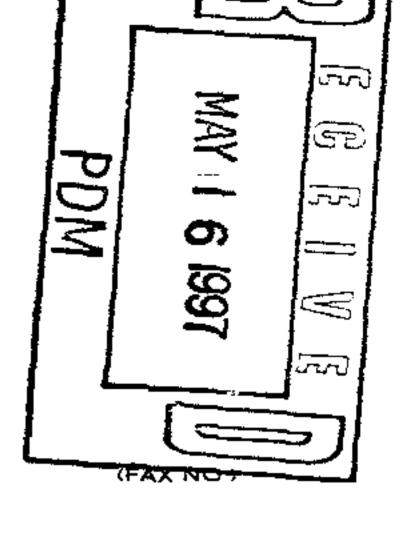
27TH FLOOR

ONE SOUTH STREET

BALTIMORE, MARYLAND 21202-3201

(410) 332-8550

5/18/47 7000L



(410) 332-8594

(WRITER'S DIRECT DIAL NO.)

(410) 332-8510

May 15, 1997

VIA HAND DELIVERY

Mr. Arnold F.(Pat) Keller Baltimore County Office of Planning County Courts Building 401 Bosley Avenue, Suite 406 Towson, MD 21204

Re:

Tito, Inc

Dear Mr. Keller:

As you know, this Firm represents Tito, Inc., the owner of the 17.95 acre parcel, as shown hatched on the attached 200 scale zoning map. Pursuant to Section 2-356(i) of the Baltimore County Code, we are writing to formally request that the Planning Board certify to the Baltimore County Council that immediate action be taken in order to allow my client to petition to rezone its 17.95 acre parcel from DR3.5 to DR5.5. The Planning Board's certification is in the public interest as it is necessary to correct a mistake made during the 1996 Comprehensive Rezoning Process during which this 17.95 acre parcel was rezoned despite the fact that Councilman Vincent Gardina did not intend for such rezoning to be ratified.

If the Planning Board deems it appropriate to certify to the County Council that immediate action with regard to this petition is in the public's interest, please advise me as soon as possible so that I can promptly proceed with the filing of the reclassification petition on my client's behalf. Thank you for your prompt consideration of our request.

Sincerely,

Isaac M. Neuberger

cc: Honorable Vincent J. Gardina (w/enclosure - via Federal Express)

Arnold Jablon (w/enclosure - via hand delivery)

Thomas J. Peddicord, Jr., Esquire (w/enclosure - via hand delivery)

Jeffrey Long (w/enclosure - via hand delivery)

97-3666

LAW OFFICES

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

27TH FLOOR

ONE SOUTH STREET

BALTIMORE, MARYLAND 21202-3201

(410) 332-8550

7/22/97

JASON C. HESS (410) 332-8532 (FAX NO.) (410) 332-8594

July 21, 1997

VIA FEDEX

Mr. Mitchell Kellman Baltimore County Office of Zoning 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: <u>Tito, Inc. - Petition for Reclassification</u>

Dear Mitch:

Thank you for meeting with me and Dean Hoover on Thursday, July 17, 1997 with regard to the filing of my client's Petition for Reclassification. As per your request, please find enclosed two additional original copies of the Petition for Reclassification. Thank you for your help and I look forward to working with you again in the near future.

Sincerely,

Ageon Chiese

JCH:md Enclosure

cc: Mr. Dean Hoover (via telecopier)

81094

211997

LAW OFFICES

Neuberger, Quinn, Gielen, Rubin & Gibber, P.A.

27TH FLOOR

ONE SOUTH STREET

BALTIMORE, MARYLAND 21202-3201

(410) 332-8550

8/6/97 F

JASON C. HESS (410) 332-8532 (FAX NO.)
(410) 332-8594

August 5, 1997

Ms. Sophie Jennings
Baltimore County Zoning
Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Tito, Inc. - Reclassification Petition

R-98-32

Dear Ms. Jennings:

As per your request, please find enclosed a check in the amount of \$35 made payable to Baltimore County for posting fees in connection with the above-referenced Petition. Thank you for your assistance in this matter.

Singerely,

Jason C. Hess

JCH:md Enclosure

81891

LAW OFFICES

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

27TH FLOOR

ONE SOUTH STREET

BALTIMORE, MARYLAND 21202-3201

(410) 332-8550

8/2197

JASON C. HESS (410) 332-8532

(FAX NO.) (410) 332-8594

August 26, 1997

R-98-32

VIA FEDEX

Mr. John Lewis Baltimore County Office of Zoning 111 W. Chesapeake Avenue Towson, Maryland 21204

Re:

Tito, Inc. - Petition for Reclassification

Dear Mr. Lewis:

As per your request, please find enclosed the letter of authorization from Tito, Inc. stating that Lloyd N. McNutt is the duly authorized agent and representative of Tito, Inc., and as such duly authorized agent, Mr. McNutt is authorized to execute the Petition for Reclassification on behalf of Tito, Inc. Please call with any questions.

Sincerely,

Jason C. Hess

JCH:md Enclosure 82964 COUNTY BOARD OF APPEALS

July ____, 1997

Mr. John Lewis Baltimore County Office of Zoning 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: <u>Tito, Inc. - Petition for Reclassification</u>

Dear Mr. Lewis:

Please be advised that Lloyd N. McNutt is the duly authorized agent and the representative of Tito, Inc., the owner of the property which is the subject of the abovereferenced Petition. As such duly authorized agent, Lloyd N. McNutt is authorized to execute the above-referenced Petition on behalf of Tito, Inc.

Very truly yours,

TITO, INC.

By:

81250

WHITE MARSH CIVIC ASSOCIATION 10404 Vincent Farm Lane White Marsh, Md. 21162

Kathleen C. Bianco
Administrator
Balto. Co. Board of Appeals

October 10, 1997

Dear Ms. Bianco,

The White Marsh Civic Association has an interest in Case No. R-98-32, Tito, Inc., Petition For Reclassification. Unfortunately we did not appear at the original hearing date on 8/28/97, as a result of the sign being obscured by a trailer parked in front of it. The community discovered the sign after the trailer was moved and about 100 people attended a meeting of the Windlass Run Community Association at the Queen of Peace church to voice their objections to townhouses being built in a DR 5.5 zoning area. The WMCA would like to be included and notified of any future hearings or negotiations that involve this tract of land.

At present the Fifth Councilmanic District has an abundance of townhouses, condominiums, and apartment complexes and doesn't need any more. Residents from the community sat on a planning advisory committee for the Bird River/Windlass Run areas and recommended low density housing be built on undeveloped land. The community has no problem with smaller lots but to build townhouses on land zoned DR 5.5 is unacceptable. Cheap built frame buildings covered with vinyl siding are the usual type of construction for townhouses. Unsold units become section VIII rental units and end up becoming future slums. Is this what our planners are planning for our community?

Again, the WMCA would like to be asked to be a part of any future sessions that the County Board of Appeals or the developers may be planning to have. We have only one chance to correct zoning problems that would impact on our community and we would like to do it right the first time.

Sincerely Yours, Odam E. Paul, S.. Pres., WMCA

97 OCT 14 PH 5:21

COUNTY BOARD OF APPER

October 3, 1997 Mr. Adam Paul 10404 Vincent Farm Lane White Marsh, MD 21162 RE: Case No. R-98-32 /Tito, Inc. Petition for Reclassification Dear Mr. Paul: As promised in our telephone conversation earlier this week, enclosed, for your information, are copies of the following documents from the subject file: behalf of Petitioner 3.

- Office of Planning comments dated August 22, 1997
- Petition for Reclassification and Petition in Support of Reclassification filed by Isaac M. Neuberger, Esquire, on
- Letter dated July 8, 1997 from Tom Peddicord, Legislative Counsel and Secretary to the County Council, and attachments, including a copy of Resolution 71-97.

As I explained to you, this matter was opened on the record and continued on August 28, 1997, to be reset upon request.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco, Administrator County Board of Appeals

Enclosures

Council Council

Juble's # 1

PEOPLE'S CO

DATE: 8/28/97

PEOPLE'S COUNSEL'S SIGN IN SHEET

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

Check if you wish to testify.	Name/Address	(Community Group You Represent?) Basis of Your Concerns
	Randall P. Cogar 410-391-1818 814 WAMPLER ES BANTOMDZIZZO	Windless Run Imp. ASSEC.
	sharon Baner 410-391-3261 1207 Reames RD. Bolto, MODER	traffic 3 5 geed on

Comunity Representatives Windlass En Area

Name	Address	Telephon a Number
Randy Cogar	814 Wampler Road Baltimore, MD 21220	410-391-1818 Home 410-391-1888 Work
Adrianne Bayle	1004 Gladway Road Baltimore, MD 21220	410-68 7-5877
Leigh Raley	1102 Gladway Road Baltimore, MD 21220	410-391-(435 Home 410-682-2000 ext. 391 Work
Leslie Kaminski	1111 Gladway Road Battimore, MD 21220	410-311-7446
Bruce Kammer	1101 Gladway Road Baltimore, MD 21220	410-3(11-7446

Sharon Bauer-1200 Reamers RD - 410-391-326/ Balton ND. 21220-

Oct. Sx L#/

